Texas Legislative Manual

84th Legislature

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of the
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PREFACE

The *Texas Legislative Manual* is a special information publication primarily designed as a reference tool for legislators. It contains the U.S. and Texas Constitutions, as well as the House and Senate Rules of Procedure, the membership and committee appointments of both houses of the legislature, and lists of legislative officers and employees for the current regular session.

Most parts of the manual are updated biennially at the beginning of the regular legislative session. The U.S. and Texas Constitutions are updated when they are amended. The manual's loose-leaf format permits easy incorporation of changes and additions to the material by the insertion of replacement pages into the permanent binder.

The House and Senate Rules of Procedure are annotated and indexed to assist the user of the manual. The annotations include past rulings on points of order, congressional precedents, and editorial notes and comments. The annotations have been prepared by the presiding officers and parliamentarians of the respective houses.

The journal sources for rulings on points of order that appear in the Senate and House Rules are cited. For example, the citation (27 H.J. Reg. 1162 (1901)) refers to the 27th Legislature, House Journal, Regular Session, page 1162, and the year 1901. Senate Journals are denoted by "S.J." Wherever congressional precedents appear in the annotations for the rules of either house, the source is cited; e.g., (5 H.P. 5760) refers to *Hinds' Precedents of the House of Representatives*, Volume 5, Section 5760. *Cannon's Precedents of the House of Representatives* are denoted by "C.P."

U.S. CONSTITUTION

Last Amended May 1992

CONSTITUTION
OF THE
UNITED STATES OF AMERICA

ADOPTION OF CONSTITUTION

The Constitution went into operation on the first Wednesday (4th day) of March, 1789. 5 Wheat. 420, 5 L.Ed.124.

PREAMBLE

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE 1

Sec. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Sec. 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.][1] The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence

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[1]*See Amendments 14, 16, post.*

Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Sec. 3. [The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.][2]

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; [and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.][2]

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Sec. 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

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[2]*See Amendment 17, post.*

The first paragraph and the clause of paragraph 2 of this section inclosed in brackets were superseded by Amendment 17 of the Constitution. For Oath of Office, see Art. 6, clause 3.

[The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.][3]

Sec. 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Sec. 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Sec. 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not

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[3]*See Amendment 20, post.*

be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Sec. 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Sec. 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Sec. 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

ARTICLE 2

Sec. 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

[The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.][1]

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

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[1]*See Amendment 12, post.*

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Sec. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law; but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Sec. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Sec. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE 3

Sec. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Sec. 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Sec. 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE 4

Sec. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Sec. 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Sec. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Sec. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE 5

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE 6

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE 7

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of Our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth. IN WITNESS whereof We have hereunto subscribed our Names,

Go. WASHINGTON—Presidt.
and deputy from Virginia

Attest WILLIAM JACKSON Secretary

New Hampshire

JOHN LANGDON
NICHOLAS GILMAN

Massachusetts

NATHANIEL GORHAM
RUFUS KING

Connecticut

WM. SAML. JOHNSON
ROGER SHERMAN

New York

ALEXANDER HAMILTON

New Jersey

WIL. LIVINGSTON
WM. PATERSON
DAVID BREARLEY
JONA. DAYTON

Pennsylvania

B FRANKLIN
THOS. FITZSIMONS
THOMAS MIFFLIN
JARED INGERSOLL
ROBT MORRIS
JAMES WILSON
GEO. CLYMER
GOUV. MORRIS

Delaware

GEO. READ
RICHARD BASSETT
GUNNING BEDFORD JR.
JACO. BROOM
JOHN DICKINSON

Maryland

JAMES McHENRY
DANL. CARROLL
DAN OF ST. THOS. JENIFER

Virginia

JOHN BLAIR
JAMES MADISON JR.

North Carolina

WM. BLOUNT
HU. WILLIAMSON
RICHD. DOBBS SPAIGHT

South Carolina

J. RUTLEDGE
CHARLES PINCKNEY
CHARLES COTESWORTH PINCKNEY
PIERCE BUTLER

Georgia

WILLIAM FEW
ABR. BALDWIN

In Convention Monday, September 17th, 1787.

Present

The States of

New Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

Resolved,

That the preceding Constitution be laid before the United States in Congress assembled, and that it is the Opinion of this Convention, that it should afterwards be submitted to a Convention of Delegates, chosen in each State by the People thereof, under the Recommendation of its Legislature, for their Assent and Ratification; and that each Convention assenting to, and ratifying the Same, should give Notice thereof to the United States in Congress assembled. Resolved, That it is the Opinion of this Convention, that as soon as the Conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a Day on which Electors should be appointed by the States which shall have ratified the same, and a Day on which the Electors should assemble to vote for the President, and the Time and Place for commencing Proceedings under this Constitution. That after such Publication the Electors should be appointed, and the Senators and Representatives elected: That the Electors should meet on the Day fixed for the Election of the President, and should transmit their Votes certified, signed, sealed and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled, that the Senators and Representatives should convene at the Time and Place assigned; that the Senators should appoint a President of the Senate, for the sole Purpose of receiving, opening and counting the Votes for President; and, that after he shall be chosen, the Congress, together with the President, should, without Delay, proceed to execute this Constitution.

By the Unanimous Order of the Convention

Go: Washington Presidt.

W. Jackson, Secretary.

AMENDMENTS TO
CONSTITUTION OF UNITED STATES

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

(Brackets enclosing an amendment number indicate that the number was not specifically assigned in the resolution proposing the amendment.)

AMENDMENT [1.]

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT [2.]

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

AMENDMENT [3.]

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

AMENDMENT [4.]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT [5.]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT [6.]

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained

by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

AMENDMENT [7.]

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

AMENDMENT [8.]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT [9.]

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT [10.]

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The first ten amendments were ratified as of December 15, 1791

AMENDMENT [11.]

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

Ratified January 8, 1798

AMENDMENT [12.]

The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote;

a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Ratified September 25, 1804

AMENDMENT 13.

Sec. 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Sec. 2. Congress shall have power to enforce this article by appropriate legislation.

Ratified December 18, 1865

AMENDMENT 14.

Sec. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Sec. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Sec. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Sec. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Sec. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Ratified July 28, 1868

AMENDMENT 15.

Sec. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Sec. 2. The Congress shall have power to enforce this article by appropriate legislation.

Ratified March 30, 1870

AMENDMENT 16.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

Ratified July 31, 1909

AMENDMENT [17.]

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Ratified May 31, 1913

AMENDMENT [18.]

Intoxicating Liquors. Repealed. See Amendment 21, post.

AMENDMENT [19.]

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

Ratified August 26, 1920

AMENDMENT [20.]

Sec. 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Sec. 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Sec. 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Sec. 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Sec. 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Ratified February 6, 1933

AMENDMENT [21.]

Sec. 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Sec. 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Ratified December 15, 1933

AMENDMENT [22.]

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Ratified March 1, 1951

AMENDMENT [23.]

Sec. 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Sec. 2. The Congress shall have power to enforce this article by appropriate legislation.

Ratified March 29, 1961

AMENDMENT [24.]

Sec. 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll tax or other tax.

Sec. 2. The Congress shall have power to enforce this article by appropriate legislation.

Ratified January 23, 1964

AMENDMENT [25.]

Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Sec. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Sec. 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Sec. 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker

of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

Ratified February 23, 1967

AMENDMENT [26.]

Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Sec. 2. The Congress shall have power to enforce this article by appropriate legislation.

Ratified July 7, 1971

AMENDMENT [27.]

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

Ratified May 7, 1992

TEXAS
CONSTITUTION

Includes Amendments Through
the November 3, 2015,
Constitutional Amendment Election

CONSTITUTION
OF THE
STATE OF TEXAS 1876

Adopted February 15, 1876

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PREAMBLE

Humbly invoking the blessings of Almighty God, the people of the State of Texas, do ordain and establish this Constitution.

ARTICLE 1

BILL OF RIGHTS

That the general, great and essential principles of liberty and free government may be recognized and established, we declare:

Sec. 1. FREEDOM AND SOVEREIGNTY OF STATE. Texas is a free and independent State, subject only to the Constitution of the United States, and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government, unimpaired to all the States.

Sec. 2. INHERENT POLITICAL POWER; REPUBLICAN FORM OF GOVERNMENT. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a republican form of government, and, subject to this limitation only, they have at all times the inalienable right to alter, reform or abolish their government in such manner as they may think expedient.

Sec. 3. EQUAL RIGHTS. All free men, when they form a social compact, have equal rights, and no man, or set of men, is entitled to exclusive separate public emoluments, or privileges, but in consideration of public services.

Sec. 3a. EQUALITY UNDER THE LAW. Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin. This amendment is self-operative. (Added Nov. 7, 1972.)

Sec. 4. RELIGIOUS TESTS. No religious test shall ever be required as a qualification to any office, or public trust, in this State; nor shall any one be excluded from holding office on account of his religious sentiments, provided he acknowledge the existence of a Supreme Being.

Sec. 5. WITNESSES NOT DISQUALIFIED BY RELIGIOUS BELIEFS; OATHS AND AFFIRMATIONS. No person shall be disqualified to give evidence in any of the Courts of this State on account of his religious opinions, or for the want of any religious belief, but all oaths or affirmations shall be administered in the mode most binding upon the conscience, and shall be taken subject to the pains and penalties of perjury.

Sec. 6. FREEDOM OF WORSHIP. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences. No man shall be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent. No human authority ought, in any case whatever, to control or interfere with the rights of conscience in matters of religion, and no preference shall ever be given by law to any religious society or mode of worship. But it shall be the duty of the Legislature to pass such laws as may be necessary to protect equally every religious denomination in the peaceable enjoyment of its own mode of public worship.

Sec. 7. APPROPRIATIONS FOR SECTARIAN PURPOSES. No money shall be appropriated, or drawn from the Treasury for the benefit of any sect, or religious society, theological or religious seminary; nor shall property belonging to the State be appropriated for any such purposes.

Sec. 8. FREEDOM OF SPEECH AND PRESS; LIBEL. Every person shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press. In prosecutions for the publication of papers, investigating the conduct of officers, or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Sec. 9. SEARCHES AND SEIZURES. The people shall be secure in their persons, houses, papers and possessions, from all unreasonable seizures or searches, and no warrant to search any place, or to seize any person or thing, shall issue without describing them as near as may be, nor without probable cause, supported by oath or affirmation.

Sec. 10. RIGHTS OF ACCUSED IN CRIMINAL PROSECUTIONS. In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the accusation against him, and to have a copy thereof. He shall not be compelled to give evidence against himself, and shall have the right of being heard by himself or counsel, or both, shall be confronted by the witnesses against him and shall have compulsory process for obtaining witnesses in his favor, except that when the witness resides out of the State and the offense charged is a violation of any of the anti-trust laws of this State, the defendant and the State shall have the right to produce and have the evidence admitted by deposition, under such rules and laws as the Legislature may hereafter provide; and no person shall be held to answer for a criminal offense, unless on an indictment of a grand jury, except in cases in which the punishment is by fine or imprisonment, otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army or navy, or in the militia, when in actual service in time of war or public danger. (Amended Nov. 5, 1918.)

Sec. 11. BAIL. All prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident; but this provision shall not be so construed as to prevent bail after indictment found upon examination of the evidence, in such manner as may be prescribed by law.

Sec. 11a. MULTIPLE CONVICTIONS; DENIAL OF BAIL. (a) Any person (1) accused of a felony less than capital in this State, who has been theretofore twice convicted of a felony, the second conviction being subsequent to the first, both in point of time of commission of the offense and conviction therefor, (2) accused of a felony less than capital in this State, committed while on bail for a prior felony for which he has been indicted, (3) accused of a felony less than capital in this State involving the use of a deadly weapon after being convicted of a prior felony, or (4) accused of a violent or sexual offense committed while under the supervision of a criminal justice agency of the State or a political subdivision of the State for a prior felony, after a hearing, and upon evidence

substantially showing the guilt of the accused of the offense in (1) or (3) above, of the offense committed while on bail in (2) above, or of the offense in (4) above committed while under the supervision of a criminal justice agency of the State or a political subdivision of the State for a prior felony, may be denied bail pending trial, by a district judge in this State, if said order denying bail pending trial is issued within seven calendar days subsequent to the time of incarceration of the accused; provided, however, that if the accused is not accorded a trial upon the accusation under (1) or (3) above, the accusation and indictment used under (2) above, or the accusation or indictment used under (4) above within sixty (60) days from the time of his incarceration upon the accusation, the order denying bail shall be automatically set aside, unless a continuance is obtained upon the motion or request of the accused; provided, further, that the right of appeal to the Court of Criminal Appeals of this State is expressly accorded the accused for a review of any judgment or order made hereunder, and said appeal shall be given preference by the Court of Criminal Appeals.

(b) In this section:

(1) "Violent offense" means:

(A) murder;

(B) aggravated assault, if the accused used or exhibited a deadly weapon during the commission of the assault;

(C) aggravated kidnapping; or

(D) aggravated robbery.

(2) "Sexual offense" means:

(A) aggravated sexual assault;

(B) sexual assault; or

(C) indecency with a child. (Added Nov. 6, 1956; amended Nov. 8, 1977; Subsec. (a) amended and (b) added Nov. 2, 1993.)

Sec. 11b. VIOLATION OF CONDITION OF RELEASE PENDING TRIAL; DENIAL OF BAIL. Any person who is accused in this state of a felony or an offense involving family violence, who is released on bail pending trial, and whose bail is subsequently revoked or forfeited for a violation of a condition of release may be denied bail pending trial if a judge or magistrate in this state determines by a preponderance of the evidence at a subsequent hearing that the person violated a condition of release related to the safety of a victim of the alleged offense or to the safety of the community. (Added Nov. 8, 2005; amended Nov. 6, 2007.)

Sec. 11c. VIOLATION OF AN ORDER FOR EMERGENCY PROTECTION INVOLVING FAMILY VIOLENCE. The legislature by general law may provide that any person who violates an order for emergency protection issued by a judge or magistrate after an arrest for an offense involving family violence or who violates an active protective order rendered by a court in a family violence case, including a temporary ex parte order that has been served on the person, or who engages in conduct that constitutes an offense involving the violation of an order described by this section may be taken into custody and, pending

trial or other court proceedings, denied release on bail if following a hearing a judge or magistrate in this state determines by a preponderance of the evidence that the person violated the order or engaged in the conduct constituting the offense. (Added Nov. 6, 2007.)

Sec. 12. HABEAS CORPUS. The writ of habeas corpus is a writ of right, and shall never be suspended. The Legislature shall enact laws to render the remedy speedy and effectual.

Sec. 13. EXCESSIVE BAIL OR FINES; CRUEL AND UNUSUAL PUNISHMENT; REMEDY BY DUE COURSE OF LAW. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All courts shall be open, and every person for an injury done him, in his lands, goods, person or reputation, shall have remedy by due course of law.

Sec. 14. DOUBLE JEOPARDY. No person, for the same offense, shall be twice put in jeopardy of life or liberty; nor shall a person be again put upon trial for the same offense after a verdict of not guilty in a court of competent jurisdiction.

Sec. 15. RIGHT OF TRIAL BY JURY. The right of trial by jury shall remain inviolate. The Legislature shall pass such laws as may be needed to regulate the same, and to maintain its purity and efficiency. Provided, that the Legislature may provide for the temporary commitment, for observation and/or treatment, of mentally ill persons not charged with a criminal offense, for a period of time not to exceed ninety (90) days, by order of the County Court without the necessity of a trial by jury. (Amended Aug. 24, 1935.)

Sec. 15-a. COMMITMENT OF PERSONS OF UNSOUND MIND. No person shall be committed as a person of unsound mind except on competent medical or psychiatric testimony. The Legislature may enact all laws necessary to provide for the trial, adjudication of insanity and commitment of persons of unsound mind and to provide for a method of appeal from judgments rendered in such cases. Such laws may provide for a waiver of trial by jury, in cases where the person under inquiry has not been charged with the commission of a criminal offense, by the concurrence of the person under inquiry, or his next of kin, and an attorney ad litem appointed by a judge of either the County or Probate Court of the county where the trial is being held, and shall provide for a method of service of notice of such trial upon the person under inquiry and of his right to demand a trial by jury. (Added Nov. 6, 1956.)

Sec. 16. BILLS OF ATTAINDER; EX POST FACTO OR RETROACTIVE LAWS; IMPAIRING OBLIGATION OF CONTRACTS. No bill of attainder, ex post facto law, retroactive law, or any law impairing the obligation of contracts, shall be made.

Sec. 17. TAKING, DAMAGING, OR DESTROYING PROPERTY FOR PUBLIC USE; SPECIAL PRIVILEGES AND IMMUNITIES; CONTROL OF PRIVILEGES AND FRANCHISES. (a) No person's property shall be taken, damaged, or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person, and only if the taking, damage, or destruction is for:

(1) the ownership, use, and enjoyment of the property, notwithstanding an incidental use, by:

(A) the State, a political subdivision of the State, or the public at large; or

(B) an entity granted the power of eminent domain under law; or

(2) the elimination of urban blight on a particular parcel of property.

(b) In this section, "public use" does not include the taking of property under Subsection (a) of this section for transfer to a private entity for the primary purpose of economic development or enhancement of tax revenues.

(c) On or after January 1, 2010, the legislature may enact a general, local, or special law granting the power of eminent domain to an entity only on a two-thirds vote of all the members elected to each house.

(d) When a person's property is taken under Subsection (a) of this section, except for the use of the State, compensation as described by Subsection (a) shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities shall be made; but all privileges and franchises granted by the Legislature, or created under its authority, shall be subject to the control thereof. (Amended Nov. 3, 2009.)

Sec. 18. IMPRISONMENT FOR DEBT. No person shall ever be imprisoned for debt.

Sec. 19. DEPRIVATION OF LIFE, LIBERTY, ETC.; DUE COURSE OF LAW. No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.

Sec. 20. OUTLAWRY OR TRANSPORTATION FOR OFFENSE. No citizen shall be outlawed. No person shall be transported out of the State for any offense committed within the same. This section does not prohibit an agreement with another state providing for the confinement of inmates of this State in the penal or correctional facilities of that state. (Amended Nov. 5, 1985.)

Sec. 21. CORRUPTION OF BLOOD; FORFEITURE; SUICIDES. No conviction shall work corruption of blood, or forfeiture of estate, and the estates of those who destroy their own lives shall descend or vest as in case of natural death.

Sec. 22. TREASON. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on confession in open court.

Sec. 23. RIGHT TO KEEP AND BEAR ARMS. Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power, by law, to regulate the wearing of arms, with a view to prevent crime.

Sec. 24. MILITARY SUBORDINATE TO CIVIL AUTHORITY. The military shall at all times be subordinate to the civil authority.

Sec. 25. QUARTERING SOLDIERS IN HOUSES. No soldier shall in time of peace be quartered in the house of any citizen without the consent of the owner, nor in time of war but in a manner prescribed by law.

Sec. 26. PERPETUITIES AND MONOPOLIES; PRIMOGENITURE OR ENTAILMENTS. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed, nor shall the law of primogeniture or entailments ever be in force in this State.

Sec. 27. RIGHT OF ASSEMBLY; PETITION FOR REDRESS OF GRIEVANCES. The citizens shall have the right, in a peaceable manner, to assemble together for their common good; and apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address or remonstrance.

Sec. 28. SUSPENSION OF LAWS. No power of suspending laws in this State shall be exercised except by the Legislature.

Sec. 29. PROVISIONS OF BILL OF RIGHTS EXCEPTED FROM POWERS OF GOVERNMENT; TO FOREVER REMAIN INVIOLATE. To guard against transgressions of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void.

Sec. 30. RIGHTS OF CRIME VICTIMS. (a) A crime victim has the following rights:

(1) the right to be treated with fairness and with respect for the victim's dignity and privacy throughout the criminal justice process; and

(2) the right to be reasonably protected from the accused throughout the criminal justice process.

(b) On the request of a crime victim, the crime victim has the following rights:

(1) the right to notification of court proceedings;

(2) the right to be present at all public court proceedings related to the offense, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at the trial;

(3) the right to confer with a representative of the prosecutor's office;

(4) the right to restitution; and

(5) the right to information about the conviction, sentence, imprisonment, and release of the accused.

(c) The legislature may enact laws to define the term "victim" and to enforce these and other rights of crime victims.

(d) The state, through its prosecuting attorney, has the right to enforce the rights of crime victims.

(e) The legislature may enact laws to provide that a judge, attorney for the state, peace officer, or law enforcement agency is not liable for a failure or inability to provide a right enumerated in this section. The failure or inability of any person to provide a right or service enumerated in this section may not be used by a defendant in a criminal case as a ground for appeal or post-conviction

writ of habeas corpus. A victim or guardian or legal representative of a victim has standing to enforce the rights enumerated in this section but does not have standing to participate as a party in a criminal proceeding or to contest the disposition of any charge. (Added Nov. 7, 1989.)

Sec. 31. COMPENSATION TO VICTIMS OF CRIME FUND; COMPENSATION TO VICTIMS OF CRIME AUXILIARY FUND; USE OF FUND MONEY. (a) The compensation to victims of crime fund created by general law and the compensation to victims of crime auxiliary fund created by general law are each a separate dedicated account in the general revenue fund.

(b) Except as provided by Subsection (c) of this section and subject to legislative appropriation, money deposited to the credit of the compensation to victims of crime fund or the compensation to victims of crime auxiliary fund from any source may be expended as provided by law only for delivering or funding victim-related compensation, services, or assistance.

(c) The legislature may provide by law that money in the compensation to victims of crime fund or in the compensation to victims of crime auxiliary fund may be expended for the purpose of assisting victims of episodes of mass violence if other money appropriated for emergency assistance is depleted. (Added Nov. 4, 1997.)

Sec. 32. MARRIAGE. (a) Marriage in this state shall consist only of the union of one man and one woman.

(b) This state or a political subdivision of this state may not create or recognize any legal status identical or similar to marriage. (Added Nov. 8, 2005.)

Sec. 33. ACCESS AND USE OF PUBLIC BEACHES. (a) In this section, "public beach" means a state-owned beach bordering on the seaward shore of the Gulf of Mexico, extending from mean low tide to the landward boundary of state-owned submerged land, and any larger area extending from the line of mean low tide to the line of vegetation bordering on the Gulf of Mexico to which the public has acquired a right of use or easement to or over the area by prescription or dedication or has established and retained a right by virtue of continuous right in the public under Texas common law.

(b) The public, individually and collectively, has an unrestricted right to use and a right of ingress to and egress from a public beach. The right granted by this subsection is dedicated as a permanent easement in favor of the public.

(c) The legislature may enact laws to protect the right of the public to access and use a public beach and to protect the public beach easement from interference and encroachments.

(d) This section does not create a private right of enforcement. (Added Nov. 3, 2009.)

Sec. 34. RIGHT TO HUNT, FISH, AND HARVEST WILDLIFE. (a) The people have the right to hunt, fish, and harvest wildlife, including by the use of traditional methods, subject to laws or regulations to conserve and manage wildlife and preserve the future of hunting and fishing.

(b) Hunting and fishing are preferred methods of managing and controlling wildlife.

(c) This section does not affect any provision of law relating to trespass, property rights, or eminent domain.

(d) This section does not affect the power of the legislature to authorize a municipality to regulate the discharge of a weapon in a populated area in the interest of public safety. (Added Nov. 3, 2015.)

ARTICLE 2

THE POWERS OF GOVERNMENT

Sec. 1. DIVISION OF POWERS; THREE SEPARATE DEPARTMENTS; EXERCISE OF POWER PROPERLY ATTACHED TO OTHER DEPARTMENTS. The powers of the Government of the State of Texas shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to wit: Those which are Legislative to one; those which are Executive to another, and those which are Judicial to another; and no person, or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

ARTICLE 3

LEGISLATIVE DEPARTMENT

Sec. 1. SENATE AND HOUSE OF REPRESENTATIVES. The Legislative power of this State shall be vested in a Senate and House of Representatives, which together shall be styled "The Legislature of the State of Texas."

Sec. 2. MEMBERSHIP OF SENATE AND HOUSE OF REPRESENTATIVES. The Senate shall consist of thirty-one members. The House of Representatives shall consist of 150 members. (Amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 2: see Appendix, Note 1.)

Sec. 3. ELECTION AND TERM OF OFFICE OF SENATORS. The Senators shall be chosen by the qualified voters for the term of four years; but a new Senate shall be chosen after every apportionment, and the Senators elected after each apportionment shall be divided by lot into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the first two years, and those of the second class at the expiration of four years, so that one half of the Senators shall be chosen biennially thereafter. Senators shall take office following their election, on the day set by law for the convening of the Regular Session of the Legislature, and shall serve thereafter for the full term of years to which elected. (Amended Nov. 8, 1966, and Nov. 2, 1999.) (Temporary transition provisions for Sec. 3: see Appendix, Note 1.)

Sec. 4. ELECTION AND TERM OF MEMBERS OF HOUSE OF REPRESENTATIVES. The Members of the House of Representatives shall be chosen by the qualified voters for the term of two years. Representatives shall take office following their election, on the day set by law for the convening of the Regular Session of the Legislature, and shall serve thereafter for the full term of years to which elected. (Amended Nov. 8, 1966, and Nov. 2, 1999.) (Temporary transition provisions for Sec. 4: see Appendix, Note 1.)

Sec. 5. MEETINGS; ORDER OF BUSINESS. (a) The Legislature shall meet every two years at such time as may be provided by law and at other times when convened by the Governor.

(b) When convened in regular Session, the first thirty days thereof shall be devoted to the introduction of bills and resolutions, acting upon emergency appropriations, passing upon the confirmation of the recess appointees of the Governor and such emergency matters as may be submitted by the Governor in special messages to the Legislature. During the succeeding thirty days of the regular session of the Legislature the various committees of each House shall hold hearings to consider all bills and resolutions and other matters then pending; and such emergency matters as may be submitted by the Governor. During the remainder of the session the Legislature shall act upon such bills and resolutions as may be then pending and upon such emergency matters as may be submitted by the Governor in special messages to the Legislature.

(c) Notwithstanding Subsection (b), either House may determine its order of business by an affirmative vote of four-fifths of its membership. (Amended Nov. 4, 1930, and Nov. 2, 1999.) (Temporary transition provisions for Sec. 5: see Appendix, Note 1.)

Sec. 6. QUALIFICATIONS OF SENATORS. No person shall be a Senator, unless he be a citizen of the United States, and, at the time of his election a qualified voter of this State, and shall have been a resident of this State five years next preceding his election, and the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-six years. (Amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 6: see Appendix, Note 1.)

Sec. 7. QUALIFICATIONS OF REPRESENTATIVES. No person shall be a Representative, unless he be a citizen of the United States, and, at the time of his election, a qualified voter of this State, and shall have been a resident of this State two years next preceding his election, the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-one years. (Amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 7: see Appendix, Note 1.)

Sec. 8. EACH HOUSE JUDGE OF QUALIFICATIONS AND ELECTION; CONTESTS. Each House shall be the judge of the qualifications and election of its own members; but contested elections shall be determined in such manner as shall be provided by law.

Sec. 9. PRESIDENT PRO TEMPORE OF SENATE; LIEUTENANT GOVERNOR OFFICE VACANCY; SPEAKER OF HOUSE OF REPRESENTATIVES. (a) The Senate shall, at the beginning and close of each session, and at such other times as may be necessary, elect one of its members President pro tempore, who shall perform the duties of the Lieutenant Governor in any case of absence or temporary disability of that officer. If the office of Lieutenant Governor becomes vacant, the President pro tempore of the Senate shall convene the Committee of the Whole Senate within 30 days after the vacancy occurs. The Committee of the Whole shall elect one of its members to perform the duties of the Lieutenant Governor in addition to the member's duties as Senator until the next general election. If the Senator so elected ceases to be a Senator before the election of a new Lieutenant Governor, another Senator shall be elected in the same manner to perform the duties of the Lieutenant Governor until the next general election. Until the Committee of the Whole elects one of its members for this purpose, the President pro tempore shall perform the duties of the Lieutenant Governor as provided by this subsection.

(b) The House of Representatives shall, when it first assembles, organize temporarily, and thereupon proceed to the election of a Speaker from its own members.

(c) Each House shall choose its other officers. (Amended Nov. 6, 1984; Subsec. (a) amended Nov. 2, 1999.)

Sec. 10. QUORUM; ADJOURNMENTS FROM DAY TO DAY; COMPELLING ATTENDANCE. Two-thirds of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each House may provide.

Sec. 11. RULES OF PROCEDURE; EXPULSION OF MEMBER. Each House may determine the rules of its own proceedings, punish members for disorderly conduct, and, with the consent of two-thirds, expel a member, but not a second time for the same offense.

Sec. 12. JOURNALS OF PROCEEDINGS; ENTERING YEAS AND NAYS. (a) Each house of the legislature shall keep a journal of its proceedings, and publish the same.

(b) A vote taken by either house must be by record vote with the vote of each member entered in the journal of that house if the vote is on final passage of a bill, a resolution proposing or ratifying a constitutional amendment, or another resolution other than a resolution of a purely ceremonial or honorary nature. Either house by rule may provide for exceptions to this requirement for a bill that applies only to one district or political subdivision of this state. For purposes of this subsection, a vote on final passage includes a vote on third reading in a house, or on second reading if the house suspends the requirement for three readings, on whether to concur in the other house's amendments, and on whether to adopt a conference committee report.

(c) The yeas and nays of the members of either house on any other question shall, at the desire of any three members present, be entered on the journals.

(d) Each house shall make each record vote required under Subsection (b) of this section, including the vote of each individual member as recorded in the journal of that house, available to the public for a reasonable period of not less than two years through the Internet or a successor electronic communications system accessible by the public. For a record vote on a bill or on a resolution proposing or ratifying a constitutional amendment, the record vote must be accessible to the public by reference to the designated number of the bill or resolution and by reference to its subject. (Subsecs. (a) and (c) amended and (b) and (d) added Nov. 6, 2007.)

Sec. 13. VACANCIES; WRITS OF ELECTION. (a) When vacancies occur in either House, the Governor, or the person exercising the power of the Governor, shall issue writs of election to fill such vacancies; and should the Governor fail to issue a writ of election to fill any such vacancy within twenty days after it occurs, the returning officer of the district in which such vacancy may have happened, shall be authorized to order an election for that purpose.

(b) The legislature may provide by general law for the filling of a vacancy in the legislature without an election if only one person qualifies and declares a candidacy in an election to fill the vacancy. (Amended Nov. 6, 2001.)

Sec. 14. PRIVILEGED FROM ARREST. Senators and Representatives shall, except in cases of treason, felony, or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to and returning from the same. (Amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 14: see Appendix, Note 1.)

Sec. 15. DISRESPECTFUL OR DISORDERLY CONDUCT; OBSTRUCTION OF PROCEEDINGS. Each House may punish, by imprisonment, during its sessions, any person not a member, for disrespectful or disorderly conduct in its presence,

or for obstructing any of its proceedings; provided, such imprisonment shall not, at any one time, exceed forty-eight hours.

Sec. 16. OPEN SESSIONS. The sessions of each House shall be open, except the Senate when in Executive session.

Sec. 17. ADJOURNMENTS. 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.

Sec. 18. INELIGIBILITY FOR OTHER OFFICES; INTEREST IN CONTRACTS. No Senator or Representative shall, during the term for which he was elected, be eligible to (1) any civil office of profit under this State which shall have been created, or the emoluments of which may have been increased, during such term, or (2) any office or place, the appointment to which may be made, in whole or in part, by either branch of the Legislature; provided, however, the fact that the term of office of Senators and Representatives does not end precisely on the last day of December but extends a few days into January of the succeeding year shall be considered as de minimis, and the ineligibility herein created shall terminate on the last day in December of the last full calendar year of the term for which he was elected. No member of either House shall vote for any other member for any office whatever, which may be filled by a vote of the Legislature, except in such cases as are in this Constitution provided, nor shall any member of the Legislature be interested, either directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he was elected. (Amended Nov. 5, 1968.)

Sec. 19. INELIGIBILITY OF PERSONS HOLDING OTHER OFFICES. No judge of any court, Secretary of State, Attorney General, clerk of any court of record, or any person holding a lucrative office under the United States, or this State, or any foreign government shall during the term for which he is elected or appointed, be eligible to the Legislature.

Sec. 20. COLLECTORS OF TAXES; PERSONS ENTRUSTED WITH PUBLIC MONEY; INELIGIBILITY. No person who at any time may have been a collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the Legislature, or to any office of profit or trust under the State government, until he shall have obtained a discharge for the amount of such collections, or for all public moneys with which he may have been entrusted.

Sec. 21. WORDS SPOKEN IN DEBATE. No member shall be questioned in any other place for words spoken in debate in either House.

Sec. 22. DISCLOSURE OF PRIVATE INTEREST IN MEASURE OR BILL; NOT TO VOTE. A member who has a personal or private interest in any measure or bill, proposed, or pending before the Legislature, shall disclose the fact to the House, of which he is a member, and shall not vote thereon.

Sec. 23. REMOVAL FROM DISTRICT OR COUNTY FROM WHICH ELECTED. If any Senator or Representative remove his residence from the district or county for which he was elected, his office shall thereby become vacant, and the vacancy shall be filled as provided in section 13 of this article.

Sec. 23a. (Repealed Nov. 4, 1997.)

Sec. 24. COMPENSATION AND EXPENSES OF MEMBERS OF LEGISLATURE; DURATION OF SESSIONS. (a) Members of the Legislature shall receive from the Public Treasury a salary of Six Hundred Dollars ($600) per month, unless a greater amount is recommended by the Texas Ethics Commission and approved by the voters of this State in which case the salary is that amount. Each member shall also receive a per diem set by the Texas Ethics Commission for each day during each Regular and Special Session of the Legislature.

(b) No Regular Session shall be of longer duration than one hundred and forty (140) days.

(c) In addition to the per diem the Members of each House shall be entitled to mileage at the same rate as prescribed by law for employees of the State of Texas. (Amended Nov. 4, 1930, Nov. 2, 1954, Nov. 8, 1960, April 22, 1975, and Nov. 5, 1991.)

Sec. 24a. TEXAS ETHICS COMMISSION. (a) The Texas Ethics Commission is a state agency consisting of the following eight members:

(1) two members of different political parties appointed by the governor from a list of at least 10 names submitted by the members of the house of representatives from each political party required by law to hold a primary;

(2) two members of different political parties appointed by the governor from a list of at least 10 names submitted by the members of the senate from each political party required by law to hold a primary;

(3) two members of different political parties appointed by the speaker of the house of representatives from a list of at least 10 names submitted by the members of the house from each political party required by law to hold a primary; and

(4) two members of different political parties appointed by the lieutenant governor from a list of at least 10 names submitted by the members of the senate from each political party required by law to hold a primary.

(b) The governor may reject all names on any list submitted under Subsection (a)(1) or (2) of this section and require a new list to be submitted. The members of the commission shall elect annually the chairman of the commission.

(c) With the exception of the initial appointees, commission members serve for four-year terms. Each appointing official will make one initial appointment for a two-year term and one initial appointment for a four-year term. A vacancy on the commission shall be filled for the unexpired portion of the term in the same manner as the original appointment. A member who has served for one term and any part of a second term is not eligible for reappointment.

(d) The commission has the powers and duties provided by law.

(e) The commission may recommend the salary of the members of the legislature and may recommend that the salary of the speaker of the house of representatives and the lieutenant governor be set at an amount higher than that of other members. The commission shall set the per diem of members of the

legislature and the lieutenant governor, and the per diem shall reflect reasonable estimates of costs and may be raised or lowered biennially as necessary to pay those costs, but the per diem may not exceed during a calendar year the amount allowed as of January 1 of that year for federal income tax purposes as a deduction for living expenses incurred in a legislative day by a state legislator in connection with the legislator's business as a legislator, disregarding any exception in federal law for legislators residing near the Capitol.

(f) At each general election for state and county officers following a proposed change in salary, the voters shall approve or disapprove the salary recommended by the commission if the commission recommends a change in salary. If the voters disapprove the salary, the salary continues at the amount paid immediately before disapproval until another amount is recommended by the commission and approved by the voters. If the voters approve the salary, the approved salary takes effect January 1 of the next odd-numbered year. (Added Nov. 5, 1991.)

Sec. 25. SENATORIAL DISTRICTS. The State shall be divided into Senatorial Districts of contiguous territory, and each district shall be entitled to elect one Senator. (Amended Nov. 6, 2001.) (Temporary transition provision for Sec. 25: see Appendix, Note 3.)

Sec. 26. APPORTIONMENT OF MEMBERS OF HOUSE OF REPRESENTATIVES. The members of the House of Representatives shall be apportioned among the several counties, according to the number of population in each, as nearly as may be, on a ratio obtained by dividing the population of the State, as ascertained by the most recent United States census, by the number of members of which the House is composed; provided, that whenever a single county has sufficient population to be entitled to a Representative, such county shall be formed into a separate Representative District, and when two or more counties are required to make up the ratio of representation, such counties shall be contiguous to each other; and when any one county has more than sufficient population to be entitled to one or more Representatives, such Representative or Representatives shall be apportioned to such county, and for any surplus of population it may be joined in a Representative District with any other contiguous county or counties.

Sec. 26a. (Repealed Nov. 2, 1999.) (Temporary transition provisions for Sec. 26a: see Appendix, Note 1.)

Sec. 27. ELECTIONS. Elections for Senators and Representatives shall be general throughout the State, and shall be regulated by law.

Sec. 28. TIME FOR APPORTIONMENT; APPORTIONMENT BY LEGISLATIVE REDISTRICTING BOARD. The Legislature shall, at its first regular session after the publication of each United States decennial census, apportion the state into senatorial and representative districts, agreeable to the provisions of Sections 25 and 26 of this Article. In the event the Legislature shall at any such first regular session following the publication of a United States decennial census, fail to make such apportionment, same shall be done by the Legislative Redistricting Board of Texas, which is hereby created, and shall be composed of five (5) members, as follows: The Lieutenant Governor, the Speaker of the House of Representatives, the Attorney General, the Comptroller of Public Accounts and the Commissioner

of the General Land Office, a majority of whom shall constitute a quorum. Said Board shall assemble in the City of Austin within ninety (90) days after the final adjournment of such regular session. The Board shall, within sixty (60) days after assembling, apportion the state into senatorial and representative districts, or into senatorial or representative districts, as the failure of action of such Legislature may make necessary. Such apportionment shall be in writing and signed by three (3) or more of the members of the Board duly acknowledged as the act and deed of such Board, and, when so executed and filed with the Secretary of State, shall have force and effect of law. Such apportionment shall become effective at the next succeeding statewide general election. The Supreme Court of Texas shall have jurisdiction to compel such Board to perform its duties in accordance with the provisions of this section by writ of mandamus or other extraordinary writs conformable to the usages of law. The Legislature shall provide necessary funds for clerical and technical aid and for other expenses incidental to the work of the Board, and the Lieutenant Governor and the Speaker of the House of Representatives shall be entitled to receive per diem and travel expense during the Board's session in the same manner and amount as they would receive while attending a special session of the Legislature. (Amended Nov. 2, 1948, and Nov. 6, 2001.) (Temporary transition provision for Sec. 28: see Appendix, Note 3.)

PROCEEDINGS

Sec. 29. ENACTING CLAUSE OF LAWS. The enacting clause of all laws shall be: "Be it enacted by the Legislature of the State of Texas."

Sec. 30. LAWS PASSED BY BILL; AMENDMENTS CHANGING PURPOSE. No law shall be passed, except by bill, and no bill shall be so amended in its passage through either House, as to change its original purpose.

Sec. 31. ORIGINATION IN EITHER HOUSE; AMENDMENT. Bills may originate in either House, and, when passed by such House, may be amended, altered or rejected by the other.

Sec. 32. READING ON THREE SEVERAL DAYS; SUSPENSION OF RULE. No bill shall have the force of a law, until it has been read on three several days in each House, and free discussion allowed thereon; but four-fifths of the House, in which the bill may be pending, may suspend this rule, the yeas and nays being taken on the question of suspension, and entered upon the journals. (Amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 32: see Appendix, Note 1.)

Sec. 33. REVENUE BILLS. All bills for raising revenue shall originate in the House of Representatives. (Amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 33: see Appendix, Note 1.)

Sec. 34. DEFEATED BILLS AND RESOLUTIONS. 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.

Sec. 35. SUBJECTS AND TITLES OF BILLS. (a) 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.

(b) The rules of procedure of each house shall require that the subject of each bill be expressed in its title in a manner that gives the legislature and the public reasonable notice of that subject. The legislature is solely responsible for determining compliance with the rule.

(c) A law, including a law enacted before the effective date of this subsection, may not be held void on the basis of an insufficient title. (Subsec. (a) amended and (b) and (c) added Nov. 4, 1986.)

Sec. 36. REVIVAL OR AMENDMENT BY REFERENCE; RE-ENACTMENT AND PUBLICATION AT LENGTH. 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.

Sec. 37. REFERENCE TO COMMITTEE AND REPORT. No bill shall be considered, unless it has been first referred to a committee and reported thereon, and no bill shall be passed which has not been presented and referred to and reported from a committee at least three days before the final adjournment of the Legislature.

Sec. 38. SIGNING BILLS AND JOINT RESOLUTIONS; ENTRY ON JOURNALS. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the Legislature, after their titles have been publicly read before signing; and the fact of signing shall be entered on the journals.

Sec. 39. TIME OF TAKING EFFECT OF LAWS; EMERGENCIES; ENTRY ON JOURNAL. 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 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. (Amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 39: see Appendix, Note 1.)

Sec. 40. SPECIAL SESSIONS; SUBJECTS OF LEGISLATION; DURATION. When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor; and no such session shall be of longer duration than thirty days.

Sec. 41. ELECTIONS BY SENATE AND HOUSE OF REPRESENTATIVES. In all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given viva voce, except in the election of their officers.

REQUIREMENTS AND LIMITATIONS

Sec. 42. (Repealed Aug. 5, 1969.)

Sec. 43. REVISION OF LAWS. (a) The Legislature shall provide for revising, digesting and publishing the laws, civil and criminal; provided, that in the adoption of and giving effect to any such digest or revision, the Legislature shall not be limited by sections 35 and 36 of this Article.

(b) In this section, "revision" includes a revision of the statutes on a particular subject and any enactment having the purpose, declared in the enactment, of codifying without substantive change statutes that individually relate to different subjects. (Subsec. (a) amended and (b) added Nov. 4, 1986.)

Sec. 44. COMPENSATION OF PUBLIC OFFICERS, SERVANTS, AGENTS, AND CONTRACTORS; EXTRA COMPENSATION; UNAUTHORIZED CLAIMS; UNAUTHORIZED EMPLOYMENT. The Legislature shall provide by law for the compensation of all officers, servants, agents and public contractors, not provided for in this Constitution, but shall not grant extra compensation to any officer, agent, servant, or public contractors, after such public service shall have been performed or contract entered into, for the performance of the same; nor grant, by appropriation or otherwise, any amount of money out of the Treasury of the State, to any individual, on a claim, real or pretended, when the same shall not have been provided for by pre-existing law; nor employ any one in the name of the State, unless authorized by pre-existing law.

Sec. 45. CHANGE OF VENUE IN CIVIL AND CRIMINAL CASES. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law; and the Legislature shall pass laws for that purpose.

Sec. 46. UNIFORMITY IN COLLECTION OF FEES. (a) In this section, "fee" means a fee in a criminal or civil matter all or a portion of which is required to be collected by local officers, clerks, or other local personnel and remitted to the comptroller of public accounts for deposit in the manner provided for in the law imposing the fee.

(b) This section applies only if the legislature enacts by law a program to consolidate and standardize the collection, deposit, reporting, and remitting of fees.

(c) A fee imposed by the legislature after the enactment of the program described by Subsection (b) of this section is valid only if the requirements relating to its collection, deposit, reporting, and remitting conform to the program.

(d) A fee to which this section applies may take effect on a date before the next January 1 after the regular session at which the bill adopting the fee was enacted only if the bill is passed by a record vote of two-thirds of all the members elected to each house of the legislature on final consideration in each house. (Added Nov. 6, 2001.)

Sec. 47. LOTTERIES AND GIFT ENTERPRISES; BINGO GAMES. (a) The Legislature shall pass laws prohibiting lotteries and gift enterprises in this State other than those authorized by Subsections (b), (d), (d-1), and (e) of this section.

(b) The Legislature by law may authorize and regulate bingo games conducted by a church, synagogue, religious society, volunteer fire department, nonprofit veterans organization, fraternal organization, or nonprofit organization supporting medical research or treatment programs. A law enacted under this subsection must permit the qualified voters of any county, justice precinct, or incorporated city or town to determine from time to time by a majority vote of the qualified voters voting on the question at an election whether bingo games may be held in the county, justice precinct, or city or town. The law must also require that:

(1) all proceeds from the games are spent in Texas for charitable purposes of the organizations;

(2) the games are limited to one location as defined by law on property owned or leased by the church, synagogue, religious society, volunteer fire department, nonprofit veterans organization, fraternal organization, or nonprofit organization supporting medical research or treatment programs; and

(3) the games are conducted, promoted, and administered by members of the church, synagogue, religious society, volunteer fire department, nonprofit veterans organization, fraternal organization, or nonprofit organization supporting medical research or treatment programs.

(c) The law enacted by the Legislature authorizing bingo games must include:

(1) a requirement that the entities conducting the games report quarterly to the Comptroller of Public Accounts about the amount of proceeds that the entities collect from the games and the purposes for which the proceeds are spent; and

(2) criminal or civil penalties to enforce the reporting requirement.

(d) The Legislature by general law may permit charitable raffles conducted by a qualified religious society, qualified volunteer fire department, qualified volunteer emergency medical service, or qualified nonprofit organizations under the terms and conditions imposed by general law.

The law must also require that:

(1) all proceeds from the sale of tickets for the raffle must be spent for the charitable purposes of the organizations; and

(2) the charitable raffle is conducted, promoted, and administered exclusively by members of the qualified religious society, qualified volunteer fire department, qualified volunteer emergency medical service, or qualified nonprofit organization.

(d-1) The legislature by general law may permit a professional sports team charitable foundation to conduct charitable raffles under the terms and conditions imposed by general law. The law may authorize the charitable foundation to pay with the raffle proceeds reasonable advertising, promotional, and administrative expenses. A law enacted under this subsection may apply only to an entity that is defined as a professional sports team charitable foundation on January 1, 2016, and may only allow charitable raffles to be conducted at games hosted at

the home venue of the professional sports team associated with a professional sports team charitable foundation.

(e) The Legislature by general law may authorize the State to operate lotteries and may authorize the State to enter into a contract with one or more legal entities that will operate lotteries on behalf of the State. (Subsec. (a) amended and (b) and (c) added Nov. 4, 1980; Subsec. (a) amended and (d) added Nov. 7, 1989; Subsec. (a) amended and (e) added Nov. 5, 1991; Subsec. (a) amended and (d-1) added Nov. 3, 2015.)

Sec. 48. (Repealed Aug. 5, 1969.)

Sec. 48a. (Repealed April 22, 1975.)

Sec. 48b. (Repealed April 22, 1975.)

Sec. 48c. (Blank.)

Sec. 48-d. (Repealed Sept. 13, 2003.)

Sec. 48-e. EMERGENCY SERVICES DISTRICTS. Laws may be enacted to provide for the establishment and creation of special districts to provide emergency services and to authorize the commissioners courts of participating counties to levy a tax on the ad valorem property situated in said districts not to exceed Ten Cents (10¢) on the One Hundred Dollars ($100.00) valuation for the support thereof; provided that no tax shall be levied in support of said districts until approved by a vote of the qualified voters residing therein. Such a district may provide emergency medical services, emergency ambulance services, rural fire prevention and control services, or other emergency services authorized by the Legislature. (Added Nov. 3, 1987; amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 48-e: see Appendix, Note 1.)

Sec. 48-f. JAIL DISTRICTS. The legislature, by law, may provide for the creation, operation, and financing of jail districts and may authorize each district to issue bonds and other obligations and to levy an ad valorem tax on property located in the district to pay principal of and interest on the bonds and to pay for operation of the district. An ad valorem tax may not be levied and bonds secured by a property tax may not be issued until approved by the qualified voters of the district voting at an election called and held for that purpose. (Added Nov. 3, 1987; amended Nov. 4, 1997, and Nov. 2, 1999.) (Temporary transition provisions for Sec. 48-f: see Appendix, Note 1.)

Sec. 49. STATE DEBTS. (a) No debt shall be created by or on behalf of the State, except:

(1) to supply casual deficiencies of revenue, not to exceed in the aggregate at any one time two hundred thousand dollars;

(2) to repel invasion, suppress insurrection, or defend the State in war;

(3) as otherwise authorized by this constitution; or

(4) as authorized by Subsections (b) through (f) of this section.

(b) The legislature, by joint resolution approved by at least two-thirds of the members of each house, may from time to time call an election and submit

to the eligible voters of this State one or more propositions that, if approved by a majority of those voting on the question, authorize the legislature to create State debt for the purposes and subject to the limitations stated in the applicable proposition. Each election and proposition must conform to the requirements of Subsections (c) and (d) of this section.

(c) The legislature may call an election during any regular session of the legislature or during any special session of the legislature in which the subject of the election is designated in the governor's proclamation for that special session. The election may be held on any date, and notice of the election shall be given for the period and in the manner required for amending this constitution. The election shall be held in each county in the manner provided by law for other statewide elections.

(d) A proposition must clearly describe the amount and purpose for which debt is to be created and must describe the source of payment for the debt. Except as provided by law under Subsection (f) of this section, the amount of debt stated in the proposition may not be exceeded and may not be renewed after the debt has been created unless the right to exceed or renew is stated in the proposition.

(e) The legislature may enact all laws necessary or appropriate to implement the authority granted by a proposition that is approved as provided by Subsection (b) of this section. A law enacted in anticipation of the election is valid if, by its terms, it is subject to the approval of the related proposition.

(f) State debt that is created or issued as provided by Subsection (b) of this section may be refunded in the manner and amount and subject to the conditions provided by law.

(g) State debt that is created or issued as provided by Subsections (b) through (f) of this section and that is approved by the attorney general in accordance with applicable law is incontestable for any reason. (Subsec. (a) amended and (b)-(g) added Nov. 5, 1991.)

Sec. 49a. FINANCIAL STATEMENT AND ESTIMATE BY COMPTROLLER OF PUBLIC ACCOUNTS; LIMITATION OF APPROPRIATIONS. (a) It shall be the duty of the Comptroller of Public Accounts in advance of each Regular Session of the Legislature to prepare and submit to the Governor and to the Legislature upon its convening a statement under oath showing fully the financial condition of the State Treasury at the close of the last fiscal period and an estimate of the probable receipts and disbursements for the then current fiscal year. There shall also be contained in said statement an itemized estimate of the anticipated revenue based on the laws then in effect that will be received by and for the State from all sources showing the fund accounts to be credited during the succeeding biennium and said statement shall contain such other information as may be required by law. Supplemental statements shall be submitted at any Special Session of the Legislature and at such other times as may be necessary to show probable changes.

(b) Except in the case of emergency and imperative public necessity and with a four-fifths vote of the total membership of each House, no appropriation

in excess of the cash and anticipated revenue of the funds from which such appropriation is to be made shall be valid. No bill containing an appropriation shall be considered as passed or be sent to the Governor for consideration until and unless the Comptroller of Public Accounts endorses his certificate thereon showing that the amount appropriated is within the amount estimated to be available in the affected funds. When the Comptroller finds an appropriation bill exceeds the estimated revenue he shall endorse such finding thereon and return to the House in which same originated. Such information shall be immediately made known to both the House of Representatives and the Senate and the necessary steps shall be taken to bring such appropriation to within the revenue, either by providing additional revenue or reducing the appropriation. (Added Nov. 3, 1942; amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 49a: see Appendix, Note 1.)

Sec. 49-b. VETERANS' LAND BOARD; BOND ISSUES; VETERANS' LAND FUND; VETERANS' HOUSING ASSISTANCE FUND; VETERANS' HOUSING ASSISTANCE FUND II. (a) The Veterans' Land Board shall be composed of the Commissioner of the General Land Office and two (2) citizens of the State of Texas, one (1) of whom shall be well versed in veterans' affairs and one (1) of whom shall be well versed in finances. One (1) such citizen member shall, with the advice and consent of the Senate, be appointed biennially by the Governor to serve for a term of four (4) years. In the event of the resignation or death of any such citizen member, the Governor shall appoint a replacement to serve for the unexpired portion of the term to which the deceased or resigning member had been appointed. The compensation for said citizen members shall be as is now or may hereafter be fixed by the Legislature; and each shall make bond in such amount as is now or may hereafter be prescribed by the Legislature.

(b) The Commissioner of the General Land Office shall act as Chairman of said Board and shall be the administrator of the Veterans' Land Program under such terms and restrictions as are now or may hereafter be provided by law. In the absence or illness of said Commissioner, the Chief Clerk of the General Land Office shall be the Acting Chairman of said Board with the same duties and powers that said Commissioner would have if present.

(c) The Veterans' Land Board may provide for, issue and sell bonds or obligations of the State of Texas as authorized by constitutional amendment or by a debt proposition under Section 49 of this article for the purpose of creating the Veterans' Land Fund, the Veterans' Housing Assistance Fund, and the Veterans' Housing Assistance Fund II.

(d) Said Veterans' Land Fund, to the extent of the moneys attributable to any bonds hereafter issued and sold by said Board may be used by said Board, as is now or may hereafter be provided by law, for the purpose of paying the expenses of surveying, monumenting, road construction, legal fees, recordation fees, advertising and other like costs necessary or incidental to the purchase and sale, or resale, of any lands purchased with any of the moneys attributable to such additional bonds, such expenses to be added to the price of such lands when sold, or resold, by said Board; for the purpose of paying the expenses of issuing, selling, and delivering any such additional bonds; and for the purpose

of meeting the expenses of paying the interest or principal due or to become due on any such additional bonds.

(e) For purposes of this section, "veteran" means a person who satisfies the definition of "veteran" as set forth by the laws of the State of Texas.

(f) The Veterans' Housing Assistance Fund shall be administered by the Veterans' Land Board and shall be used for the purpose of making home mortgage loans to veterans for housing within the State of Texas in such quantities, on such terms, at such rates of interest, and under such rules and regulations as may be authorized by law. The expenses of the board in connection with the issuance of the bonds for the benefit of the Veterans' Housing Assistance Fund and the making of the loans may be paid from money in the fund. The principal of and interest on the general obligation bonds authorized by this section for the benefit of the Veterans' Housing Assistance Fund shall be paid out of the money of the fund, but the money of the fund which is not immediately committed to the payment of principal and interest on such bonds, the making of home mortgage loans as herein provided, or the payment of expenses as herein provided may be invested as authorized by law until the money is needed for such purposes.

(g) The Veterans' Land Fund shall be used by the Veterans' Land Board to purchase lands situated in the state owned by the United States government, an agency of the United States government, this state, a political subdivision or agency of this state, or a person, firm, or corporation.

(h) Lands purchased and comprising a part of the Veterans' Land Fund are declared to be held for a governmental purpose, but the individual purchasers of those lands shall be subject to taxation to the same extent and in the same manner as are purchasers of lands dedicated to the Permanent School Fund. The lands shall be sold to veterans in quantities, on terms, at prices, and at fixed, variable, floating, or other rates of interest, determined by the Board and in accordance with rules of the Board. Notwithstanding any provisions of this section to the contrary, lands in the Veterans' Land Fund that are offered for sale to veterans and that are not sold may be sold or resold to the purchasers in quantities, on terms, at prices, and at rates of interest determined by the Board and in accordance with rules of the Board.

(i) The expenses of the Board in connection with the issuance of the bonds for the benefit of the Veterans' Land Fund and the purchase and sale of the lands may be paid from money in the Veterans' Land Fund.

(j) The Veterans' Land Fund shall consist of:

(1) lands heretofore or hereafter purchased by the Board;

(2) money attributable to bonds heretofore or hereafter issued and sold by the Board for the fund, including proceeds from the issuance and sale of the bonds;

(3) money received from the sale or resale of lands or rights in lands purchased from those proceeds;

(4) money received from the sale or resale of lands or rights in lands purchased with other money attributable to the bonds;

(5) proceeds derived from the sale or other disposition of the Board's interest in contracts for the sale or resale of lands or rights in lands;

(6) interest and penalties received from the sale or resale of lands or rights in lands;

(7) bonuses, income, rents, royalties, and other pecuniary benefits received by the Board from lands;

(8) money received by way of indemnity or forfeiture for the failure of a bidder for the purchase of bonds to comply with the bid and accept and pay for the bonds or for the failure of a bidder for the purchase of lands comprising a part of the Veterans' Land Fund to comply with the bid and accept and pay for the lands;

(9) payments received by the Board under a bond enhancement agreement with respect to the bonds; and

(10) interest received from investments of money in the fund.

(k) The principal of and interest on the general obligation bonds for the benefit of the Veterans' Land Fund, including payments by the Board under a bond enhancement agreement with respect to principal of or interest on the bonds, shall be paid out of the money of the Veterans' Land Fund, but the money in the fund that is not immediately committed to the payment of principal and interest on the bonds, the purchase of lands, or the payment of expenses may be invested as authorized by law until the money is needed for those purposes.

(l) The Veterans' Housing Assistance Fund II is a separate and distinct fund from the Veterans' Housing Assistance Fund. Money in the Veterans' Housing Assistance Fund II shall be administered by the Veterans' Land Board and shall be used to make home mortgage loans to veterans for housing within this state in quantities, on terms, and at fixed, variable, floating, or other rates of interest, determined by the Board and in accordance with rules of the Board. The expenses of the Board in connection with the issuance of the bonds for the benefit of the Veterans' Housing Assistance Fund II and the making of the loans may be paid from money in the Veterans' Housing Assistance Fund II.

(m) The Veterans' Housing Assistance Fund II shall consist of:

(1) the Board's interest in home mortgage loans the Board makes to veterans from money in the fund under the Veterans' Housing Assistance Program established by law;

(2) proceeds derived from the sale or other disposition of the Board's interest in home mortgage loans;

(3) money attributable to bonds issued and sold by the Board to provide money for the fund, including the proceeds from the issuance and sale of bonds;

(4) income, rents, and other pecuniary benefits received by the Board as a result of making loans;

(5) money received by way of indemnity or forfeiture for the failure of a bidder for the purchase of bonds to comply with the bid and accept and pay for the bonds;

(6) payments received by the Board under a bond enhancement agreement with respect to the bonds; and

(7) interest received from investments of money.

(n) The principal of and interest on the general obligation bonds for the benefit of the Veterans' Housing Assistance Fund II, including payments by the Board under a bond enhancement agreement with respect to principal of or interest on the bonds, shall be paid out of the money of the Veterans' Housing Assistance Fund II, but the money in the fund that is not immediately committed to the payment of principal and interest on the bonds, the making of home mortgage loans, or the payment of expenses may be invested as authorized by law until the money is needed for those purposes.

(o) The Veterans' Housing Assistance Fund shall consist of:

(1) the Board's interest in home mortgage loans the Board makes to veterans from money in the fund under the Veterans' Housing Assistance Program established by law;

(2) proceeds derived from the sale or other disposition of the Board's interest in home mortgage loans;

(3) money attributable to bonds issued and sold by the Board to provide money for the fund, including proceeds from the issuance and sale of bonds;

(4) income, rents, and other pecuniary benefits received by the Board as a result of making loans;

(5) money received by way of indemnity or forfeiture for the failure of a bidder for the purchase of bonds to comply with the bid and accept and pay for the bonds;

(6) payments received by the Board under a bond enhancement agreement with respect to the bonds; and

(7) interest received from investments of money.

(p) The principal of and interest on the general obligation bonds for the benefit of the Veterans' Housing Assistance Fund, including payments by the Board under a bond enhancement agreement with respect to principal of or interest on the bonds, shall be paid out of money in the Veterans' Housing Assistance Fund.

(q) If there is not enough money in the Veterans' Land Fund, the Veterans' Housing Assistance Fund, or the Veterans' Housing Assistance Fund II, as the case may be, available to pay the principal of and interest on the general obligation bonds benefiting those funds, including money to make payments by the Board under a bond enhancement agreement with respect to principal of or interest on the bonds, there is appropriated out of the first money coming into the treasury in each fiscal year, not otherwise appropriated by this constitution, an amount that is sufficient to pay the principal of and interest on the general obligation bonds that mature or become due during that fiscal year or to make bond enhancement payments with respect to those bonds.

(r) Receipts of all kinds of the Veterans' Land Fund, the Veterans' Housing Assistance Fund, or the Veterans' Housing Assistance Fund II that the Board determines are not required for the payment of principal of and interest on the general obligation bonds benefiting those funds, including payments by the Board under a bond enhancement agreement with respect to principal of or interest on the bonds, may be used by the Board, to the extent not inconsistent with the proceedings authorizing the bonds to:

(1) make temporary transfers to another of those funds to avoid a temporary cash deficiency in that fund or make a transfer to another of those funds for the purposes of that fund;

(2) pay the principal of and interest on general obligation bonds issued to provide money for another of those funds or make bond enhancement payments with respect to the bonds; or

(3) pay the principal of and interest on revenue bonds of the Board or make bond enhancement payments with respect to the bonds.

(s) If the Board determines that assets from the Veterans' Land Fund, the Veterans' Housing Assistance Fund, or the Veterans' Housing Assistance Fund II are not required for the purposes of the fund, the Board may:

(1) transfer the assets to another of those funds;

(2) use the assets to secure revenue bonds issued by the Board;

(3) use the assets to plan and design, operate, maintain, enlarge, or improve veterans cemeteries; or

(4) use the assets to plan and design, construct, acquire, own, operate, maintain, enlarge, improve, furnish, or equip veterans homes.

(t) The revenue bonds shall be special obligations of the Board and payable only from and secured only by receipts of the funds, assets transferred from the funds, and other revenues and assets as determined by the Board and shall not constitute indebtedness of the state or the Veterans' Land Board. The Board may issue revenue bonds from time to time, which bonds may not exceed an aggregate principal amount that the Board determines can be fully retired from the receipts of the funds, the assets transferred from the funds, and the other revenues and assets pledged to the retirement of the revenue bonds. Notwithstanding the rate of interest specified by any other provision of this constitution, revenue bonds shall bear a rate or rates of interest the Board determines. A determination made by the Board under this subsection shall be binding and conclusive as to the matter determined.

(u) The bonds authorized to be issued and sold by the Veterans' Land Board shall be issued and sold in forms and denominations, on terms, at times, in the manner, at places, and in installments the Board determines. The bonds shall bear a rate or rates of interest the Board determines. The bonds shall be incontestable after execution by the Board, approval by the Attorney General of Texas, and delivery to the purchaser or purchasers of the bonds.

(v) This Amendment being intended only to establish a basic framework and not to be a comprehensive treatment of the Veterans' Housing Assistance

Program and the Veterans' Land Program, there is hereby reposed in the Legislature full power to implement and effectuate the design and objects of this Amendment, including the power to delegate such duties, responsibilities, functions, and authority to the Veterans' Land Board as it believes necessary.

(w) The Veterans' Land Board may provide for, issue, and sell general obligation bonds of the state for the purpose of selling land to veterans of the state or providing home or land mortgage loans to veterans of the state in a principal amount of outstanding bonds that must at all times be equal to or less than the aggregate principal amount of state general obligation bonds previously authorized for those purposes by prior constitutional amendments. Bonds and other obligations issued or executed under the authority of this subsection may not be included in the computation required by Section 49-j of this article. The bond proceeds shall be deposited in or used to benefit and augment the Veterans' Land Fund, the Veterans' Housing Assistance Fund, or the Veterans' Housing Assistance Fund II, as determined appropriate by the Veterans' Land Board, and shall be administered and invested as provided by law. Payments of principal and interest on the bonds, including payments made under a bond enhancement agreement with respect to principal of or interest on the bonds, shall be made from the sources and in the manner provided by this section for general obligation bonds issued for the benefit of the applicable fund. (Added Nov. 7, 1946, amended Nov. 13, 1951, Nov. 6, 1956, Nov. 8, 1960, Nov. 6, 1962, Nov. 11, 1967, Nov. 6, 1973, Nov. 8, 1977, Nov. 3, 1981, Nov. 5, 1985, and Nov. 5, 1991; Secs. 49-b, 49-b-1, 49-b-2, and 49-b-3 combined, reenacted as Sec. 49-b and amended Nov. 2, 1999; Subsec. (s) amended and (w) added Nov. 6, 2001; Subsecs. (r) and (s) amended Sept. 13, 2003; Subsec. (w) amended Nov. 3, 2009; Subsec. (h) amended Nov. 8, 2011.) (Temporary transition provisions for Sec. 49-b: see Appendix, Note 1.)

Sec. 49-c. TEXAS WATER DEVELOPMENT BOARD; BOND ISSUE; TEXAS WATER DEVELOPMENT FUND. (a) The Texas Water Development Board, an agency of the State of Texas, shall exercise such powers as necessary under this provision together with such other duties and restrictions as may be prescribed by law. The qualifications, compensation, and number of members of said Board shall be determined by law. They shall be appointed by the Governor with the advice and consent of the Senate in the manner and for such terms as may be prescribed by law.

(b) The Texas Water Development Board shall have the authority to provide for, issue and sell general obligation bonds of the State of Texas as authorized by constitutional amendment or by a debt proposition under Section 49 of this article. The bonds shall be called "Texas Water Development Bonds," shall be executed in such form, denominations and upon such terms as may be prescribed by law, and may be issued in such installments as the Board finds feasible and practical in accomplishing the purpose set forth herein.

(c) All moneys received from the sale of the bonds shall be deposited in a fund hereby created in the State Treasury to be known as the Texas Water Development Fund to be administered (without further appropriation) by the Texas Water Development Board in such manner as prescribed by law.

(d) Such fund shall be used only for the purpose of aiding or making funds available upon such terms and conditions as the Legislature may prescribe, to the various political subdivisions or bodies politic and corporate of the State of Texas including river authorities, conservation and reclamation districts and districts created or organized or authorized to be created or organized under Article XVI, Section 59 or Article III, Section 52, of this Constitution, interstate compact commissions to which the State of Texas is a party and municipal corporations, in the conservation and development of the water resources of this State, including the control, storing and preservation of its storm and flood waters and the waters of its rivers and streams, for all useful and lawful purposes by the acquisition, improvement, extension, or construction of dams, reservoirs and other water storage projects, including any system necessary for the transportation of water from storage to points of treatment and/or distribution, including facilities for transporting water therefrom to wholesale purchasers, or for any one or more of such purposes or methods.

(e) Any or all financial assistance as provided herein shall be repaid with interest upon such terms, conditions and manner of repayment as may be provided by law.

(f) While any of the Texas Water Development Bonds, or any interest on any of such bonds, is outstanding and unpaid, there is hereby appropriated out of the first moneys coming into the Treasury in each fiscal year, not otherwise appropriated by this Constitution, an amount which is sufficient to pay the principal and interest on such bonds that mature or become due during such fiscal year, less the amount in the sinking fund at the close of the prior fiscal year.

(g) The Legislature may provide for the investment of moneys available in the Texas Water Development Fund, and the interest and sinking funds established for the payment of bonds issued by the Texas Water Development Board. Income from such investment shall be used for the purposes prescribed by the Legislature. The Legislature may also make appropriations from the General Revenue Fund for paying administrative expenses of the Board.

(h) From the moneys received by the Texas Water Development Board as repayment of principal for financial assistance or as interest thereon, there shall be deposited in the interest and sinking fund for the bonds sufficient moneys to pay the interest and principal to become due during the ensuing year and sufficient to establish and maintain a reserve in said fund equal to the average annual principal and interest requirements on all outstanding bonds. If any year moneys are received in excess of the foregoing requirements then such excess shall be deposited to the Texas Water Development Fund, and may be used for administrative expenses of the Board and for the same purposes and upon the same terms and conditions prescribed for the proceeds derived from the sale of such State bonds.

(i) All Texas Water Development Bonds shall after approval by the Attorney General, registration by the Comptroller of Public Accounts of the State of Texas, and delivery to the purchasers, be incontestable and shall constitute general obligations of the State of Texas under the Constitution of Texas. (Added Nov. 5,

1957; amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 49-c: see Appendix, Note 1.)

Sec. 49-d. ACQUISITION AND DEVELOPMENT OF WATER STORAGE FACILITIES; FILTRATION, TREATMENT, AND TRANSPORTATION OF WATER; ENLARGEMENT OF RESERVOIRS. (a) It is hereby declared to be the policy of the State of Texas to encourage the optimum development of the limited number of feasible sites available for the construction or enlargement of dams and reservoirs for conservation of the public waters of the state, which waters are held in trust for the use and benefit of the public, and to encourage the optimum regional development of systems built for the filtration, treatment, and transmission of water and wastewater. The proceeds from the sale of bonds deposited in the Texas Water Development Fund may be used by the Texas Water Development Board, under such provisions as the Legislature may prescribe by General Law, including the requirement of a permit for storage or beneficial use, for the additional purposes of acquiring and developing storage facilities, and any system or works necessary for the filtration, treatment and transportation of water or waste water, or for any one or more of such purposes or methods, whether or not such a system or works is connected with a reservoir in which the state has a financial interest; provided, however, the Texas Water Development Fund or any other state fund provided for water development, transmission, transfer or filtration shall not be used to finance any project which contemplates or results in the removal from the basin of origin of any surface water necessary to supply the reasonably foreseeable future water requirements for the next ensuing fifty-year period within the river basin of origin, except on a temporary, interim basis.

(b) Under such provisions as the Legislature may prescribe by General Law the Texas Water Development Fund may be used for the conservation and development of water for useful purposes by construction or reconstruction or enlargement of reservoirs constructed or to be constructed or enlarged within the State of Texas or on any stream constituting a boundary of the State of Texas, together with any system or works necessary for the filtration, treatment and/or transportation of water, by any one or more of the following governmental agencies: by the United States of America or any agency, department or instrumentality thereof; by the State of Texas or any agency, department or instrumentality thereof; by political subdivisions or bodies politic and corporate of the state; by interstate compact commissions to which the State of Texas is a party; and by municipal corporations. The Legislature shall provide terms and conditions under which the Texas Water Development Board may sell, transfer or lease, in whole or in part, any reservoir and associated system or works which the Texas Water Development Board has financed in whole or in part.

(c) Under such provisions as the Legislature may prescribe by General Law, the Texas Water Development Board may also execute long-term contracts with the United States or any of its agencies for the acquisition and development of storage facilities in reservoirs constructed or to be constructed by the Federal Government. Such contracts when executed shall constitute general obligations of the State of Texas in the same manner and with the same effect as state bonds issued under the authority of Section 49-c of this article, and the provisions of

Section 49-c of this article with respect to payment of principal and interest on state bonds issued shall likewise apply with respect to payment of principal and interest required to be paid by such contracts. If storage facilities are acquired for a term of years, such contracts shall contain provisions for renewal that will protect the state's investment.

(d) The Legislature shall provide terms and conditions for the Texas Water Development Board to sell, transfer or lease, in whole or in part, any acquired facilities or the right to use such facilities at a price not less than the direct cost of the Board in acquiring same; and the Legislature may provide terms and conditions for the Board to sell any unappropriated public waters of the state that might be stored in such facilities. As a prerequisite to the purchase of such storage or water, the applicant therefor shall have secured a valid permit from the state authorizing the acquisition of such storage facilities or the water impounded therein. The money received from any sale, transfer or lease of facilities shall be used to pay principal and interest on state bonds issued or contractual obligations incurred by the Texas Water Development Board, provided that when moneys are sufficient to pay the full amount of indebtedness then outstanding and the full amount of interest to accrue thereon, any further sums received from the sale, transfer or lease of such facilities shall be deposited and used as provided by law. Money received from the sale of water, which shall include standby service, may be used for the operation and maintenance of acquired facilities, and for the payment of principal and interest on debt incurred. (Added Nov. 6, 1962; amended Nov. 8, 1966, Nov. 5, 1985, and Nov. 2, 1999.) (Temporary transition provisions for Sec. 49-d: see Appendix, Note 1.)

Sec. 49-d-1. ADDITIONAL TEXAS WATER DEVELOPMENT BONDS. (a) The Texas Water Development Board may issue Texas Water Development Bonds as authorized by constitutional amendment or by a debt proposition under Section 49 of this article to provide grants, loans, or any combination of grants and loans for water quality enhancement purposes as established by the Legislature to political subdivisions or bodies politic and corporate of the State of Texas, including municipal corporations, river authorities, conservation and reclamation districts, and districts created or organized or authorized to be created or organized under Article XVI, Section 59, or Article III, Section 52, of this Constitution, State agencies, and interstate agencies and compact commissions to which the State of Texas is a party, and upon such terms and conditions as the Legislature may authorize by general law. The bonds shall be issued for such terms, in such denominations, form and installments, and upon such conditions as the Legislature may authorize.

(b) The Texas Water Development Fund shall be used for the purposes heretofore permitted by, and subject to the limitations in this Section and Sections 49-c and 49-d; provided, however, that the financial assistance may be made subject only to the availability of funds. (Added May 18, 1971; Subsec. (a) amended Nov. 2, 1976; Subsec. (a) amended, Subsecs. (b) and (c) deleted, Subsec. (d) amended and redesignated Subsec. (b), and Subsecs. (e) and (f) deleted Nov. 2, 1999.) (Temporary transition provisions for Sec. 49-d-1: see Appendix, Note 1.)

Sec. 49-d-2. ADDITIONAL BONDING AUTHORITY OF TEXAS WATER DEVELOPMENT BOARD; DEDICATED USE OF SOME PROCEEDS. The Texas Water Development Board may issue Texas Water Development Bonds for flood control projects and for any acquisition or construction necessary to achieve structural and nonstructural flood control purposes. (Added Nov. 5, 1985; Subsec. (a) amended and Subsecs. (b)-(e) deleted Nov. 2, 1999.) (Temporary transition provisions for Sec. 49-d-2: see Appendix, Note 1.)

Sec. 49-d-3. CREATION AND USE OF SPECIAL FUNDS FOR WATER PROJECTS. (a) The legislature by law may create one or more special funds in the state treasury for use for or in aid of water conservation, water development, water quality enhancement, flood control, drainage, subsidence control, recharge, chloride control, agricultural soil and water conservation, desalinization or any combination of those purposes, may make money in a special fund available to cities, counties, special governmental districts and authorities, and other political subdivisions of the state for use for the purposes for which the fund was created by grants, loans, or any other means, and may appropriate money to any of the special funds to carry out the purposes of this section.

(b) Money deposited in a special fund created under this section may not be used to finance or aid any project that contemplates or results in the removal from the basin of origin of any surface water necessary to supply the reasonably foreseeable water requirements for the next ensuing 50-year period within the river basin of origin, except on a temporary, interim basis. (Added Nov. 5, 1985.)

Sec. 49-d-4. BOND INSURANCE PROGRAM FOR WATER PROJECTS. (a) In addition to other programs authorized by this constitution, the legislature by law may provide for the creation, administration, and implementation of a bond insurance program to which the state pledges its general credit in an amount not to exceed $250 million to insure the payment in whole or in part of the principal of and interest on bonds or other obligations that are issued by cities, counties, special governmental districts and authorities, and other political subdivisions of the state as defined by law for use for or in aid of water conservation, water development, water quality enhancement, flood control, drainage, recharge, chloride control, desalinization, or any combination of those purposes.

(b) The legislature by law shall designate the state agency to administer the bond insurance program and may authorize that agency to execute insurance contracts that bind the state to pay the principal of and interest on the bonds if the bonds are in default or the bonds are subject to impending default, subject to the limits provided by this section and by law.

(c) The payment by the state of any insurance commitment made under this section must be made from the first money coming into the state treasury that is not otherwise dedicated by this constitution.

(d) Notwithstanding the total amount of bonds insured under this section, the total amount paid and not recovered by the state under this section, excluding the costs of administration, may not exceed $250 million.

(e) Except on a two-thirds vote of the members elected to each house of the legislature, the ratio of bonds insured to the total liability of the state must be two to one.

(f) Except on a two-thirds vote of the members elected to each house of the legislature, the state agency administering the bond insurance program may not authorize bond insurance coverage under the program in any state fiscal year that exceeds a total of $100 million.

(g) Unless authorized to continue by a two-thirds vote of the members elected to each house, this section and the bond insurance program authorized by this section expire on the sixth anniversary of the date on which this section becomes a part of the constitution. However, bond insurance issued before the expiration of this section and the program is not affected by the expiration of this section and the program and remains in effect according to its terms, and the state is required to fulfill all of the terms of that previously issued insurance. (Added Nov. 5, 1985.)

Sec. 49-d-5. EXTENSION OF BENEFITS TO NONPROFIT WATER SUPPLY CORPORATIONS. For the purpose of any program established or authorized by this article and administered by the Texas Water Development Board, the legislature by law may extend any benefits to nonprofit water supply corporations that it may extend to a district created or organized under Article XVI, Section 59, of this constitution. (Added Nov. 5, 1985; amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 49-d-5: see Appendix, Note 1.)

Sec. 49-d-6. ADDITIONAL TEXAS WATER DEVELOPMENT BONDS; USE OF BONDS; REVIEW AND APPROVAL. The legislature may require review and approval of the issuance of Texas Water Development Bonds, of the use of the bond proceeds, or of the rules adopted by an agency to govern use of the bond proceeds. Notwithstanding any other provision of this constitution, any entity created or directed to conduct this review and approval may include members or appointees of members of the executive, legislative, and judicial departments of state government. (Added Nov. 3, 1987; Subsecs. (a), (c), and (d) deleted and Subsec. (b) amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 49-d-6: see Appendix, Note 1.)

Sec. 49-d-7. ADDITIONAL TEXAS WATER DEVELOPMENT BONDS; USE OF BONDS AND PROCEEDS; REVIEW AND APPROVAL. (a) The Texas Water Development Board may use the proceeds of Texas water development bonds issued for the purposes provided by Section 49-c of this article for the additional purpose of providing financial assistance, on terms and conditions provided by law, to various political subdivisions and bodies politic and corporate of the state and to nonprofit water supply corporations to provide for acquisition, improvement, extension, or construction of water supply projects that involve the distribution of water to points of delivery to wholesale or retail customers.

(b) The legislature may provide by law for subsidized loans and grants from the proceeds of Texas water development bonds to provide wholesale and retail water and wastewater facilities to economically distressed areas of the state as defined by law, provided, the principal amount of bonds that may be issued for the purposes under this subsection may not exceed $250 million. Separate

accounts shall be established in the water development fund for administering the proceeds of bonds issued for purposes under this subsection, and an interest and sinking fund separate from and not subject to the limitations of the interest and sinking fund created for other Texas water development bonds is established in the State Treasury to be used for paying the principal of and interest on bonds for the purposes of this subsection. While any of the bonds authorized for the purposes of this subsection or any of the interest on those bonds is outstanding and unpaid, there is appropriated out of the first money coming into the State Treasury in each fiscal year, not otherwise appropriated by this constitution, an amount that is sufficient to pay the principal of and interest on those bonds issued for the purposes under this subsection that mature or become due during that fiscal year. (Added Nov. 7, 1989; Subsec. (e) amended Nov. 5, 1991; Subsec. (a) deleted, Subsec. (b) redesignated Subsec. (a), Subsecs. (c) and (d) deleted, Subsec. (e) amended and redesignated Subsec. (b), and Subsec. (f) deleted Nov. 2, 1999.) (Temporary transition provisions for Sec. 49-d-7: see Appendix, Note 1.)

Sec. 49-d-8. TEXAS WATER DEVELOPMENT FUND II. (a) The Texas Water Development Fund II is in the state treasury as a fund separate and distinct from the Texas Water Development Fund established under Section 49-c of this article. Money in the Texas Water Development Fund II shall be administered without further appropriation by the Texas Water Development Board and shall be used for any one or more of the purposes currently or formerly authorized by Sections 49-c, 49-d, 49-d-1, 49-d-2, 49-d-5, 49-d-6, and 49-d-7 of this article, as determined by the Texas Water Development Board. Separate accounts shall be established in the Texas Water Development Fund II for administering proceedings related to the purposes described in Section 49-d of this article, the purposes described in Subsection (b) of Section 49-d-7 of this article, and all other authorized purposes. The Texas Water Development Board is hereby authorized, at its determination, to issue general obligation bonds for one or more accounts of the Texas Water Development Fund II in an aggregate principal amount equal to the amount of bonds previously authorized pursuant to former Section 49-d-6 and Sections 49-d-2 and 49-d-7 of this article less the amount of bonds issued pursuant to those sections to augment the Texas Water Development Fund and the amount of bonds issued to augment the Texas Water Development Fund II. Nothing in this section, however, shall grant to the Texas Water Development Board the authority to issue bonds in excess of the total amount of those previously authorized bonds or to issue bonds for purposes described in Subsection (b) of Section 49-d-7 of this article in excess of $250 million. The expenses of the Texas Water Development Board in connection with the issuance of bonds for an account of the Texas Water Development Fund II and administration of such account may be paid from money in such account.

(b) The Texas Water Development Board is hereby authorized, at its determination, to issue general obligation bonds for one or more accounts of the Texas Water Development Fund II in order to refund outstanding bonds previously issued to augment the Texas Water Development Fund, as long as the principal amount of the refunding bonds does not exceed the outstanding principal amount of the refunded bonds, and to refund the general obligation of the State of Texas under long-term contracts entered into by the Texas

Water Development Board with the United States or any of its agencies under authority granted by Section 49-d of this article, as long as the principal amount of the refunding bonds does not exceed the principal amount of the contractual obligation of the Texas Water Development Board. Money and assets in the Texas Water Development Fund attributable to such refunding bonds shall be transferred to the appropriate account of the Texas Water Development Fund II, as determined by the Texas Water Development Board, to the extent not inconsistent with the proceedings authorizing any outstanding bonds issued to augment the Texas Water Development Fund and the terms of any long-term contracts entered into by the Texas Water Development Board with the United States or any of its agencies. In addition, the Texas Water Development Board may transfer other moneys and assets in the Texas Water Development Fund to the appropriate account of the Texas Water Development Fund II, as determined by the Texas Water Development Board, without the necessity of issuing refunding bonds to effect the transfer, to the extent not inconsistent with the proceedings authorizing any outstanding bonds issued to augment the Texas Water Development Fund. Further, at such time as all bonds issued to augment the Texas Water Development Fund and all such contractual obligations have been paid or otherwise discharged, all money and assets in the Texas Water Development Fund shall be transferred to the credit of the Texas Water Development Fund II and deposited to the accounts therein, as determined by the Texas Water Development Board.

(c) Subject to the limitations set forth in Section 49-d of this article, the legislature shall provide terms and conditions under which the Texas Water Development Board may sell, transfer, or lease, in whole or in part, facilities held for the account established within the Texas Water Development Fund II for administering proceedings related to the purposes described in Section 49-d of this article, and the legislature may provide terms and conditions under which the Texas Water Development Board may sell any unappropriated public waters of the state that may be stored in such facilities. Money received from any sale, transfer, or lease of such facilities or water shall be credited to the account established within the Texas Water Development Fund II for the purpose of administering proceedings related to the purposes described in Section 49-d of this article.

(d) Each account of the Texas Water Development Fund II shall consist of:

(1) the Texas Water Development Board's rights to receive repayment of financial assistance provided from such account, together with any evidence of such rights;

(2) money received from the sale or other disposition of the Texas Water Development Board's rights to receive repayment of such financial assistance;

(3) money received as repayment of such financial assistance;

(4) money and assets attributable to bonds issued and sold by the Texas Water Development Board for such account, including money and assets transferred from the Texas Water Development Fund pursuant to this section;

(5) money deposited in such account pursuant to Subsection (c) of this section;

(6) payments received by the Texas Water Development Board under a bond enhancement agreement as authorized by law with respect to bonds issued for such account; and

(7) interest and other income received from investment of money in such account.

(e) Notwithstanding the other provisions of this article, the principal of and interest on the general obligation bonds issued for an account of the Texas Water Development Fund II, including payments by the Texas Water Development Board under a bond enhancement agreement as authorized by law with respect to principal of or interest on such bonds, shall be paid out of such account, but the money in such account that is not immediately committed to the purposes of such account or the payment of expenses may be invested as authorized by law until the money is needed for those purposes. If there is not enough money in any account available to pay the principal of and interest on the general obligation bonds issued for such account, including money to make payments by the Texas Water Development Board under a bond enhancement agreement as authorized by law with respect to principal of or interest on such bonds, there is appropriated out of the first money coming into the state treasury in each fiscal year not otherwise appropriated by this constitution an amount that is sufficient to pay the principal of and interest on such general obligation bonds that mature or become due during that fiscal year or to make bond enhancement payments with respect to those bonds.

(f) The general obligation bonds authorized by this section may be issued as bonds, notes, or other obligations as permitted by law and shall be sold in forms and denominations, on terms, at times, in the manner, at places, and in installments, all as determined by the Texas Water Development Board. The bonds shall bear a rate or rates of interest the Texas Water Development Board determines. The bonds authorized by this section shall be incontestable after execution by the Texas Water Development Board, approval by the attorney general, and delivery to the purchaser or purchasers of the bonds.

(g) This section being intended only to establish a basic framework and not to be a comprehensive treatment of the Texas Water Development Fund II, there is hereby reposed in the legislature full power to implement and effectuate the design and objects of this section, including the power to delegate such duties, responsibilities, functions, and authority to the Texas Water Development Board as it believes necessary.

(h) The Texas Water Development Fund II, including any account in that fund, may not be used to finance or aid any project that contemplates or results in the removal from the basin of origin of any surface water necessary to supply the reasonably foreseeable future water requirements for the next ensuing 50-year period within the river basin of origin, except on a temporary, interim basis. (Added Nov. 4, 1997; Subsecs. (a), (b), and (e) amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 49-d-8: see Appendix, Note 1.)

Sec. 49-d-9. ISSUANCE OF ADDITIONAL GENERAL OBLIGATION BONDS. (a) The Texas Water Development Board may issue additional general obligation bonds, at its determination, for one or more accounts of the Texas Water

Development Fund II, in an amount not to exceed $2 billion. Of the additional general obligation bonds authorized to be issued, $50 million of those bonds shall be used for the water infrastructure fund as provided by law.

(b) Section 49-d-8 of this article applies to the bonds authorized by this section. The limitation in Section 49-d-8 of this article that the Texas Water Development Board may not issue bonds in excess of the aggregate principal amount of previously authorized bonds does not apply to the bonds authorized by and issued under this section.

(c) A limitation on the percentage of state participation in any single project imposed by this article does not apply to a project funded with the proceeds of bonds issued under the authority of Section 49-d-8 of this article or this section. (Added Nov. 6, 2001.)

Sec. 49-d-10. BONDS TO FUND ADDITIONAL FINANCIAL ASSISTANCE TO ECONOMICALLY DISTRESSED AREAS. (a) The Texas Water Development Board may issue additional general obligation bonds, at its determination, for the economically distressed areas program account of the Texas Water Development Fund II, in an amount not to exceed $250 million. The bonds shall be used to provide financial assistance to economically distressed areas of the state as defined by law.

(b) Section 49-d-8(e) of this article applies to the bonds authorized by this section. (Added Nov. 6, 2007.)

Sec. 49-d-11. CONTINUING AUTHORIZATION FOR ADDITIONAL BONDS FOR TEXAS WATER DEVELOPMENT FUND II. (a) In addition to the bonds authorized by the other provisions of this article, the Texas Water Development Board may issue general obligation bonds, at its determination and on a continuing basis, for one or more accounts of the Texas Water Development Fund II in amounts such that the aggregate principal amount of the bonds issued by the board under this section that are outstanding at any time does not exceed $6 billion.

(b) Section 49-d-8 of this article applies to the bonds authorized by this section. The limitation in Section 49-d-8 of this article that the Texas Water Development Board may not issue bonds in excess of the aggregate principal amount of previously authorized bonds does not apply to the bonds authorized by and issued under this section.

(c) A limitation on the percentage of state participation in any single project imposed by this article does not apply to a project funded with the proceeds of bonds issued under the authority of this section or Section 49-d-8 of this article. (Added Nov. 8, 2011.)

Sec. 49-d-12. STATE WATER IMPLEMENTATION FUND FOR TEXAS. (a) The State Water Implementation Fund for Texas is created as a special fund in the state treasury outside the general revenue fund. Money in the State Water Implementation Fund for Texas shall be administered, without further appropriation, by the Texas Water Development Board or that board's successor in function and shall be used for the purpose of implementing the state water plan

that is adopted as required by general law by the Texas Water Development Board or that board's successor in function. Separate accounts may be established in the State Water Implementation Fund for Texas as necessary to administer the fund or authorized projects.

(b) The legislature by general law may authorize the Texas Water Development Board or that board's successor in function to enter into bond enhancement agreements to provide additional security for general obligation bonds or revenue bonds of the Texas Water Development Board or that board's successor in function, the proceeds of which are used to finance state water plan projects. Bond enhancement agreements must be payable solely from the State Water Implementation Fund for Texas; provided, however, the bond enhancement agreements may not exceed an amount that can be fully supported by the State Water Implementation Fund for Texas. Any amount paid under a bond enhancement agreement may be repaid as provided by general law; provided, however, any repayment may not cause general obligation bonds that are issued under Sections 49-d-9 and 49-d-11 of this article and that are payable from the fund or account receiving the bond enhancement payment to be no longer self-supporting for purposes of Section 49-j(b) of this article. Payments under a bond enhancement agreement entered into pursuant to this section may not be a constitutional state debt payable from general revenues of the state.

(c) The legislature by general law may authorize the Texas Water Development Board or that board's successor in function to use the State Water Implementation Fund for Texas to finance, including by direct loan, water projects included in the state water plan.

(d) The Texas Water Development Board or that board's successor in function shall provide written notice to the Legislative Budget Board or that board's successor in function before each bond enhancement agreement or loan agreement entered into pursuant to this section has been executed by the Texas Water Development Board or that board's successor in function and shall provide a copy of the proposed agreement to the Legislative Budget Board or that board's successor in function for approval. The proposed agreement shall be considered to be approved unless the Legislative Budget Board or that board's successor in function issues a written disapproval not later than the 21st day after the date on which the staff of that board receives the submission.

(e) The State Water Implementation Fund for Texas consists of:

(1) money transferred or deposited to the credit of the fund by general law, including money from any source transferred or deposited to the credit of the fund at the discretion of the Texas Water Development Board or that board's successor in function as authorized by general law;

(2) the proceeds of any fee or tax imposed by this state that by statute is dedicated for deposit to the credit of the fund;

(3) any other revenue that the legislature by statute dedicates for deposit to the credit of the fund;

(4) investment earnings and interest earned on amounts credited to the fund; and

(5) money transferred to the fund under a bond enhancement agreement from another fund or account to which money from the fund was transferred under a bond enhancement agreement, as authorized by general law.

(f) The legislature by general law shall provide for the manner in which the assets of the State Water Implementation Fund for Texas may be used, subject to the limitations provided by this section. The legislature by general law may provide for costs of investment of the State Water Implementation Fund for Texas to be paid from that fund.

(g) As provided by general law, each fiscal year the Texas Water Development Board or that board's successor in function shall set aside from amounts on deposit in the State Water Implementation Fund for Texas an amount that is sufficient to make payments under bond enhancement agreements that become due during that fiscal year.

(h) Any dedication or appropriation of amounts on deposit in the State Water Implementation Fund for Texas may not be modified so as to impair any outstanding obligation under a bond enhancement agreement secured by a pledge of those amounts unless provisions have been made for a full discharge of the bond enhancement agreement.

(i) Money in the State Water Implementation Fund for Texas is dedicated by this constitution for purposes of Section 22, Article VIII, of this constitution and an appropriation from the economic stabilization fund to the credit of the State Water Implementation Fund for Texas is an appropriation of state tax revenues dedicated by this constitution for the purposes of Section 22, Article VIII, of this constitution.

(j) This section being intended only to establish a basic framework and not to be a comprehensive treatment of the State Water Implementation Fund for Texas, there is hereby reposed in the legislature full power to implement and effectuate the design and objects of this section, including the power to delegate such duties, responsibilities, functions, and authority to the Texas Water Development Board or that board's successor in function as the legislature believes necessary. (Added Nov. 5, 2013.)

Sec. 49-d-13. STATE WATER IMPLEMENTATION REVENUE FUND FOR TEXAS. (a) The State Water Implementation Revenue Fund for Texas is created as a special fund in the state treasury outside the general revenue fund. Money in the State Water Implementation Revenue Fund for Texas shall be administered, without further appropriation, by the Texas Water Development Board or that board's successor in function and shall be used for the purpose of implementing the state water plan that is adopted as required by general law by the Texas Water Development Board or that board's successor in function. Separate accounts may be established in the State Water Implementation Revenue Fund for Texas as necessary to administer the fund or authorized projects.

(b) The legislature by general law may authorize the Texas Water Development Board or that board's successor in function to issue bonds and enter into related credit agreements that are payable from all revenues available to the State Water Implementation Revenue Fund for Texas.

(c) The Texas Water Development Board or that board's successor in function shall provide written notice to the Legislative Budget Board or that board's successor in function before issuing a bond pursuant to this section or entering into a related credit agreement that is payable from revenue deposited to the credit of the State Water Implementation Revenue Fund for Texas and shall provide a copy of the proposed bond or agreement to the Legislative Budget Board or that board's successor in function for approval. The proposed bond or agreement shall be considered to be approved unless the Legislative Budget Board or that board's successor in function issues a written disapproval not later than the 21st day after the date on which the staff of that board receives the submission.

(d) The State Water Implementation Revenue Fund for Texas consists of:

(1) money transferred or deposited to the credit of the fund by general law, including money from any source transferred or deposited to the credit of the fund at the discretion of the Texas Water Development Board or that board's successor in function as authorized by general law;

(2) the proceeds of any fee or tax imposed by this state that by statute is dedicated for deposit to the credit of the fund;

(3) any other revenue that the legislature by statute dedicates for deposit to the credit of the fund;

(4) investment earnings and interest earned on amounts credited to the fund;

(5) the proceeds from the sale of bonds, including revenue bonds issued under this section by the Texas Water Development Board or that board's successor in function for the purpose of providing money for the fund; and

(6) money disbursed to the fund from the State Water Implementation Fund for Texas as authorized by general law.

(e) The legislature by general law shall provide for the manner in which the assets of the State Water Implementation Revenue Fund for Texas may be used, subject to the limitations provided by this section. The legislature by general law may provide for costs of investment of the State Water Implementation Revenue Fund for Texas to be paid from that fund.

(f) In each fiscal year in which amounts become due under the bonds or agreements authorized by this section, the Texas Water Development Board or that board's successor in function shall transfer from revenue deposited to the credit of the State Water Implementation Revenue Fund for Texas in that fiscal year an amount that is sufficient to pay:

(1) the principal of and interest on the bonds that mature or become due during the fiscal year; and

(2) any cost related to the bonds, including payments under related credit agreements that become due during that fiscal year.

(g) Any obligations authorized by general law to be issued by the Texas Water Development Board or that board's successor in function pursuant to this section shall be special obligations payable solely from amounts in the State Water Implementation Revenue Fund for Texas. Obligations issued by the Texas Water Development Board or that board's successor in function pursuant to this section may not be a constitutional state debt payable from the general revenue of the state.

(h) Any dedication or appropriation of revenue to the credit of the State Water Implementation Revenue Fund for Texas may not be modified so as to impair any outstanding bonds secured by a pledge of that revenue unless provisions have been made for a full discharge of those bonds.

(i) Money in the State Water Implementation Revenue Fund for Texas is dedicated by this constitution for purposes of Section 22, Article VIII, of this constitution.

(j) This section being intended only to establish a basic framework and not to be a comprehensive treatment of the State Water Implementation Revenue Fund for Texas, there is hereby reposed in the legislature full power to implement and effectuate the design and objects of this section, including the power to delegate such duties, responsibilities, functions, and authority to the Texas Water Development Board or that board's successor in function as the legislature believes necessary. (Added Nov. 5, 2013.)

Sec. 49-e. TEXAS PARK DEVELOPMENT FUND. (a) The Parks and Wildlife Department, or its successor vested with the powers, duties, and authority which deals with the operation, maintenance, and improvement of State Parks, shall have the authority to provide for, issue and sell general obligation bonds of the State of Texas in an amount authorized by constitutional amendment or by a debt proposition under Section 49 of this article. The bonds shall be called "Texas Park Development Bonds," shall be executed in such form, denominations, and upon such terms as may be prescribed by law, shall bear a rate or rates of interest as may be fixed by the Parks and Wildlife Department or its successor, not to exceed the maximum prescribed by Section 65 of this article, and may be issued in such installments as said Parks and Wildlife Department, or its said successor, finds feasible and practical in accomplishing the purpose set forth herein.

(b) All moneys received from the sale of said bonds shall be deposited in a fund hereby created with the Comptroller of Public Accounts of the State of Texas to be known as the Texas Park Development Fund to be administered (without further appropriation) by the said Parks and Wildlife Department, or its said successor, in such manner as prescribed by law.

(c) Such fund shall be used by said Parks and Wildlife Department, or its said successor, under such provisions as the Legislature may prescribe by general law,

for the purposes of acquiring lands from the United States, or any governmental agency thereof, from any governmental agency of the State of Texas, or from any person, firm, or corporation, for State Park Sites and for developing said sites as State Parks.

(d) While any of the bonds, or any interest on any such bonds, is outstanding and unpaid, there is hereby appropriated out of the first moneys coming into the Treasury in each fiscal year, not otherwise appropriated by this Constitution, an amount which is sufficient to pay the principal and interest on such bonds that mature or become due during such fiscal year, less the amount in the interest and sinking fund at the close of the prior fiscal year, which includes any receipts derived during the prior fiscal year by said Parks and Wildlife Department, or its said successor, from admission charges to State Parks, as the Legislature may prescribe by general law.

(e) The Legislature may provide for the investment of moneys available in the Texas Park Development Fund and the interest and sinking fund established for the payment of bonds issued by said Parks and Wildlife Department, or its said successor. Income from such investment shall be used for the purposes prescribed by the Legislature.

(f) From the moneys received by said Parks and Wildlife Department, or its said successor, from the sale of the bonds issued hereunder, there shall be deposited in the interest and sinking fund for the bonds authorized by this section sufficient moneys to pay the interest to become due during the State fiscal year in which the bonds were issued. After all bonds have been fully paid with interest, or after there are on deposit in the interest and sinking fund sufficient moneys to pay all future maturities of principal and interest, additional moneys received from admission charges to State Parks shall be deposited to the State Parks Fund, or any successor fund which may be established by the Legislature as a depository for Park revenue earned by said Parks and Wildlife Department, or its said successor.

(g) All bonds issued hereunder shall after approval by the Attorney General, registration by the Comptroller of Public Accounts of the State of Texas, and delivery to the purchasers, be incontestable and shall constitute general obligations of the State of Texas under the Constitution of Texas. (Added Nov. 11, 1967; amended Nov. 7, 1995, and Nov. 2, 1999.) (Temporary transition provisions for Sec. 49-e: see Appendix, Note 1.)

Sec. 49-f. BONDS TO FUND FINANCIAL ASSISTANCE TO PURCHASE FARM AND RANCH LAND. (a) The legislature by general law may provide for the issuance of general obligation bonds of the state, the proceeds of which shall be used to make loans and provide other financing assistance for the purchase of farm and ranch land.

(b) Except as provided by Subsection (g) of this section, all money received from the sale of the bonds shall be deposited in a fund created with the comptroller of public accounts to be known as the farm and ranch finance program fund. This fund shall be administered by the Texas Agricultural Finance Authority in the manner prescribed by law.

(c) Section 65(b) of this article applies to the payment of interest on the bonds.

(d) The principal amount of bonds outstanding at one time may not exceed $500 million.

(e) While any of the bonds authorized by this section or any interest on those bonds is outstanding and unpaid, there is appropriated out of the first money coming into the treasury in each fiscal year not otherwise appropriated by this constitution an amount that is sufficient to pay the principal and interest on the bonds that mature or become due during the fiscal year less the amount in the interest and sinking fund at the close of the prior fiscal year.

(f) The bonds shall be approved by the attorney general and registered with the comptroller of public accounts. The bonds, when approved and registered, are general obligations of the state and are incontestable.

(g) Notwithstanding Subsection (a) of this section, the proceeds of $200 million of the bonds authorized by this section may be used for the purposes provided by Section 49-i of this article and for other rural economic development programs, and the proceeds of bonds issued for those purposes under this subsection shall be deposited in the Texas agricultural fund, to be administered in the same manner that proceeds of bonds issued under Section 49-i of this article are administered. (Subsecs. (a)-(f) added Nov. 5, 1985; Subsec. (b) amended and (g) added Nov. 7, 1995.)

Sec. 49-g. SUPERCONDUCTING SUPER COLLIDER FUND. (Proposed by Acts 1987, 70th Leg., R.S., H.J.R. 88; amended Nov. 7, 1995; repealed Nov. 4, 1997.)

Sec. 49-g. ECONOMIC STABILIZATION FUND. (Proposed by Acts 1987, 70th Leg., R.S., H.J.R. 2.) (a) The economic stabilization fund is established as a special fund in the state treasury.

(b) The comptroller shall, not later than the 90th day of each biennium, transfer to the economic stabilization fund one-half of any unencumbered positive balance of general revenues on the last day of the preceding biennium. If necessary, the comptroller shall reduce the amount transferred in proportion to the other amounts prescribed by this section to prevent the amount in the fund from exceeding the limit in effect for that biennium under Subsection (g) of this section.

(c) Not later than the 90th day of each fiscal year, the comptroller of public accounts shall transfer from the general revenue fund to the economic stabilization fund and the state highway fund the sum of the amounts described by Subsections (d) and (e) of this section, to be allocated as provided by Subsections (c-1) and (c-2) of this section. However, if necessary and notwithstanding the allocations prescribed by Subsections (c-1) and (c-2) of this section, the comptroller shall reduce proportionately the amounts described by Subsections (d) and (e) of this section to be transferred and allocated to the economic stabilization fund to prevent the amount in that fund from exceeding the limit in effect for that biennium under Subsection (g) of this section. Revenue transferred to the state highway fund under this subsection may be used only

for constructing, maintaining, and acquiring rights-of-way for public roadways other than toll roads.

(c-1) Of the sum of the amounts described by Subsections (d) and (e) of this section and required to be transferred from the general revenue fund under Subsection (c) of this section, the comptroller shall allocate one-half to the economic stabilization fund and the remainder to the state highway fund, except as provided by Subsection (c-2) of this section.

(c-2) The legislature by general law shall provide for a procedure by which the allocation of the sum of the amounts described by Subsections (d) and (e) of this section may be adjusted to provide for a transfer to the economic stabilization fund of an amount greater than the allocation provided for under Subsection (c-1) of this section with the remainder of that sum, if any, allocated for transfer to the state highway fund. The allocation made as provided by that general law is binding on the comptroller for the purposes of the transfers required by Subsection (c) of this section.

(d) If in the preceding year the state received from oil production taxes a net amount greater than the net amount of oil production taxes received by the state in the fiscal year ending August 31, 1987, the comptroller shall transfer under Subsection (c) of this section and allocate in accordance with Subsections (c-1) and (c-2) of this section an amount equal to 75 percent of the difference between those amounts. The comptroller shall retain the remaining 25 percent of the difference as general revenue. In computing the net amount of oil production taxes received, the comptroller may not consider refunds paid as a result of oil overcharge litigation.

(e) If in the preceding year the state received from gas production taxes a net amount greater than the net amount of gas production taxes received by the state in the fiscal year ending August 31, 1987, the comptroller shall transfer under Subsection (c) of this section and allocate in accordance with Subsections (c-1) and (c-2) of this section an amount equal to 75 percent of the difference between those amounts. The comptroller shall retain the remaining 25 percent of the difference as general revenue. For the purposes of this subsection, the comptroller shall adjust the computation of revenues to reflect only 12 months of collection.

(f) The legislature may appropriate additional amounts to the economic stabilization fund.

(g) During each fiscal biennium, the amount in the economic stabilization fund may not exceed an amount equal to 10 percent of the total amount, excluding investment income, interest income, and amounts borrowed from special funds, deposited in general revenue during the preceding biennium.

(h) In preparing an estimate of anticipated revenues for a succeeding biennium as required by Article III, Section 49a, of this constitution, the comptroller shall estimate the amount of the transfers that will be made under Subsections (b), (d), and (e) of this section. The comptroller shall deduct that amount from the estimate of anticipated revenues as if the transfers were made on August 31 of that fiscal year.

(i) The comptroller shall credit to general revenue interest due to the economic stabilization fund that would result in an amount in the economic stabilization fund that exceeds the limit in effect under Subsection (g) of this section.

(j) The comptroller may transfer money from the economic stabilization fund to general revenue to prevent or eliminate a temporary cash deficiency in general revenue. The comptroller shall return the amount transferred to the economic stabilization fund as soon as practicable, but not later than August 31 of each odd-numbered year. The comptroller shall allocate the depository interest as if the transfers had not been made. If the comptroller submits a statement to the governor and the legislature under Article III, Section 49a, of this constitution when money from the economic stabilization fund is in general revenue, the comptroller shall state that the transferred money is not available for appropriation from general revenue.

(k) Amounts from the economic stabilization fund may be appropriated during a regular legislative session only for a purpose for which an appropriation from general revenue was made by the preceding legislature and may be appropriated in a special session only for a purpose for which an appropriation from general revenue was made in a preceding legislative session of the same legislature. An appropriation from the economic stabilization fund may be made only if the comptroller certifies that appropriations from general revenue made by the preceding legislature for the current biennium exceed available general revenues and cash balances for the remainder of that biennium. The amount of an appropriation from the economic stabilization fund may not exceed the difference between the comptroller's estimate of general revenue for the current biennium at the time the comptroller receives for certification the bill making the appropriation and the amount of general revenue appropriations for that biennium previously certified by the comptroller. Appropriations from the economic stabilization fund under this subsection may not extend beyond the last day of the current biennium. An appropriation from the economic stabilization fund must be approved by a three-fifths vote of the members present in each house of the legislature.

(l) If an estimate of anticipated revenues for a succeeding biennium prepared by the comptroller pursuant to Article III, Section 49a, of this constitution is less than the revenues that are estimated at the same time by the comptroller to be available for the current biennium, the legislature may, by a three-fifths vote of the members present in each house, appropriate for the succeeding biennium from the economic stabilization fund an amount not to exceed this difference. Following each fiscal year, the actual amount of revenue shall be computed, and if the estimated difference exceeds the actual difference, the comptroller shall transfer the amount necessary from general revenue to the economic stabilization fund so that the actual difference shall not be exceeded. If all or a portion of the difference in revenue from one biennium to the next results, at least in part, from a change in a tax rate or base adopted by the legislature, the computation of revenue difference shall be adjusted to the amount that would have been available had the rate or base not been changed.

(m) In addition to the appropriation authority provided by Subsections (k) and (l) of this section, the legislature may, by a two-thirds vote of the members present in each house, appropriate amounts from the economic stabilization fund at any time and for any purpose.

(n) Money appropriated from the economic stabilization fund is subject to being withheld or transferred, within any limits provided by statute, by any person or entity authorized to exercise the power granted by Article XVI, Section 69, of this constitution.

(o) In this section, "net" means the amount of money that is equal to the difference between gross collections and refunds before the comptroller allocates the receipts as provided by law.

(p) (Expired.) (Added Nov. 8, 1988; Subsec. (p) expired Sept. 2, 1989; Subsecs. (i) and (j) amended Nov. 7, 1995; Subsecs. (c), (d), and (e) amended and Subsecs. (c-1) and (c-2) added Nov. 4, 2014.) (Temporary provision for Sec. 49-g: see Appendix, Note 4.)

Sec. 49-h. BOND ISSUES FOR FACILITIES OF CORRECTIONAL INSTITUTIONS, STATEWIDE LAW ENFORCEMENT FACILITIES, AND MENTAL HEALTH AND MENTAL RETARDATION INSTITUTIONS. (a) In amounts authorized by constitutional amendment or by a debt proposition under Section 49 of this article, the legislature may provide for the issuance of general obligation bonds and the use of the bond proceeds for acquiring, constructing, or equipping new facilities or for major repair or renovation of existing facilities of corrections institutions, including youth corrections institutions, and mental health and mental retardation institutions. The legislature may require the review and approval of the issuance of the bonds and the projects to be financed by the bond proceeds. Notwithstanding any other provision of this constitution, the issuer of the bonds or any entity created or directed to review and approve projects may include members or appointees of members of the executive, legislative, and judicial departments of state government.

(b) Bonds issued under this section constitute a general obligation of the state. While any of the bonds or interest on the bonds is outstanding and unpaid, there is appropriated out of the first money coming into the treasury in each fiscal year, not otherwise appropriated by this constitution, the amount sufficient to pay the principal of and interest on the bonds that mature or become due during the fiscal year, less any amount in any sinking fund at the end of the preceding fiscal year that is pledged to payment of the bonds or interest.

(c) In addition to the purposes authorized under Subsection (a), the legislature may authorize the issuance of the general obligation bonds for acquiring, constructing, or equipping:

(1) new statewide law enforcement facilities and for major repair or renovation of existing facilities; and

(2) new prisons and substance abuse felony punishment facilities to confine criminals and major repair or renovation of existing facilities of those institutions, and for the acquisition of, major repair to, or renovation of other facilities for use as state prisons or substance abuse felony punishment facilities. (Added Nov. 3,

1987; Subsec. (c) added Nov. 7, 1989; Subsec. (d) added Nov. 5, 1991; Subsec. (e) added Nov. 2, 1993; Subsecs. (a) and (c) amended, Subsec. (d) amended and redesignated Subsec. (c), and Subsec. (e) deleted Nov. 2, 1999.) (Temporary transition provisions for Sec. 49-h: see Appendix, Note 1.)

Sec. 49-i. TEXAS AGRICULTURAL FUND. (a) The legislature by law may provide for the issuance of general obligation bonds of the state for the purpose of providing money to establish a Texas agricultural fund in the state treasury to be used without further appropriation in the manner provided by law and for the purpose of providing money to establish a rural microenterprise development fund in the state treasury to be used without further appropriation in the manner provided by law. The Texas agricultural fund shall be used only to provide financial assistance to develop, increase, improve, or expand the production, processing, marketing, or export of crops or products grown or produced primarily in this state by agricultural businesses domiciled in the state. The rural microenterprise development fund shall be used only in furtherance of a program established by the legislature to foster and stimulate the creation and expansion of small businesses in rural areas. The financial assistance offered by both funds may include loan guarantees, insurance, coinsurance, loans, and indirect loans or purchases or acceptances of assignments of loans or other obligations.

(b) The principal amount of bonds outstanding at one time may not exceed $25 million for the Texas agricultural fund and $5 million for the rural microenterprise development fund.

(c) The legislature may establish an interest and sinking account and other accounts within the Texas agricultural fund and within the rural microenterprise development fund. The legislature may provide for the investment of bond proceeds and of the interest and sinking accounts. Income from the investment of money in the funds that is not immediately committed to the payment of the principal of and interest on the bonds or the provision of financial assistance shall be used to create new employment and business opportunities in the state through the diversification and expansion of agricultural or rural small businesses, as provided by the legislature.

(d) Bonds authorized under this section constitute a general obligation of the state. While any of the bonds or interest on the bonds is outstanding and unpaid, there is appropriated out of the first money coming into the treasury in each fiscal year, not otherwise appropriated by this constitution, the amount sufficient to pay the principal of and interest on the bonds that mature or become due during the fiscal year, less any amounts in the interest and sinking accounts at the close of the preceding fiscal year that are pledged to payment of the bonds or interest. (Added Nov. 7, 1989.)

Sec. 49-j. LIMIT ON STATE DEBT PAYABLE FROM GENERAL REVENUE FUND. (a) The legislature may not authorize additional state debt if the resulting annual debt service exceeds the limitation imposed by this section. The maximum annual debt service in any fiscal year on state debt payable from the general revenue fund may not exceed five percent of an amount equal to the average of the amount of general revenue fund revenues, excluding revenues constitutionally dedicated for purposes other than payment of state debt, for the three preceding fiscal years.

(b) For purposes of this section, "state debt payable from the general revenue fund" means general obligation and revenue bonds, including authorized but unissued bonds, and lease-purchase agreements in an amount greater than $250,000, which bonds or lease purchase agreements are designed to be repaid with the general revenues of the state. The term does not include bonds that, although backed by the full faith or credit of the state, are reasonably expected to be paid from other revenue sources and that are not expected to create a general revenue draw. Bonds or lease purchase agreements that pledge the full faith and credit of the state are considered to be reasonably expected to be paid from other revenue sources if they are designed to receive revenues other than state general revenues sufficient to cover their debt service over the life of the bonds or agreement. If those bonds or agreements, or any portion of the bonds or agreements, subsequently requires use of the state's general revenue for payment, the bonds or agreements, or portion of the bonds or agreements, is considered to be a "state debt payable from the general revenue fund" under this section, until:

(1) the bonds or agreements are backed by insurance or another form of guarantee that ensures payment from a source other than general revenue; or

(2) the issuer demonstrates to the satisfaction of the Bond Review Board or its successor designated by law that the bonds no longer require payment from general revenue, and the Bond Review Board so certifies to the Legislative Budget Board or its successor designated by law. (Added Nov. 4, 1997.)

Sec. 49-k. TEXAS MOBILITY FUND. (a) In this section:

(1) "Commission" means the Texas Transportation Commission or its successor.

(2) "Comptroller" means the comptroller of public accounts of the State of Texas.

(3) "Department" means the Texas Department of Transportation or its successor.

(4) "Fund" means the Texas Mobility Fund.

(5) "Obligations" means bonds, notes, and other public securities.

(b) The Texas Mobility Fund is created in the state treasury and shall be administered by the commission as a revolving fund to provide a method of financing the construction, reconstruction, acquisition, and expansion of state highways, including costs of any necessary design and costs of acquisition of rights-of-way, as determined by the commission in accordance with standards and procedures established by law.

(c) Money in the fund may also be used to provide participation by the state in the payment of a portion of the costs of constructing and providing publicly owned toll roads and other public transportation projects in accordance with the procedures, standards, and limitations established by law.

(d) The commission may issue and sell obligations of the state and enter into related credit agreements that are payable from and secured by a pledge of and a lien on all or part of the money on deposit in the fund in an aggregate

principal amount that can be repaid when due from money on deposit in the fund, as that aggregate amount is projected by the comptroller in accordance with procedures established by law. The proceeds of the obligations must be deposited in the fund and used for one or more specific purposes authorized by law, including:

(1) refunding obligations and related credit agreements authorized by this section;

(2) creating reserves for payment of the obligations and related credit agreements;

(3) paying the costs of issuance; and

(4) paying interest on the obligations and related credit agreements for a period not longer than the maximum period established by law.

(e) The legislature by law may dedicate to the fund one or more specific sources or portions, or a specific amount, of the revenue, including taxes, and other money of the state that are not otherwise dedicated by this constitution. The legislature may not dedicate money from the collection of motor vehicle registration fees and taxes on motor fuels and lubricants dedicated by Section 7-a, Article VIII, of this constitution, but it may dedicate money received from other sources that are allocated to the same costs as those dedicated taxes and fees.

(f) Money dedicated as provided by this section is appropriated when received by the state, shall be deposited in the fund, and may be used as provided by this section and law enacted under this section without further appropriation. While money in the fund is pledged to the payment of any outstanding obligations or related credit agreements, the dedication of a specific source or portion of revenue, taxes, or other money made as provided by this section may not be reduced, rescinded, or repealed unless:

(1) the legislature by law dedicates a substitute or different source that is projected by the comptroller to be of a value equal to or greater than the source or amount being reduced, rescinded, or repealed and authorizes the commission to implement the authority granted by Subsection (g) of this section; and

(2) the commission implements the authority granted by the legislature pursuant to Subsection (g) of this section.

(g) In addition to the dedication of specified sources or amounts of revenue, taxes, or money as provided by Subsection (e) of this section, the legislature may by law authorize the commission to guarantee the payment of any obligations and credit agreements issued and executed by the commission under the authority of this section by pledging the full faith and credit of the state to that payment if dedicated revenue is insufficient for that purpose. If that authority is granted and is implemented by the commission, while any of the bonds, notes, other obligations, or credit agreements are outstanding and unpaid, and for any fiscal year during which the dedicated revenue, taxes, and money are insufficient to make all payments when due, there is appropriated, and there shall be deposited in the fund, out of the first money coming into the state treasury in each fiscal year that is not otherwise appropriated by this constitution, an amount that is

sufficient to pay the principal of the obligations and agreements and the interest on the obligations and agreements that become due during that fiscal year, minus any amount in the fund that is available for that payment in accordance with applicable law.

(h) Proceedings authorizing obligations and related credit agreements to be issued and executed under the authority of this section shall be submitted to the attorney general for approval as to their legality. If the attorney general finds that they will be issued in accordance with this section and applicable law, the attorney general shall approve them, and, after payment by the purchasers of the obligations in accordance with the terms of sale and after execution and delivery of the related credit agreements, the obligations and related credit agreements are incontestable for any cause.

(i) Obligations and credit agreements issued or executed under the authority of this section may not be included in the computation required by Section 49-j, Article III, of this constitution, except that if money has been dedicated to the fund without specification of its source or the authority granted by Subsection (g) of this section has been implemented, the obligations and credit agreements shall be included to the extent the comptroller projects that general funds of the state, if any, will be required to pay amounts due on or on account of the obligations and credit agreements.

(j) The collection and deposit of the amounts required by this section, applicable law, and contract to be applied to the payment of obligations and credit agreements issued, executed, and secured under the authority of this section may be enforced by mandamus against the commission, the department, and the comptroller in a district court of Travis County, and the sovereign immunity of the state is waived for that purpose. (Added Nov. 6, 2001.)

Sec. 49-l. FINANCIAL ASSISTANCE TO COUNTIES FOR ROADWAY PROJECTS TO SERVE BORDER COLONIAS. (a) To fund financial assistance to counties for roadways to serve border colonias, the legislature by general law may authorize the governor to authorize the Texas Public Finance Authority or its successor to issue general obligation bonds or notes of the State of Texas in an aggregate amount not to exceed $175 million and to enter into related credit agreements. Except as provided by Subsection (c) of this section, the proceeds from the sale of the bonds and notes may be used only to provide financial assistance to counties for projects to provide access roads to connect border colonias with public roads. Projects may include the construction of colonia access roads, the acquisition of materials used in maintaining colonia access roads, and projects related to the construction of colonia access roads, such as projects for the drainage of the roads.

(b) The Texas Transportation Commission may, in its discretion and in consultation with the office of the governor, determine what constitutes a border colonia for purposes of selecting the counties and projects that may receive assistance under this section.

(c) A portion of the proceeds from the sale of the bonds and notes and a portion of the interest earned on the bonds and notes may be used to pay:

(1) the costs of administering projects authorized under this section; and

(2) all or part of a payment owed or to be owed under a credit agreement.

(d) The bonds and notes authorized under this section constitute a general obligation of the state. While any of the bonds or notes or interest on the bonds or notes is outstanding and unpaid, there is appropriated out of the general revenue fund in each fiscal year an amount sufficient to pay the principal of and interest on the bonds and notes that mature or become due during the fiscal year, including an amount sufficient to make payments under a related credit agreement. (Added Nov. 6, 2001.)

Sec. 49-m. TEXAS DEPARTMENT OF TRANSPORTATION SHORT-TERM NOTES AND LOANS. (a) The legislature, by law, may authorize the Texas Transportation Commission or its successor to authorize the Texas Department of Transportation or its successor to issue notes or borrow money from any source to carry out the functions of the department.

(b) Notes issued or a loan obtained under this section may not have a term of more than two years. The legislature may appropriate money dedicated by Sections 7-a and 7-b, Article VIII, of this constitution for the purpose of paying a debt created by the notes or loan. (Added Sept. 13, 2003.)

Sec. 49-n. HIGHWAY TAX AND REVENUE ANTICIPATION NOTES. (Proposed by Acts 2003, 78th Leg., R.S., H.J.R. 28.) (a) To fund highway improvement projects, the legislature may authorize the Texas Transportation Commission or its successor to issue bonds and other public securities and enter into bond enhancement agreements that are payable from revenue deposited to the credit of the state highway fund.

(b) In each fiscal year in which amounts become due under the bonds, other public securities, or agreements authorized by this section, there is appropriated from the revenue deposited to the credit of the state highway fund in that fiscal year an amount that is sufficient to pay:

(1) the principal of and interest on the bonds or other public securities that mature or become due during the fiscal year; and

(2) any cost related to the bonds and other public securities, including payments under bond enhancement agreements, that becomes due during that fiscal year.

(c) Any dedication or appropriation of revenue to the credit of the state highway fund may not be modified so as to impair any outstanding bonds or other public securities secured by a pledge of that revenue unless provisions have been made for a full discharge of those securities. (Added Sept. 13, 2003.)

Sec. 49-n. GENERAL OBLIGATION BONDS AND NOTES FOR MILITARY VALUE REVOLVING LOAN ACCOUNT. (Proposed by Acts 2003, 78th Leg., R.S., S.J.R. 55.) (a) The legislature by general law may authorize one or more state agencies to issue general obligation bonds or notes of the State of Texas in an aggregate amount not to exceed $250 million and enter into related credit agreements. The proceeds from the sale of the bonds and notes shall be deposited in the Texas military value revolving loan account in the state treasury

or its successor account to be used by one or more state agencies designated by the legislature by general law without further appropriation to provide loans for economic development projects that benefit defense-related communities, as defined by the legislature by general law, including projects that enhance the military value of military installations located in the state.

(b) The expenses incurred in connection with the issuance of the bonds and notes and the costs of administering the Texas military value revolving loan account may be paid from money in the account. Money in the Texas military value revolving loan account may be used to pay all or part of any payment owed under a credit agreement related to the bonds or notes.

(c) A defense-related community receiving a loan from the Texas military value revolving loan account may use money from the account to capitalize interest on the loan.

(d) An agency providing a loan from the Texas military value revolving loan account to a defense-related community may require the defense-related community to pay any pro rata cost of issuing the general obligation bonds and notes.

(e) Bonds and notes authorized under this section are a general obligation of the state. While any of the bonds or notes or interest on the bonds or notes is outstanding and unpaid, there is appropriated out of the first money coming into the treasury in each fiscal year, not otherwise appropriated by this constitution, the amount sufficient to pay the principal of and interest on the bonds or notes that mature or become due during the fiscal year, including an amount sufficient to make payments under a related credit agreement, less any amounts in the interest and sinking accounts at the close of the preceding fiscal year that are pledged to payment of the bonds or notes or interest. (Added Sept. 13, 2003.)

Sec. 49-o. TEXAS RAIL RELOCATION AND IMPROVEMENT FUND. (a) In this section:

(1) "Commission" means the Texas Transportation Commission or its successor.

(2) "Comptroller" means the comptroller of public accounts of the State of Texas.

(3) "Department" means the Texas Department of Transportation or its successor.

(4) "Fund" means the Texas rail relocation and improvement fund.

(5) "Improvement" includes construction, reconstruction, acquisition, rehabilitation, and expansion.

(6) "Obligations" means bonds, notes, and other public securities.

(b) The Texas rail relocation and improvement fund is created in the state treasury. The fund shall be administered by the commission to provide a method of financing the relocation and improvement of privately and publicly owned passenger and freight rail facilities for the purposes of:

(1) relieving congestion on public highways;

(2) enhancing public safety;

(3) improving air quality; or

(4) expanding economic opportunity.

(b-1) The fund may also be used to provide a method of financing the construction of railroad underpasses and overpasses, if the construction is part of the relocation of a rail facility.

(c) The commission may issue and sell obligations of the state and enter into related credit agreements that are payable from and secured by a pledge of and a lien on all or part of the money on deposit in the fund in an aggregate principal amount that can be repaid when due from money on deposit in the fund, as that aggregate amount is projected by the comptroller in accordance with procedures established by law. The proceeds of the obligations must be deposited in the fund and used for one or more specific purposes authorized by law, including:

(1) refunding obligations and related credit agreements authorized by this section;

(2) creating reserves for payment of the obligations and related credit agreements;

(3) paying the costs of issuance; and

(4) paying interest on the obligations and related credit agreements for a period not longer than the maximum period established by law.

(d) The legislature by law may dedicate to the fund one or more specific sources or portions, or a specific amount, of the revenue, including taxes, and other money of the state that are not otherwise dedicated by this constitution.

(e) Money dedicated as provided by this section is appropriated when received by the state, shall be deposited in the fund, and may be used as provided by this section and law enacted under this section without further appropriation. While money in the fund is pledged to the payment of any outstanding obligations or related credit agreements, the dedication of a specific source or portion of revenue, taxes, or other money made as provided by this section may not be reduced, rescinded, or repealed unless:

(1) the legislature by law dedicates a substitute or different source that is projected by the comptroller to be of a value equal to or greater than the source or amount being reduced, rescinded, or repealed and authorizes the commission to implement the authority granted by Subsection (f) of this section; and

(2) the commission implements the authority granted by the legislature pursuant to Subsection (f) of this section.

(f) In addition to the dedication of specified sources or amounts of revenue, taxes, or money as provided by Subsection (d) of this section, the legislature may by law authorize the commission to guarantee the payment of any obligations and credit agreements issued and executed by the commission under the authority of this section by pledging the full faith and credit of the state to that payment if dedicated revenue is insufficient for that purpose. If that authority is granted and is implemented by the commission, while any of the bonds, notes, other

obligations, or credit agreements are outstanding and unpaid, and for any fiscal year during which the dedicated revenue, taxes, and money are insufficient to make all payments when due, there is appropriated, and there shall be deposited in the fund, out of the first money coming into the state treasury in each fiscal year that is not otherwise appropriated by this constitution, an amount sufficient to pay the principal of and interest on the obligations and agreements that become due during that fiscal year, minus any amount in the fund that is available for that payment in accordance with applicable law.

(g) Proceedings authorizing obligations and related credit agreements to be issued and executed under the authority of this section shall be submitted to the attorney general for approval as to their legality. If the attorney general finds that they will be issued in accordance with this section and applicable law, the attorney general shall approve them, and, after payment by the purchasers of the obligations in accordance with the terms of sale and after execution and delivery of the related credit agreements, the obligations and related credit agreements are incontestable for any cause.

(h) Obligations and credit agreements issued or executed under the authority of this section may not be included in the computation required by Section 49-j, Article III, of this constitution, except that if money has been dedicated to the fund without specification of its source or the authority granted by Subsection (f) of this section has been implemented, the obligations and credit agreements shall be included to the extent the comptroller projects that general funds of the state, if any, will be required to pay amounts due on or on account of the obligations and credit agreements.

(i) The collection and deposit of the amounts required by this section, applicable law, and contract to be applied to the payment of obligations and credit agreements issued, executed, and secured under the authority of this section may be enforced by mandamus against the commission, the department, and the comptroller in a district court of Travis County, and the sovereign immunity of the state is waived for that purpose. (Added Nov. 8, 2005.)

Sec. 49-p. TEXAS TRANSPORTATION COMMISSION; TEXAS HIGHWAY IMPROVEMENT FUNDS. (a) To provide funding for highway improvement projects, the legislature by general law may authorize the Texas Transportation Commission or its successor to issue general obligation bonds of the State of Texas in an aggregate amount not to exceed $5 billion and enter into related credit agreements. The bonds shall be executed in the form, on the terms, and in the denominations, bear interest, and be issued in installments as prescribed by the Texas Transportation Commission or its successor.

(b) A portion of the proceeds from the sale of the bonds and a portion of the interest earned on the bonds may be used to pay:

(1) the costs of administering projects authorized under this section;

(2) the cost or expense of the issuance of the bonds; and

(3) all or part of a payment owed or to be owed under a credit agreement.

(c) The bonds authorized under this section constitute a general obligation of the state. While any of the bonds or interest on the bonds is outstanding and

unpaid, there is appropriated out of the first money coming into the treasury each fiscal year, not otherwise appropriated by this constitution, an amount sufficient to pay the principal of and interest on the bonds that mature or become due during the fiscal year, including an amount sufficient to make payments under a related credit agreement.

(d) Bonds issued under this section, after approval by the attorney general, registration by the comptroller of public accounts, and delivery to the purchasers, are incontestable and are general obligations of the State of Texas under this constitution. (Added Nov. 6, 2007.)

Sec. 50. LOAN OR PLEDGE OF CREDIT OF STATE. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State in aid of, or to any person, association or corporation, whether municipal or other, or to pledge the credit of the State in any manner whatsoever, for the payment of the liabilities, present or prospective, of any individual, association of individuals, municipal or other corporation whatsoever.

Sec. 50a. (Repealed Nov. 5, 2013.)

Sec. 50b. (Repealed Nov. 2, 1999.) (Temporary transition provisions for Sec. 50b: see Appendix, Note 1.)

Sec. 50b-1. (Repealed Nov. 2, 1999.) (Temporary transition provisions for Sec. 50b-1: see Appendix, Note 1.)

Sec. 50b-2. (Repealed Nov. 2, 1999.) (Temporary transition provisions for Sec. 50b-2: see Appendix, Note 1.)

Sec. 50b-3. (Repealed Nov. 2, 1999.) (Temporary transition provisions for Sec. 50b-3: see Appendix, Note 1.)

Sec. 50b-4. ADDITIONAL STUDENT LOANS. (a) The legislature by general law may authorize the Texas Higher Education Coordinating Board or its successor or successors to issue and sell general obligation bonds of the State of Texas in an amount authorized by constitutional amendment or by a debt proposition under Section 49 of this article to finance educational loans to students who have been admitted to attend an institution of higher education within the State of Texas, public or private, which is recognized or accredited under terms and conditions prescribed by the Legislature.

(b) The bonds shall be executed in the form, on the terms, and in the denominations, bear interest, and be issued in installments as prescribed by the Texas Higher Education Coordinating Board or its successor or successors.

(c) The maximum net effective interest rate to be borne by bonds issued under this section must be set by law.

(d) The legislature may provide for the investment of bond proceeds and may establish and provide for the investment of an interest and sinking fund to pay the bonds. Income from the investment shall be used for the purposes prescribed by the legislature.

(e) While any of the bonds issued under this section or interest on the bonds is outstanding and unpaid, there is appropriated out of the first money

coming into the treasury in each fiscal year, not otherwise appropriated by this constitution, the amount sufficient to pay the principal of and interest on the bonds that mature or become due during the fiscal year, less any amount in an interest and sinking fund established under this section at the end of the preceding fiscal year that is pledged to the payment of the bonds or interest.

(f) Bonds issued under this section, after approval by the attorney general, registration by the comptroller of public accounts, and delivery to the purchasers, are incontestable. (Added Nov. 7, 1995; Subsec. (a) amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 50b-4: see Appendix, Note 1.)

Sec. 50b-5. ADDITIONAL STUDENT LOANS. (a) The legislature by general law may authorize the Texas Higher Education Coordinating Board or its successor or successors to issue and sell general obligation bonds of the State of Texas in an amount not to exceed $400 million to finance educational loans to students. The bonds are in addition to those bonds issued under Sections 50b, 50b-1, 50b-2, 50b-3, and 50b-4 of this article.

(b) The bonds shall be executed in the form, on the terms, and in the denominations, bear interest, and be issued in installments as prescribed by the Texas Higher Education Coordinating Board or its successor or successors.

(c) The maximum net effective interest rate to be borne by bonds issued under this section may not exceed the maximum rate provided by law.

(d) The legislature may provide for the investment of bond proceeds and may establish and provide for the investment of an interest and sinking fund to pay the bonds. Income from the investment shall be used for the purposes prescribed by the legislature.

(e) While any of the bonds issued under this section or interest on the bonds is outstanding and unpaid, there is appropriated out of the first money coming into the treasury in each fiscal year, not otherwise appropriated by this constitution, the amount sufficient to pay the principal of and interest on the bonds that mature or become due during the fiscal year, less any amount in an interest and sinking fund established under this section at the end of the preceding fiscal year that is pledged to the payment of the bonds or interest.

(f) Bonds issued under this section, after approval by the attorney general, registration by the comptroller of public accounts, and delivery to the purchasers, are incontestable. (Added Nov. 2, 1999.)

Sec. 50b-6. ADDITIONAL STUDENT LOANS. (a) The legislature by general law may authorize the Texas Higher Education Coordinating Board or its successor or successors to issue and sell general obligation bonds of the State of Texas in an amount not to exceed $500 million in order to finance educational loans to students in the manner provided by law. The bonds are in addition to bonds issued under Sections 50b-4 and 50b-5 of this article and under any other provision or former provision of this constitution authorizing similar bonds.

(b) The bonds shall be executed in the form, on the terms, and in the denominations, bear interest, and be issued in installments as prescribed by the Texas Higher Education Coordinating Board or its successor or successors.

(c) The maximum net effective interest rate to be borne by bonds issued under this section may not exceed the maximum rate provided by law.

(d) The legislature may provide for the investment of bond proceeds and may establish and provide for the investment of an interest and sinking fund to pay the bonds. Income from the investment shall be used for the purposes prescribed by the legislature.

(e) Notwithstanding any other provision of this article, there is appropriated out of the first money coming into the treasury in each fiscal year, not otherwise appropriated by this constitution, the amount sufficient to pay the principal of and interest on any bonds issued under this section, under Sections 50b-4 and 50b-5 of this article, and under any other provision or former provision of this article authorizing similar bonds that mature or become due during the fiscal year, less any amount remaining in an interest and sinking fund established under this section, Section 50b-4 or 50b-5 of this article, or any other provision or former provision of this article authorizing similar bonds at the end of the preceding fiscal year that is pledged to the payment of the bonds or interest.

(f) Bonds issued under this section, after approval by the attorney general, registration by the comptroller of public accounts, and delivery to the purchasers, are incontestable. (Added Nov. 6, 2007.)

Sec. 50b-6A. AUTHORIZING BOND ENHANCEMENT AGREEMENTS WITH RESPECT TO BONDS ISSUED FOR ADDITIONAL STUDENT LOANS. The legislature by general law may provide for the Texas Higher Education Coordinating Board or its successor or successors to enter into bond enhancement agreements with appropriate entities with respect to any bonds issued under Section 50b-4, 50b-5, or 50b-6 of this article or under any other provision or former provision of this article authorizing similar bonds. Payments due from the coordinating board under a bond enhancement agreement with respect to the principal of or interest on the bonds shall be treated for purposes of this constitution as payments of the principal of and interest on the bonds, and money appropriated for the purpose of paying the principal of and interest on the bonds as they mature or become due may be used to make payments under bond enhancement agreements authorized by this section with respect to the bonds. (Added Nov. 6, 2007.)

Sec. 50b-7. CONTINUING AUTHORIZATION FOR ADDITIONAL BONDS FOR STUDENT LOANS. (a) The legislature by general law may authorize the Texas Higher Education Coordinating Board or its successor or successors to issue and sell general obligation bonds of the State of Texas for the purpose of financing educational loans to students in the manner provided by law. The principal amount of outstanding bonds issued under this section must at all times be equal to or less than the aggregate principal amount of state general obligation bonds previously authorized for that purpose by any other provision or former provision of this constitution.

(b) The bonds shall be executed in the form, on the terms, and in the denominations, bear interest, and be issued in installments as prescribed by the Texas Higher Education Coordinating Board or its successor or successors.

(c) The maximum net effective interest rate to be borne by bonds issued under this section may not exceed the maximum rate provided by law.

(d) The legislature may provide for the investment of bond proceeds and may establish and provide for the investment of an interest and sinking fund to pay the bonds. Income from the investment shall be used for the purposes prescribed by the legislature.

(e) While any of the bonds issued under this section or interest on the bonds is outstanding and unpaid, there is appropriated out of the first money coming into the treasury in each fiscal year, not otherwise appropriated by this constitution, the amount sufficient to pay the principal of and interest on the bonds that mature or become due during the fiscal year, less any amount in an interest and sinking fund established under this section at the end of the preceding fiscal year that is pledged to the payment of the bonds or interest.

(f) Bonds issued under this section, after approval by the attorney general, registration by the comptroller of public accounts, and delivery to the purchasers, are incontestable. (Added Nov. 8, 2011.)

Sec. 50c. FARM AND RANCH LOANS. (a) The legislature may provide that the commissioner of agriculture shall have the authority to provide for, issue, and sell general obligation bonds of the State of Texas in an amount not to exceed $10 million. The bonds shall be called "Farm and Ranch Loan Security Bonds" and shall be executed in such form, denominations, and on such terms as may be prescribed by law. The bonds shall bear interest rates fixed by the Legislature of the State of Texas.

(b) All money received from the sale of Farm and Ranch Loan Security Bonds shall be deposited in a fund hereby created with the comptroller of public accounts to be known as the "Farm and Ranch Loan Security Fund." This fund shall be administered without further appropriation by the commissioner of agriculture in the manner prescribed by law.

(c) The Farm and Ranch Loan Security Fund shall be used by the commissioner of agriculture under provisions prescribed by the legislature for the purpose of guaranteeing loans used for the purchase of farm and ranch real estate, for acquiring real estate mortgages or deeds of trust on lands purchased with guaranteed loans, and to advance to the borrower a percentage of the principal and interest due on those loans; provided that the commissioner shall require at least six percent interest be paid by the borrower on any advance of principal and interest. The legislature may authorize the commissioner to sell at foreclosure any land acquired in this manner, and proceeds from that sale shall be deposited in the Farm and Ranch Loan Security Fund.

(d) The legislature may provide for the investment of money available in the Farm and Ranch Loan Security Fund and the interest and sinking fund established for the payment of bonds issued by the commissioner of agriculture. Income from the investment shall be used for purposes prescribed by the legislature.

(e) While any of the bonds authorized by this section or any interest on those bonds is outstanding and unpaid, there is hereby appropriated out of the first money coming into the treasury in each fiscal year not otherwise appropriated

by this constitution an amount that is sufficient to pay the principal and interest on the bonds that mature or become due during the fiscal year less the amount in the interest and sinking fund at the close of the prior fiscal year. (Added Nov. 6, 1979; Subsec. (b) amended Nov. 7, 1995.)

Sec. 50-d. AGRICULTURAL WATER CONSERVATION BONDS. (a) On a two-thirds vote of the members elected to each house of the legislature, the Texas Water Development Board may issue and sell Texas agricultural water conservation bonds in an amount not to exceed $200 million.

(b) The proceeds from the sale of Texas agricultural water conservation bonds shall be deposited in a fund created in the state treasury to be known as the agricultural water conservation fund.

(c) Texas agricultural water conservation bonds are general obligations of the State of Texas. During the time that Texas agricultural water conservation bonds or any interest on those bonds is outstanding or unpaid, there is appropriated out of the first money coming into the state treasury in each fiscal year, not otherwise appropriated by this constitution, an amount that is sufficient to pay the principal of and interest on those bonds that mature or become due during that fiscal year.

(d) The terms, conditions, provisions, and procedures for issuance and sale and management of proceeds of Texas agricultural water conservation bonds shall be provided by law.

(e) (Repealed.) (Added Nov. 5, 1985; Subsec. (e) repealed Nov. 7, 1989; Subsec. (c) amended Nov. 4, 1997.)

Sec. 50-e. GUARANTEE OF TEXAS GRAIN WAREHOUSE SELF-INSURANCE FUND. (a) For the purposes of providing surety for the Texas grain warehouse self-insurance fund, the legislature by general law may establish or provide for a guarantee of the fund not to exceed $5 million.

(b) At the beginning of the fiscal year after the fund reaches $5 million, as certified by the comptroller of public accounts, the guarantee of the fund shall cease and this provision shall expire.

(c) Should the legislature enact any enabling laws in anticipation of this amendment, no such law shall be void by reason of its anticipating nature.

(d) If the provisions of this section conflict with any other provisions of this constitution, the provisions of this section shall prevail. (Added Nov. 3, 1987.)

Sec. 50-f. ISSUANCE OF GENERAL OBLIGATION BONDS FOR CONSTRUCTION AND REPAIR PROJECTS; PURCHASE OF EQUIPMENT. (a) The legislature by general law may authorize the Texas Public Finance Authority to provide for, issue, and sell general obligation bonds of the State of Texas in an amount not to exceed $850 million and to enter into related credit agreements. The bonds shall be executed in the form, on the terms, and in the denominations, bear interest, and be issued in installments as prescribed by the Texas Public Finance Authority.

(b) Proceeds from the sale of the bonds shall be deposited in a separate fund or account within the state treasury created by the comptroller for this purpose. Money in the separate fund or account may be used only to pay for:

(1) construction and repair projects authorized by the legislature by general law or the General Appropriations Act and administered by or on behalf of the General Services Commission, the Texas Youth Commission, the Texas Department of Criminal Justice, the Texas Department of Mental Health and Mental Retardation, the Parks and Wildlife Department, the adjutant general's department, the Texas School for the Deaf, the Department of Agriculture, the Department of Public Safety of the State of Texas, the State Preservation Board, the Texas Department of Health, the Texas Historical Commission, or the Texas School for the Blind and Visually Impaired; or

(2) the purchase, as authorized by the legislature by general law or the General Appropriations Act, of needed equipment by or on behalf of a state agency listed in Subdivision (1) of this subsection.

(c) The maximum net effective interest rate to be borne by bonds issued under this section may be set by general law.

(d) While any of the bonds or interest on the bonds authorized by this section is outstanding and unpaid, from the first money coming into the state treasury in each fiscal year not otherwise appropriated by this constitution, an amount sufficient to pay the principal and interest on bonds that mature or become due during the fiscal year and to make payments that become due under a related credit agreement during the fiscal year is appropriated, less the amount in the sinking fund at the close of the previous fiscal year.

(e) Bonds issued under this section, after approval by the attorney general, registration by the comptroller of public accounts, and delivery to the purchasers, are incontestable and are general obligations of the State of Texas under this constitution. (Added Nov. 6, 2001.)

Sec. 50-g. GENERAL OBLIGATION BONDS ISSUED FOR MAINTENANCE, IMPROVEMENT, REPAIR, OR CONSTRUCTION PROJECTS. (a) The legislature by general law may authorize the Texas Public Finance Authority to provide for, issue, and sell general obligation bonds of the State of Texas in an amount not to exceed $1 billion and to enter into related credit agreements. The bonds shall be executed in the form, on the terms, and in the denominations, bear interest, and be issued in installments as prescribed by the Texas Public Finance Authority.

(b) Proceeds from the sale of the bonds shall be deposited in a separate fund or account within the state treasury created by the comptroller of public accounts for this purpose. Money in the separate fund or account may be used only to pay for:

(1) maintenance, improvement, repair, or construction projects authorized by the legislature by general law or the General Appropriations Act and administered by or on behalf of the Texas Building and Procurement Commission, the Parks and Wildlife Department, the adjutant general's department, the Department of State Health Services, the Department of Aging and Disability Services, the Texas School for the Blind and Visually Impaired, the Texas Youth Commission, the Texas Historical Commission, the Texas Department of Criminal Justice, the Texas School for the Deaf, or the Department of Public Safety of the State of Texas; or

(2) the purchase, as authorized by the legislature by general law or the General Appropriations Act, of needed equipment by or on behalf of a state agency listed in Subdivision (1) of this subsection.

(c) The maximum net effective interest rate to be borne by bonds issued under this section may be set by general law.

(d) While any of the bonds or interest on the bonds authorized by this section is outstanding and unpaid, from the first money coming into the state treasury in each fiscal year not otherwise appropriated by this constitution, an amount sufficient to pay the principal and interest on bonds that mature or become due during the fiscal year and to make payments that become due under a related credit agreement during the fiscal year is appropriated, less the amount in the sinking fund at the close of the previous fiscal year.

(e) Bonds issued under this section, after approval by the attorney general, registration by the comptroller of public accounts, and delivery to the purchasers, are incontestable and are general obligations of the State of Texas under this constitution. (Added Nov. 6, 2007.)

Sec. 51. GRANTS OF PUBLIC MONEY PROHIBITED; EXCEPTIONS. The Legislature shall have no power to make any grant or authorize the making of any grant of public moneys to any individual, association of individuals, municipal or other corporations whatsoever; provided that the provisions of this Section shall not be construed so as to prevent the grant of aid in cases of public calamity. (Amended Nov. 6, 1894, Nov. 1, 1898, Nov. 8, 1904, Nov. 8, 1910, Nov. 5, 1912, Nov. 4, 1924, Nov. 6, 1928, Nov. 5, 1968, and Nov. 2, 1999.) (Temporary transition provisions for Sec. 51: see Appendix, Note 1.)

Sec. 51-a. ASSISTANCE GRANTS AND MEDICAL CARE FOR NEEDY AGED, DISABLED, AND BLIND PERSONS AND NEEDY CHILDREN; FEDERAL FUNDS. (a) The Legislature shall have the power, by General Laws, to provide, subject to limitations herein contained, and such other limitations, restrictions and regulations as may by the Legislature be deemed expedient, for assistance grants to needy dependent children and the caretakers of such children, needy persons who are totally and permanently disabled because of a mental or physical handicap, needy aged persons and needy blind persons.

(b) The Legislature may provide by General Law for medical care, rehabilitation and other similar services for needy persons. The Legislature may prescribe such other eligibility requirements for participation in these programs as it deems appropriate and may make appropriations out of state funds for such purposes. The maximum amount paid out of state funds for assistance grants to or on behalf of needy dependent children and their caretakers shall not exceed one percent of the state budget. The Legislature by general statute shall provide for the means for determining the state budget amounts, including state and other funds appropriated by the Legislature, to be used in establishing the biennial limit.

(c) Provided further, that if the limitations and restrictions herein contained are found to be in conflict with the provisions of appropriate federal statutes, as they now are or as they may be amended to the extent that federal matching

money is not available to the state for these purposes, then and in that event the Legislature is specifically authorized and empowered to prescribe such limitations and restrictions and enact such laws as may be necessary in order that such federal matching money will be available for assistance and/or medical care for or on behalf of needy persons.

(d) Nothing in this Section shall be construed to amend, modify or repeal Section 31 of Article XVI of this Constitution; provided further, however, that such medical care, services or assistance shall also include the employment of objective or subjective means, without the use of drugs, for the purpose of ascertaining and measuring the powers of vision of the human eye, and fitting lenses or prisms to correct or remedy any defect or abnormal condition of vision. Nothing herein shall be construed to permit optometrists to treat the eyes for any defect whatsoever in any manner nor to administer nor to prescribe any drug or physical treatment whatsoever, unless such optometrist is a regularly licensed physician or surgeon under the laws of this state. (Added Aug. 25, 1945; amended Nov. 2, 1954, Nov. 5, 1957, Nov. 6, 1962, Nov. 9, 1963, Nov. 2, 1965, Aug. 5, 1969, Nov. 2, 1982, and Nov. 2, 1999.) (Temporary transition provisions for Sec. 51-a: see Appendix, Note 1.)

Sec. 51-a-1. ASSISTANCE TO LOCAL FIRE DEPARTMENTS. (a) The legislature by general law may authorize the use of public money to provide to local fire departments and other public fire-fighting organizations:

(1) loans or other financial assistance to purchase fire-fighting equipment and to aid in providing necessary equipment and facilities to comply with federal and state law; and

(2) scholarships and grants to educate and train the members of local fire departments and other public fire-fighting organizations.

(b) A portion of the money used under this section may be used for the administrative costs of the program. The legislature shall provide for the terms and conditions of scholarships, grants, loans, and other financial assistance to be provided under this section. (Added Nov. 7, 1989.)

Sec. 51-b. (Repealed Nov. 7, 1978.)

Sec. 51-c. AID OR COMPENSATION TO PERSONS IMPROPERLY FINED OR IMPRISONED. The Legislature may grant aid and compensation to any person who has heretofore paid a fine or served a sentence in prison, or who may hereafter pay a fine or serve a sentence in prison, under the laws of this State for an offense for which he or she is not guilty, under such regulations and limitations as the Legislature may deem expedient. (Added Nov. 6, 1956.)

Sec. 51-d. PAYMENT OF ASSISTANCE TO SURVIVORS OF LAW ENFORCEMENT AND OTHER OFFICERS. The Legislature shall have the power, by general law, to provide for the payment of assistance by the State of Texas to the surviving spouse, minor children, and surviving dependent parents, brothers, and sisters of officers, employees, and agents, including members of organized volunteer fire departments and members of organized police reserve or auxiliary units with authority to make an arrest, of the state or of any city, county, district, or other political subdivision who, because of the hazardous

nature of their duties, suffer death in the course of the performance of those official duties. Should the Legislature enact any enabling laws in anticipation of this amendment, no such law shall be void by reason of its anticipatory nature. (Added Nov. 8, 1966; amended Aug. 5, 1969, and Nov. 6, 1984.)

Sec. 51-e. (Repealed April 22, 1975.)

Sec. 51-f. (Repealed April 22, 1975.)

Sec. 51g. SOCIAL SECURITY COVERAGE OF PROPRIETARY EMPLOYEES OF POLITICAL SUBDIVISIONS. The Legislature shall have the power to pass such laws as may be necessary to enable the State to enter into agreements with the Federal Government to obtain for proprietary employees of its political subdivisions coverage under the old-age and survivors insurance provisions of Title II of the Federal Social Security Act as amended. The Legislature shall have the power to make appropriations and authorize all obligations necessary to the establishment of such Social Security coverage program. (Added Nov. 2, 1954.)

Sec. 52. COUNTIES, CITIES OR OTHER POLITICAL CORPORATIONS OR SUBDIVISIONS; LENDING CREDIT; GRANTS; BONDS. (a) Except as otherwise provided by this section, the Legislature shall have no power to authorize any county, city, town or other political corporation or subdivision of the State to lend its credit or to grant public money or thing of value in aid of, or to any individual, association or corporation whatsoever, or to become a stockholder in such corporation, association or company. However, this section does not prohibit the use of public funds or credit for the payment of premiums on nonassessable property and casualty, life, health, or accident insurance policies and annuity contracts issued by a mutual insurance company authorized to do business in this State.

(b) Under Legislative provision, any county, political subdivision of a county, number of adjoining counties, political subdivision of the State, or defined district now or hereafter to be described and defined within the State of Texas, and which may or may not include, towns, villages or municipal corporations, upon a vote of two-thirds majority of the voting qualified voters of such district or territory to be affected thereby, may issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such district or territory, except that the total bonded indebtedness of any city or town shall never exceed the limits imposed by other provisions of this Constitution, and levy and collect taxes to pay the interest thereon and provide a sinking fund for the redemption thereof, as the Legislature may authorize, and in such manner as it may authorize the same, for the following purposes to wit:

(1) The improvement of rivers, creeks, and streams to prevent overflows, and to permit of navigation thereof, or irrigation thereof, or in aid of such purposes.

(2) The construction and maintenance of pools, lakes, reservoirs, dams, canals and waterways for the purposes of irrigation, drainage or navigation, or in aid thereof.

(3) The construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes, or in aid thereof.

(c) Notwithstanding the provisions of Subsection (b) of this Section, bonds may be issued by any county in an amount not to exceed one-fourth of the

assessed valuation of the real property in the county, for the construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes, or in aid thereof, upon a vote of a majority of the voting qualified voters of the county, and without the necessity of further or amendatory legislation. The county may levy and collect taxes to pay the interest on the bonds as it becomes due and to provide a sinking fund for redemption of the bonds.

(d) Any defined district created under this section that is authorized to issue bonds or otherwise lend its credit for the purposes stated in Subdivisions (1) and (2) of Subsection (b) of this section may engage in fire-fighting activities and may issue bonds or otherwise lend its credit for fire-fighting purposes as provided by law and this constitution.

(e) A county, city, town, or other political corporation or subdivision of the state may invest its funds as authorized by law. (Amended Nov. 8, 1904; Subsecs. (a) and (b) amended and (c) added Nov. 3, 1970; Subsec. (d) added Nov. 7, 1978; Subsec. (a) amended Nov. 4, 1986; Subsec. (e) added Nov. 7, 1989; Subsecs. (a), (b), and (c) amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 52: see Appendix, Note 1.)

Sec. 52-a. LOAN OR GRANT OF PUBLIC MONEY FOR ECONOMIC DEVELOPMENT. Notwithstanding any other provision of this constitution, the legislature may provide for the creation of programs and the making of loans and grants of public money, other than money otherwise dedicated by this constitution to use for a different purpose, for the public purposes of development and diversification of the economy of the state, the elimination of unemployment or underemployment in the state, the stimulation of agricultural innovation, the fostering of the growth of enterprises based on agriculture, or the development or expansion of transportation or commerce in the state. Any bonds or other obligations of a county, municipality, or other political subdivision of the state that are issued for the purpose of making loans or grants in connection with a program authorized by the legislature under this section and that are payable from ad valorem taxes must be approved by a vote of the majority of the registered voters of the county, municipality, or political subdivision voting on the issue. A program created or a loan or grant made as provided by this section that is not secured by a pledge of ad valorem taxes or financed by the issuance of any bonds or other obligations payable from ad valorem taxes of the political subdivision does not constitute or create a debt for the purpose of any provision of this constitution. An enabling law enacted by the legislature in anticipation of the adoption of this amendment is not void because of its anticipatory character. (Added Nov. 3, 1987; amended Nov. 8, 2005.)

Sec. 52-b. LOAN OF STATE'S CREDIT OR GRANT OF PUBLIC MONEY FOR TOLL ROAD PURPOSES. The Legislature shall have no power or authority to in any manner lend the credit of the State or grant any public money to, or assume any indebtedness, present or future, bonded or otherwise, of any individual, person, firm, partnership, association, corporation, public corporation, public agency, or political subdivision of the State, or anyone else, which is now or hereafter authorized to construct, maintain or operate toll roads and turnpikes within this State except that the Legislature may authorize the Texas Department

of Transportation to expend, grant, or loan money, from any source available, for the acquisition, construction, maintenance, or operation of turnpikes, toll roads, and toll bridges. (Added Nov. 2, 1954; amended Nov. 5, 1991, and Nov. 6, 2001.)

Sec. 52-c. (Blank.)

Sec. 52d. COUNTY OR ROAD DISTRICT TAX FOR ROAD PURPOSES. (a) Upon the vote of a majority of the qualified voters so authorizing, a county or road district may collect an annual tax for a period not exceeding five (5) years to create a fund for constructing lasting and permanent roads and bridges or both. No contract involving the expenditure of any of such fund shall be valid unless, when it is made, money shall be on hand in such fund.

(b) At such election, the Commissioners' Court shall submit for adoption a road plan and designate the amount of special tax to be levied; the number of years said tax is to be levied; the location, description, and character of the roads and bridges; and the estimated cost thereof. The funds raised by such taxes shall not be used for purposes other than those specified in the plan submitted to the voters. Elections may be held from time to time to extend or discontinue said plan or to increase or diminish said tax. The Legislature shall enact laws prescribing the procedure hereunder.

(c) The provisions of this section shall apply only to Harris County and road districts therein. (Added Aug. 23, 1937; amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 52d: see Appendix, Note 1.)

Sec. 52e. PAYMENT OF MEDICAL EXPENSES OF LAW ENFORCEMENT OFFICIALS. Each county in the State of Texas is hereby authorized to pay all medical expenses, all doctor bills and all hospital bills for Sheriffs, Deputy Sheriffs, Constables, Deputy Constables and other county and precinct law enforcement officials who are injured in the course of their official duties; providing that while said Sheriff, Deputy Sheriff, Constable, Deputy Constable or other county or precinct law enforcement official is hospitalized or incapacitated that the county shall continue to pay his maximum salary; providing, however, that said payment of salary shall cease on the expiration of the term of office to which such official was elected or appointed. Provided, however, that no provision contained herein shall be construed to amend, modify, repeal or nullify Article 16, Section 31, of the Constitution of the State of Texas. (Added Nov. 11, 1967.)

Sec. 52f. PRIVATE ROAD WORK BY CERTAIN COUNTIES. A county with a population of 7,500 or less, according to the most recent federal census, may construct and maintain private roads if it imposes a reasonable charge for the work. The Legislature by general law may limit this authority. Revenue received from private road work may be used only for the construction, including right-of-way acquisition, or maintenance of public roads. (Added Nov. 4, 1980; amended Nov. 3, 2015.)

Sec. 52g. DALLAS COUNTY BOND ISSUES FOR ROADS AND TURNPIKES. Bonds to be issued by Dallas County under Section 52(b)(3) of Article III of this Constitution may, without the necessity of further or amendatory legislation, be issued upon a vote of a majority of the voting qualified voters of said county, and bonds heretofore or hereafter issued under Subsections (a) and (b) of said

Section 52 shall not be included in determining the debt limit prescribed in said Section. (Added Nov. 5, 1968; amended Nov. 4, 1997, and Nov. 2, 1999.) (Temporary transition provisions for Sec. 52g: see Appendix, Note 1.)

Sec. 52h. MUNICIPALITIES TO DONATE OUTDATED OR SURPLUS FIRE FIGHTING EQUIPMENT TO UNDERDEVELOPED COUNTRIES. A municipality may donate to an underdeveloped country outdated or surplus equipment, supplies, or other materials used in fighting fires. (Added Nov. 6, 2001.)

Sec. 52i. MUNICIPALITIES TO DONATE SURPLUS FIRE FIGHTING EQUIPMENT FOR RURAL FIRE PROTECTION. (a) A municipality may donate surplus equipment, supplies, or other materials used in fighting fires to the Texas Forest Service or to a successor agency authorized to cooperate in the development of rural fire protection plans.

(b) The Texas Forest Service or the successor agency may, based on need, redistribute to rural volunteer fire departments the equipment, supplies, or materials donated under Subsection (a). (Added Sept. 13, 2003.)

Sec. 52j. SALE OF REAL PROPERTY ACQUIRED THROUGH EMINENT DOMAIN. A governmental entity may sell real property acquired through eminent domain to the person who owned the real property interest immediately before the governmental entity acquired the property interest, or to the person's heirs, successors, or assigns, at the price the entity paid at the time of acquisition if:

(1) the public use for which the property was acquired through eminent domain is canceled;

(2) no actual progress is made toward the public use during a prescribed period of time; or

(3) the property is unnecessary for the public use. (Added Nov. 6, 2007.)

Sec. 52k. MUNICIPALITY OR COUNTY BOND OR NOTE ISSUES TO ACQUIRE LAND SURROUNDING MILITARY INSTALLATIONS. The legislature by general law may authorize a municipality or county to issue bonds or notes to finance the acquisition of buffer areas or open spaces adjacent to a military installation for the prevention of encroachment or for the construction of roadways, utilities, or other infrastructure to protect or promote the mission of the military installation. The municipality or county may pledge increases in ad valorem tax revenues imposed in the area by the municipality, county, or other political subdivisions for repayment of the bonds or notes. (Added Nov. 3, 2009.)

Sec. 53. COUNTY OR MUNICIPAL AUTHORITIES; EXTRA COMPENSATION; UNAUTHORIZED CLAIMS. The Legislature shall have no power to grant, or to authorize any county or municipal authority to grant, any extra compensation, fee or allowance to a public officer, agent, servant or contractor, after service has been rendered, or a contract has been entered into, and performed in whole or in part; nor pay, nor authorize the payment of, any claim created against any county or municipality of the State, under any agreement or contract, made without authority of law.

Sec. 54. (Repealed Nov. 2, 1999.) (Temporary transition provisions for Sec. 54: see Appendix, Note 1.)

Sec. 55. RELEASE OR EXTINGUISHMENT OF INDEBTEDNESS TO STATE, COUNTY, SUBDIVISION, OR MUNICIPAL CORPORATION. The Legislature shall have no power to release or extinguish, or to authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability or obligation of any corporation or individual, to this State or to any county or defined subdivision thereof, or other municipal corporation therein, except delinquent taxes which have been due for a period of at least ten years. (Amended Nov. 8, 1932.)

Sec. 56. LOCAL AND SPECIAL LAWS. (a) The Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law, authorizing:

(1) the creation, extension or impairing of liens;

(2) regulating the affairs of counties, cities, towns, wards or school districts;

(3) changing the names of persons or places;

(4) changing the venue in civil or criminal cases;

(5) authorizing the laying out, opening, altering or maintaining of roads, highways, streets or alleys;

(6) relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State;

(7) vacating roads, town plats, streets or alleys;

(8) relating to cemeteries, grave-yards or public grounds not of the State;

(9) authorizing the adoption or legitimation of children;

(10) locating or changing county seats;

(11) incorporating cities, towns or villages, or changing their charters;

(12) for the opening and conducting of elections, or fixing or changing the places of voting;

(13) granting divorces;

(14) creating offices, or prescribing the powers and duties of officers, in counties, cities, towns, election or school districts;

(15) changing the law of descent or succession;

(16) regulating the practice or jurisdiction of, or changing the rules of evidence in any judicial proceeding or inquiry before courts, justices of the peace, sheriffs, commissioners, arbitrators or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate;

(17) regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates or constables;

(18) regulating the management of public schools, the building or repairing of school houses, and the raising of money for such purposes;

(19) fixing the rate of interest;

(20) affecting the estates of minors, or persons under disability;

(21) remitting fines, penalties and forfeitures, and refunding moneys legally paid into the treasury;

(22) exempting property from taxation;

(23) regulating labor, trade, mining and manufacturing;

(24) declaring any named person of age;

(25) extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of his official duties, or his securities from liability;

(26) giving effect to informal or invalid wills or deeds;

(27) summoning or empanelling grand or petit juries;

(28) for limitation of civil or criminal actions;

(29) for incorporating railroads or other works of internal improvements; or

(30) relieving or discharging any person or set of persons from the performance of any public duty or service imposed by general law.

(b) In addition to those laws described by Subsection (a) of this section in all other cases where a general law can be made applicable, no local or special law shall be enacted; provided, that nothing herein contained shall be construed to prohibit the Legislature from passing:

(1) special laws for the preservation of the game and fish of this State in certain localities; and

(2) fence laws applicable to any subdivision of this State or counties as may be needed to meet the wants of the people. (Amended Nov. 6, 2001.) (Temporary transition provision for Sec. 56: see Appendix, Note 3.)

Sec. 57. NOTICE OF INTENTION TO APPLY FOR LOCAL OR SPECIAL LAWS. No local or special law shall be passed, unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least thirty days prior to the introduction into the Legislature of such bill and in the manner to be provided by law. The evidence of such notice having been published, shall be exhibited in the Legislature, before such act shall be passed.

Sec. 58. SEAT OF GOVERNMENT. The Legislature shall hold its sessions at the City of Austin, which is hereby declared to be the seat of government.

Sec. 59. WORKERS' COMPENSATION INSURANCE FOR STATE EMPLOYEES. The Legislature shall have power to pass such laws as may be necessary to provide for Workers' Compensation Insurance for such State employees, as in its judgment is necessary or required; and to provide for the payment of all costs, charges, and premiums on such policies of insurance; providing the State shall never be required to purchase insurance for any employee. (Added Nov. 3, 1936; amended Nov. 6, 2001.) (Temporary transition provision for Sec. 59: see Appendix, Note 3.)

Sec. 60. WORKERS' COMPENSATION INSURANCE FOR EMPLOYEES OF COUNTIES AND OTHER POLITICAL SUBDIVISIONS. The Legislature shall have the power to pass such laws as may be necessary to enable all counties, cities, towns, villages, and other political subdivisions of this State to provide Workers' Compensation Insurance, including the right of a political subdivision to provide its own insurance risk, for all employees of the political subdivision as in its judgment is necessary or required; and the Legislature shall provide suitable laws for the administration of such insurance in the counties, cities, towns, villages, or other political subdivisions of this State and for the payment of the costs, charges and premiums on such policies of insurance and the benefits to be paid thereunder. (Added Nov. 2, 1948; amended Nov. 6, 1962, and Nov. 6, 2001.) (Temporary transition provision for Sec. 60: see Appendix, Note 3.)

Sec. 61. (Repealed Nov. 6, 2001.) (Temporary transition provision for Sec. 61: see Appendix, Note 3.)

Sec. 61-a. MINIMUM SALARIES. The Legislature shall not fix the salary of the Governor, Attorney General, Comptroller of Public Accounts, Commissioner of the General Land Office or Secretary of State at a sum less than that fixed for such officials in the Constitution on January 1, 1953. (Added Nov. 2, 1954; amended Nov. 7, 1995, and Nov. 4, 1997.)

Sec. 62. CONTINUITY OF STATE AND LOCAL GOVERNMENTAL OPERATIONS; SUSPENSION OF CONSTITUTIONAL PROCEDURAL RULES. (a) The Legislature, in order to insure continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate duty to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices. Provided, however, that Article I of the Constitution of Texas, known as the "Bill of Rights" shall not be in any manner affected, amended, impaired, suspended, repealed or suspended hereby.

(b) When such a period of emergency or the immediate threat of enemy attack exists, the Legislature may suspend procedural rules imposed by this Constitution that relate to:

(1) the order of business of the Legislature;

(2) the percentage of each house of the Legislature necessary to constitute a quorum;

(3) the requirement that a bill must be read on three days in each house before it has the force of law;

(4) the requirement that a bill must be referred to and reported from committee before its consideration; and

(5) the date on which laws passed by the Legislature take effect.

(c) When such a period of emergency or the immediate threat of enemy attack exists, the Governor, after consulting with the Lieutenant Governor and the Speaker of the House of Representatives, may suspend the constitutional

requirement that the Legislature hold its sessions in Austin, the seat of government. When this requirement has been suspended, the Governor shall determine a place other than Austin at which the Legislature will hold its sessions during such period of emergency or immediate threat of enemy attack. The Governor shall notify the Lieutenant Governor and the Speaker of the House of Representatives of the place and time at which the Legislature will meet. The Governor may take security precautions, consistent with the state of emergency, in determining the extent to which that information may be released.

(d) To suspend the constitutional rules specified by Subsection (b) of this section, the Governor must issue a proclamation and the House of Representatives and the Senate must concur in the proclamation as provided by this section.

(e) The Governor's proclamation must declare that a period of emergency resulting from disasters caused by enemy attack exists, or that the immediate threat of enemy attack exists, and that suspension of constitutional rules relating to legislative procedure is necessary to assure continuity of state government. The proclamation must specify the period, not to exceed two years, during which the constitutional rules specified by Subsection (b) of this section are suspended.

(f) The House of Representatives and the Senate, by concurrent resolution approved by the majority of the members present, must concur in the Governor's proclamation. A resolution of the House of Representatives and the Senate concurring in the Governor's proclamation suspends the constitutional rules specified by Subsection (b) of this section for the period of time specified by the Governor's proclamation.

(g) The constitutional rules specified by Subsection (b) of this section may not be suspended for more than two years under a single proclamation. A suspension may be renewed, however, if the Governor issues another proclamation as provided by Subsection (e) of this section and the House of Representatives and the Senate, by concurrent resolution, concur in that proclamation. (Added Nov. 6, 1962; Subsec. (a) amended and (b)-(g) added Nov. 8, 1983.)

Sec. 63. (Repealed Nov. 6, 2001.) (Temporary transition provision for Sec. 63: see Appendix, Note 3.)

Sec. 64. CONSOLIDATION OF GOVERNMENTAL OFFICES AND FUNCTIONS. (a) The Legislature may by special statute provide for consolidation of governmental offices and functions of government of any one or more political subdivisions comprising or located within any county. Any such statute shall require an election to be held within the political subdivisions affected thereby with approval by a majority of the voters in each of these subdivisions, under such terms and conditions as the Legislature may require.

(b) The county government, or any political subdivision(s) comprising or located therein, may contract one with another for the performance of governmental functions required or authorized by this Constitution or the Laws of this State, under such terms and conditions as the Legislature may prescribe. No person acting under a contract made pursuant to this Subsection (b) shall be deemed to hold more than one office of honor, trust or profit or more than one

civil office of emolument. The term "governmental functions," as it relates to counties, includes all duties, activities and operations of statewide importance in which the county acts for the State, as well as of local importance, whether required or authorized by this Constitution or the Laws of this State. (Added Nov. 5, 1968; Subsec. (a) amended Nov. 3, 1970.)

Sec. 65. PUBLIC BONDS; INTEREST RATE; CONFLICTING RATES REPEALED; VETERANS' LAND BOARD BONDS. (a) Wherever the Constitution authorizes an agency, instrumentality, or subdivision of the State to issue bonds and specifies the maximum rate of interest which may be paid on such bonds issued pursuant to such constitutional authority, such bonds may bear interest at rates not to exceed a weighted average annual interest rate of 12% unless otherwise provided by Subsection (b) of this section. All Constitutional provisions specifically setting rates in conflict with this provision are hereby repealed.

(b) Bonds issued by the Veterans' Land Board after the effective date of this subsection bear interest at a rate or rates determined by the board, but the rate or rates may not exceed a net effective interest rate of 10% per year unless otherwise provided by law. A statute that is in effect on the effective date of this subsection and that sets as a maximum interest rate payable on bonds issued by the Veterans' Land Board a rate different from the maximum rate provided by this subsection is ineffective unless reenacted by the legislature after that date. (Added Nov. 7, 1972; Subsec. (a) amended and (b) added Nov. 3, 1981; Subsec. (a) amended Nov. 2, 1982.)

Sec. 66. LIMITATION ON LIABILITY FOR NONECONOMIC DAMAGES. (a) In this section "economic damages" means compensatory damages for any pecuniary loss or damage. The term does not include any loss or damage, however characterized, for past, present, and future physical pain and suffering, mental anguish and suffering, loss of consortium, loss of companionship and society, disfigurement, or physical impairment.

(b) Notwithstanding any other provision of this constitution, the legislature by statute may determine the limit of liability for all damages and losses, however characterized, other than economic damages, of a provider of medical or health care with respect to treatment, lack of treatment, or other claimed departure from an accepted standard of medical or health care or safety, however characterized, that is or is claimed to be a cause of, or that contributes or is claimed to contribute to, disease, injury, or death of a person. This subsection applies without regard to whether the claim or cause of action arises under or is derived from common law, a statute, or other law, including any claim or cause of action based or sounding in tort, contract, or any other theory or any combination of theories of liability. The claim or cause of action includes a medical or health care liability claim as defined by the legislature.

(c) Notwithstanding any other provision of this constitution, after January 1, 2005, the legislature by statute may determine the limit of liability for all damages and losses, however characterized, other than economic damages, in a claim or cause of action not covered by Subsection (b) of this section. This subsection applies without regard to whether the claim or cause of action arises under or is derived from common law, a statute, or other law, including any claim or

cause of action based or sounding in tort, contract, or any other theory or any combination of theories of liability.

(d) Except as provided by Subsection (c) of this section, this section applies to a law enacted by the 78th Legislature, Regular Session, 2003, and to all subsequent regular or special sessions of the legislature.

(e) A legislative exercise of authority under Subsection (c) of this section requires a three-fifths vote of all the members elected to each house and must include language citing this section. (Added Sept. 13, 2003.)

Sec. 67. CANCER PREVENTION AND RESEARCH INSTITUTE OF TEXAS. (a) The legislature shall establish the Cancer Prevention and Research Institute of Texas to:

(1) make grants to provide funds to public or private persons to implement the Texas Cancer Plan, and to institutions of learning and to advanced medical research facilities and collaborations in this state for:

(A) research into the causes of and cures for all forms of cancer in humans;

(B) facilities for use in research into the causes of and cures for cancer; and

(C) research, including translational research, to develop therapies, protocols, medical pharmaceuticals, or procedures for the cure or substantial mitigation of all types of cancer in humans;

(2) support institutions of learning and advanced medical research facilities and collaborations in this state in all stages in the process of finding the causes of all types of cancer in humans and developing cures, from laboratory research to clinical trials and including programs to address the problem of access to advanced cancer treatment; and

(3) establish the appropriate standards and oversight bodies to ensure the proper use of funds authorized under this provision for cancer research and facilities development.

(b) The members of the governing body and any other decision-making body of the Cancer Prevention and Research Institute of Texas may serve four-year terms.

(c) The legislature by general law may authorize the Texas Public Finance Authority to provide for, issue, and sell general obligation bonds of the State of Texas on behalf of the Cancer Prevention and Research Institute of Texas in an amount not to exceed $3 billion and to enter into related credit agreements. The Texas Public Finance Authority may not issue more than $300 million in bonds authorized by this subsection in a year. The bonds shall be executed in the form, on the terms, and in the denominations, bear interest, and be issued in installments as prescribed by the Texas Public Finance Authority.

(d) Proceeds from the sale of the bonds shall be deposited in separate funds or accounts, as provided by general law, within the state treasury to be used by the Cancer Prevention and Research Institute of Texas for the purposes of this section.

(e) Notwithstanding any other provision of this constitution, the Cancer Prevention and Research Institute of Texas, which is established in state government, may use the proceeds from bonds issued under Subsection (c) of this section and federal or private grants and gifts to pay for:

(1) grants for cancer research, for research facilities, and for research opportunities in this state to develop therapies, protocols, medical pharmaceuticals, or procedures for the cure or substantial mitigation of all types of cancer in humans;

(2) grants for cancer prevention and control programs in this state to mitigate the incidence of all types of cancer in humans;

(3) the purchase, subject to approval by the Cancer Prevention and Research Institute, of laboratory facilities by or on behalf of a state agency or grant recipient; and

(4) the operation of the Cancer Prevention and Research Institute of Texas.

(f) The bond proceeds may be used to pay the costs of issuing the bonds and any administrative expense related to the bonds.

(g) While any of the bonds or interest on the bonds authorized by this section is outstanding and unpaid, from the first money coming into the state treasury in each fiscal year not otherwise appropriated by this constitution, an amount sufficient to pay the principal of and interest on bonds that mature or become due during the fiscal year and to make payments that become due under a related credit agreement during the fiscal year is appropriated, less the amount in the sinking fund at the close of the previous fiscal year.

(h) Bonds issued under this section, after approval by the attorney general, registration by the comptroller of public accounts, and delivery to the purchasers, are incontestable and are general obligations of the State of Texas under this constitution.

(i) Before the Cancer Prevention and Research Institute of Texas may make a grant of any proceeds of the bonds issued under this section, the recipient of the grant must have an amount of funds equal to one-half the amount of the grant dedicated to the research that is the subject of the grant request.

(j) The Texas Public Finance Authority shall consider using a business whose principal place of business is located in the state to issue the bonds authorized by this section and shall include using a historically underutilized business as defined by general law. (Added Nov. 6, 2007.)

ARTICLE 4

EXECUTIVE DEPARTMENT

Sec. 1. OFFICERS CONSTITUTING THE EXECUTIVE DEPARTMENT. The Executive Department of the State shall consist of a Governor, who shall be the Chief Executive Officer of the State, a Lieutenant Governor, Secretary of State, Comptroller of Public Accounts, Commissioner of the General Land Office, and Attorney General. (Amended Nov. 7, 1995.)

Sec. 2. ELECTION OF OFFICERS OF EXECUTIVE DEPARTMENT. All the above officers of the Executive Department (except Secretary of State) shall be elected by the qualified voters of the State at the time and places of election for members of the Legislature.

Sec. 3. RETURNS OF ELECTION; DECLARATION OF ELECTION; TIE VOTES; CONTESTS. The returns of every election for said executive officers, until otherwise provided by law, shall be made out, sealed up, and transmitted by the returning officers prescribed by law, to the seat of Government, directed to the Secretary of State, who shall deliver the same to the Speaker of the House of Representatives, as soon as the Speaker shall be chosen, and the said Speaker shall, during the first week of the session of the Legislature, open and publish them in the presence of both Houses of the Legislature. The person, voted for at said election, having the highest number of votes for each of said offices respectively, and being constitutionally eligible, shall be declared by the Speaker, under sanction of the Legislature, to be elected to said office. But, if two or more persons shall have the highest and an equal number of votes for either of said offices, one of them shall be immediately chosen to such office by joint vote of both Houses of the Legislature. Contested elections for either of said offices, shall be determined by both Houses of the Legislature in joint session.

Sec. 3a. DEATH, DISABILITY, OR FAILURE TO QUALIFY OF PERSON RECEIVING HIGHEST VOTE. If, at the time the Legislature shall canvass the election returns for the offices of Governor and Lieutenant Governor, the person receiving the highest number of votes for the office of Governor, as declared by the Speaker, has died, fails to qualify, or for any other reason is unable to assume the office of Governor, then the person having the highest number of votes for the office of Lieutenant Governor shall become Governor for the full term to which the person was elected as Governor. By becoming the Governor, the person forfeits the office of Lieutenant Governor, and the resulting vacancy in the office of Lieutenant Governor shall be filled as provided by Section 9, Article III, of this Constitution. If the person with the highest number of votes for the office of Governor, as declared by the Speaker, becomes temporarily unable to take office, then the Lieutenant Governor shall act as Governor until the person with the highest number of votes for the office of Governor becomes able to assume the office of Governor. Any succession to the Governorship not otherwise provided for in this Constitution, may be provided for by law; provided, however, that any person succeeding to the office of Governor shall be qualified as otherwise provided in this Constitution, and shall, during the entire term to which he may succeed, be under all the restrictions and inhibitions imposed in this Constitution on the Governor. (Added Nov. 2, 1948; amended Nov. 2, 1999.)

Sec. 4. INSTALLATION OF GOVERNOR; TERM; ELIGIBILITY. The Governor elected at the general election in 1974, and thereafter, shall be installed on the first Tuesday after the organization of the Legislature, or as soon thereafter as practicable, and shall hold his office for the term of four years, or until his successor shall be duly installed. He shall be at least thirty years of age, a citizen of the United States, and shall have resided in this State at least five years immediately preceding his election. (Amended Nov. 7, 1972.)

Sec. 5. COMPENSATION OF GOVERNOR. The Governor shall, at stated times, receive as compensation for his services an annual salary in an amount to be fixed by the Legislature, and shall have the use and occupation of the Governor's Mansion, fixtures and furniture. (Amended Nov. 3, 1936, and Nov. 2, 1954.)

Sec. 6. HOLDING OTHER OFFICES; PRACTICE OF PROFESSION; OTHER SALARY, REWARD, OR COMPENSATION. During the time he holds the office of Governor, he shall not hold any other office: civil, military or corporate; nor shall he practice any profession, and receive compensation, reward, fee, or the promise thereof for the same; nor receive any salary, reward or compensation or the promise thereof from any person or corporation, for any service rendered or performed during the time he is Governor, or to be thereafter rendered or performed.

Sec. 7. COMMANDER-IN-CHIEF OF MILITARY FORCES; CALLING FORTH MILITIA. He shall be Commander-in-Chief of the military forces of the State, except when they are called into actual service of the United States. He shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and to repel invasions. (Amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 7: see Appendix, Note 1.)

Sec. 8. CONVENING LEGISLATURE ON EXTRAORDINARY OCCASIONS. (a) The Governor may, on extraordinary occasions, convene the Legislature at the seat of Government, or at a different place, in case that should be in possession of the public enemy or in case of the prevalence of disease threat. His proclamation therefor shall state specifically the purpose for which the Legislature is convened.

(b) The Governor shall convene the Legislature in special session to appoint presidential electors if the Governor determines that a reasonable likelihood exists that a final determination of the appointment of electors will not occur before the deadline prescribed by law to ascertain a conclusive determination of the appointment. The Legislature may not consider any subject other than the appointment of electors at that special session. (Amended Nov. 6, 2001.)

Sec. 9. GOVERNOR'S MESSAGE AND RECOMMENDATIONS; ACCOUNTING FOR PUBLIC MONEY; ESTIMATES OF MONEY REQUIRED. The Governor shall, at the commencement of each session of the Legislature, and at the close of his term of office, give to the Legislature information, by message, of the condition of the State; and he shall recommend to the Legislature such measures as he may deem expedient. He shall account to the Legislature for all public moneys received and paid out by him, from any funds subject to his order, with vouchers; and shall accompany his message with a statement of the same. And at the commencement of each regular session, he shall present estimates of the amount of money required to be raised by taxation for all purposes.

Sec. 10. EXECUTION OF LAWS; CONDUCT OF BUSINESS WITH OTHER STATES AND UNITED STATES. He shall cause the laws to be faithfully executed and shall conduct, in person, or in such manner as shall be prescribed by law, all intercourse and business of the State with other States and with the United States.

Sec. 11. BOARD OF PARDONS AND PAROLES; PAROLE LAWS; REPRIEVES, COMMUTATIONS, AND PARDONS; REMISSION OF FINES AND FORFEITURES. (a) The Legislature shall by law establish a Board of Pardons and Paroles and shall require it to keep record of its actions and the reasons for its actions. The Legislature shall have authority to enact parole laws and laws that require or permit courts to inform juries about the effect of good conduct time and eligibility for parole or mandatory supervision on the period of incarceration served by a defendant convicted of a criminal offense.

(b) In all criminal cases, except treason and impeachment, the Governor shall have power, after conviction or successful completion of a term of deferred adjudication community supervision, on the written signed recommendation and advice of the Board of Pardons and Paroles, or a majority thereof, to grant reprieves and commutations of punishment and pardons; and under such rules as the Legislature may prescribe, and upon the written recommendation and advice of a majority of the Board of Pardons and Paroles, he shall have the power to remit fines and forfeitures. The Governor shall have the power to grant one reprieve in any capital case for a period not to exceed thirty (30) days; and he shall have power to revoke conditional pardons. With the advice and consent of the Legislature, he may grant reprieves, commutations of punishment and pardons in cases of treason. (Amended Nov. 3, 1936, Nov. 8, 1983, and Nov. 7, 1989; Subsec. (b) amended Nov. 8, 2011.)

Sec. 11A. SUSPENSION OF SENTENCE AND PROBATION. The Courts of the State of Texas having original jurisdiction of criminal actions shall have the power, after conviction, to suspend the imposition or execution of sentence and to place the defendant upon probation and to reimpose such sentence, under such conditions as the Legislature may prescribe. (Added Aug. 24, 1935.)

Sec. 11B. CRIMINAL JUSTICE AGENCIES. (a) The legislature by law may organize and combine into one or more agencies all agencies of the state that:

(1) have authority over the confinement or supervision of persons convicted of criminal offenses;

(2) set standards or distribute state funds to political subdivisions that have authority over the confinement or supervision of persons convicted of criminal offenses; or

(3) gather information about the administration of criminal justice.

(b) The legislature by law may authorize the appointment of members of more than one department of government to serve on the governing body. (Added Nov. 7, 1989.)

Sec. 12. VACANCIES IN STATE OR DISTRICT OFFICES. (a) All vacancies in State or district offices, except members of the Legislature, shall be filled unless otherwise provided by law by appointment of the Governor.

(b) An appointment of the Governor made during a session of the Senate shall be with the advice and consent of two-thirds of the Senate present.

(c) In accordance with this section, the Senate may give its advice and consent on an appointment of the Governor made during a recess of the Senate. To be confirmed, the appointment must be with the advice and consent of two-thirds of the Senate present. If an appointment of the Governor is made during the recess of the Senate, the Governor shall nominate the appointee, or some other person to fill the vacancy, to the Senate during the first ten days of its next session following the appointment. If the Senate does not confirm a person under this subsection, the Governor shall nominate in accordance with this section the recess appointee or another person to fill the vacancy during the first ten days of each subsequent session of the Senate until a confirmation occurs. If the Governor does not nominate a person to the Senate during the first ten days of a session of the Senate as required by this subsection, the Senate at that session may consider the recess appointee as if the Governor had nominated the appointee.

(d) If the Senate, at any special session, does not take final action to confirm or reject a previously unconfirmed recess appointee or another person nominated to fill the vacancy for which the appointment was made:

(1) the Governor after the session may appoint another person to fill the vacancy; and

(2) the appointee, if otherwise qualified and if not removed as provided by law, is entitled to continue in office until the earlier of the following occurs:

(A) the Senate rejects the appointee at a subsequent session; or

(B) the Governor appoints another person to fill the vacancy under Subdivision (1) of this subsection.

(e) If the Senate, at a regular session, does not take final action to confirm or reject a previously unconfirmed recess appointee or another person nominated to fill the vacancy for which the appointment was made, the appointee or other person, as appropriate, is considered to be rejected by the Senate when the Senate session ends.

(f) If an appointee is rejected, the office shall immediately become vacant, and the Governor shall, without delay, make further nominations, until a confirmation takes place. If a person has been rejected by the Senate to fill a vacancy, the Governor may not appoint the person to fill the vacancy or, during the term of the vacancy for which the person was rejected, to fill another vacancy in the same office or on the same board, commission, or other body.

(g) Appointments to vacancies in offices elective by the people shall only continue until the next general election.

(h) The Legislature by general law may limit the term to be served by a person appointed by the Governor to fill a vacancy in a state or district office to a period that ends before the vacant term otherwise expires or, for an elective office, before the next election at which the vacancy is to be filled, if the appointment is made on or after November 1 preceding the general election for

the succeeding term of the office of Governor and the Governor is not elected at that election to the succeeding term.

(i) For purposes of this section, the expiration of a term of office or the creation of a new office constitutes a vacancy.

(j) (Expired.) (Amended Nov. 3, 1987, and Nov. 6, 1990; Subsec. (j) added Nov. 6, 1990, and expired Jan. 1, 1991.)

Sec. 13. RESIDENCE OF GOVERNOR. During the session of the Legislature the Governor shall reside where its sessions are held, and at all other times at the seat of Government, except when by act of the Legislature, he may be required or authorized to reside elsewhere.

Sec. 14. APPROVAL OR DISAPPROVAL OF BILLS; RETURN AND RECONSIDERATION; FAILURE TO RETURN; DISAPPROVAL OF ITEMS OF APPROPRIATION. Every bill which shall have passed both houses of the Legislature shall be presented to the Governor for his approval. If he approve he shall sign it; but if he disapprove it, he shall return it, with his objections, to the House in which it originated, which House shall enter the objections at large upon its journal, and proceed to reconsider it. If after such reconsideration, two-thirds of the members present agree to pass the bill, it shall be sent, with the objections, to the other House, by which likewise it shall be reconsidered; and, if approved by two-thirds of the members of that House, it shall become a law; but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor with his objections within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Legislature, by its adjournment, prevent its return, in which case it shall be a law, unless he shall file the same, with his objections, in the office of the Secretary of State and give notice thereof by public proclamation within twenty days after such adjournment. If any bill presented to the Governor contains several items of appropriation he may object to one or more of such items, and approve the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and no item so objected to shall take effect. If the Legislature be in session, he shall transmit to the House in which the bill originated a copy of such statement and the items objected to shall be separately considered. If, on reconsideration, one or more of such items be approved by two-thirds of the members present of each House, the same shall be part of the law, notwithstanding the objections of the Governor. If any such bill, containing several items of appropriation, not having been presented to the Governor ten days (Sundays excepted) prior to adjournment, be in the hands of the Governor at the time of adjournment, he shall have twenty days from such adjournment within which to file objections to any items thereof and make proclamation of the same, and such item or items shall not take effect.

Sec. 15. APPROVAL OR DISAPPROVAL OF ORDERS, RESOLUTIONS, OR VOTES. Every order, resolution or vote to which the concurrence of both Houses of the Legislature may be necessary, except on questions of adjournment, shall be

presented to the Governor, and, before it shall take effect, shall be approved by him; or, being disapproved, shall be repassed by both Houses, and all the rules, provisions and limitations shall apply thereto as prescribed in the last preceding section in the case of a bill.

Sec. 16. LIEUTENANT GOVERNOR. (a) There shall also be a Lieutenant Governor, who shall be chosen at every election for Governor by the same voters, in the same manner, continue in office for the same time, and possess the same qualifications. The voters shall distinguish for whom they vote as Governor and for whom as Lieutenant Governor.

(b) The Lieutenant Governor shall by virtue of his office be President of the Senate, and shall have, when in Committee of the Whole, a right to debate and vote on all questions; and when the Senate is equally divided to give the casting vote.

(c) In the case of the temporary inability or temporary disqualification of the Governor to serve, the impeachment of the Governor, or the absence of the Governor from the State, the Lieutenant Governor shall exercise the powers and authority appertaining to the office of Governor until the Governor becomes able or qualified to resume serving, is acquitted, or returns to the State.

(d) If the Governor refuses to serve or becomes permanently unable to serve, or if the office of Governor becomes vacant, the Lieutenant Governor becomes Governor for the remainder of the term being served by the Governor who refused or became unable to serve or vacated the office. On becoming Governor, the person vacates the office of Lieutenant Governor, and the resulting vacancy in the office of Lieutenant Governor shall be filled in the manner provided by Section 9, Article III, of this Constitution. (Subsecs. (a), (b), and (c) amended and Subsec. (d) added Nov. 2, 1999.) (Temporary transition provisions for Sec. 16: see Appendix, Note 1.)

Sec. 17. DEATH, RESIGNATION, REFUSAL TO SERVE, REMOVAL, INABILITY TO SERVE, IMPEACHMENT, OR ABSENCE; COMPENSATION. (a) If, while exercising the powers and authority appertaining to the office of Governor under Section 16(c) of this article, the Lieutenant Governor becomes temporarily unable or disqualified to serve, is impeached, or is absent from the State, the President pro tempore of the Senate, for the time being, shall exercise the powers and authority appertaining to the office of Governor until the Governor or Lieutenant Governor reassumes those powers and duties.

(b) The Lieutenant Governor shall, while acting as President of the Senate, receive for his or her services the same compensation and mileage which shall be allowed to the members of the Senate, and no more unless the Texas Ethics Commission recommends and the voters approve a higher salary, in which case the salary is that amount; and during the time the Lieutenant Governor exercises the powers and authority appertaining to the office of Governor, the Lieutenant Governor shall receive in like manner the same compensation which the Governor would have received had the Governor been employed in the duties of that office, and no more. An increase in the emoluments of the office of Lieutenant Governor does not make a member of the Legislature ineligible to serve in the office of Lieutenant Governor.

(c) The President pro tempore of the Senate shall, during the time that officer exercises the powers and authority appertaining to the office of Governor, receive in like manner the same compensation which the Governor would have received had the Governor been employed in the duties of that office. (Amended Nov. 5, 1991; amended Nov. 2, 1999.)

Sec. 18. RESTRICTIONS AND INHIBITIONS. The Lieutenant Governor or President pro tempore of the Senate shall, during the time the Lieutenant Governor or President pro tempore exercises the powers and authority appertaining to the office of Governor, be under all the restrictions and inhibitions imposed in this Constitution on the Governor. (Amended Nov. 2, 1999.)

Sec. 19. SEAL OF STATE. There shall be a Seal of the State which shall be kept by the Secretary of State, and used by him officially under the direction of the Governor. The Seal of the State shall be a star of five points encircled by olive and live oak branches, and the words "The State of Texas."

Sec. 20. COMMISSIONS. All commissions shall be in the name and by the authority of the State of Texas, sealed with the State Seal, signed by the Governor and attested by the Secretary of State.

Sec. 21. SECRETARY OF STATE. There shall be a Secretary of State, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and who shall continue in office during the term of service of the Governor. He shall authenticate the publication of the laws, and keep a fair register of all official acts and proceedings of the Governor, and shall, when required, lay the same and all papers, minutes and vouchers relative thereto, before the Legislature, or either House thereof, and shall perform such other duties as may be required of him by law. He shall receive for his services an annual salary in an amount to be fixed by the Legislature. (Amended Nov. 3, 1936, and Nov. 2, 1954.)

Sec. 22. ATTORNEY GENERAL. The Attorney General shall represent the State in all suits and pleas in the Supreme Court of the State in which the State may be a party, and shall especially inquire into the charter rights of all private corporations, and from time to time, in the name of the State, take such action in the courts as may be proper and necessary to prevent any private corporation from exercising any power or demanding or collecting any species of taxes, tolls, freight or wharfage not authorized by law. He shall, whenever sufficient cause exists, seek a judicial forfeiture of such charters, unless otherwise expressly directed by law, and give legal advice in writing to the Governor and other executive officers, when requested by them, and perform such other duties as may be required by law. (Amended Nov. 3, 1936, Nov. 2, 1954, Nov. 7, 1972, and Nov. 2, 1999.) (Temporary transition provisions for Sec. 22: see Appendix, Note 1.)

Sec. 23. COMPTROLLER OF PUBLIC ACCOUNTS; COMMISSIONER OF GENERAL LAND OFFICE; ELECTED STATUTORY STATE OFFICERS; TERM; SALARY; FEES, COSTS AND PERQUISITES. The Comptroller of Public Accounts, the Commissioner of the General Land Office, the Attorney General, and any statutory State officer who is elected by the electorate of Texas at large, unless a term of office is otherwise specifically provided in this Constitution, shall each hold office for the term of four years. Each shall receive an annual salary in an amount to be fixed by the Legislature and perform such duties as are or may be required by

law. They and the Secretary of State shall not receive to their own use any fees, costs or perquisites of office. All fees that may be payable by law for any service performed by any officer specified in this section or in the officer's office, shall be paid, when received, into the State Treasury. (Amended Nov. 3, 1936, Nov. 2, 1954, Nov. 7, 1972, Nov. 7, 1995, Nov. 2, 1999, and Nov. 3, 2015.) (Temporary transition provisions for Sec. 23: see Appendix, Note 1.)

Sec. 24. ACCOUNTS AND REPORTS; INFORMATION TO, AND INSPECTION BY, GOVERNOR; PERJURY. An account shall be kept by the officers of the Executive Department, and by all officers and managers of State institutions, of all moneys and choses in action received and disbursed or otherwise disposed of by them, severally, from all sources, and for every service performed; and a semi-annual report thereof shall be made to the Governor under oath. The Governor may, at any time, require information in writing from any and all of said officers or managers, upon any subject relating to the duties, condition, management and expenses of their respective offices and institutions, which information shall be required by the Governor under oath, and the Governor may also inspect their books, accounts, vouchers and public funds; and any officer or manager who, at any time, shall wilfully make a false report or give false information, shall be guilty of perjury, and so adjudged, and punished accordingly, and removed from office.

Sec. 25. CUSTODIANS OF PUBLIC FUNDS; BREACHES OF TRUST AND DUTY. The Legislature shall pass efficient laws facilitating the investigation of breaches of trust and duty by all custodians of public funds and providing for their suspension from office on reasonable cause shown, and for the appointment of temporary incumbents of their offices during such suspension.

Sec. 26. NOTARIES PUBLIC. (a) The Secretary of State shall appoint a convenient number of Notaries Public for the state who shall perform such duties as now are or may be prescribed by law. The qualifications of Notaries Public shall be prescribed by law.

(b) The terms of office of Notaries Public shall be not less than two years nor more than four years as provided by law. (Amended Nov. 5, 1940; Subsec. (b) amended Nov. 6, 1979.)

ARTICLE 5

JUDICIAL DEPARTMENT

Sec. 1. JUDICIAL POWER; COURTS IN WHICH VESTED. The judicial power of this State shall be vested in one Supreme Court, in one Court of Criminal Appeals, in Courts of Appeals, in District Courts, in County Courts, in Commissioners Courts, in Courts of Justices of the Peace, and in such other courts as may be provided by law.

The Legislature may establish such other courts as it may deem necessary and prescribe the jurisdiction and organization thereof, and may conform the jurisdiction of the district and other inferior courts thereto. (Amended Aug. 11, 1891, Nov. 8, 1977, and Nov. 4, 1980.)

Sec. 1-a. RETIREMENT, CENSURE, REMOVAL, AND COMPENSATION OF JUSTICES AND JUDGES; STATE COMMISSION ON JUDICIAL CONDUCT; PROCEDURE. (1) Subject to the further provisions of this Section, the Legislature shall provide for the retirement and compensation of Justices and Judges of the Appellate Courts and District and Criminal District Courts on account of length of service, age and disability, and for their reassignment to active duty where and when needed. The office of every such Justice and Judge shall become vacant on the expiration of the term during which the incumbent reaches the age of seventy-five (75) years or such earlier age, not less than seventy (70) years, as the Legislature may prescribe, except that if a Justice or Judge elected to serve or fill the remainder of a six-year term reaches the age of seventy-five (75) years during the first four years of the term, the office of that Justice or Judge shall become vacant on December 31 of the fourth year of the term to which the Justice or Judge was elected.

(2) The State Commission on Judicial Conduct consists of thirteen (13) members, to wit: (i) one (1) Justice of a Court of Appeals; (ii) one (1) District Judge; (iii) two (2) members of the State Bar, who have respectively practiced as such for over ten (10) consecutive years next preceding their selection; (iv) five (5) citizens, at least thirty (30) years of age, not licensed to practice law nor holding any salaried public office or employment; (v) one (1) Justice of the Peace; (vi) one (1) Judge of a Municipal Court; (vii) one (1) Judge of a County Court at Law; and (viii) one (1) Judge of a Constitutional County Court; provided that no person shall be or remain a member of the Commission, who does not maintain physical residence within this State, or who shall have ceased to retain the qualifications above specified for that person's respective class of membership, and provided that a Commissioner of class (i), (ii), (iii), (vii), or (viii) may not reside or hold a judgeship in the same court of appeals district as another member of the Commission. Commissioners of classes (i), (ii), (vii), and (viii) above shall be chosen by the Supreme Court with advice and consent of the Senate, those of class (iii) by the Board of Directors of the State Bar under regulations to be prescribed by the Supreme Court with advice and consent of the Senate, those of class (iv) by appointment of the Governor with advice and consent of the Senate, and the commissioners of classes (v) and (vi) by appointment of the Supreme Court as provided by law, with the advice and consent of the Senate.

(3) The regular term of office of Commissioners shall be six (6) years; but the initial members of each of classes (i), (ii) and (iii) shall respectively be chosen for terms of four (4) and six (6) years, and the initial members of class (iiii) for respective terms of two (2), four (4) and six (6) years. Interim vacancies shall be filled in the same manner as vacancies due to expiration of a full term, but only for the unexpired portion of the term in question. Commissioners may succeed themselves in office only if having served less than three (3) consecutive years.

(4) Commissioners shall receive no compensation for their services as such. The Legislature shall provide for the payment of the necessary expense for the operation of the Commission.

(5) The Commission may hold its meetings, hearings and other proceedings at such times and places as it shall determine but shall meet at Austin at least once each year. It shall annually select one of its members as Chairman. A quorum shall consist of seven (7) members. Proceedings shall be by majority vote of those present, except that recommendations for retirement, censure, suspension, or removal of any person holding an office named in Paragraph A of Subsection (6) of this Section shall be by affirmative vote of at least seven (7) members.

(6) A. Any Justice or Judge of the courts established by this Constitution or created by the Legislature as provided in Section 1, Article V, of this Constitution, may, subject to the other provisions hereof, be removed from office for willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice. Any person holding such office may be disciplined or censured, in lieu of removal from office, as provided by this section. Any person holding an office specified in this subsection may be suspended from office with or without pay by the Commission immediately on being indicted by a State or Federal grand jury for a felony offense or charged with a misdemeanor involving official misconduct. On the filing of a sworn complaint charging a person holding such office with willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful and persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit on the judiciary or on the administration of justice, the Commission, after giving the person notice and an opportunity to appear and be heard before the Commission, may recommend to the Supreme Court the suspension of such person from office. The Supreme Court, after considering the record of such appearance and the recommendation of the Commission, may suspend the person from office with or without pay, pending final disposition of the charge.

B. Any person holding an office named in Paragraph A of this subsection who is eligible for retirement benefits under the laws of this state providing for judicial retirement may be involuntarily retired, and any person holding an office named in that paragraph who is not eligible for retirement benefits under such

laws may be removed from office, for disability seriously interfering with the performance of his duties, which is, or is likely to become, permanent in nature.

C. The law relating to the removal, discipline, suspension, or censure of a Justice or Judge of the courts established by this Constitution or created by the Legislature as provided in this Constitution applies to a master or magistrate appointed as provided by law to serve a trial court of this State and to a retired or former Judge who continues as a judicial officer subject to an assignment to sit on a court of this State. Under the law relating to the removal of an active Justice or Judge, the Commission and the review tribunal may prohibit a retired or former Judge from holding judicial office in the future or from sitting on a court of this State by assignment.

(7) The Commission shall keep itself informed as fully as may be of circumstances relating to the misconduct or disability of particular persons holding an office named in Paragraph A of Subsection (6) of this Section, receive complaints or reports, formal or informal, from any source in this behalf and make such preliminary investigations as it may determine. Its orders for the attendance or testimony of witnesses or for the production of documents at any hearing or investigation shall be enforceable by contempt proceedings in the District Court or by a Master.

(8) After such investigation as it deems necessary, the Commission may in its discretion issue a private or public admonition, warning, reprimand, or requirement that the person obtain additional training or education, or if the Commission determines that the situation merits such action, it may institute formal proceedings and order a formal hearing to be held before it concerning a person holding an office or position specified in Subsection (6) of this Section, or it may in its discretion request the Supreme Court to appoint an active or retired District Judge or Justice of a Court of Appeals, or retired Judge or Justice of the Court of Criminal Appeals or the Supreme Court, as a Master to hear and take evidence in the matter, and to report thereon to the Commission. The Master shall have all the power of a District Judge in the enforcement of orders pertaining to witnesses, evidence, and procedure. If, after formal hearing, or after considering the record and report of a Master, the Commission finds good cause therefor, it shall issue an order of public admonition, warning, reprimand, censure, or requirement that the person holding an office or position specified in Subsection (6) of this Section obtain additional training or education, or it shall recommend to a review tribunal the removal or retirement, as the case may be, of the person and shall thereupon file with the tribunal the entire record before the Commission.

(9) A tribunal to review the Commission's recommendation for the removal or retirement of a person holding an office or position specified in Subsection (6) of this Section is composed of seven (7) Justices or Judges of the Courts of Appeals who are selected by lot by the Chief Justice of the Supreme Court. Each Court of Appeals shall designate one of its members for inclusion in the list from which the selection is made. Service on the tribunal shall be considered part of the official duties of a judge, and no additional compensation may be paid for such service. The review tribunal shall review the record of the proceedings on

the law and facts and in its discretion may, for good cause shown, permit the introduction of additional evidence. Within 90 days after the date on which the record is filed with the review tribunal, it shall order public censure, retirement or removal, as it finds just and proper, or wholly reject the recommendation. A Justice, Judge, Master, or Magistrate may appeal a decision of the review tribunal to the Supreme Court under the substantial evidence rule. Upon an order for involuntary retirement for disability or an order for removal, the office in question shall become vacant. The review tribunal, in an order for involuntary retirement for disability or an order for removal, may prohibit such person from holding judicial office in the future. The rights of an incumbent so retired to retirement benefits shall be the same as if his retirement had been voluntary.

(10) All papers filed with and proceedings before the Commission or a Master shall be confidential, unless otherwise provided by law, and the filing of papers with, and the giving of testimony before the Commission or a Master shall be privileged, unless otherwise provided by law. However, the Commission may issue a public statement through its executive director or its Chairman at any time during any of its proceedings under this Section when sources other than the Commission cause notoriety concerning a Judge or the Commission itself and the Commission determines that the best interests of a Judge or of the public will be served by issuing the statement.

(11) The Supreme Court shall by rule provide for the procedure before the Commission, Masters, review tribunal, and the Supreme Court. Such rule shall provide the right of discovery of evidence to a Justice, Judge, Master, or Magistrate after formal proceedings are instituted and shall afford to any person holding an office or position specified in Subsection (6) of this Section, against whom a proceeding is instituted to cause his retirement or removal, due process of law for the procedure before the Commission, Masters, review tribunal, and the Supreme Court in the same manner that any person whose property rights are in jeopardy in an adjudicatory proceeding is entitled to due process of law, regardless of whether or not the interest of the person holding an office or position specified in Subsection (6) of this Section in remaining in active status is considered to be a right or a privilege. Due process shall include the right to notice, counsel, hearing, confrontation of his accusers, and all such other incidents of due process as are ordinarily available in proceedings whether or not misfeasance is charged, upon proof of which a penalty may be imposed.

(12) No person holding an office specified in Subsection (6) of this Section shall sit as a member of the Commission in any proceeding involving his own suspension, discipline, censure, retirement or removal.

(13) This Section 1-a is alternative to and cumulative of, the methods of removal of persons holding an office named in Paragraph A of Subsection (6) of this Section provided elsewhere in this Constitution.

(14) The Legislature may promulgate laws in furtherance of this Section that are not inconsistent with its provisions. (Added Nov. 2, 1948; Subsecs. (1)-(13) amended Nov. 2, 1965; Subsecs. (5)-(9) and (11)-(13) amended Nov. 3, 1970; Subsecs. (2), (5)-(10), and (12) amended Nov. 8, 1977; Subsecs. (2), (6), and (8)-(12) amended and (14) added Nov. 6, 1984; Subsecs. (1) and (2) amended

Nov. 6, 2001; Subsecs. (2) and (5) amended Nov. 8, 2005; Subsec. (1) amended Nov. 6, 2007; Subsec. (8) amended Nov. 5, 2013.) (Temporary transition provision for Sec. 1-a: see Appendix, Note 3.)

Sec. 2. SUPREME COURT; JUSTICES; SECTIONS; ELIGIBILITY; ELECTION; VACANCIES. (a) The Supreme Court shall consist of the Chief Justice and eight Justices, any five of whom shall constitute a quorum, and the concurrence of five shall be necessary to a decision of a case; provided, that when the business of the court may require, the court may sit in sections as designated by the court to hear argument of causes and to consider applications for writs of error or other preliminary matters.

(b) No person shall be eligible to serve in the office of Chief Justice or Justice of the Supreme Court unless the person is licensed to practice law in this state and is, at the time of election, a citizen of the United States and of this state, and has attained the age of thirty-five years, and has been a practicing lawyer, or a lawyer and judge of a court of record together at least ten years.

(c) Said Justices shall be elected (three of them each two years) by the qualified voters of the state at a general election; shall hold their offices six years; and shall each receive such compensation as shall be provided by law. (Amended Aug. 11, 1891, Aug. 25, 1945, Nov. 4, 1980, and Nov. 6, 2001.) (Temporary transition provision for Sec. 2: see Appendix, Note 3.)

Sec. 3. JURISDICTION OF SUPREME COURT; WRITS; CLERK. (a) The Supreme Court shall exercise the judicial power of the state except as otherwise provided in this Constitution. Its jurisdiction shall be co-extensive with the limits of the State and its determinations shall be final except in criminal law matters. Its appellate jurisdiction shall be final and shall extend to all cases except in criminal law matters and as otherwise provided in this Constitution or by law. The Supreme Court and the Justices thereof shall have power to issue writs of habeas corpus, as may be prescribed by law, and under such regulations as may be prescribed by law, the said courts and the Justices thereof may issue the writs of mandamus, procedendo, certiorari and such other writs, as may be necessary to enforce its jurisdiction. The Legislature may confer original jurisdiction on the Supreme Court to issue writs of quo warranto and mandamus in such cases as may be specified, except as against the Governor of the State.

(b) The Supreme Court shall also have power, upon affidavit or otherwise as by the court may be determined, to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction. (Amended Aug. 11, 1891, Nov. 4, 1930, Nov. 4, 1980, and Nov. 6, 2001.) (Temporary transition provision for Sec. 3: see Appendix, Note 3.)

Sec. 3a. (Repealed Nov. 6, 2001.) (Temporary transition provision for Sec. 3a: see Appendix, Note 3.)

Sec. 3-b. APPEAL FROM ORDER GRANTING OR DENYING INJUNCTION. The Legislature shall have the power to provide by law, for an appeal direct to the Supreme Court of this State from an order of any trial court granting or denying an interlocutory or permanent injunction on the grounds of the constitutionality or unconstitutionality of any statute of this State, or on the validity or invalidity

of any administrative order issued by any state agency under any statute of this State. (Added Nov. 5, 1940.)

Sec. 3-c. JURISDICTION TO ANSWER QUESTIONS OF STATE LAW CERTIFIED FROM FEDERAL APPELLATE COURT. (a) The supreme court and the court of criminal appeals have jurisdiction to answer questions of state law certified from a federal appellate court.

(b) The supreme court and the court of criminal appeals shall promulgate rules of procedure relating to the review of those questions. (Added Nov. 5, 1985.)

Sec. 4. COURT OF CRIMINAL APPEALS; JUDGES. (a) The Court of Criminal Appeals shall consist of eight Judges and one Presiding Judge. The Judges shall have the same qualifications and receive the same salaries as the Associate Justices of the Supreme Court, and the Presiding Judge shall have the same qualifications and receive the same salary as the Chief Justice of the Supreme Court. The Presiding Judge and the Judges shall be elected by the qualified voters of the state at a general election and shall hold their offices for a term of six years.

(b) For the purpose of hearing cases, the Court of Criminal Appeals may sit in panels of three Judges, the designation thereof to be under rules established by the court. In a panel of three Judges, two Judges shall constitute a quorum and the concurrence of two Judges shall be necessary for a decision. The Presiding Judge, under rules established by the court, shall convene the court en banc for the transaction of all other business and may convene the court en banc for the purpose of hearing cases. The court must sit en banc during proceedings involving capital punishment and other cases as required by law. When convened en banc, five Judges shall constitute a quorum and the concurrence of five Judges shall be necessary for a decision. The Court of Criminal Appeals may appoint Commissioners in aid of the Court of Criminal Appeals as provided by law. (Amended Aug. 11, 1891, Nov. 8, 1966, Nov. 8, 1977, and Nov. 6, 2001.) (Temporary transition provision for Sec. 4: see Appendix, Note 3.)

Sec. 5. JURISDICTION OF COURT OF CRIMINAL APPEALS; TERMS OF COURT; CLERK. (a) The Court of Criminal Appeals shall have final appellate jurisdiction coextensive with the limits of the state, and its determinations shall be final, in all criminal cases of whatever grade, with such exceptions and under such regulations as may be provided in this Constitution or as prescribed by law.

(b) The appeal of all cases in which the death penalty has been assessed shall be to the Court of Criminal Appeals. The appeal of all other criminal cases shall be to the Courts of Appeal as prescribed by law. In addition, the Court of Criminal Appeals may, on its own motion, review a decision of a Court of Appeals in a criminal case as provided by law. Discretionary review by the Court of Criminal Appeals is not a matter of right, but of sound judicial discretion.

(c) Subject to such regulations as may be prescribed by law, the Court of Criminal Appeals and the Judges thereof shall have the power to issue the writ of habeas corpus, and, in criminal law matters, the writs of mandamus, procedendo, prohibition, and certiorari. The Court and the Judges thereof shall have the power to issue such other writs as may be necessary to protect its jurisdiction or enforce its judgments. The court shall have the power upon

affidavit or otherwise to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction. (Amended Aug. 11, 1891, Nov. 8, 1966, Nov. 8, 1977, Nov. 4, 1980, and Nov. 6, 2001.) (Temporary transition provision for Sec. 5: see Appendix, Note 3.)

Sec. 5a. SUPREME COURT, COURT OF CRIMINAL APPEALS, COURT OF APPEALS; CLERK OF COURT; TERMS. The Supreme Court, Court of Criminal Appeals, and each Court of Appeals shall each appoint a clerk of the court, who shall give bond in the manner required by law, may hold office for four years subject to removal by the appointing court for good cause entered of record on the minutes of the court, and shall receive such compensation as the legislature may provide. (Added Nov. 6, 2001.) (Temporary transition provision for Sec. 5a: see Appendix, Note 3.)

Sec. 5b. SUPREME COURT, COURT OF CRIMINAL APPEALS; LOCATION; TERM. The Supreme Court and the Court of Criminal Appeals may sit at any time during the year at the seat of government or, at the court's discretion, at any other location in this state for the transaction of business, and each term of either court shall begin and end with each calendar year. (Added Nov. 6, 2001.) (Temporary transition provision for Sec. 5b: see Appendix, Note 3.)

Sec. 6. COURTS OF APPEALS; TERMS OF JUSTICES; CLERKS. (a) The state shall be divided into courts of appeals districts, with each district having a Chief Justice, two or more other Justices, and such other officials as may be provided by law. The Justices shall have the qualifications prescribed for Justices of the Supreme Court. The Court of Appeals may sit in sections as authorized by law. The concurrence of a majority of the judges sitting in a section is necessary to decide a case. Said Court of Appeals shall have appellate jurisdiction co-extensive with the limits of their respective districts, which shall extend to all cases of which the District Courts or County Courts have original or appellate jurisdiction, under such restrictions and regulations as may be prescribed by law. Provided, that the decision of said courts shall be conclusive on all questions of fact brought before them on appeal or error. Said courts shall have such other jurisdiction, original and appellate, as may be prescribed by law.

(b) Each of said Courts of Appeals shall hold its sessions at a place in its district to be designated by the Legislature, and at such time as may be prescribed by law. Said Justices shall be elected by the qualified voters of their respective districts at a general election, for a term of six years and shall receive for their services the sum provided by law.

(c) All constitutional and statutory references to the Courts of Civil Appeals shall be construed to mean the Courts of Appeals. (Amended Aug. 11, 1891, Nov. 7, 1978, Nov. 4, 1980, Nov. 5, 1985, and Nov. 6, 2001.) (Temporary transition provision for Sec. 6: see Appendix, Note 3.)

Sec. 7. JUDICIAL DISTRICTS; DISTRICT JUDGES; TERMS OR SESSIONS; ABSENCE, DISABILITY, OR DISQUALIFICATION OF JUDGE. The State shall be divided into judicial districts, with each district having one or more Judges as may be provided by law or by this Constitution. Each district judge shall be elected by the qualified voters at a General Election and shall be a citizen of the United States and of this State, who is licensed to practice law in this State and has been

a practicing lawyer or a Judge of a Court in this State, or both combined, for four (4) years next preceding his election, who has resided in the district in which he was elected for two (2) years next preceding his election, and who shall reside in his district during his term of office and hold his office for the period of four (4) years, and who shall receive for his services an annual salary to be fixed by the Legislature. The Court shall conduct its proceedings at the county seat of the county in which the case is pending, except as otherwise provided by law. He shall hold the regular terms of his Court at the County Seat of each County in his district in such manner as may be prescribed by law. The Legislature shall have power by General or Special Laws to make such provisions concerning the terms or sessions of each Court as it may deem necessary.

The Legislature shall also provide for the holding of District Court when the Judge thereof is absent, or is from any cause disabled or disqualified from presiding. (Amended Aug. 11, 1891, Nov. 8, 1949, and Nov. 5, 1985.)

Sec. 7a. JUDICIAL DISTRICTS BOARD; REAPPORTIONMENT OF JUDICIAL DISTRICTS. (a) The Judicial Districts Board is created to reapportion the judicial districts authorized by Article V, Section 7, of this constitution.

(b) The membership of the board consists of the Chief Justice of the Texas Supreme Court who serves as chairman, the presiding judge of the Texas Court of Criminal Appeals, the presiding judge of each of the administrative judicial districts of the state, the president of the Texas Judicial Council, and one person who is licensed to practice law in this state appointed by the governor with the advice and consent of the senate for a term of four years. In the event of a vacancy in the appointed membership, the vacancy is filled for the unexpired term in the same manner as the original appointment.

(c) A majority of the total membership of the board constitutes a quorum for the transaction of business. The adoption of a reapportionment order requires a majority vote of the total membership of the board.

(d) The reapportionment powers of the board shall be exercised in the interims between regular sessions of the legislature, except that a reapportionment may not be ordered by the board during an interim immediately following a regular session of the legislature in which a valid and subsisting statewide apportionment of judicial districts is enacted by the legislature. The board has other powers and duties as provided by the legislature and shall exercise its powers under the policies, rules, standards, and conditions, not inconsistent with this section, that the legislature provides.

(e) Unless the legislature enacts a statewide reapportionment of the judicial districts following each federal decennial census, the board shall convene not later than the first Monday of June of the third year following the year in which the federal decennial census is taken to make a statewide reapportionment of the districts. The board shall complete its work on the reapportionment and file its order with the secretary of state not later than August 31 of the same year. If the Judicial Districts Board fails to make a statewide apportionment by that date, the Legislative Redistricting Board established by Article III, Section 28, of this constitution shall make a statewide reapportionment of the judicial districts

not later than the 150th day after the final day for the Judicial Districts Board to make the reapportionment.

(f) In addition to the statewide reapportionment, the board may reapportion the judicial districts of the state as the necessity for reapportionment appears by redesignating, in one or more reapportionment orders, the county or counties that comprise the specific judicial districts affected by those reapportionment orders. In modifying any judicial district, no county having a population as large or larger than the population of the judicial district being reapportioned shall be added to the judicial district.

(g) Except as provided by Subsection (i) of this section, this section does not limit the power of the legislature to reapportion the judicial districts of the state, to increase the number of judicial districts, or to provide for consequent matters on reapportionment. The legislature may provide for the effect of a reapportionment made by the board on pending cases or the transfer of pending cases, for jurisdiction of a county court where county court jurisdiction has been vested by law in a district court affected by the reapportionment, for terms of the courts upon existing officers and their duties, and for all other matters affected by the reapportionment. The legislature may delegate any of these powers to the board. The legislature shall provide for the necessary expenses of the board.

(h) Any judicial reapportionment order adopted by the board must be approved by a record vote of the majority of the membership of both the senate and house of representatives before such order can become effective and binding.

(i) The legislature, the Judicial Districts Board, or the Legislative Redistricting Board may not redistrict the judicial districts to provide for any judicial district smaller in size than an entire county except as provided by this section. Judicial districts smaller in size than the entire county may be created subsequent to a general election where a majority of the persons voting on the proposition adopt the proposition "to allow the division of _____ County into judicial districts composed of parts of _____ County." No redistricting plan may be proposed or adopted by the legislature, the Judicial Districts Board, or the Legislative Redistricting Board in anticipation of a future action by the voters of any county. (Added Nov. 5, 1985.)

Sec. 8. JURISDICTION OF DISTRICT COURT. District Court jurisdiction consists of exclusive, appellate, and original jurisdiction of all actions, proceedings, and remedies, except in cases where exclusive, appellate, or original jurisdiction may be conferred by this Constitution or other law on some other court, tribunal, or administrative body. District Court judges shall have the power to issue writs necessary to enforce their jurisdiction.

The District Court shall have appellate jurisdiction and general supervisory control over the County Commissioners Court, with such exceptions and under such regulations as may be prescribed by law. (Amended Aug. 11, 1891, Nov. 6, 1973, and Nov. 5, 1985.)

Sec. 9. CLERK OF DISTRICT COURT. There shall be a Clerk for the District Court of each county, who shall be elected by the qualified voters and who shall hold his office for four years, subject to removal by information, or by indictment

of a grand jury, and conviction of a petit jury. In case of vacancy, the Judge of the District Court shall have the power to appoint a Clerk, who shall hold until the office can be filled by election. (Amended Nov. 2, 1954, and Nov. 2, 1999.) (Temporary transition provisions for Sec. 9: see Appendix, Note 1.)

Sec. 10. TRIAL BY JURY. In the trial of all causes in the District Courts, the plaintiff or defendant shall, upon application made in open court, have the right of trial by jury; but no jury shall be empaneled in any civil case unless demanded by a party to the case, and a jury fee be paid by the party demanding a jury, for such sum, and with such exceptions as may be prescribed by the Legislature.

Sec. 11. DISQUALIFICATION OF JUDGES; EXCHANGE OF DISTRICTS; HOLDING COURT FOR OTHER JUDGES. No judge shall sit in any case wherein the judge may be interested, or where either of the parties may be connected with the judge, either by affinity or consanguinity, within such a degree as may be prescribed by law, or when the judge shall have been counsel in the case. When the Supreme Court, the Court of Criminal Appeals, the Court of Appeals, or any member of any of those courts shall be thus disqualified to hear and determine any case or cases in said court, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons learned in the law for the trial and determination of such cause or causes. When a judge of the District Court is disqualified by any of the causes above stated, the parties may, by consent, appoint a proper person to try said case; or upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending, in such manner as may be prescribed by law.

And the District Judges may exchange districts, or hold courts for each other when they may deem it expedient, and shall do so when required by law. This disqualification of judges of inferior tribunals shall be remedied and vacancies in their offices filled as may be prescribed by law. (Amended Aug. 11, 1891, and Nov. 6, 2001.) (Temporary transition provision for Sec. 11: see Appendix, Note 3.)

Sec. 12. JUDGES TO BE CONSERVATORS OF THE PEACE; INDICTMENTS AND INFORMATION. (a) All judges of courts of this State, by virtue of their office, are conservators of the peace throughout the State.

(b) An indictment is a written instrument presented to a court by a grand jury charging a person with the commission of an offense. An information is a written instrument presented to a court by an attorney for the State charging a person with the commission of an offense. The practice and procedures relating to the use of indictments and informations, including their contents, amendment, sufficiency, and requisites, are as provided by law. The presentment of an indictment or information to a court invests the court with jurisdiction of the cause. (Amended Aug. 11, 1891, and Nov. 5, 1985.)

Sec. 13. NUMBER OF GRAND AND PETIT JURORS; NUMBER CONCURRING. Grand and petit juries in the District Courts shall be composed of twelve persons, except that petit juries in a criminal case below the grade of felony shall be composed of six persons; but nine members of a grand jury shall be a quorum to transact business and present bills. In trials of civil cases in the District Courts, nine members of the jury, concurring, may render a verdict, but when the verdict shall be rendered by less than the whole number, it shall be signed by every

member of the jury concurring in it. When, pending the trial of any case, one or more jurors not exceeding three, may die, or be disabled from sitting, the remainder of the jury shall have the power to render the verdict; provided, that the Legislature may change or modify the rule authorizing less than the whole number of the jury to render a verdict. (Amended Nov. 6, 2001, and Sept. 13, 2003.) (Temporary transition provision for Sec. 13: see Appendix, Note 3.)

Sec. 14. JUROR QUALIFICATIONS. (a) The legislature shall prescribe by law the qualifications of grand jurors and petit jurors.

(b) The legislature shall enact laws to exclude from serving on juries persons who have been convicted of bribery, perjury, forgery, or other high crimes. (Added Nov. 6, 2001.) (Temporary transition provision for Sec. 14: see Appendix, Note 3.)

Sec. 15. COUNTY COURT; COUNTY JUDGE. There shall be established in each county in this State a County Court, which shall be a court of record; and there shall be elected in each county, by the qualified voters, a County Judge, who shall be well informed in the law of the State; shall be a conservator of the peace, and shall hold his office for four years, and until his successor shall be elected and qualified. He shall receive as compensation for his services such fees and perquisites as may be prescribed by law. (Amended Nov. 2, 1954.)

Sec. 16. COUNTY COURTS; JURISDICTION; DISQUALIFICATION OF JUDGE. The County Court has jurisdiction as provided by law. The County Judge is the presiding officer of the County Court and has judicial functions as provided by law. County court judges shall have the power to issue writs necessary to enforce their jurisdiction.

County Courts in existence on the effective date of this amendment are continued unless otherwise provided by law.

When the judge of the County Court is disqualified in any case pending in the County Court the parties interested may, by consent, appoint a proper person to try said case, or upon their failing to do so a competent person may be appointed to try the same in the county where it is pending in such manner as may be prescribed by law. (Amended Aug. 11, 1891, Nov. 7, 1978, Nov. 4, 1980, and Nov. 5, 1985.)

Sec. 16a. (Repealed Nov. 5, 1985.)

Sec. 17. TERMS OF COUNTY COURT; PROSECUTIONS; JURIES. The County Court shall hold terms as provided by law. Prosecutions may be commenced in said court by information filed by the county attorney, or by affidavit, as may be provided by law. Grand juries empaneled in the District Courts shall inquire into misdemeanors, and all indictments therefor returned into the District Courts shall forthwith be certified to the County Courts or other inferior courts, having jurisdiction to try them for trial; and if such indictment be quashed in the County, or other inferior court, the person charged, shall not be discharged if there is probable cause of guilt, but may be held by such court or magistrate to answer an information or affidavit. A jury in the County Court shall consist of six persons; but no jury shall be empaneled to try a civil case unless demanded by one of the parties, who shall pay such jury fee therefor, in advance, as may be prescribed

by law, unless the party makes affidavit that the party is unable to pay the jury fee. (Amended Nov. 5, 1985, and Nov. 6, 2001.) (Temporary transition provision for Sec. 17: see Appendix, Note 3.)

Sec. 18. DIVISION OF COUNTIES INTO PRECINCTS; ELECTION OF CONSTABLE AND JUSTICE OF THE PEACE; COUNTY COMMISSIONERS AND COUNTY COMMISSIONERS COURT. (a) Each county in the State with a population of 50,000 or more, according to the most recent federal census, from time to time, for the convenience of the people, shall be divided into not less than four and not more than eight precincts. Each county in the State with a population of 18,000 or more but less than 50,000, according to the most recent federal census, from time to time, for the convenience of the people, shall be divided into not less than two and not more than eight precincts. Each county in the State with a population of less than 18,000, according to the most recent federal census, from time to time, for the convenience of the people, shall be designated as a single precinct or, if the Commissioners Court determines that the county needs more than one precinct, shall be divided into not more than four precincts. Notwithstanding the population requirements of this subsection, Chambers County and Randall County, from time to time, for the convenience of the people, shall be divided into not less than two and not more than six precincts. A division or designation under this subsection shall be made by the Commissioners Court provided for by this Constitution. Except as provided by this section, in each such precinct there shall be elected one Justice of the Peace and one Constable, each of whom shall hold his office for four years and until his successor shall be elected and qualified; provided that in a county with a population of less than 150,000, according to the most recent federal census, in any precinct in which there may be a city of 18,000 or more inhabitants, there shall be elected two Justices of the Peace, and in a county with a population of 150,000 or more, according to the most recent federal census, each precinct may contain more than one Justice of the Peace Court. Notwithstanding the population requirements of this subsection, any county that is divided into four or more precincts on November 2, 1999, shall continue to be divided into not less than four precincts.

(b) Each county shall, in the manner provided for justice of the peace and constable precincts, be divided into four commissioners precincts in each of which there shall be elected by the qualified voters thereof one County Commissioner, who shall hold his office for four years and until his successor shall be elected and qualified. The County Commissioners so chosen, with the County Judge as presiding officer, shall compose the County Commissioners Court, which shall exercise such powers and jurisdiction over all county business, as is conferred by this Constitution and the laws of the State, or as may be hereafter prescribed.

(c) When the boundaries of justice of the peace and constable precincts are changed, each Justice and Constable in office on the effective date of the change, or elected to a term of office beginning on or after the effective date of the change, shall serve in the precinct in which the person resides for the term to which each was elected or appointed, even though the change in boundaries places the person's residence outside the precinct for which he was elected or appointed, abolishes the precinct for which he was elected or appointed, or

temporarily results in extra Justices or Constables serving in a precinct. When, as a result of a change of precinct boundaries, a vacancy occurs in the office of Justice of the Peace or Constable, the Commissioners Court shall fill the vacancy by appointment until the next general election.

(d) When the boundaries of commissioners precincts are changed, each commissioner in office on the effective date of the change, or elected to a term of office beginning on or after the effective date of the change, shall serve in the precinct to which each was elected or appointed for the entire term to which each was elected or appointed, even though the change in boundaries places the person's residence outside the precinct for which he was elected or appointed.

(e) The office of Constable is abolished in Mills County, Reagan County, and Roberts County. The powers, duties, and records of the office are transferred to the County Sheriff.

(f) The Legislature by general law may prescribe the qualifications of constables.

(g) (Redesignated as Subsec. (f) Nov. 6, 2001.)

(h) The commissioners court of a county may declare the office of constable in a precinct dormant if at least seven consecutive years have passed since the end of the term of the person who was last elected or appointed to the office and during that period of time no person was elected to fill that office, or during that period a person was elected to that office, but the person failed to meet the qualifications of that office or failed to assume the duties of that office. If an office of constable is declared dormant, the office may not be filled by election or appointment and the previous officeholder does not continue to hold the office under Subsection (a) of this section or Section 17, Article XVI, of this constitution. The records of an office of constable declared dormant are transferred to the county clerk of the county. The commissioners court may reinstate an office of constable declared dormant by vote of the commissioners court or by calling an election in the precinct to reinstate the office. The commissioners court shall call an election to reinstate the office if the commissioners court receives a petition signed by at least 10 percent of the qualified voters of the precinct. If an election is called under this subsection, the commissioners court shall order the ballot for the election to be printed to permit voting for or against the proposition: "Reinstating the office of Constable of Precinct No._____ that was previously declared dormant." The office of constable is reinstated if a majority of the voters of the precinct voting on the question at the election approve the reinstatement. (Amended Nov. 2, 1954; Subsecs. (a) and (b) amended and (c) and (d) added Nov. 8, 1983; Subsec. (a) amended Nov. 5, 1985, Nov. 3, 1987, and Nov. 7, 1995; Subsecs. (e) and (f) added Nov. 7, 1995; Subsec. (g) added Nov. 4, 1997; Subsec. (a) amended Nov. 2, 1999; Subsec. (e) amended, Subsec. (f) deleted, and Subsec. (g) redesignated as Subsec. (f) Nov. 6, 2001; Subsec. (h) added Nov. 5, 2002.) (Temporary transition provision for Sec. 18: see Appendix, Note 3.)

Sec. 19. JUSTICES OF THE PEACE; JURISDICTION; EX OFFICIO NOTARIES PUBLIC. Justice of the peace courts shall have original jurisdiction in criminal matters of misdemeanor cases punishable by fine only, exclusive jurisdiction in civil matters where the amount in controversy is two hundred dollars or less, and

such other jurisdiction as may be provided by law. Justices of the peace shall be ex officio notaries public. (Amended Nov. 7, 1978, and Nov. 5, 1985.)

Sec. 20. COUNTY CLERK. There shall be elected for each county, by the qualified voters, a County Clerk, who shall hold his office for four years, who shall be clerk of the County and Commissioners Courts and recorder of the county, whose duties, perquisites and fees of office shall be prescribed by the Legislature, and a vacancy in whose office shall be filled by the Commissioners Court, until the next general election; provided, that in counties having a population of less than 8,000 persons there may be an election of a single Clerk, who shall perform the duties of District and County Clerks. (Amended Nov. 2, 1954.)

Sec. 21. COUNTY ATTORNEYS; DISTRICT ATTORNEYS. A County Attorney, for counties in which there is not a resident Criminal District Attorney, shall be elected by the qualified voters of each county, who shall be commissioned by the Governor, and hold his office for the term of four years. In case of vacancy the Commissioners Court of the county shall have the power to appoint a County Attorney until the next general election. The County Attorneys shall represent the State in all cases in the District and inferior courts in their respective counties; but if any county shall be included in a district in which there shall be a District Attorney, the respective duties of District Attorneys and County Attorneys shall in such counties be regulated by the Legislature. The Legislature may provide for the election of District Attorneys in such districts, as may be deemed necessary, and make provision for the compensation of District Attorneys and County Attorneys. District Attorneys shall hold office for a term of four years, and until their successors have qualified. (Amended Nov. 2, 1954.)

Sec. 22. (Repealed Nov. 5, 1985.)

Sec. 23. SHERIFFS. There shall be elected by the qualified voters of each county a Sheriff, who shall hold his office for the term of four years, whose duties, qualifications, perquisites, and fees of office, shall be prescribed by the Legislature, and vacancies in whose office shall be filled by the Commissioners Court until the next general election. (Amended Nov. 2, 1954, and Nov. 2, 1993.)

Sec. 24. REMOVAL OF COUNTY OFFICERS. County Judges, county attorneys, clerks of the District and County Courts, justices of the peace, constables, and other county officers, may be removed by the Judges of the District Courts for incompetency, official misconduct, habitual drunkenness, or other causes defined by law, upon the cause therefor being set forth in writing and the finding of its truth by a jury.

Sec. 25. (Repealed Nov. 5, 1985.)

Sec. 26. CRIMINAL CASES; APPEAL BY STATE. The State is entitled to appeal in criminal cases, as authorized by general law. (Amended Nov. 3, 1987.)

Sec. 27. (Repealed Nov. 6, 2001.) (Temporary transition provision for Sec. 27: see Appendix, Note 3.)

Sec. 28. VACANCY IN OFFICE OF SUPREME COURT, COURT OF CRIMINAL APPEALS, COURT OF APPEALS AND DISTRICT COURTS TO BE FILLED BY THE GOVERNOR. (a) A vacancy in the office of Chief Justice, Justice, or Judge of

the Supreme Court, the Court of Criminal Appeals, the Court of Appeals, or the District Courts shall be filled by the Governor until the next succeeding General Election for state officers, and at that election the voters shall fill the vacancy for the unexpired term.

(b) A vacancy in the office of County Judge or Justice of the Peace shall be filled by the Commissioners Court until the next succeeding General Election. (Amended Aug. 11, 1891, Nov. 4, 1958, and Nov. 6, 2001.) (Temporary transition provision for Sec. 28: see Appendix, Note 3.)

Sec. 29. COUNTY COURT; TERMS OF COURT; PROBATE BUSINESS; COMMENCEMENT OF PROSECUTIONS; JURY. The County Court shall hold at least four terms for both civil and criminal business annually, as may be provided by the Legislature, or by the Commissioners Court of the county under authority of law, and such other terms each year as may be fixed by the Commissioners Court; provided, the Commissioners Court of any county having fixed the times and number of terms of the County Court, shall not change the same again until the expiration of one year. Said court shall dispose of probate business either in term time or vacation, under such regulation as may be prescribed by law. Until otherwise provided, the terms of the County Court shall be held on the first Mondays in February, May, August and November, and may remain in session three weeks. (Added Aug. 14, 1883; amended Nov. 6, 2001.) (Temporary transition provision for Sec. 29: see Appendix, Note 3.)

Sec. 30. JUDGES OF COURTS OF COUNTY-WIDE JURISDICTION; CRIMINAL DISTRICT ATTORNEYS. The Judges of all Courts of county-wide jurisdiction heretofore or hereafter created by the Legislature of this State, and all Criminal District Attorneys now or hereafter authorized by the laws of this State, shall be elected for a term of four years, and shall serve until their successors have qualified. (Added Nov. 2, 1954.)

Sec. 31. COURT ADMINISTRATION; RULE-MAKING AUTHORITY; ACTION ON MOTION FOR REHEARING. (a) The Supreme Court is responsible for the efficient administration of the judicial branch and shall promulgate rules of administration not inconsistent with the laws of the state as may be necessary for the efficient and uniform administration of justice in the various courts.

(b) The Supreme Court shall promulgate rules of civil procedure for all courts not inconsistent with the laws of the state as may be necessary for the efficient and uniform administration of justice in the various courts.

(c) The legislature may delegate to the Supreme Court or Court of Criminal Appeals the power to promulgate such other rules as may be prescribed by law or this Constitution, subject to such limitations and procedures as may be provided by law.

(d) Notwithstanding Section 1, Article II, of this constitution and any other provision of this constitution, if the supreme court does not act on a motion for rehearing before the 180th day after the date on which the motion is filed, the motion is denied. (Added Nov. 5, 1985; Subsec. (d) added Nov. 4, 1997.)

ARTICLE 6

SUFFRAGE

Sec. 1. CLASSES OF PERSONS NOT ALLOWED TO VOTE. (a) The following classes of persons shall not be allowed to vote in this State:

(1) persons under 18 years of age;

(2) persons who have been determined mentally incompetent by a court, subject to such exceptions as the Legislature may make; and

(3) persons convicted of any felony, subject to such exceptions as the Legislature may make.

(b) The legislature shall enact laws to exclude from the right of suffrage persons who have been convicted of bribery, perjury, forgery, or other high crimes. (Amended Nov. 8, 1932, Nov. 2, 1954, Nov. 4, 1997, and Nov. 6, 2001.) (Temporary transition provision for Sec. 1: see Appendix, Note 3.)

Sec. 2. QUALIFIED ELECTOR; REGISTRATION; ABSENTEE VOTING. (a) Every person subject to none of the disqualifications provided by Section 1 of this article or by a law enacted under that section who is a citizen of the United States and who is a resident of this State shall be deemed a qualified voter; provided, however, that before offering to vote at an election a voter shall have registered, but such requirement for registration shall not be considered a qualification of a voter within the meaning of the term "qualified voter" as used in any other Article of this Constitution in respect to any matter except qualification and eligibility to vote at an election.

(b) The Legislature may authorize absentee voting.

(c) The privilege of free suffrage shall be protected by laws regulating elections and prohibiting under adequate penalties all undue influence in elections from power, bribery, tumult, or other improper practice. (Amended Nov. 3, 1896, Nov. 4, 1902, July 23, 1921, Nov. 2, 1954, Nov. 8, 1966, Nov. 4, 1997, Nov. 2, 1999, and Nov. 6, 2001.) (Temporary transition provisions for Sec. 2: see Appendix, Notes 1 and 3.)

Sec. 2a. VOTING FOR PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTORS AND STATEWIDE OFFICES; QUALIFIED PERSONS EXCEPT FOR RESIDENCE REQUIREMENTS. (a) Notwithstanding any other provision of this Constitution, the Legislature may enact laws and provide a method of registration, including the time of such registration, permitting any person who is qualified to vote in this State except for the residence requirements within a county or district, as set forth in Section 2 of this Article, to vote for (1) electors for President and Vice President of the United States and (2) all offices, questions or propositions to be voted on by all voters throughout this State.

(b) Notwithstanding any other provision of this Constitution, the Legislature may enact laws and provide for a method of registration, including the time for such registration, permitting any person (1) who is qualified to vote in this State except for the residence requirements of Section 2 of this Article, and (2) who shall have resided anywhere within this State at least thirty (30) days next preceding a General Election in a presidential election year, and (3) who shall

have been a qualified voter in another state immediately prior to his removal to this State or would have been eligible to vote in such other state had he remained there until such election, to vote for electors for President and Vice President of the United States in that election.

(c) Notwithstanding any other provision of this Constitution, the Legislature may enact laws and provide for a method of registration, including the time for such registration, permitting absentee voting for electors for President and Vice President of the United States in this State by former residents of this State (1) who have removed to another state, and (2) who meet all qualifications, except residence requirements, for voting for electors for President and Vice President in this State at the time of the election, but the privileges of suffrage so granted shall be only for such period of time as would permit a former resident of this State to meet the residence requirements for voting in his new state of residence, and in no case for more than twenty-four (24) months. (Added Nov. 8, 1966; Subsecs. (a) and (b) amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 2a: see Appendix, Note 1.)

Sec. 3. MUNICIPAL ELECTIONS; QUALIFICATIONS OF VOTERS. All qualified voters of the State, as herein described, who reside within the limits of any city or corporate town, shall have the right to vote for Mayor and all other elective officers. (Amended Nov. 4, 1997, and Nov. 2, 1999.) (Temporary transition provisions for Sec. 3: see Appendix, Note 1.)

Sec. 3a. BOND ISSUES; LOANS OF CREDIT; EXPENDITURES; ASSUMPTION OF DEBTS; QUALIFICATIONS OF VOTERS. When an election is held by any county, or any number of counties, or any political sub-division of the State, or any political sub-division of a county, or any defined district now or hereafter to be described and defined within the State and which may or may not include towns, villages or municipal corporations, or any city, town or village, for the purpose of issuing bonds or otherwise lending credit, or expending money or assuming any debt, only qualified voters of the State, county, political sub-division, district, city, town or village where such election is held shall be qualified to vote. (Added Nov. 8, 1932; amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 3a: see Appendix, Note 1.)

Sec. 4. ELECTIONS BY BALLOT; NUMBERING, FRAUD, AND PURITY OF ELECTIONS; REGISTRATION OF VOTERS. In all elections by the people, the vote shall be by ballot, and the Legislature shall provide for the numbering of tickets and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot box; and the Legislature shall provide by law for the registration of all voters. (Amended Aug. 11, 1891, and Nov. 8, 1966.)

Sec. 5. PRIVILEGE OF VOTERS FROM ARREST. Voters shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom.

ARTICLE 7
EDUCATION

THE PUBLIC FREE SCHOOLS

Sec. 1. SUPPORT AND MAINTENANCE OF SYSTEM OF PUBLIC FREE SCHOOLS. A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.

Sec. 2. PERMANENT SCHOOL FUND. All funds, lands and other property heretofore set apart and appropriated for the support of public schools; all the alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads or other corporations of any nature whatsoever; one half of the public domain of the State; and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a permanent school fund. (Amended Nov. 8, 2011.)

Sec. 2A. RELEASE OF CLAIM TO CERTAIN LANDS AND MINERALS WITHIN SHELBY, FRAZIER, AND MCCORMICK LEAGUE AND IN BASTROP COUNTY. (a) The State of Texas hereby relinquishes and releases any claim of sovereign ownership or title to an undivided one-third interest in and to the lands and minerals within the Shelby, Frazier, and McCormick League (now located in Fort Bend and Austin counties) arising out of the interest in that league originally granted under the Mexican Colonization Law of 1823 to John McCormick on or about July 24, 1824, and subsequently voided by the governing body of Austin's Original Colony on or about December 15, 1830.

(b) The State of Texas relinquishes and releases any claim of sovereign ownership or title to an interest in and to the lands, excluding the minerals, in Tracts 2-5, 13, 15-17, 19-20, 23-26, 29-32, and 34-37, in the A. P. Nance Survey, Bastrop County, as said tracts are:

(1) shown on Bastrop County Rolled Sketch No. 4, recorded in the General Land Office on December 15, 1999; and

(2) further described by the field notes prepared by a licensed state land surveyor of Travis County in September through November 1999 and May 2000.

(c) Title to such interest in the lands and minerals described by Subsection (a) is confirmed to the owners of the remaining interests in such lands and minerals. Title to the lands, excluding the minerals, described by Subsection (b) is confirmed to the holder of record title to each tract. Any outstanding land award or land payment obligation owed to the state for lands described by Subsection (b) is canceled, and any funds previously paid related to an outstanding land award or land payment obligation may not be refunded.

(d) The General Land Office shall issue a patent to the holder of record title to each tract described by Subsection (b). The patent shall be issued in the same manner as other patents except that no filing fee or patent fee may be required.

(e) A patent issued under Subsection (d) shall include a provision reserving all mineral interest in the land to the state.

(f) This section is self-executing. (Added Nov. 2, 1993; amended Nov. 6, 2001.)

Sec. 2B. AUTHORITY TO RELEASE STATE'S INTEREST IN LAND HELD BY PERSON UNDER COLOR OF TITLE. (a) The legislature by law may provide for the release of all or part of the state's interest in land, excluding mineral rights, if:

(1) the land is surveyed, unsold, permanent school fund land according to the records of the General Land Office;

(2) the land is not patentable under the law in effect before January 1, 2002; and

(3) the person claiming title to the land:

(A) holds the land under color of title;

(B) holds the land under a chain of title that originated on or before January 1, 1952;

(C) acquired the land without actual knowledge that title to the land was vested in the State of Texas;

(D) has a deed to the land recorded in the appropriate county; and

(E) has paid all taxes assessed on the land and any interest and penalties associated with any period of tax delinquency.

(b) This section does not apply to:

(1) beach land, submerged or filled land, or islands; or

(2) land that has been determined to be state-owned by judicial decree.

(c) This section may not be used to:

(1) resolve boundary disputes; or

(2) change the mineral reservation in an existing patent.

(d) (Expired.) (Added Nov. 6, 2001; Subsec. (d) expired Jan. 2, 2002.)

Sec. 2C. RELEASE OF CLAIM TO CERTAIN LANDS IN UPSHUR AND SMITH COUNTIES. (a) Except as provided by Subsection (b) of this section, the State of Texas relinquishes and releases any claim of sovereign ownership or title to an interest in and to the tracts of land, including mineral rights, described as follows:

Tract 1:

The first tract of land is situated in Upshur County, Texas, about 14 miles South 30 degrees east from Gilmer, the county seat, and is bounded as follows: Bound on the North by the J. Manning Survey, A-314 the S.W. Beasley Survey A-66 and the David Meredith Survey A-315 and bound on the East by the M. Mann Survey, A-302 and by the M. Chandler Survey, A-84 and bound on the South by the G. W. Hooper Survey, A-657 and by the D. Ferguson Survey, A-158 and bound on the West by the J. R. Wadkins Survey, A-562 and the H. Alsup Survey, A-20,

and by the W. Bratton Survey, A-57 and the G. H. Burroughs Survey, A-30 and the M. Tidwell Survey, A-498 of Upshur County, Texas.

Tract 2:

The second tract of land is situated in Smith County, Texas, north of Tyler and is bounded as follows: on the north and west by the S. Leeper A-559, the Frost Thorn Four League Grant A-3, A-9, A-7, A-19, and the H. Jacobs A-504 and on the south and east by the following surveys: John Carver A-247, A. Loverly A-609, J. Gimble A-408, R. Conner A-239, N.J. Blythe A-88, N.J. Blythe A-89, J. Choate A-195, Daniel Minor A-644, William Keys A-527, James H. Thomas A-971, Seaborn Smith A-899, and Samuel Leeper A-559.

(b) This section does not apply to:

(1) any public right-of-way, including a public road right-of-way, or related interest owned by a governmental entity;

(2) any navigable waterway or related interest owned by a governmental entity; or

(3) any land owned by a governmental entity and reserved for public use, including a park, recreation area, wildlife area, scientific area, or historic site.

(c) This section is self-executing. (Added Nov. 8, 2005.)

Sec. 3. TAXES FOR BENEFIT OF SCHOOLS; SCHOOL DISTRICTS. (a) One-fourth of the revenue derived from the State occupation taxes shall be set apart annually for the benefit of the public free schools.

(b) It shall be the duty of the State Board of Education to set aside a sufficient amount of available funds to provide free text books for the use of children attending the public free schools of this State.

(c) Should the taxation herein named be insufficient the deficit may be met by appropriation from the general funds of the State.

(d) The Legislature may provide for the formation of school districts by general laws, and all such school districts may embrace parts of two or more counties.

(e) The Legislature shall be authorized to pass laws for the assessment and collection of taxes in all school districts and for the management and control of the public school or schools of such districts, whether such districts are composed of territory wholly within a county or in parts of two or more counties, and the Legislature may authorize an additional ad valorem tax to be levied and collected within all school districts for the further maintenance of public free schools, and for the erection and equipment of school buildings therein; provided that a majority of the qualified voters of the district voting at an election to be held for that purpose, shall approve the tax. (Amended Aug. 14, 1883, Nov. 3, 1908, Aug. 3, 1909, Nov. 5, 1918, Nov. 2, 1920, Nov. 2, 1926, and Nov. 2, 1999.) (Temporary transition provisions for Sec. 3: see Appendix, Note 1.)

Sec. 3a. (Repealed Aug. 5, 1969.)

Sec. 3-b. INDEPENDENT SCHOOL DISTRICTS AND JUNIOR COLLEGE DISTRICTS; TAXES AND BONDS; CHANGES IN BOUNDARIES. No tax for the maintenance of public free schools voted in any independent school district and no tax for the maintenance of a junior college voted by a junior college district, nor any bonds voted in any such district, but unissued, shall be abrogated, cancelled or invalidated by change of any kind in the boundaries thereof. After any change in boundaries, the governing body of any such district, without the necessity of an additional election, shall have the power to assess, levy and collect ad valorem taxes on all taxable property within the boundaries of the district as changed, for the purposes of the maintenance of public free schools or the maintenance of a junior college, as the case may be, and the payment of principal of and interest on all bonded indebtedness outstanding against, or attributable, adjusted or allocated to, such district or any territory therein, in the amount, at the rate, or not to exceed the rate, and in the manner authorized in the district prior to the change in its boundaries, and further in accordance with the laws under which all such bonds, respectively, were voted; and such governing body also shall have the power, without the necessity of an additional election, to sell and deliver any unissued bonds voted in the district prior to any such change in boundaries, and to assess, levy and collect ad valorem taxes on all taxable property in the district as changed, for the payment of principal of and interest on such bonds in the manner permitted by the laws under which such bonds were voted. In those instances where the boundaries of any such independent school district are changed by the annexation of, or consolidation with, one or more whole school districts, the taxes to be levied for the purposes hereinabove authorized may be in the amount or at not to exceed the rate theretofore voted in the district having at the time of such change the greatest scholastic population according to the latest scholastic census and only the unissued bonds of such district voted prior to such change, may be subsequently sold and delivered and any voted, but unissued, bonds of other school districts involved in such annexation or consolidation shall not thereafter be issued. (Added Nov. 6, 1962; amended Nov. 8, 1966.)

Sec. 4. SALE OF LANDS; INVESTMENT OF PROCEEDS. The lands herein set apart to the Permanent School fund, shall be sold under such regulations, at such times, and on such terms as may be prescribed by law; and the Legislature shall not have power to grant any relief to purchasers thereof. The proceeds of such sales must be used to acquire other land for the Permanent School fund as provided by law or the proceeds shall be invested by the comptroller of public accounts, as may be directed by the Board of Education herein provided for, in the bonds of the United States, the State of Texas, or counties in said State, or in such other securities, and under such restrictions as may be prescribed by law; and the State shall be responsible for all investments. (Amended Aug. 14, 1883, Nov. 5, 1985, Nov. 7, 1995, and Nov. 8, 2011.)

Sec. 4A. (Repealed Nov. 6, 2001.) (Temporary transition provision for Sec. 4A: see Appendix, Note 3.)

Sec. 4B. INDEPENDENT SCHOOL DISTRICT; BOARD OF TRUSTEES; DONATION OF REAL PROPERTY AND IMPROVEMENTS. (a) The legislature by general law may authorize the board of trustees of an independent school

district to donate district real property and improvements formerly used as a school campus for the purpose of preserving the improvements.

(b) A law enacted under this section must provide that before the board of trustees may make the donation, the board must determine that:

(1) the improvements have historical significance;

(2) the transfer will further the preservation of the improvements; and

(3) at the time of the transfer, the district does not need the real property or improvements for educational purposes. (Added Nov. 6, 2001.)

Sec. 5. PERMANENT SCHOOL FUND; AVAILABLE SCHOOL FUND; USE OF FUNDS; DISTRIBUTION OF AVAILABLE SCHOOL FUND. (a) The permanent school fund consists of all land appropriated for public schools by this constitution or the other laws of this state, other properties belonging to the permanent school fund, and all revenue derived from the land or other properties. The available school fund consists of the distributions made to it from the total return on all investment assets of the permanent school fund, the taxes authorized by this constitution or general law to be part of the available school fund, and appropriations made to the available school fund by the legislature. The total amount distributed from the permanent school fund to the available school fund:

(1) in each year of a state fiscal biennium must be an amount that is not more than six percent of the average of the market value of the permanent school fund, excluding real property belonging to the fund that is managed, sold, or acquired under Section 4 of this article, but including discretionary real assets investments and cash in the state treasury derived from property belonging to the fund, on the last day of each of the 16 state fiscal quarters preceding the regular session of the legislature that begins before that state fiscal biennium, in accordance with the rate adopted by:

(A) a vote of two-thirds of the total membership of the State Board of Education, taken before the regular session of the legislature convenes; or

(B) the legislature by general law or appropriation, if the State Board of Education does not adopt a rate as provided by Paragraph (A) of this subdivision; and

(2) over the 10-year period consisting of the current state fiscal year and the nine preceding state fiscal years may not exceed the total return on all investment assets of the permanent school fund over the same 10-year period.

(b) The expenses of managing permanent school fund land and investments shall be paid by appropriation from the permanent school fund.

(c) The available school fund shall be applied annually to the support of the public free schools. Except as provided by this section, the legislature may not enact a law appropriating any part of the permanent school fund or available school fund to any other purpose. The permanent school fund and the available school fund may not be appropriated to or used for the support of any sectarian school. The available school fund shall be distributed to the several counties according to their scholastic population and applied in the manner provided by law.

(d) The legislature by law may provide for using the permanent school fund to guarantee bonds issued by school districts or by the state for the purpose of making loans to or purchasing the bonds of school districts for the purpose of acquisition, construction, or improvement of instructional facilities including all furnishings thereto. If any payment is required to be made by the permanent school fund as a result of its guarantee of bonds issued by the state, an amount equal to this payment shall be immediately paid by the state from the treasury to the permanent school fund. An amount owed by the state to the permanent school fund under this section shall be a general obligation of the state until paid. The amount of bonds authorized hereunder shall not exceed $750 million or a higher amount authorized by a two-thirds record vote of both houses of the legislature. If the proceeds of bonds issued by the state are used to provide a loan to a school district and the district becomes delinquent on the loan payments, the amount of the delinquent payments shall be offset against state aid to which the district is otherwise entitled.

(e) The legislature may appropriate part of the available school fund for administration of a bond guarantee program established under this section.

(f) Notwithstanding any other provision of this constitution, in managing the assets of the permanent school fund, the State Board of Education may acquire, exchange, sell, supervise, manage, or retain, through procedures and subject to restrictions it establishes and in amounts it considers appropriate, any kind of investment, including investments in the Texas growth fund created by Article XVI, Section 70, of this constitution, that persons of ordinary prudence, discretion, and intelligence, exercising the judgment and care under the circumstances then prevailing, acquire or retain for their own account in the management of their affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital.

(g) Notwithstanding any other provision of this constitution or of a statute, the General Land Office or an entity other than the State Board of Education that has responsibility for the management of permanent school fund land or other properties may in its sole discretion distribute to the available school fund each year revenue derived during that year from the land or properties, not to exceed $300 million each year.

(h) (Expired.) (Amended Aug. 11, 1891, and Nov. 3, 1964; Subsec. (a) amended and (b) and (c) added Nov. 8, 1983; Subsec. (d) added Nov. 8, 1988; Subsec. (b) amended Nov. 7, 1989; Subsec. (a) amended, a new (b) added, a portion of (a) redesignated as (c), former (b) and (c) amended, former (b)-(d) redesignated as (d)-(f), and (g) and (h) added Sept. 13, 2003; former Subsec. (g) and Subsec. (h) expired Dec. 1, 2006; Subsec. (a) amended and current Subsec. (g) added Nov. 8, 2011.)

Sec. 6. COUNTY SCHOOL LANDS; PROCEEDS OF SALES; INVESTMENT; AVAILABLE SCHOOL FUND. All lands heretofore, or hereafter granted to the several counties of this State for educational purposes, are of right the property of said counties respectively, to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available

against the title of any county. Each county may sell or dispose of its lands in whole or in part, in manner to be provided by the Commissioners Court of the county. Said lands, and the proceeds thereof, when sold, shall be held by said counties alone as a trust for the benefit of public schools therein; said proceeds to be invested in bonds of the United States, the State of Texas, or counties in said State, or in such other securities, and under such restrictions as may be prescribed by law; and the counties shall be responsible for all investments; the interest thereon, and other revenue, except the principal shall be available fund. (Amended Aug. 14, 1883, and Nov. 6, 2001.) (Temporary transition provision for Sec. 6: see Appendix, Note 3.)

Sec. 6a. COUNTY AGRICULTURAL OR GRAZING SCHOOL LAND SUBJECT TO TAX. All agriculture or grazing school land mentioned in Section 6 of this article owned by any county shall be subject to taxation except for State purposes to the same extent as lands privately owned. (Added Nov. 2, 1926.)

Sec. 6b. REDUCTION OF COUNTY PERMANENT SCHOOL FUND; DISTRIBUTION. Notwithstanding the provisions of Section 6, Article VII, Constitution of the State of Texas, any county, acting through the commissioners court, may reduce the county permanent school fund of that county and may distribute the amount of the reduction to the independent and common school districts of the county on a per scholastic basis to be used solely for the purpose of reducing bonded indebtedness of those districts or for making permanent improvements. The commissioners court shall, however, retain a sufficient amount of the corpus of the county permanent school fund to pay ad valorem taxes on school lands or royalty interests owned at the time of the distribution. Nothing in this Section affects financial aid to any school district by the state. (Added Nov. 7, 1972.)

Sec. 7. (Repealed Aug. 5, 1969.)

Sec. 8. STATE BOARD OF EDUCATION. The Legislature shall provide by law for a State Board of Education, whose members shall be appointed or elected in such manner and by such authority and shall serve for such terms as the Legislature shall prescribe not to exceed six years. The said board shall perform such duties as may be prescribed by law. (Amended Nov. 6, 1928.)

ASYLUMS

Sec. 9. (Repealed Nov. 6, 2001.) (Temporary transition provision for Sec. 9: see Appendix, Note 3.)

Sec. 9-a. (Added Nov. 6, 2001; expired Jan. 1, 2005.)

UNIVERSITY

Sec. 10. ESTABLISHMENT OF UNIVERSITY; AGRICULTURAL AND MECHANICAL DEPARTMENT. The legislature shall as soon as practicable establish, organize and provide for the maintenance, support and direction of a University of the first class, to be located by a vote of the people of this State, and styled, “The University of Texas,” for the promotion of literature, and the arts and sciences, including an Agricultural, and Mechanical department.

Sec. 11. PERMANENT UNIVERSITY FUND; INVESTMENT; ALTERNATE SECTIONS OF RAILROAD GRANT. In order to enable the Legislature to perform the duties set forth in the foregoing Section, it is hereby declared all lands and other property heretofore set apart and appropriated for the establishment and maintenance of the University of Texas, together with all the proceeds of sales of the same, heretofore made or hereafter to be made, and all grants, donations and appropriations that may hereafter be made by the State of Texas, or from any other source, except donations limited to specific purposes, shall constitute and become a Permanent University Fund. And the same as realized and received into the Treasury of the State (together with such sums belonging to the Fund, as may now be in the Treasury), shall be invested in bonds of the United States, the State of Texas, or counties of said State, or in School Bonds or municipalities, or in bonds of any city of this State, or in bonds issued under and by virtue of the Federal Farm Loan Act approved by the President of the United States, July 17, 1916, and amendments thereto; and the interest accruing thereon shall be subject to appropriation by the Legislature to accomplish the purpose declared in the foregoing Section; provided, that the one-tenth of the alternate Section of the lands granted to railroads, reserved by the State, which were set apart and appropriated to the establishment of the University of Texas, by an Act of the Legislature of February 11, 1858, entitled, "An Act to establish the University of Texas," shall not be included in, or constitute a part of, the Permanent University Fund. (Amended Nov. 4, 1930, and Nov. 8, 1932.)

Sec. 11a. INVESTMENT OF PERMANENT UNIVERSITY FUND. In addition to the bonds enumerated in Section 11 of Article VII of the Constitution of the State of Texas, the Board of Regents of The University of Texas may invest the Permanent University Fund in securities, bonds or other obligations issued, insured, or guaranteed in any manner by the United States Government, or any of its agencies, and in such bonds, debentures, or obligations, and preferred and common stocks issued by corporations, associations, or other institutions as the Board of Regents of The University of Texas System may deem to be proper investments for said funds; provided, however, that not more than one per cent (1%) of said fund shall be invested in the securities of any one (1) corporation, nor shall more than five per cent (5%) of the voting stock of any one (1) corporation be owned: provided, further, that stocks eligible for purchase shall be restricted to stocks of companies incorporated within the United States which have paid dividends for five (5) consecutive years or longer immediately prior to the date of purchase and which, except for bank stocks and insurance stocks, are listed upon an exchange registered with the Securities and Exchange Commission or its successors.

In making each and all of such investments said Board of Regents shall exercise the judgment and care under the circumstances then prevailing which men of ordinary prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income therefrom as well as the probable safety of their capital.

The interest, dividends and other income accruing from the investments of the Permanent University Fund, except the portion thereof which is appropriated

by the operation of Section 18 of Article VII for the payment of principal and interest on bonds or notes issued thereunder, shall be subject to appropriation by the Legislature to accomplish the purposes declared in Section 10 of Article VII of this Constitution.

This amendment shall be self-enacting, and shall become effective upon its adoption, provided, however, that the Legislature shall provide by law for full disclosure of all details concerning the investments in corporate stocks and bonds and other investments authorized herein. (Added Nov. 6, 1956; amended Nov. 5, 1968.)

Sec. 11b. PERMANENT UNIVERSITY FUND; AUTHORIZED INVESTMENTS. Notwithstanding any other provision of this constitution, in managing the assets of the permanent university fund, the Board of Regents of The University of Texas System may acquire, exchange, sell, supervise, manage, or retain, through procedures and subject to restrictions it establishes and in amounts it considers appropriate, any kind of investment, including investments in the Texas growth fund created by Article XVI, Section 70, of this constitution, that prudent investors, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms, distribution requirements, and other circumstances of the fund then prevailing, taking into consideration the investment of all the assets of the fund rather than a single investment. (Added Nov. 8, 1988; amended Nov. 7, 1995, and Nov. 2, 1999.)

Sec. 12. SALE OF LANDS. The land herein set apart to the University fund shall be sold under such regulations, at such times, and on such terms as may be provided by law; and the Legislature shall provide for the prompt collection, at maturity, of all debts due on account of University lands, heretofore sold, or that may hereafter be sold, and shall in neither event have the power to grant relief to the purchasers.

Sec. 13. AGRICULTURAL AND MECHANICAL COLLEGE. The Agricultural and Mechanical College of Texas, established by an Act of the Legislature passed April 17th, 1871, located in the county of Brazos, is hereby made, and constituted a Branch of the University of Texas, for instruction in Agriculture, the Mechanic Arts, and the Natural Sciences connected therewith. And the Legislature shall at its next session, make an appropriation, not to exceed forty thousand dollars, for the construction and completion of the buildings and improvements, and for providing the furniture necessary to put said College in immediate and successful operation.

Sec. 14. PRAIRIE VIEW A&M UNIVERSITY. Prairie View A&M University in Waller County is an institution of the first class under the direction of the same governing board as Texas A&M University referred to in Article VII, Section 13, of this constitution as the Agricultural and Mechanical College of Texas. (Amended Nov. 6, 1984.)

Sec. 15. GRANT OF ADDITIONAL LANDS TO UNIVERSITY. In addition to the lands heretofore granted to the University of Texas, there is hereby set apart, and appropriated, for the endowment maintenance, and support of said University and its branches, one million acres of the unappropriated public domain of the State, to be designated, and surveyed as may be provided by law; and said

lands shall be sold under the same regulations, and the proceeds invested in the same manner, as is provided for the sale and investment of the permanent University fund; and the Legislature shall not have power to grant any relief to the purchasers of said lands.

Sec. 16. COUNTY TAXATION OF UNIVERSITY LANDS. All land mentioned in Sections 11, 12, and 15 of Article VII, of the Constitution of the State of Texas, now belonging to the University of Texas shall be subject to the taxation for county purposes to the same extent as lands privately owned; provided they shall be rendered for taxation upon values fixed by the State Tax Board; and providing that the State shall remit annually to each of the counties in which said lands are located an amount equal to the tax imposed upon said land for county purposes. (Added Nov. 4, 1930.)

Sec. 16-a. TERMS OF OFFICE. The Legislature shall fix by law the terms of all offices of the public school system and of the State institutions of higher education, inclusive, and the terms of members of the respective boards, not to exceed six years. (Added Nov. 6, 1928; amended Nov. 4, 1997.)

Sec. 17. COLLEGES AND UNIVERSITIES; APPROPRIATIONS AND FUNDING. (a) In the fiscal year beginning September 1, 1985, and each fiscal year thereafter, there is hereby appropriated out of the first money coming into the state treasury not otherwise appropriated by the constitution $100 million to be used by eligible agencies and institutions of higher education for the purpose of acquiring land either with or without permanent improvements, constructing and equipping buildings or other permanent improvements, major repair or rehabilitation of buildings or other permanent improvements, acquisition of capital equipment, library books and library materials, and paying for acquiring, constructing, or equipping or for major repair or rehabilitation of buildings, facilities, other permanent improvements, or capital equipment used jointly for educational and general activities and for auxiliary enterprises to the extent of their use for educational and general activities. For the five-year period that begins on September 1, 2000, and for each five-year period that begins after that period, the legislature, during a regular session that is nearest, but preceding, a five-year period, may by two-thirds vote of the membership of each house increase the amount of the constitutional appropriation for the five-year period but may not adjust the appropriation in such a way as to impair any obligation created by the issuance of bonds or notes in accordance with this section.

(b) The funds appropriated under Subsection (a) of this section shall be for the use of the following eligible agencies and institutions of higher education (even though their names may be changed):

(1) East Texas State University including East Texas State University at Texarkana;

(2) Lamar University including Lamar University at Orange and Lamar University at Port Arthur;

(3) Midwestern State University;

(4) University of North Texas;

(5) The University of Texas—Pan American including The University of Texas at Brownsville;

(6) Stephen F. Austin State University;

(7) Texas College of Osteopathic Medicine;

(8) Texas State University System Administration and the following component institutions:

(9) Sam Houston State University;

(10) Southwest Texas State University;

(11) Sul Ross State University including Uvalde Study Center;

(12) Texas Southern University;

(13) Texas Tech University;

(14) Texas Tech University Health Sciences Center;

(15) Angelo State University;

(16) Texas Woman's University;

(17) University of Houston System Administration and the following component institutions:

(18) University of Houston;

(19) University of Houston—Victoria;

(20) University of Houston—Clear Lake;

(21) University of Houston—Downtown;

(22) Texas A&M University—Corpus Christi;

(23) Texas A&M International University;

(24) Texas A&M University—Kingsville;

(25) West Texas A&M University; and

(26) Texas State Technical College System and its campuses, but not its extension centers or programs.

(c) Pursuant to a two-thirds vote of the membership of each house of the legislature, institutions of higher education may be created at a later date by general law, and, when created, such an institution shall be entitled to participate in the funding provided by this section if it is not created as a part of The University of Texas System or The Texas A&M University System. An institution that is entitled to participate in dedicated funding provided by Article VII, Section 18, of this constitution may not be entitled to participate in the funding provided by this section.

(d) In the year 1985 and every 10 years thereafter, the legislature or an agency designated by the legislature no later than August 31 of such year shall allocate by equitable formula the annual appropriations made under Subsection (a) of this section to the governing boards of eligible agencies and institutions of higher education. The legislature shall review, or provide for a review, of the

allocation formula at the end of the fifth year of each 10-year allocation period. At that time adjustments may be made in the allocation formula, but no adjustment that will prevent the payment of outstanding bonds and notes, both principal and interest, may be made.

(d-1) Notwithstanding Subsection (d) of this section, the allocation of the annual appropriation to Texas State Technical College System and its campuses may not exceed 2.2 percent of the total appropriation each fiscal year.

(e) Each governing board authorized to participate in the distribution of money under this section is authorized to expend all money distributed to it for any of the purposes enumerated in Subsection (a). In addition, such governing board may issue bonds and notes for the purposes of refunding bonds or notes issued under this section or prior law, acquiring land either with or without permanent improvements, constructing and equipping buildings or other permanent improvements, acquiring capital equipment, library books, and library materials, paying for acquiring, constructing, or equipping or for major repair or rehabilitation of buildings, facilities, other permanent improvements, or capital equipment used jointly for educational and general activities and for auxiliary enterprises to the extent of their use for educational and general activities, and for major repair and rehabilitation of buildings or other permanent improvements, and may pledge up to 50 percent of the money allocated to such governing board pursuant to this section to secure the payment of the principal and interest of such bonds or notes. Proceeds from the issuance of bonds or notes under this subsection shall be maintained in a local depository selected by the governing board issuing the bonds or notes. The bonds and notes issued under this subsection shall be payable solely out of the money appropriated by this section and shall mature serially or otherwise in not more than 10 years from their respective dates. All bonds issued under this section shall be sold only through competitive bidding and are subject to approval by the attorney general. Bonds approved by the attorney general shall be incontestable. The permanent university fund may be invested in the bonds and notes issued under this section.

(f) The funds appropriated by this section may not be used for the purpose of constructing, equipping, repairing, or rehabilitating buildings or other permanent improvements that are to be used only for student housing, intercollegiate athletics, or auxiliary enterprises.

(g) The comptroller of public accounts shall make annual transfers of the funds allocated pursuant to Subsection (d) directly to the governing boards of the eligible institutions.

(h) To assure efficient use of construction funds and the orderly development of physical plants to accommodate the state's real need, the legislature may provide for the approval or disapproval of all new construction projects at the eligible agencies and institutions entitled to participate in the funding provided by this section.

(i) (Repealed.)

(j) The state systems and institutions of higher education designated in this section may not receive any additional funds from the general revenue

of the state for acquiring land with or without permanent improvements, for constructing or equipping buildings or other permanent improvements, or for major repair and rehabilitation of buildings or other permanent improvements except that:

(1) in the case of fire or natural disaster the legislature may appropriate from the general revenue an amount sufficient to replace the uninsured loss of any building or other permanent improvement; and

(2) the legislature, by two-thirds vote of each house, may, in cases of demonstrated need, which need must be clearly expressed in the body of the act, appropriate additional general revenue funds for acquiring land with or without permanent improvements, for constructing or equipping buildings or other permanent improvements, or for major repair and rehabilitation of buildings or other permanent improvements.

This subsection does not apply to legislative appropriations made prior to the adoption of this amendment.

(k) Without the prior approval of the legislature, appropriations under this section may not be expended for acquiring land with or without permanent improvements, or for constructing and equipping buildings or other permanent improvements, for a branch campus or educational center that is not a separate degree-granting institution created by general law.

(l) This section is self-enacting upon the issuance of the governor's proclamation declaring the adoption of the amendment, and the state comptroller of public accounts shall do all things necessary to effectuate this section. This section does not impair any obligation created by the issuance of any bonds and notes in accordance with prior law, and all outstanding bonds and notes shall be paid in full, both principal and interest, in accordance with their terms. If the provisions of this section conflict with any other provisions of this constitution, then the provisions of this section shall prevail, notwithstanding all such conflicting provisions. (Added Nov. 6, 1984; Subsecs. (a), (b), (e), (f), and (g) amended and (d-1) added Nov. 2, 1993; Subsec. (l) amended Nov. 7, 1995; Subsec. (b) amended Nov. 6, 2007; Subsec. (i) repealed Nov. 3, 2009.)

Sec. 18. TEXAS A&M UNIVERSITY SYSTEM; UNIVERSITY OF TEXAS SYSTEM; BONDS OR NOTES PAYABLE FROM INCOME OF AVAILABLE UNIVERSITY FUND. (a) The Board of Regents of The Texas A&M University System may issue bonds and notes not to exceed a total amount of 10 percent of the cost value of the investments and other assets of the permanent university fund (exclusive of real estate) at the time of the issuance thereof, and may pledge all or any part of its one-third interest in the available university fund to secure the payment of the principal and interest of those bonds and notes, for the purpose of acquiring land either with or without permanent improvements, constructing and equipping buildings or other permanent improvements, major repair and rehabilitation of buildings and other permanent improvements, acquiring capital equipment and library books and library materials, and refunding bonds or notes issued under this Section or prior law, at or for The Texas A&M University System administration and the following component institutions of the system:

(1) Texas A&M University, including its medical college which the legislature may authorize as a separate medical institution;

(2) Prairie View A&M University, including its nursing school in Houston;

(3) Tarleton State University;

(4) Texas A&M University at Galveston;

(5) Texas Forest Service;

(6) Texas Agricultural Experiment Stations;

(7) Texas Agricultural Extension Service;

(8) Texas Engineering Experiment Stations;

(9) Texas Transportation Institute; and

(10) Texas Engineering Extension Service.

(b) The Board of Regents of The University of Texas System may issue bonds and notes not to exceed a total amount of 20 percent of the cost value of investments and other assets of the permanent university fund (exclusive of real estate) at the time of issuance thereof, and may pledge all or any part of its two-thirds interest in the available university fund to secure the payment of the principal and interest of those bonds and notes, for the purpose of acquiring land either with or without permanent improvements, constructing and equipping buildings or other permanent improvements, major repair and rehabilitation of buildings and other permanent improvements, acquiring capital equipment and library books and library materials, and refunding bonds or notes issued under this section or prior law, at or for The University of Texas System administration and the following component institutions of the system:

(1) The University of Texas at Arlington;

(2) The University of Texas at Austin;

(3) The University of Texas at Dallas;

(4) The University of Texas at El Paso;

(5) The University of Texas of the Permian Basin;

(6) The University of Texas at San Antonio;

(7) The University of Texas at Tyler;

(8) The University of Texas Health Science Center at Dallas;

(9) The University of Texas Medical Branch at Galveston;

(10) The University of Texas Health Science Center at Houston;

(11) The University of Texas Health Science Center at San Antonio;

(12) The University of Texas System Cancer Center;

(13) The University of Texas Health Center at Tyler; and

(14) The University of Texas Institute of Texan Cultures at San Antonio.

(c) Pursuant to a two-thirds vote of the membership of each house of the legislature, institutions of higher education may be created at a later date as a part of The University of Texas System or The Texas A&M University System by general law, and, when created, such an institution shall be entitled to participate in the funding provided by this section for the system in which it is created. An institution that is entitled to participate in dedicated funding provided by Article VII, Section 17, of this constitution may not be entitled to participate in the funding provided by this section.

(d) The proceeds of the bonds or notes issued under Subsection (a) or (b) of this section may not be used for the purpose of constructing, equipping, repairing, or rehabilitating buildings or other permanent improvements that are to be used for student housing, intercollegiate athletics, or auxiliary enterprises.

(e) The available university fund consists of the distributions made to it from the total return on all investment assets of the permanent university fund, including the net income attributable to the surface of permanent university fund land. The amount of any distributions to the available university fund shall be determined by the board of regents of The University of Texas System in a manner intended to provide the available university fund with a stable and predictable stream of annual distributions and to maintain over time the purchasing power of permanent university fund investments and annual distributions to the available university fund. The amount distributed to the available university fund in a fiscal year must be not less than the amount needed to pay the principal and interest due and owing in that fiscal year on bonds and notes issued under this section. If the purchasing power of permanent university fund investments for any rolling 10-year period is not preserved, the board may not increase annual distributions to the available university fund until the purchasing power of the permanent university fund investments is restored, except as necessary to pay the principal and interest due and owing on bonds and notes issued under this section. An annual distribution made by the board to the available university fund during any fiscal year may not exceed an amount equal to seven percent of the average net fair market value of permanent university fund investment assets as determined by the board, except as necessary to pay any principal and interest due and owing on bonds issued under this section. The expenses of managing permanent university fund land and investments shall be paid by the permanent university fund.

(f) Out of one-third of the annual distribution from the permanent university fund to the available university fund, there shall be appropriated an annual sum sufficient to pay the principal and interest due on the bonds and notes issued by the Board of Regents of The Texas A&M University System under this section and prior law, and the remainder of that one-third of the annual distribution to the available university fund shall be appropriated to the Board of Regents of The Texas A&M University System which shall have the authority and duty in turn to appropriate an equitable portion of the same for the support and maintenance of The Texas A&M University System administration, Texas A&M University, and Prairie View A&M University. The Board of Regents of The Texas A&M University System, in making just and equitable appropriations to Texas A&M University and Prairie View A&M University, shall exercise its discretion with due regard to such

criteria as the board may deem appropriate from year to year. Out of the other two-thirds of the annual distribution from the permanent university fund to the available university fund there shall be appropriated an annual sum sufficient to pay the principal and interest due on the bonds and notes issued by the Board of Regents of The University of Texas System under this section and prior law, and the remainder of such two-thirds of the annual distribution to the available university fund, shall be appropriated for the support and maintenance of The University of Texas at Austin and The University of Texas System administration.

(g) The bonds and notes issued under this section shall be payable solely out of the available university fund, mature serially or otherwise in not more than 30 years from their respective dates, and, except for refunding bonds, be sold only through competitive bidding. All of these bonds and notes are subject to approval by the attorney general and when so approved are incontestable. The permanent university fund may be invested in these bonds and notes.

(h) To assure efficient use of construction funds and the orderly development of physical plants to accommodate the state's real need, the legislature may provide for the approval or disapproval of all new construction projects at the eligible agencies and institutions entitled to participate in the funding provided by this section except The University of Texas at Austin, Texas A&M University in College Station, and Prairie View A&M University.

(i) The state systems and institutions of higher education designated in this section may not receive any funds from the general revenue of the state for acquiring land with or without permanent improvements, for constructing or equipping buildings or other permanent improvements, or for major repair and rehabilitation of buildings or other permanent improvements except that:

(1) in the case of fire or natural disaster the legislature may appropriate from the general revenue an amount sufficient to replace the uninsured loss of any building or other permanent improvement; and

(2) the legislature, by two-thirds vote of each house, may, in cases of demonstrated need, which need must be clearly expressed in the body of the act, appropriate general revenue funds for acquiring land with or without permanent improvements, for constructing or equipping buildings or other permanent improvements, or for major repair and rehabilitation of buildings or other permanent improvements.

This subsection does not apply to legislative appropriations made prior to the adoption of this amendment.

(j) This section is self-enacting on the issuance of the governor's proclamation declaring the adoption of this amendment, and the state comptroller of public accounts shall do all things necessary to effectuate this section. This section does not impair any obligation created by the issuance of bonds or notes in accordance with prior law, and all outstanding bonds and notes shall be paid in full, both principal and interest, in accordance with their terms, and the changes herein made in the allocation of the available university fund shall not affect the pledges thereof made in connection with such bonds or notes heretofore issued. If the provisions of this section conflict with any other provision of this

constitution, then the provisions of this section shall prevail, notwithstanding any such conflicting provisions. (Added Aug. 23, 1947; amended Nov. 6, 1956, Nov. 8, 1966, and Nov. 6, 1984; former Subsec. (f) expired Nov. 6, 1994; Subsec. (j) amended Nov. 7, 1995; Subsec. (e) amended and current Subsec. (f) added Nov. 2, 1999.) (Temporary provision for Sec. 18: see Appendix, Note 2.)

Sec. 19. TEXAS TOMORROW FUND. (a) The Texas tomorrow fund is created as a trust fund dedicated to the prepayment of tuition and fees for higher education as provided by the general laws of this state for the prepaid higher education tuition program. The assets of the fund are held in trust for the benefit of participants and beneficiaries and may not be diverted. The state shall hold the assets of the fund for the exclusive purposes of providing benefits to participants and beneficiaries and defraying reasonable expenses of administering the program.

(b) Financing of benefits must be based on sound actuarial principles. The amount contributed by a person participating in the prepaid higher education program shall be as provided by the general laws of this state, but may not be less than the amount anticipated for tuition and required fees based on sound actuarial principles. If in any fiscal year there is not enough money in the Texas tomorrow fund to pay the tuition and required fees of an institution of higher education in which a beneficiary enrolls or the appropriate portion of the tuition and required fees of a private or independent institution of higher education in which a beneficiary enrolls as provided by a prepaid tuition contract, there is appropriated out of the first money coming into the state treasury in each fiscal year not otherwise appropriated by the constitution the amount that is sufficient to pay the applicable amount of tuition and required fees of the institution.

(c) Assets of the fund may be invested by an entity designated by general law in securities considered prudent investments. Investments shall be made in the exercise of judgment and care under the circumstances that a person of ordinary prudence, discretion, and intelligence exercises in the management of the person's affairs, not for speculation, but for the permanent disposition of funds, considering the probable income from the disposition as well as the probable safety of capital.

(d) The state comptroller of public accounts shall take the actions necessary to implement this section.

(e) To the extent this section conflicts with any other provision of this constitution, this section controls. (Added Nov. 4, 1997.)

Sec. 20. NATIONAL RESEARCH UNIVERSITY FUND. (a) There is established the national research university fund for the purpose of providing a dedicated, independent, and equitable source of funding to enable emerging research universities in this state to achieve national prominence as major research universities.

(b) The fund consists of money transferred or deposited to the credit of the fund and any interest or other return on the investment assets of the fund. The legislature may dedicate state revenue to the credit of the fund.

(c) The legislature shall provide for administration of the fund, which shall be invested in the manner and according to the standards provided for investment of the permanent university fund. The expenses of managing the investments of the fund shall be paid from the fund.

(d) In each state fiscal biennium, the legislature may appropriate as provided by Subsection (f) of this section all or a portion of the total return on all investment assets of the fund to carry out the purposes for which the fund is established.

(e) The legislature biennially shall allocate the amounts appropriated under this section, or shall provide for a biennial allocation of those amounts, to eligible state universities to carry out the purposes of the fund. The money shall be allocated based on an equitable formula established by the legislature or an agency designated by the legislature. The legislature shall review and as appropriate adjust, or provide for a review and adjustment, of the allocation formula at the end of each state fiscal biennium.

(f) The portion of the total return on investment assets of the fund that is available for appropriation in a state fiscal biennium under this section is the portion determined by the legislature, or an agency designated by the legislature, as necessary to provide as nearly as practicable a stable and predictable stream of annual distributions to eligible state universities and to maintain over time the purchasing power of fund investment assets. If the purchasing power of fund investment assets for any rolling 10-year period is not preserved, the distributions may not be increased until the purchasing power of the fund investment assets is restored. The amount appropriated from the fund in any fiscal year may not exceed an amount equal to seven percent of the average net fair market value of the investment assets of the fund, as determined by law. Until the fund has been invested for a period of time sufficient to determine the purchasing power over a 10-year period, the legislature may provide by law for means of preserving the purchasing power of the fund.

(g) The legislature shall establish criteria by which a state university may become eligible to receive a portion of the distributions from the fund. A state university that becomes eligible to receive a portion of the distributions from the fund in a state fiscal biennium remains eligible to receive additional distributions from the fund in any subsequent state fiscal biennium. The University of Texas at Austin and Texas A&M University are not eligible to receive money from the fund.

(h) An eligible state university may use distributions from the fund only for the support and maintenance of educational and general activities that promote increased research capacity at the university. (Added Nov. 3, 2009.)

ARTICLE 8

TAXATION AND REVENUE

Sec. 1. EQUALITY AND UNIFORMITY; TAX IN PROPORTION TO VALUE; INCOME TAX; EXEMPTION OF CERTAIN TANGIBLE PERSONAL PROPERTY FROM AD VALOREM TAXATION. (a) Taxation shall be equal and uniform.

(b) All real property and tangible personal property in this State, unless exempt as required or permitted by this Constitution, whether owned by natural persons or corporations, other than municipal, shall be taxed in proportion to its value, which shall be ascertained as may be provided by law.

(c) The Legislature may provide for the taxation of intangible property and may also impose occupation taxes, both upon natural persons and upon corporations, other than municipal, doing any business in this State. Subject to the restrictions of Section 24 of this article, it may also tax incomes of both natural persons and corporations other than municipal. Persons engaged in mechanical and agricultural pursuits shall never be required to pay an occupation tax.

(d) The Legislature by general law shall exempt from ad valorem taxation household goods not held or used for the production of income and personal effects not held or used for the production of income. The Legislature by general law may exempt from ad valorem taxation:

(1) all or part of the personal property homestead of a family or single adult, "personal property homestead" meaning that personal property exempt by law from forced sale for debt;

(2) subject to Subsections (e) and (g) of this section, all other tangible personal property, except structures which are substantially affixed to real estate and are used or occupied as residential dwellings and except property held or used for the production of income;

(3) subject to Subsection (e) of this section, a leased motor vehicle that is not held primarily for the production of income by the lessee and that otherwise qualifies under general law for exemption; and

(4) one motor vehicle, as defined by general law, owned by an individual that is used in the course of the individual's occupation or profession and is also used for personal activities of the owner that do not involve the production of income.

(e) The governing body of a political subdivision may provide for the taxation of all property exempt under a law adopted under Subdivision (2) or (3) of Subsection (d) of this section and not exempt from ad valorem taxation by any other law. The Legislature by general law may provide limitations to the application of this subsection to the taxation of vehicles exempted under the authority of Subdivision (3) of Subsection (d) of this section.

(f) The occupation tax levied by any county, city or town for any year on persons or corporations pursuing any profession or business, shall not exceed one half of the tax levied by the State for the same period on such profession or business.

(g) The Legislature may exempt from ad valorem taxation tangible personal property that is held or used for the production of income and has a taxable

value of less than the minimum amount sufficient to recover the costs of the administration of the taxes on the property, as determined by or under the general law granting the exemption.

(h) The Legislature may exempt from ad valorem taxation a mineral interest that has a taxable value of less than the minimum amount sufficient to recover the costs of the administration of the taxes on the interest, as determined by or under the general law granting the exemption.

(i) Notwithstanding Subsections (a) and (b) of this section, the Legislature by general law may limit the maximum appraised value of a residence homestead for ad valorem tax purposes in a tax year to the lesser of the most recent market value of the residence homestead as determined by the appraisal entity or 110 percent, or a greater percentage, of the appraised value of the residence homestead for the preceding tax year. A limitation on appraised values authorized by this subsection:

(1) takes effect as to a residence homestead on the later of the effective date of the law imposing the limitation or January 1 of the tax year following the first tax year the owner qualifies the property for an exemption under Section 1-b of this article; and

(2) expires on January 1 of the first tax year that neither the owner of the property when the limitation took effect nor the owner's spouse or surviving spouse qualifies for an exemption under Section 1-b of this article.

(i-1) (Expired.)

(j) The Legislature by general law may provide for the taxation of real property that is the residence homestead of the property owner solely on the basis of the property's value as a residence homestead, regardless of whether the residential use of the property by the owner is considered to be the highest and best use of the property.

(j-1) (Expired.) (Amended Nov. 7, 1978, and Nov. 3, 1987; Subsecs. (b) and (f) amended Nov. 7, 1989; Subsec. (e) amended Aug. 10, 1991; Subsec. (c) amended Nov. 2, 1993; Subsec. (d) amended and (g) and (h) added Nov. 7, 1995; Subsec. (i) added Nov. 4, 1997; Subsecs. (d) and (e) amended Nov. 2, 1999; Subsec. (d) amended and former (j) and (j-1) added Nov. 6, 2001; Subsec. (d) amended, (i-1) added, and (j) repealed Sept. 13, 2003; Subsec. (j-1) expired Jan. 1, 2004; Subsec. (i-1) expired Jan. 1, 2005; Subsecs. (d) and (i) amended Nov. 6, 2007; current Subsec. (j) added Nov. 3, 2009.)

Sec. 1-a. COUNTY LEVY FOR ROADS AND FLOOD CONTROL. The several counties of the State are authorized to levy ad valorem taxes upon all property within their respective boundaries for county purposes, except the first Three Thousand Dollars ($3,000) value of residential homesteads of married or unmarried adults, including those living alone, not to exceed thirty cents (30¢) on each One Hundred Dollars ($100) valuation, in addition to all other ad valorem taxes authorized by the Constitution of this State, provided the revenue derived therefrom shall be used for construction and maintenance of Farm to Market Roads or for Flood Control, except as herein otherwise provided. (Added Nov. 8, 1932; amended Aug. 26, 1933, Nov. 2, 1948, Nov. 6, 1973, Nov. 2, 1999, and Nov. 6, 2001.) (Temporary transition provisions for Sec. 1-a: see Appendix, Notes 1 and 3.)

Sec. 1-b. RESIDENCE HOMESTEAD EXEMPTION. (a) Three Thousand Dollars ($3,000) of the assessed taxable value of all residence homesteads of married or unmarried adults, male or female, including those living alone, shall be exempt from all taxation for all State purposes.

(b) The governing body of any county, city, town, school district, or other political subdivision of the State may exempt by its own action not less than Three Thousand Dollars ($3,000) of the market value of residence homesteads of persons, married or unmarried, including those living alone, who are under a disability for purposes of payment of disability insurance benefits under Federal Old-Age, Survivors, and Disability Insurance or its successor or of married or unmarried persons sixty-five (65) years of age or older, including those living alone, from all ad valorem taxes thereafter levied by the political subdivision. As an alternative, upon receipt of a petition signed by twenty percent (20%) of the voters who voted in the last preceding election held by the political subdivision, the governing body of the subdivision shall call an election to determine by majority vote whether an amount not less than Three Thousand Dollars ($3,000) as provided in the petition, of the market value of residence homesteads of disabled persons or of persons sixty-five (65) years of age or over shall be exempt from ad valorem taxes thereafter levied by the political subdivision. An eligible disabled person who is sixty-five (65) years of age or older may not receive both exemptions from the same political subdivision in the same year but may choose either if the subdivision has adopted both. Where any ad valorem tax has theretofore been pledged for the payment of any debt, the taxing officers of the political subdivision shall have authority to continue to levy and collect the tax against the homestead property at the same rate as the tax so pledged until the debt is discharged, if the cessation of the levy would impair the obligation of the contract by which the debt was created.

(c) The amount of $25,000 of the market value of the residence homestead of a married or unmarried adult, including one living alone, is exempt from ad valorem taxation for general elementary and secondary public school purposes. The legislature by general law may provide that all or part of the exemption does not apply to a district or political subdivision that imposes ad valorem taxes for public education purposes but is not the principal school district providing general elementary and secondary public education throughout its territory. In addition to this exemption, the legislature by general law may exempt an amount not to exceed $10,000 of the market value of the residence homestead of a person who is disabled as defined in Subsection (b) of this section and of a person 65 years of age or older from ad valorem taxation for general elementary and secondary public school purposes. The legislature by general law may base the amount of and condition eligibility for the additional exemption authorized by this subsection for disabled persons and for persons 65 years of age or older on economic need. An eligible disabled person who is 65 years of age or older may not receive both exemptions from a school district but may choose either. An eligible person is entitled to receive both the exemption required by this subsection for all residence homesteads and any exemption adopted pursuant to Subsection (b) of this section, but the legislature shall provide by general law whether an eligible disabled or elderly person may receive both the additional

exemption for the elderly and disabled authorized by this subsection and any exemption for the elderly or disabled adopted pursuant to Subsection (b) of this section. Where ad valorem tax has previously been pledged for the payment of debt, the taxing officers of a school district may continue to levy and collect the tax against the value of homesteads exempted under this subsection until the debt is discharged if the cessation of the levy would impair the obligation of the contract by which the debt was created. The legislature shall provide for formulas to protect school districts against all or part of the revenue loss incurred by the implementation of this subsection, Subsection (d) of this section, and Section 1-d-1 of this article. The legislature by general law may define residence homestead for purposes of this section.

(d) Except as otherwise provided by this subsection, if a person receives a residence homestead exemption prescribed by Subsection (c) of this section for homesteads of persons who are 65 years of age or older or who are disabled, the total amount of ad valorem taxes imposed on that homestead for general elementary and secondary public school purposes may not be increased while it remains the residence homestead of that person or that person's spouse who receives the exemption. If a person 65 years of age or older dies in a year in which the person received the exemption, the total amount of ad valorem taxes imposed on the homestead for general elementary and secondary public school purposes may not be increased while it remains the residence homestead of that person's surviving spouse if the spouse is 55 years of age or older at the time of the person's death, subject to any exceptions provided by general law. The legislature, by general law, may provide for the transfer of all or a proportionate amount of a limitation provided by this subsection for a person who qualifies for the limitation and establishes a different residence homestead. However, taxes otherwise limited by this subsection may be increased to the extent the value of the homestead is increased by improvements other than repairs or improvements made to comply with governmental requirements and except as may be consistent with the transfer of a limitation under this subsection. For a residence homestead subject to the limitation provided by this subsection in the 1996 tax year or an earlier tax year, the legislature shall provide for a reduction in the amount of the limitation for the 1997 tax year and subsequent tax years in an amount equal to $10,000 multiplied by the 1997 tax rate for general elementary and secondary public school purposes applicable to the residence homestead. For a residence homestead subject to the limitation provided by this subsection in the 2014 tax year or an earlier tax year, the legislature shall provide for a reduction in the amount of the limitation for the 2015 tax year and subsequent tax years in an amount equal to $10,000 multiplied by the 2015 tax rate for general elementary and secondary public school purposes applicable to the residence homestead.

(d-1) Notwithstanding Subsection (d) of this section, the legislature by general law may provide for the reduction of the amount of a limitation provided by that subsection and applicable to a residence homestead for the 2007 tax year to reflect any reduction from the 2006 tax year in the tax rate for general elementary and secondary public school purposes applicable to the homestead. A general law enacted under this subsection may also take into account any

reduction in the tax rate for those purposes from the 2005 tax year to the 2006 tax year if the homestead was subject to the limitation in the 2006 tax year. A general law enacted under this subsection may provide that, except as otherwise provided by Subsection (d) of this section, a limitation provided by that subsection that is reduced under the general law continues to apply to the residence homestead in subsequent tax years until the limitation expires.

(e) The governing body of a political subdivision, other than a county education district, may exempt from ad valorem taxation a percentage of the market value of the residence homestead of a married or unmarried adult, including one living alone. In the manner provided by law, the voters of a county education district at an election held for that purpose may exempt from ad valorem taxation a percentage of the market value of the residence homestead of a married or unmarried adult, including one living alone. The percentage may not exceed twenty percent. However, the amount of an exemption authorized pursuant to this subsection may not be less than $5,000 unless the legislature by general law prescribes other monetary restrictions on the amount of the exemption. The legislature by general law may prohibit the governing body of a political subdivision that adopts an exemption under this subsection from reducing the amount of or repealing the exemption. An eligible adult is entitled to receive other applicable exemptions provided by law. Where ad valorem tax has previously been pledged for the payment of debt, the governing body of a political subdivision may continue to levy and collect the tax against the value of the homesteads exempted under this subsection until the debt is discharged if the cessation of the levy would impair the obligation of the contract by which the debt was created. The legislature by general law may prescribe procedures for the administration of residence homestead exemptions.

(e-1) (Expired.)

(f) The surviving spouse of a person who received an exemption under Subsection (b) of this section for the residence homestead of a person sixty-five (65) years of age or older is entitled to an exemption for the same property from the same political subdivision in an amount equal to that of the exemption received by the deceased spouse if the deceased spouse died in a year in which the deceased spouse received the exemption, the surviving spouse was fifty-five (55) years of age or older when the deceased spouse died, and the property was the residence homestead of the surviving spouse when the deceased spouse died and remains the residence homestead of the surviving spouse. A person who receives an exemption under Subsection (b) of this section is not entitled to an exemption under this subsection. The legislature by general law may prescribe procedures for the administration of this subsection.

(g) If the legislature provides for the transfer of all or a proportionate amount of a tax limitation provided by Subsection (d) of this section for a person who qualifies for the limitation and subsequently establishes a different residence homestead, the legislature by general law may authorize the governing body of a school district to elect to apply the law providing for the transfer of the tax

limitation to a change of a person's residence homestead that occurred before that law took effect, subject to any restrictions provided by general law. The transfer of the limitation may apply only to taxes imposed in a tax year that begins after the tax year in which the election is made.

(h) The governing body of a county, a city or town, or a junior college district by official action may provide that if a person who is disabled or is sixty-five (65) years of age or older receives a residence homestead exemption prescribed or authorized by this section, the total amount of ad valorem taxes imposed on that homestead by the county, the city or town, or the junior college district may not be increased while it remains the residence homestead of that person or that person's spouse who is disabled or sixty-five (65) years of age or older and receives a residence homestead exemption on the homestead. As an alternative, on receipt of a petition signed by five percent (5%) of the registered voters of the county, the city or town, or the junior college district, the governing body of the county, the city or town, or the junior college district shall call an election to determine by majority vote whether to establish a tax limitation provided by this subsection. If a county, a city or town, or a junior college district establishes a tax limitation provided by this subsection and a disabled person or a person sixty-five (65) years of age or older dies in a year in which the person received a residence homestead exemption, the total amount of ad valorem taxes imposed on the homestead by the county, the city or town, or the junior college district may not be increased while it remains the residence homestead of that person's surviving spouse if the spouse is fifty-five (55) years of age or older at the time of the person's death, subject to any exceptions provided by general law. The legislature, by general law, may provide for the transfer of all or a proportionate amount of a tax limitation provided by this subsection for a person who qualifies for the limitation and establishes a different residence homestead within the same county, within the same city or town, or within the same junior college district. A county, a city or town, or a junior college district that establishes a tax limitation under this subsection must comply with a law providing for the transfer of the limitation, even if the legislature enacts the law subsequent to the county's, the city's or town's, or the junior college district's establishment of the limitation. Taxes otherwise limited by a county, a city or town, or a junior college district under this subsection may be increased to the extent the value of the homestead is increased by improvements other than repairs and other than improvements made to comply with governmental requirements and except as may be consistent with the transfer of a tax limitation under a law authorized by this subsection. The governing body of a county, a city or town, or a junior college district may not repeal or rescind a tax limitation established under this subsection.

(i) The legislature by general law may exempt from ad valorem taxation all or part of the market value of the residence homestead of a disabled veteran who is certified as having a service-connected disability with a disability rating of 100 percent or totally disabled and may provide additional eligibility requirements for the exemption. For purposes of this subsection, "disabled veteran" means a disabled veteran as described by Section 2(b) of this article.

(j) The legislature by general law may provide that the surviving spouse of a disabled veteran who qualified for an exemption in accordance with Subsection (i) or (l) of this section from ad valorem taxation of all or part of the market value of the disabled veteran's residence homestead when the disabled veteran died is entitled to an exemption from ad valorem taxation of the same portion of the market value of the same property to which the disabled veteran's exemption applied if:

(1) the surviving spouse has not remarried since the death of the disabled veteran; and

(2) the property:

(A) was the residence homestead of the surviving spouse when the disabled veteran died; and

(B) remains the residence homestead of the surviving spouse.

(j-1) The legislature by general law may provide that the surviving spouse of a disabled veteran who would have qualified for an exemption from ad valorem taxation of all or part of the market value of the disabled veteran's residence homestead under Subsection (i) of this section if that subsection had been in effect on the date the disabled veteran died is entitled to an exemption from ad valorem taxation of the same portion of the market value of the same property to which the disabled veteran's exemption would have applied if the surviving spouse otherwise meets the requirements of Subsection (j) of this section.

(k) The legislature by general law may provide that if a surviving spouse who qualifies for an exemption in accordance with Subsection (j) or (j-1) of this section subsequently qualifies a different property as the surviving spouse's residence homestead, the surviving spouse is entitled to an exemption from ad valorem taxation of the subsequently qualified homestead in an amount equal to the dollar amount of the exemption from ad valorem taxation of the former homestead in accordance with Subsection (j) or (j-1) of this section in the last year in which the surviving spouse received an exemption in accordance with the applicable subsection for that homestead if the surviving spouse has not remarried since the death of the disabled veteran.

(l) (Proposed by Acts 2013, 83rd Leg., R.S., H.J.R. 62.) The legislature by general law may provide that the surviving spouse of a member of the armed services of the United States who is killed in action is entitled to an exemption from ad valorem taxation of all or part of the market value of the surviving spouse's residence homestead if the surviving spouse has not remarried since the death of the member of the armed services.

(l) (Proposed by Acts 2013, 83rd Leg., R.S., H.J.R. 24.) The legislature by general law may provide that a partially disabled veteran is entitled to an exemption from ad valorem taxation of a percentage of the market value of the disabled veteran's residence homestead that is equal to the percentage of disability of the disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization at no cost to the disabled veteran. The legislature by general law may provide additional eligibility requirements for the exemption. For purposes of this subsection, "partially disabled veteran"

means a disabled veteran as described by Section 2(b) of this article who is certified as having a disability rating of less than 100 percent. A limitation or restriction on a disabled veteran's entitlement to an exemption under Section 2(b) of this article, or on the amount of an exemption under Section 2(b), does not apply to an exemption under this subsection.

(m) The legislature by general law may provide that a surviving spouse who qualifies for and receives an exemption in accordance with Subsection (l) of this section and who subsequently qualifies a different property as the surviving spouse's residence homestead is entitled to an exemption from ad valorem taxation of the subsequently qualified homestead in an amount equal to the dollar amount of the exemption from ad valorem taxation of the first homestead for which the exemption was received in accordance with Subsection (l) of this section in the last year in which the surviving spouse received the exemption in accordance with that subsection for that homestead if the surviving spouse has not remarried since the death of the member of the armed services. (Added Nov. 2, 1948; Subsec. (b) added Nov. 7, 1972; Subsecs. (a) and (b) amended Nov. 6, 1973; Subsec. (b) amended and (c) and (d) added Nov. 7, 1978; Subsecs. (e) and (e-1) added Nov. 3, 1981; Subsec. (e-1) expired Jan. 2, 1982; Subsec. (d) amended Nov. 3, 1987; Subsecs. (b) and (e) amended Aug. 10, 1991; Subsec. (f) added Nov. 7, 1995; Subsecs. (c) and (d) amended Aug. 9, 1997; Subsec. (g) added Nov. 4, 1997; Subsec. (b) amended Nov. 2, 1999; Subsec. (d) amended and (h) added Sept. 13, 2003; Subsec. (d-1) added May 12, 2007; Subsec. (i) added Nov. 6, 2007; Subsecs. (j) and (k) added Nov. 8, 2011; Subsec. (j) amended and (l) (both versions) and (m) added Nov. 5, 2013; Subsecs. (c), (d), (e), and (k) amended and (j-1) added Nov. 3, 2015.) (Temporary transition provisions for Sec. 1-b: see Appendix, Notes 1, 5, and 6.)

Sec. 1-b-1. (Repealed Nov. 2, 1999.) (Temporary transition provisions for Sec. 1-b-1: see Appendix, Note 1.)

Sec. 1-c. (Repealed Nov. 2, 1999.) (Temporary transition provisions for Sec. 1-c: see Appendix, Note 1.)

Sec. 1-d. ASSESSMENT OF LANDS DESIGNATED FOR AGRICULTURAL USE. (a) All land owned by natural persons which is designated for agricultural use in accordance with the provisions of this Section shall be assessed for all tax purposes on the consideration of only those factors relative to such agricultural use. "Agricultural use" means the raising of livestock or growing of crops, fruit, flowers, and other products of the soil under natural conditions as a business venture for profit, which business is the primary occupation and source of income of the owner.

(b) For each assessment year the owner wishes to qualify his land under provisions of this Section as designated for agricultural use he shall file with the local tax assessor a sworn statement in writing describing the use to which the land is devoted.

(c) Upon receipt of the sworn statement in writing the local tax assessor shall determine whether or not such land qualifies for the designation as to agricultural use as defined herein and in the event it so qualifies he shall designate such land as being for agricultural use and assess the land accordingly.

(d) Such local tax assessor may inspect the land and require such evidence of use and source of income as may be necessary or useful in determining whether or not the agricultural use provision of this article applies.

(e) No land may qualify for the designation provided for in this Act unless for at least three (3) successive years immediately preceding the assessment date the land has been devoted exclusively for agricultural use, or unless the land has been continuously developed for agriculture during such time.

(f) Each year during which the land is designated for agricultural use, the local tax assessor shall note on his records the valuation which would have been made had the land not qualified for such designation under this Section. If designated land is subsequently diverted to a purpose other than that of agricultural use, or is sold, the land shall be subject to an additional tax. The additional tax shall equal the difference between taxes paid or payable, hereunder, and the amount of tax payable for the preceding three years had the land been otherwise assessed. Until paid there shall be a lien for additional taxes and interest on land assessed under the provisions of this Section.

(g) The valuation and assessment of any minerals or subsurface rights to minerals shall not come within the provisions of this Section. (Added Nov. 8, 1966.)

Sec. 1-d-1. TAXATION OF CERTAIN OPEN-SPACE LAND. (a) To promote the preservation of open-space land, the legislature shall provide by general law for taxation of open-space land devoted to farm, ranch, or wildlife management purposes on the basis of its productive capacity and may provide by general law for taxation of open-space land devoted to timber production on the basis of its productive capacity. The legislature by general law may provide eligibility limitations under this section and may impose sanctions in furtherance of the taxation policy of this section.

(b) If a property owner qualifies his land for designation for agricultural use under Section 1-d of this article, the land is subject to the provisions of Section 1-d for the year in which the designation is effective and is not subject to a law enacted under this Section 1-d-1 in that year. (Added Nov. 7, 1978; Subsec. (a) amended Nov. 7, 1995.)

Sec. 1-e. ABOLITION OF STATE AD VALOREM TAXES. No State ad valorem taxes shall be levied upon any property within this State. (Added Nov. 5, 1968; amended Nov. 2, 1982, and Nov. 6, 2001.) (Temporary transition provision for Sec. 1-e: see Appendix, Note 3.)

Sec. 1-f. CULTURAL, HISTORICAL, OR NATURAL HISTORY PRESERVATION; AD VALOREM TAX RELIEF. The legislature by law may provide for the preservation of cultural, historical, or natural history resources by:

(1) granting exemptions or other relief from state ad valorem taxes on appropriate property so designated in the manner prescribed by law; and

(2) authorizing political subdivisions to grant exemptions or other relief from ad valorem taxes on appropriate property so designated by the political subdivision in the manner prescribed by general law. (Added Nov. 8, 1977.)

Sec. 1-g. DEVELOPMENT OR REDEVELOPMENT OF PROPERTY; AD VALOREM TAX RELIEF AND ISSUANCE OF BONDS AND NOTES. (a) The legislature by general law may authorize cities, towns, and other taxing units to grant exemptions or other relief from ad valorem taxes on property located in a reinvestment zone for the purpose of encouraging development or redevelopment and improvement of the property.

(b) The legislature by general law may authorize an incorporated city or town to issue bonds or notes to finance the development or redevelopment of an unproductive, underdeveloped, or blighted area within the city or town and to pledge for repayment of those bonds or notes increases in ad valorem tax revenues imposed on property in the area by the city or town and other political subdivisions. (Added Nov. 3, 1981.)

Sec. 1-h. VALIDATION OF ASSESSMENT RATIO. Section 26.03, Tax Code, is validated as of January 1, 1980. (Added Nov. 2, 1982.)

Sec. 1-i. MOBILE MARINE DRILLING EQUIPMENT; AD VALOREM TAX RELIEF. The legislature by general law may provide ad valorem tax relief for mobile marine drilling equipment designed for offshore drilling of oil or gas wells that is being stored while not in use in a county bordering on the Gulf of Mexico or on a bay or other body of water immediately adjacent to the Gulf of Mexico. (Added Nov. 3, 1987.)

Sec. 1-j. CERTAIN TANGIBLE PERSONAL PROPERTY EXEMPT FROM AD VALOREM TAXATION. (a) To promote economic development in the State, goods, wares, merchandise, other tangible personal property, and ores, other than oil, natural gas, and other petroleum products, are exempt from ad valorem taxation by a political subdivision of this State if:

(1) the property is acquired in or imported into this State to be forwarded outside this State, whether or not the intention to forward the property outside this State is formed or the destination to which the property is forwarded is specified when the property is acquired in or imported into this State;

(2) the property is detained in this State for assembling, storing, manufacturing, processing, or fabricating purposes by the person who acquired or imported the property; and

(3) the property is transported outside of this State not later than:

(A) 175 days after the date the person acquired or imported the property in this State; or

(B) if applicable, a later date established by the governing body of the political subdivision under Subsection (d) of this section.

(b) The governing body of a county, common, or independent school district, junior college district, or municipality that, acting under previous constitutional authority, taxes property otherwise exempt by Subsection (a) of this section may subsequently exempt the property from taxation by rescinding its action to tax the property. The exemption applies to each tax year that begins after the date the action is taken and applies to the tax year in which the action is taken if the

governing body so provides. A governing body that rescinds its action to tax the property may not take action to tax such property after the rescission.

(c) For purposes of this section:

(1) tangible personal property shall include aircraft and aircraft parts;

(2) property imported into this State shall include property brought into this State;

(3) property forwarded outside this State shall include property transported outside this State or to be affixed to an aircraft to be transported outside this State; and

(4) property detained in this State for assembling, storing, manufacturing, processing, or fabricating purposes shall include property, aircraft, or aircraft parts brought into this State or acquired in this State and used by the person who acquired the property, aircraft, or aircraft parts in or who brought the property, aircraft, or aircraft parts into this State for the purpose of repair or maintenance of aircraft operated by a certificated air carrier.

(d) The governing body of a political subdivision, in the manner provided by law for official action, may extend the date by which aircraft parts exempted from ad valorem taxation under this section must be transported outside the State to a date not later than the 730th day after the date the person acquired or imported the aircraft parts in this State. An extension adopted by official action under this subsection applies only to the exemption from ad valorem taxation by the political subdivision adopting the extension. The legislature by general law may provide the manner by which the governing body may extend the period of time as authorized by this subsection. (Added Nov. 7, 1989; Subsec. (b) amended Nov. 2, 1999; Subsec. (a) amended and (d) added Nov. 5, 2013.) (Temporary transition provisions for Sec. 1-j: see Appendix, Note 1.)

Sec. 1-k. NONPROFIT CORPORATIONS SUPPLYING WATER OR PROVIDING WASTEWATER SERVICES; EXEMPTION OF PROPERTY FROM AD VALOREM TAXATION. The legislature by general law may exempt from ad valorem taxation property owned by a nonprofit corporation organized to supply water or provide wastewater service that provides in the bylaws of the corporation that on dissolution of the corporation, the assets of the corporation remaining after discharge of the corporation's indebtedness shall be transferred to an entity that provides a water supply or wastewater service, or both, that is exempt from ad valorem taxation, if the property is reasonably necessary for and used in the acquisition, treatment, storage, transportation, sale, or distribution of water or the provision of wastewater service. (Added Nov. 5, 1991.)

Sec. 1-l. PROPERTY USED FOR CONTROL OF AIR, WATER, OR LAND POLLUTION; EXEMPTION FROM AD VALOREM TAXATION. (a) The legislature by general law may exempt from ad valorem taxation all or part of real and personal property used, constructed, acquired, or installed wholly or partly to meet or exceed rules or regulations adopted by any environmental protection agency of the United States, this state, or a political subdivision of this state for the prevention, monitoring, control, or reduction of air, water, or land pollution.

(b) This section applies to real and personal property used as a facility, device, or method for the control of air, water, or land pollution that would otherwise be taxable for the first time on or after January 1, 1994.

(c) This section does not authorize the exemption from ad valorem taxation of real or personal property that was subject to a tax abatement agreement executed before January 1, 1994. (Added Nov. 2, 1993.)

Sec. 1-m. PROPERTY ON WHICH WATER CONSERVATION INITIATIVE HAS BEEN IMPLEMENTED; EXEMPTION FROM AD VALOREM TAXATION. The legislature by general law may authorize a taxing unit to grant an exemption or other relief from ad valorem taxes on property on which a water conservation initiative has been implemented. (Added Nov. 4, 1997.)

Sec. 1-n. AUTHORIZATION TO EXEMPT FROM AD VALOREM TAXATION RAW COCOA AND GREEN COFFEE. (Proposed by Acts 2001, 77th Leg., R.S., S.J.R. 47.) (a) The legislature by general law may exempt from ad valorem taxation raw cocoa and green coffee that is held in Harris County.

(b) The legislature may impose additional requirements for qualification for an exemption under this section. (Added Nov. 6, 2001.)

Sec. 1-n. AUTHORIZATION TO EXEMPT FROM AD VALOREM TAXATION TANGIBLE PERSONAL PROPERTY. (Proposed by Acts 2001, 77th Leg., R.S., S.J.R. 6.) (a) To promote economic development in this state, the legislature by general law may exempt from ad valorem taxation goods, wares, merchandise, other tangible personal property, and ores, other than oil, natural gas, and other petroleum products, if:

(1) the property is acquired in or imported into this state to be forwarded to another location in this state or outside this state, whether or not the intention to forward the property to another location in this state or outside this state is formed or the destination to which the property is forwarded is specified when the property is acquired in or imported into this state;

(2) the property is detained at a location in this state that is not owned or under the control of the property owner for assembling, storing, manufacturing, processing, or fabricating purposes by the person who acquired or imported the property; and

(3) the property is transported to another location in this state or outside this state not later than 270 days after the date the person acquired the property in or imported the property into this state.

(b) For purposes of this section:

(1) tangible personal property includes aircraft and aircraft parts;

(2) property imported into this state includes property brought into this state;

(3) property forwarded to another location in this state or outside this state includes property transported to another location in this state or outside this state or to be affixed to an aircraft to be transported to another location in this state or outside this state; and

(4) property detained at a location in this state for assembling, storing, manufacturing, processing, or fabricating purposes includes property, aircraft, or aircraft parts brought into this state or acquired in this state and used by the person who acquired the property, aircraft, or aircraft parts in this state or who brought the property, aircraft, or aircraft parts into this state for the purpose of repair or maintenance of aircraft operated by a certificated air carrier.

(c) A property owner who is eligible to receive the exemption authorized by Section 1-j of this article may apply for the exemption authorized by the legislature under this section in the manner provided by general law, subject to the provisions of Subsection (d) of this section. A property owner who receives the exemption authorized by the legislature under this section is not entitled to receive the exemption authorized by Section 1-j of this article for the same property.

(d) The governing body of a political subdivision that imposes ad valorem taxes may provide for the taxation of property exempt under a law adopted under Subsection (a) of this section and not exempt from ad valorem taxation by any other law. Before acting to tax the exempt property, the governing body of the political subdivision must conduct a public hearing at which members of the public are permitted to speak for or against the taxation of the property.

(e) (Expired.) (Added Nov. 6, 2001; Subsec. (e) expired Jan. 1, 2003.)

Sec. 1-o. RURAL ECONOMIC DEVELOPMENT; LIMITATION ON AD VALOREM TAX INCREASE. To aid in the elimination of slum and blighted conditions in less populated communities in this state, to promote rural economic development in this state, and to improve the economy of this state, the legislature by general law may authorize the governing body of a municipality having a population of less than 10,000, in the manner required by law, to call an election to permit the voters to determine by majority vote whether to authorize the governing body of the municipality to enter into an agreement with an owner of real property that is located in or adjacent to a designated area of the municipality that has been approved for funding under the Downtown Revitalization Program or the Main Street Improvements Program administered by the Department of Agriculture, or a successor program administered by that agency, under which the parties agree that the ad valorem taxes imposed by any political subdivision on the owner's real property may not be increased for the first five tax years after the tax year in which the agreement is entered into, subject to the terms and conditions provided by the agreement. A general law enacted under this section must provide that, if authorized by the voters, an agreement to limit ad valorem tax increases authorized by this section:

(1) must be entered into by the governing body of the municipality and a property owner before December 31 of the tax year in which the election was held;

(2) takes effect as to a parcel of real property on January 1 of the tax year following the tax year in which the governing body and the property owner enter into the agreement;

(3) applies to ad valorem taxes imposed by any political subdivision on the real property covered by the agreement; and

(4) expires on the earlier of:

(A) January 1 of the sixth tax year following the tax year in which the governing body and the property owner enter into the agreement; or

(B) January 1 of the first tax year in which the owner of the property when the agreement was entered into ceases to own the property. (Added Nov. 6, 2007.)

Sec. 2. OCCUPATION TAXES; EQUALITY AND UNIFORMITY; EXEMPTIONS FROM TAXATION. (a) All occupation taxes shall be equal and uniform upon the same class of subjects within the limits of the authority levying the tax; but the legislature may, by general laws, exempt from taxation public property used for public purposes; actual places of religious worship, also any property owned by a church or by a strictly religious society for the exclusive use as a dwelling place for the ministry of such church or religious society, and which yields no revenue whatever to such church or religious society; provided that such exemption shall not extend to more property than is reasonably necessary for a dwelling place and in no event more than one acre of land; any property owned by a church or by a strictly religious society that owns an actual place of religious worship if the property is owned for the purpose of expansion of the place of religious worship or construction of a new place of religious worship and the property yields no revenue whatever to the church or religious society, provided that the legislature by general law may provide eligibility limitations for the exemption and may impose sanctions related to the exemption in furtherance of the taxation policy of this subsection; any property that is owned by a church or by a strictly religious society and is leased by that church or strictly religious society to a person for use as a school, as defined by Section 11.21, Tax Code, or a successor statute, for educational purposes; places of burial not held for private or corporate profit; solar or wind-powered energy devices; all buildings used exclusively and owned by persons or associations of persons for school purposes and the necessary furniture of all schools and property used exclusively and reasonably necessary in conducting any association engaged in promoting the religious, educational and physical development of boys, girls, young men or young women operating under a State or National organization of like character; also the endowment funds of such institutions of learning and religion not used with a view to profit; and when the same are invested in bonds or mortgages, or in land or other property which has been and shall hereafter be bought in by such institutions under foreclosure sales made to satisfy or protect such bonds or mortgages, that such exemption of such land and property shall continue only for two years after the purchase of the same at such sale by such institutions and no longer, and institutions engaged primarily in public charitable functions, which may conduct auxiliary activities to support those charitable functions; and all laws exempting property from taxation other than the property mentioned in this Section shall be null and void.

(b) The Legislature may, by general law, exempt property owned by a disabled veteran or by the surviving spouse and surviving minor children of a

disabled veteran. A disabled veteran is a veteran of the armed services of the United States who is classified as disabled by the Veterans' Administration or by a successor to that agency or by the military service in which the veteran served. A veteran who is certified as having a disability of less than 10 percent is not entitled to an exemption. A veteran having a disability rating of not less than 10 percent but less than 30 percent may be granted an exemption from taxation for property valued at up to $5,000. A veteran having a disability rating of not less than 30 percent but less than 50 percent may be granted an exemption from taxation for property valued at up to $7,500. A veteran having a disability rating of not less than 50 percent but less than 70 percent may be granted an exemption from taxation for property valued at up to $10,000. A veteran who has a disability rating of 70 percent or more, or a veteran who has a disability rating of not less than 10 percent and has attained the age of 65, or a disabled veteran whose disability consists of the loss or loss of use of one or more limbs, total blindness in one or both eyes, or paraplegia, may be granted an exemption from taxation for property valued at up to $12,000. The spouse and children of any member of the United States Armed Forces who dies while on active duty may be granted an exemption from taxation for property valued at up to $5,000. A deceased disabled veteran's surviving spouse and children may be granted an exemption which in the aggregate is equal to the exemption to which the veteran was entitled when the veteran died.

(c) The Legislature by general law may exempt from ad valorem taxation property that is owned by a nonprofit organization composed primarily of members or former members of the armed forces of the United States or its allies and chartered or incorporated by the United States Congress.

(d) Unless otherwise provided by general law enacted after January 1, 1995, the amounts of the exemptions from ad valorem taxation to which a person is entitled under Section 11.22, Tax Code, for a tax year that begins on or after the date this subsection takes effect are the maximum amounts permitted under Subsection (b) of this section instead of the amounts specified by Section 11.22, Tax Code. This subsection may be repealed by the Legislature by general law. (Amended Nov. 6, 1906, and Nov. 6, 1928; Subsec. (a) amended and (b) added Nov. 7, 1972; Subsec. (a) amended Nov. 7, 1978; Subsec. (c) added Nov. 7, 1989; Subsec. (b) amended and (d) added Nov. 7, 1995; Subsec. (a) amended Nov. 2, 1999, and Sept. 13, 2003; Subsec. (b) amended Nov. 6, 2007.)

Sec. 3. GENERAL LAWS; PUBLIC PURPOSES. Taxes shall be levied and collected by general laws and for public purposes only.

Sec. 4. SURRENDER OR SUSPENSION OF TAXING POWER. The power to tax corporations and corporate property shall not be surrendered or suspended by act of the Legislature, by any contract or grant to which the State shall be a party.

Sec. 5. (Repealed Nov. 2, 1999.) (Temporary transition provisions for Sec. 5: see Appendix, Note 1.)

Sec. 6. WITHDRAWAL OF MONEY FROM TREASURY; DURATION OF APPROPRIATION. No money shall be drawn from the Treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be

made for a longer term than two years. (Amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 6: see Appendix, Note 1.)

Sec. 7. BORROWING, WITHHOLDING, OR DIVERTING SPECIAL FUNDS. The Legislature shall not have power to borrow, or in any manner divert from its purpose, any special fund that may, or ought to, come into the Treasury; and shall make it penal for any person or persons to borrow, withhold or in any manner to divert from its purpose any special fund, or any part thereof.

Sec. 7-a. REVENUES FROM MOTOR VEHICLE REGISTRATION FEES AND TAXES ON MOTOR FUELS AND LUBRICANTS; PURPOSES FOR WHICH USED. Subject to legislative appropriation, allocation and direction, all net revenues remaining after payment of all refunds allowed by law and expenses of collection derived from motor vehicle registration fees, and all taxes, except gross production and ad valorem taxes, on motor fuels and lubricants used to propel motor vehicles over public roadways, shall be used for the sole purpose of acquiring rights-of-way, constructing, maintaining, and policing such public roadways, and for the administration of such laws as may be prescribed by the Legislature pertaining to the supervision of traffic and safety on such roads; and for the payment of the principal and interest on county and road district bonds or warrants voted or issued prior to January 2, 1939, and declared eligible prior to January 2, 1945, for payment out of the County and Road District Highway Fund under existing law; provided, however, that one-fourth (1/4) of such net revenue from the motor fuel tax shall be allocated to the Available School Fund; and, provided, however, that the net revenue derived by counties from motor vehicle registration fees shall never be less than the maximum amounts allowed to be retained by each County and the percentage allowed to be retained by each County under the laws in effect on January 1, 1945. Nothing contained herein shall be construed as authorizing the pledging of the State's credit for any purpose. (Added Nov. 5, 1946.)

Sec. 7-b. REVENUES FROM FEDERAL REIMBURSEMENT; PURPOSES FOR WHICH USED. All revenues received from the federal government as reimbursement for state expenditures of funds that are themselves dedicated for acquiring rights-of-way and constructing, maintaining, and policing public roadways are also constitutionally dedicated and shall be used only for those purposes. (Added Nov. 8, 1988.)

Sec. 7-c. REVENUE FROM STATE SALES AND USE TAX AND TAXES IMPOSED ON SALE, USE, OR RENTAL OF MOTOR VEHICLE; DEDICATION TO STATE HIGHWAY FUND.

Text of subsection effective on September 1, 2017

(a) Subject to Subsections (d) and (e) of this section, in each state fiscal year, the comptroller of public accounts shall deposit to the credit of the state highway fund $2.5 billion of the net revenue derived from the imposition of the state sales and use tax on the sale, storage, use, or other consumption in this state of taxable items under Chapter 151, Tax Code, or its successor, that exceeds the first $28 billion of that revenue coming into the treasury in that state fiscal year.

Text of subsection effective on September 1, 2019

(b) Subject to Subsections (d) and (e) of this section, in each state fiscal year, the comptroller of public accounts shall deposit to the credit of the state highway fund an amount equal to 35 percent of the net revenue derived from the tax authorized by Chapter 152, Tax Code, or its successor, and imposed on the sale, use, or rental of a motor vehicle that exceeds the first $5 billion of that revenue coming into the treasury in that state fiscal year.

(c) Money deposited to the credit of the state highway fund under this section may be appropriated only to:

(1) construct, maintain, or acquire rights-of-way for public roadways other than toll roads; or

(2) repay the principal of and interest on general obligation bonds issued as authorized by Section 49-p, Article III, of this constitution.

(d) The legislature by adoption of a resolution approved by a record vote of two-thirds of the members of each house of the legislature may direct the comptroller of public accounts to reduce the amount of money deposited to the credit of the state highway fund under Subsection (a) or (b) of this section. The comptroller may be directed to make that reduction only:

(1) in the state fiscal year in which the resolution is adopted, or in either of the following two state fiscal years; and

(2) by an amount or percentage that does not result in a reduction of more than 50 percent of the amount that would otherwise be deposited to the fund in the affected state fiscal year under the applicable subsection of this section.

(e) Subject to Subsection (f) of this section, the duty of the comptroller of public accounts to make a deposit under this section expires:

(1) August 31, 2032, for a deposit required by Subsection (a) of this section; and

(2) August 31, 2029, for a deposit required by Subsection (b) of this section.

(f) The legislature by adoption of a resolution approved by a record vote of a majority of the members of each house of the legislature may extend, in 10-year increments, the duty of the comptroller of public accounts to make a deposit under Subsection (a) or (b) of this section beyond the applicable date prescribed by Subsection (e) of this section. (Added Nov. 3, 2015.) (Temporary provision for Sec. 7-c: see Appendix, Note 7.)

Sec. 8. RAILROAD COMPANIES; ASSESSMENT AND COLLECTION OF TAXES. All property of railroad companies shall be assessed, and the taxes collected in the several counties in which said property is situated, including so much of the roadbed and fixtures as shall be in each county. The rolling stock may be assessed in gross in the county where the principal office of the company is located, and the county tax paid upon it shall be apportioned as provided by general law in proportion to the distance such road may run through any such county, among the several counties through which the road passes, as a part of their tax assets. (Amended Nov. 4, 1986.)

Sec. 9. MAXIMUM STATE TAX; COUNTY, CITY, AND TOWN LEVIES; COUNTY FUNDS; LOCAL ROAD LAWS. (a) No county, city or town shall levy a tax rate in excess of Eighty Cents ($ .80) on the One Hundred Dollars ($100) valuation in any one (1) year for general fund, permanent improvement fund, road and bridge fund and jury fund purposes.

(b) At the time the Commissioners Court meets to levy the annual tax rate for each county it shall levy whatever tax rate may be needed for the four (4) constitutional purposes; namely, general fund, permanent improvement fund, road and bridge fund and jury fund so long as the Court does not impair any outstanding bonds or other obligations and so long as the total of the foregoing tax levies does not exceed Eighty Cents ($ .80) on the One Hundred Dollars ($100) valuation in any one (1) year. Once the Court has levied the annual tax rate, the same shall remain in force and effect during that taxable year.

(c) The Legislature may authorize an additional annual ad valorem tax to be levied and collected for the further maintenance of the public roads; provided, that a majority of the qualified voters of the county voting at an election to be held for that purpose shall approve the tax, not to exceed Fifteen Cents ($ .15) on the One Hundred Dollars ($100) valuation of the property subject to taxation in such county.

(d) Any county may put all tax money collected by the county into one general fund, without regard to the purpose or source of each tax.

(e) The Legislature may pass local laws for the maintenance of the public roads and highways, without the local notice required for special or local laws.

(f) This Section shall not be construed as a limitation of powers delegated to counties, cities or towns by any other Section or Sections of this Constitution. (Amended Aug. 14, 1883, Nov. 4, 1890, Nov. 6, 1906, Nov. 7, 1944, Nov. 6, 1956, Nov. 11, 1967, and Nov. 2, 1999.) (Temporary transition provisions for Sec. 9: see Appendix, Note 1.)

Sec. 10. RELEASE FROM PAYMENT OF TAXES. The Legislature shall have no power to release the inhabitants of, or property in, any county, city or town from the payment of taxes levied for State or county purposes, unless in case of great public calamity in any such county, city or town, when such release may be made by a vote of two-thirds of each House of the Legislature.

Sec. 11. PLACE OF ASSESSMENT; VALUE OF PROPERTY NOT RENDERED BY OWNER. All property, whether owned by persons or corporations shall be assessed for taxation, and the taxes paid in the county where situated, but the Legislature may, by a two-thirds vote, authorize the payment of taxes of non-residents of counties to be made at the office of the Comptroller of Public Accounts. And all lands and other property not rendered for taxation by the owner thereof shall be assessed at its fair value by the proper officer.

Sec. 12. (Repealed Aug. 5, 1969.)

Sec. 13. SALES OF LANDS AND OTHER PROPERTY FOR TAXES; REDEMPTION. (a) Provision shall be made by the Legislature for the sale of a

sufficient portion of all lands and other property for the taxes due thereon that have not been paid.

(b) The deed of conveyance to the purchaser for all lands and other property thus sold shall be held to vest a good and perfect title in the purchaser thereof, subject only to redemption as provided by this section or impeachment for actual fraud.

(c) The former owner of a residence homestead, land designated for agricultural use, or a mineral interest sold for unpaid taxes shall within two years from date of the filing for record of the Purchaser's Deed have the right to redeem the property on the following basis:

(1) Within the first year of the redemption period, upon the payment of the amount of money paid for the property, including the Tax Deed Recording Fee and all taxes, penalties, interest, and costs paid plus an amount not exceeding 25 percent of the aggregate total; and

(2) Within the last year of the redemption period, upon the payment of the amount of money paid for the property, including the Tax Deed Recording Fee and all taxes, penalties, interest, and costs paid plus an amount not exceeding 50 percent of the aggregate total.

(d) If the residence homestead or land designated for agricultural use is sold pursuant to a suit to enforce the collection of the unpaid taxes, the Legislature may limit the application of Subsection (c) of this section to property used as a residence homestead when the suit was filed and to land designated for agricultural use when the suit was filed.

(e) The former owner of real property not covered by Subsection (c) of this section sold for unpaid taxes shall within six months from the date of filing for record of the Purchaser's Deed have the right to redeem the property upon the payment of the amount of money paid for the property, including the Tax Deed Recording Fee and all taxes, penalties, interest, and costs paid plus an amount not exceeding 25 percent of the aggregate total. (Amended Nov. 8, 1932; Subsecs. (a)-(c) amended and (d) and (e) added Nov. 2, 1993; Subsecs. (c) and (d) amended Sept. 13, 2003.)

Sec. 14. ASSESSOR AND COLLECTOR OF TAXES. (a) The qualified voters of each county shall elect an assessor-collector of taxes for the county, except as otherwise provided by this section.

(b) In any county having a population of less than 10,000 inhabitants, as determined by the most recent decennial census of the United States, the sheriff of the county, in addition to that officer's other duties, shall be the assessor-collector of taxes, except that the commissioners court of such a county may submit to the qualified voters of the county at an election the question of electing an assessor-collector of taxes as a county officer separate from the office of sheriff. If a majority of the voters voting in such an election approve of electing an assessor-collector of taxes for the county, then such official shall be elected at the next general election for the constitutional term of office as is provided for other tax assessor-collectors in this state.

(c) An assessor-collector of taxes shall hold office for four years; and shall perform all the duties with respect to assessing property for the purpose of taxation and of collecting taxes, as may be prescribed by the Legislature. (Amended Nov. 8, 1932, Nov. 2, 1954, and Nov. 6, 2001.) (Temporary transition provision for Sec. 14: see Appendix, Note 3.)

Sec. 15. LIEN OF ASSESSMENT; SEIZURE AND SALE OF PROPERTY. The annual assessment made upon landed property shall be a special lien thereon; and all property, both real and personal, belonging to any delinquent taxpayer shall be liable to seizure and sale for the payment of all the taxes and penalties due by such delinquent; and such property may be sold for the payment of the taxes and penalties due by such delinquent, under such regulations as the Legislature may provide.

Sec. 16. (Repealed Nov. 6, 2001.) (Temporary transition provision for Sec. 16: see Appendix, Note 3.)

Sec. 16a. (Repealed Nov. 6, 2001.) (Temporary transition provisions for Sec. 16a: see Appendix, Notes 1 and 3.)

Sec. 17. SPECIFICATION OF SUBJECTS NOT LIMITATION OF LEGISLATURE'S POWER. The specification of the objects and subjects of taxation shall not deprive the Legislature of the power to require other subjects or objects to be taxed in such manner as may be consistent with the principles of taxation fixed in this Constitution.

Sec. 18. EQUALIZATION OF VALUATIONS; SINGLE APPRAISAL AND SINGLE BOARD OF EQUALIZATION. (a) The Legislature shall provide for equalizing, as near as may be, the valuation of all property subject to or rendered for taxation, and may also provide for the classification of all lands with reference to their value in the several counties.

(b) A single appraisal within each county of all property subject to ad valorem taxation by the county and all other taxing units located therein shall be provided by general law. The Legislature, by general law, may authorize appraisals outside a county when political subdivisions are situated in more than one county or when two or more counties elect to consolidate appraisal services.

(c) The Legislature, by general law, shall provide for a single board of equalization for each appraisal entity consisting of qualified persons residing within the territory appraised by that entity. The Legislature, by general law, may authorize a single board of equalization for two or more adjoining appraisal entities that elect to provide for consolidated equalizations. Members of a board of equalization may not be elected officials of a county or of the governing body of a taxing unit.

(d) The Legislature shall prescribe by general law the methods, timing, and administrative process for implementing the requirements of this section. (Amended Nov. 4, 1980; Subsec. (c) amended Nov. 3, 2009.)

Sec. 19. FARM PRODUCTS, LIVESTOCK, POULTRY, AND FAMILY SUPPLIES; EXEMPTION. Farm products, livestock, and poultry in the hands of the producer, and family supplies for home and farm use, are exempt from all taxation until

otherwise directed by a two-thirds vote of all the members elect to both houses of the Legislature. (Added Sept. 2, 1879; amended Nov. 3, 1981.)

Sec. 19a. IMPLEMENTS OF HUSBANDRY; EXEMPTION. Implements of husbandry that are used in the production of farm or ranch products are exempt from ad valorem taxation. (Added Nov. 2, 1982.)

Sec. 20. FAIR CASH MARKET VALUE NOT TO BE EXCEEDED; DISCOUNTS FOR ADVANCE PAYMENT. No property of any kind in this State shall ever be assessed for ad valorem taxes at a greater value than its fair cash market value nor shall any Board of Equalization of any governmental or political subdivision or taxing district within this State fix the value of any property for tax purposes at more than its fair cash market value; provided that in order to encourage the prompt payment of taxes, the Legislature shall have the power to provide that the taxpayer shall be allowed by the State and all governmental and political subdivisions and taxing districts of the State a three per cent (3%) discount on ad valorem taxes due the State or due any governmental or political subdivision or taxing district of the State if such taxes are paid ninety (90) days before the date when they would otherwise become delinquent; and the taxpayer shall be allowed a two per cent (2%) discount on said taxes if paid sixty (60) days before said taxes would become delinquent; and the taxpayer shall be allowed a one per cent (1%) discount if said taxes are paid thirty (30) days before they would otherwise become delinquent. The Legislature shall pass necessary laws for the proper administration of this Section. (Added Aug. 23, 1937; amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 20: see Appendix, Note 1.)

Sec. 21. INCREASE IN TOTAL PROPERTY TAXES; NOTICE AND HEARING; CALCULATION. (a) Subject to any exceptions prescribed by general law, the total amount of property taxes imposed by a political subdivision in any year may not exceed the total amount of property taxes imposed by that subdivision in the preceding year unless the governing body of the subdivision gives notice of its intent to consider an increase in taxes and holds a public hearing on the proposed increase before it increases those total taxes. The legislature shall prescribe by law the form, content, timing, and methods of giving the notice and the rules for the conduct of the hearing.

(b) In calculating the total amount of taxes imposed in the current year for the purposes of Subsection (a) of this section, the taxes on property in territory added to the political subdivision since the preceding year and on new improvements that were not taxable in the preceding year are excluded. In calculating the total amount of taxes imposed in the preceding year for the purposes of Subsection (a) of this section, the taxes imposed on real property that is not taxable by the subdivision in the current year are excluded.

(c) The legislature by general law shall require that, subject to reasonable exceptions, a property owner be given notice of a revaluation of his property and a reasonable estimate of the amount of taxes that would be imposed on his property if the total amount of property taxes for the subdivision were not increased according to any law enacted pursuant to Subsection (a) of this section. The notice must be given before the procedures required in Subsection (a) are instituted. (Added Nov. 7, 1978; Subsec. (c) amended Nov. 3, 1981.)

Sec. 22. RESTRICTION ON APPROPRIATIONS. (a) In no biennium shall the rate of growth of appropriations from state tax revenues not dedicated by this constitution exceed the estimated rate of growth of the state's economy. The legislature shall provide by general law procedures to implement this subsection.

(b) If the legislature by adoption of a resolution approved by a record vote of a majority of the members of each house finds that an emergency exists and identifies the nature of the emergency, the legislature may provide for appropriations in excess of the amount authorized by Subsection (a) of this section. The excess authorized under this subsection may not exceed the amount specified in the resolution.

(c) In no case shall appropriations exceed revenues as provided in Article III, Section 49a, of this constitution. Nothing in this section shall be construed to alter, amend, or repeal Article III, Section 49a, of this constitution. (Added Nov. 7, 1978.)

Sec. 23. APPRAISAL OF PROPERTY; ENFORCEMENT OF STANDARDS. (a) There shall be no statewide appraisal of real property for ad valorem tax purposes; however, this shall not preclude formula distribution of tax revenues to political subdivisions of the state.

(b) Administrative and judicial enforcement of uniform standards and procedures for appraisal of property for ad valorem tax purposes shall be prescribed by general law. (Added Nov. 7, 1978; Subsec. (b) amended Nov. 3, 2009.)

Sec. 24. PERSONAL INCOME TAX; DEDICATION OF PROCEEDS. (a) A general law enacted by the legislature that imposes a tax on the net incomes of natural persons, including a person's share of partnership and unincorporated association income, must provide that the portion of the law imposing the tax not take effect until approved by a majority of the registered voters voting in a statewide referendum held on the question of imposing the tax. The referendum must specify the rate of the tax that will apply to taxable income as defined by law.

(b) A general law enacted by the legislature that increases the rate of the tax, or changes the tax, in a manner that results in an increase in the combined income tax liability of all persons subject to the tax may not take effect until approved by a majority of the registered voters voting in a statewide referendum held on the question of increasing the income tax. A determination of whether a bill proposing a change in the tax would increase the combined income tax liability of all persons subject to the tax must be made by comparing the provisions of the proposed change in law with the provisions of the law for the most recent year in which actual tax collections have been made. A referendum held under this subsection must specify the manner in which the proposed law would increase the combined income tax liability of all persons subject to the tax.

(c) Except as provided by Subsection (b) of this section, the legislature may amend or repeal a tax approved by the voters under this section without submitting the amendment or the repeal to the voters as provided by Subsection (a) of this section.

(d) If the legislature repeals a tax approved by the voters under this section, the legislature may reenact the tax without submitting the reenactment to the voters as provided by Subsection (a) of this section only if the effective date of the reenactment of the tax is before the first anniversary of the effective date of the repeal.

(e) The legislature may provide for the taxation of income in a manner which is consistent with federal law.

(f) In the first year in which a tax described by Subsection (a) is imposed and during the first year of any increase in the tax that is subject to Subsection (b) of this section, not less than two-thirds of all net revenues remaining after payment of all refunds allowed by law and expenses of collection from the tax shall be used to reduce the rate of ad valorem maintenance and operation taxes levied for the support of primary and secondary public education. In subsequent years, not less than two-thirds of all net revenues from the tax shall be used to continue such ad valorem tax relief.

(g) The net revenues remaining after the dedication of money from the tax under Subsection (f) of this section shall be used for support of education, subject to legislative appropriation, allocation, and direction.

(h) The maximum rate at which a school district may impose ad valorem maintenance and operation taxes is reduced by an amount equal to one cent per $100 valuation for each one cent per $100 valuation that the school district's ad valorem maintenance and operation tax is reduced by the minimum amount of money dedicated under Subsection (f) of this section, provided that a school district may subsequently increase the maximum ad valorem maintenance and operation tax rate if the increased maximum rate is approved by a majority of the voters of the school district voting at an election called and held for that purpose. The legislature by general law shall provide for the tax relief that is required by Subsection (f) and this subsection.

(i) Subsections (f) and (h) of this section apply to ad valorem maintenance and operation taxes levied by a school district on or after the first January 1 after the date on which a tax on the net incomes of natural persons, including a person's share of partnership and unincorporated association income, begins to apply to that income, except that if the income tax begins to apply on a January 1, Subsections (f) and (h) of this section apply to ad valorem maintenance and operation taxes levied on or after that date.

(j) A provision of this section prevails over a conflicting provision of Article VII, Section 3, of this Constitution to the extent of the conflict. (Added Nov. 2, 1993.)

Sec. 25. (Blank.)

Sec. 26. (Blank.)

Sec. 27. (Blank.)

Sec. 28. (Blank.)

Sec. 29. TRANSFER TAX ON TRANSACTION CONVEYING FEE SIMPLE TITLE TO REAL PROPERTY PROHIBITED. (a) After January 1, 2016, no law may be enacted that imposes a transfer tax on a transaction that conveys fee simple title to real property.

(b) This section does not prohibit:

(1) the imposition of a general business tax measured by business activity;

(2) the imposition of a tax on the production of minerals;

(3) the imposition of a tax on the issuance of title insurance; or

(4) the change of a rate of a tax in existence on January 1, 2016. (Added Nov. 3, 2015.)

ARTICLE 9

COUNTIES

Sec. 1. CREATION OF COUNTIES. The Legislature shall have power to create counties for the convenience of the people subject to the following provisions:

(1) Within the territory of any county or counties, no new county shall be created with a less area than seven hundred square miles, nor shall any such county now existing be reduced to a less area than seven hundred square miles. No new counties shall be created so as to approach nearer than twelve miles of the county seat of any county from which it may in whole or in part be taken. Counties of a less area than nine hundred, but of seven hundred or more square miles, within counties now existing, may be created by a two-thirds vote of each House of the Legislature, taken by yeas and nays and entered on the journals. Any county now existing may be reduced to an area of not less than seven hundred square miles by a like two-thirds vote. When any part of a county is stricken off and attached to, or created into another county, the part stricken off shall be holden for and obliged to pay its proportion of all the liabilities then existing, of the county from which it was taken, in such manner as may be prescribed by law.

(2) No part of any existing county shall be detached from it and attached to another existing county until the proposition for such change shall have been submitted, in such manner as may be provided by law, to a vote of the voters of both counties, and shall have received a majority of those voting on the question in each. (Amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 1: see Appendix, Note 1.)

Sec. 1-A. COUNTIES BORDERING ON GULF OF MEXICO OR TIDEWATER LIMITS THEREOF; REGULATION OF MOTOR VEHICLES ON BEACHES. The Legislature may authorize the governing body of any county bordering on the Gulf of Mexico or the tidewater limits thereof to regulate and restrict the speed, parking and travel of motor vehicles on beaches available to the public by virtue of public right and the littering of such beaches.

Nothing in this amendment shall increase the rights of any riparian or littoral landowner with regard to beaches available to the public by virtue of public right or submerged lands.

The Legislature may enact any laws not inconsistent with this Section which it may deem necessary to permit said counties to implement, enforce and administer the provisions contained herein.

Should the Legislature enact legislation in anticipation of the adoption of this amendment, such legislation shall not be invalid by reason of its anticipatory character. (Added Nov. 6, 1962.)

COUNTY SEATS

Sec. 2. REMOVAL OF COUNTY SEATS. The Legislature shall pass laws regulating the manner of removing county seats, but no county seat situated within five miles of the geographical centre of the county shall be removed, except by a vote of two-thirds of all the voters voting on the subject. A majority of such voters, however, voting at such election, may remove a county seat from

a point more than five miles from the geographical centre of the county to a point within five miles of such centre, in either case the centre to be determined by a certificate from the Commissioner of the General Land Office. (Amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 2: see Appendix, Note 1.)

HOME RULE CHARTERS

Sec. 3. (Repealed Aug. 5, 1969.)

HOSPITAL DISTRICTS

Sec. 4. COUNTY-WIDE HOSPITAL DISTRICTS. The Legislature may by law authorize the creation of county-wide Hospital Districts in counties having a population in excess of 190,000 and in Galveston County, with power to issue bonds for the purchase, acquisition, construction, maintenance and operation of any county owned hospital, or where the hospital system is jointly operated by a county and city within the county, and to provide for the transfer to the county-wide Hospital District of the title to any land, buildings or equipment, jointly or separately owned, and for the assumption by the district of any outstanding bonded indebtedness theretofore issued by any county or city for the establishment of hospitals or hospital facilities; to levy a tax not to exceed seventy-five ($ .75) cents on the One Hundred ($100.00) Dollars valuation of all taxable property within such district, provided, however, that such district shall be approved at an election held for that purpose, and that only qualified voters in such county shall vote therein; provided further, that such Hospital District shall assume full responsibility for providing medical and hospital care to needy inhabitants of the county, and thereafter such county and cities therein shall not levy any other tax for hospital purposes; and provided further that should such Hospital District construct, maintain and support a hospital or hospital system, that the same shall never become a charge against the State of Texas, nor shall any direct appropriation ever be made by the Legislature for the construction, maintenance or improvement of the said hospital or hospitals. (Added Nov. 2, 1954; amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 4: see Appendix, Note 1.)

Sec. 5. CITY OF AMARILLO; WICHITA COUNTY; JEFFERSON COUNTY; CREATION AND FUNDING OF HOSPITAL DISTRICTS. (a) The Legislature may by law authorize the creation of two hospital districts, one to be coextensive with and have the same boundaries as the incorporated City of Amarillo, as such boundaries now exist or as they may hereafter be lawfully extended, and the other to be coextensive with Wichita County.

If such district or districts are created, they may be authorized to levy a tax not to exceed Seventy-five Cents (75¢) on the One Hundred Dollars ($100.00) valuation of taxable property within the district; provided, however, no tax may be levied until approved by a majority vote of the participating resident qualified voters. The maximum rate of tax may be changed at subsequent elections so long as obligations are not impaired, and not to exceed the maximum limit of Seventy-five Cents (75¢) per One Hundred Dollars ($100.00) valuation, and no election shall be required by subsequent changes in the boundaries of the City of Amarillo.

If such tax is authorized, no political subdivision or municipality within or having the same boundaries as the district may levy a tax for medical or hospital care for needy individuals, nor shall they maintain or erect hospital facilities, but the district shall by resolution assume all such responsibilities and shall assume all of the liabilities and obligations (including bonds and warrants) of such subdivisions or municipalities or both. The maximum tax rate submitted shall be sufficient to discharge such obligations, liabilities, and responsibilities, and to maintain and operate the hospital system, and the Legislature may authorize the district to issue tax bonds for the purpose of the purchase, construction, acquisition, repair or renovation of improvements and initially equipping the same, and such bonds shall be payable from said Seventy-five Cents (75¢) tax. The Legislature shall provide for transfer of title to properties to the district.

(b) The Legislature may by law permit the County of Potter (in which the City of Amarillo is partially located) to render financial aid to that district by paying a part of the expenses of operating and maintaining the system and paying a part of the debts of the district (whether assumed or created by the district) and may authorize the levy of a tax not to exceed Ten Cents (10¢) per One Hundred Dollars ($100.00) valuation (in addition to other taxes permitted by this Constitution) upon all property within the county but without the City of Amarillo at the time such levy is made for such purposes. If such tax is authorized, the district shall by resolution assume the responsibilities, obligations, and liabilities of the county in the manner and to the extent hereinabove provided for political subdivisions having boundaries coextensive with the district, and the county shall not thereafter levy taxes (other than herein provided) for hospital purposes nor for providing hospital care for needy individuals of the county.

(c) The Legislature may by law authorize the creation of a hospital district within Jefferson County, the boundaries of which shall include only the area comprising the Jefferson County Drainage District No. 7 and the Port Arthur Independent School District, as such boundaries existed on the first day of January, 1957, with the power to issue bonds for the sole purpose of purchasing a site for, and the construction and initial equipping of, a hospital system, and with the power to levy a tax of not to exceed Seventy-five Cents (75¢) on the One Hundred Dollars ($100.00) valuation of property therein for the purpose of paying the principal and interest on such bonds.

The bonds may not be issued or such tax be levied until approved by such voters.

The district shall not have the power to levy any tax for maintenance or operation of the hospital or facilities, but shall contract with other political subdivisions of the state or private individuals, associations, or corporations for such purposes.

If the district hereinabove authorized is finally created, no other hospital district may be created embracing any part of the territory within its boundaries, but the Legislature by law may authorize the creation of a hospital district incorporating therein the remainder of Jefferson County, having the powers and duties and with the limitations presently provided by Article IX, Section 4, of the

Constitution of Texas. A majority of those participating in the election voting in favor of the district shall be necessary for bonds to be issued.

(d) Should the Legislature enact enabling laws in anticipation of the adoption of this amendment, such Acts shall not be invalid because of their anticipatory character.

(e) The legislature by law may authorize Randall County to render financial assistance to the Amarillo Hospital District by paying part of the district's operating and maintenance expenses and the debts assumed or created by the district and to levy a tax for that purpose in an amount not to exceed seventy-five cents (75¢) on the One Hundred Dollars ($100.00) valuation on all property in Randall County that is not within the boundaries of the City of Amarillo or the South Randall County Hospital District. This tax is in addition to any other tax authorized by this constitution. If the tax is authorized by the legislature and approved by the voters of the area to be taxed, the Amarillo Hospital District shall, by resolution, assume the responsibilities, obligations, and liabilities of Randall County in accordance with Subsection (a) of this section and, except as provided by this subsection, Randall County may not levy taxes or issue bonds for hospital purposes or for providing hospital care for needy inhabitants of the county.

(f) Notwithstanding the provisions of Article IX of this constitution, if a hospital district was created or authorized under a constitutional provision that includes a description of the district's boundaries or jurisdiction, the legislature by law may authorize the district to change its boundaries or jurisdiction. The change must be approved by a majority of the qualified voters of the district voting at an election called and held for that purpose. (Added Nov. 4, 1958; Subsecs. (e) and (f) added Nov. 3, 1987; Subsecs. (a), (c), and (e) amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 5: see Appendix, Note 1.)

Sec. 6. (Repealed Nov. 2, 1999.) (Temporary transition provisions for Sec. 6: see Appendix, Note 1.)

Sec. 7. (Repealed Nov. 5, 2013.)

Sec. 8. COUNTY COMMISSIONERS PRECINCT NO. 4 OF COMANCHE COUNTY; HOSPITAL DISTRICT; CREATION; TAX RATE. (a) The Legislature may by law authorize the creation of a Hospital District to be co-extensive with the limits of County Commissioners Precinct No. 4 of Comanche County, Texas.

If such District is created, it may be authorized to levy a tax not to exceed seventy-five cents (75¢) on the One Hundred Dollar ($100) valuation of taxable property within the District; provided, however, no tax may be levied until approved by a majority vote of the participating resident qualified voters. The maximum rate of tax may be changed at subsequent elections so long as obligations are not impaired, and not to exceed the maximum limit of seventy-five cents (75¢) per One Hundred Dollar ($100) valuation, and no election shall be required by subsequent changes in the boundaries of the Commissioners Precinct No. 4 of Comanche County.

If such tax is authorized, no political subdivision or municipality within or having the same boundaries as the District may levy a tax for medical or hospital care for needy individuals, nor shall they maintain or erect hospital facilities, but

the District shall by resolution assume all such responsibilities and shall assume all of the liabilities and obligations (including bonds and warrants) of such subdivisions or municipalities or both. The maximum tax rate submitted shall be sufficient to discharge such obligations, liabilities, and responsibilities, and to maintain and operate the hospital system, and the Legislature may authorize the District to issue tax bonds for the purpose of the purchase, construction, acquisition, repair or renovation of improvements and initially equipping the same, and such bonds shall be payable from said seventy-five cent (75¢) tax. The Legislature shall provide for transfer of title to properties to the District.

(b) The Legislature may by law permit the County of Comanche to render financial aid to that District by paying a part of the expenses of operating and maintaining the system and paying a part of the debts of the District (whether assumed or created by the District) and may authorize the levy of a tax not to exceed ten cents (10¢) per One Hundred Dollar ($100) valuation (in addition to other taxes permitted by this Constitution) upon all property within the County but without the County Commissioners Precinct No. 4 of Comanche County at the time such levy is made for such purposes. If such tax is authorized, the District shall by resolution assume the responsibilities, obligations, and liabilities of the County in the manner and to the extent hereinabove provided for political subdivisions having boundaries co-extensive with the District, and the County shall not thereafter levy taxes (other than herein provided) for hospital purposes nor for providing hospital care for needy individuals of the County.

(c) Should the Legislature enact enabling laws in anticipation of the adoption of this amendment, such Acts shall not be invalid because of their anticipatory character. (Added Nov. 8, 1960; Subsec. (a) amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 8: see Appendix, Note 1.)

Sec. 9. HOSPITAL DISTRICTS; CREATION, OPERATION, POWERS, DUTIES AND DISSOLUTION. The Legislature may by general or special law provide for the creation, establishment, maintenance and operation of hospital districts composed of one or more counties or all or any part of one or more counties with power to issue bonds for the purchase, construction, acquisition, repair or renovation of buildings and improvements and equipping same, for hospital purposes; providing for the transfer to the hospital district of the title to any land, buildings, improvements and equipment located wholly within the district which may be jointly or separately owned by any city, town or county, providing that any district so created shall assume full responsibility for providing medical and hospital care for its needy inhabitants and assume the outstanding indebtedness incurred by cities, towns and counties for hospital purposes prior to the creation of the district, if same are located wholly within its boundaries, and a pro rata portion of such indebtedness based upon the then last approved tax assessment rolls of the included cities, towns and counties if less than all the territory thereof is included within the district boundaries; providing that after its creation no other municipality or political subdivision shall have the power to levy taxes or issue bonds or other obligations for hospital purposes or for providing medical care within the boundaries of the district; providing for the levy of annual taxes at a rate not to exceed seventy-five cents ($ .75) on the One Hundred Dollar valuation of all taxable property within such district for the purpose of meeting

the requirements of the district's bonds, the indebtedness assumed by it and its maintenance and operating expenses, providing that such district shall not be created or such tax authorized unless approved by a majority of the qualified voters thereof voting at an election called for the purpose; and providing further that the support and maintenance of the district's hospital system shall never become a charge against or obligation of the State of Texas nor shall any direct appropriation be made by the Legislature for the construction, maintenance or improvement of any of the facilities of such district.

Provided, however, that no district shall be created by special law except after thirty (30) days' public notice to the district affected, and in no event may the Legislature provide for a district to be created without the affirmative vote of a majority of the qualified voters in the district concerned.

The Legislature may also provide for the dissolution of hospital districts provided that a process is afforded by statute for:

(1) determining the desire of a majority of the qualified voters within the district to dissolve it;

(2) disposing of or transferring the assets, if any, of the district; and

(3) satisfying the debts and bond obligations, if any, of the district, in such manner as to protect the interests of the citizens within the district, including their collective property rights in the assets and property of the district, provided, however, that any grant from federal funds, however dispensed, shall be considered an obligation to be repaid in satisfaction and provided that no election to dissolve shall be held more often than once each year. In such connection, the statute shall provide against disposal or transfer of the assets of the district except for due compensation unless such assets are transferred to another governmental agency, such as a county, embracing such district and using such transferred assets in such a way as to benefit citizens formerly within the district. (Added Nov. 6, 1962; amended Nov. 8, 1966, and Nov. 7, 1989.)

Sec. 9A. HOSPITAL DISTRICTS; REGULATION OF HEALTH CARE SERVICES. The legislature by law may determine the health care services a hospital district is required to provide, the requirements a resident must meet to qualify for services, and any other relevant provisions necessary to regulate the provision of health care to residents. (Added Nov. 5, 1985.)

Sec. 9B. HOSPITAL DISTRICTS IN COUNTIES WITH POPULATION OF 75,000 OR LESS. The legislature by general or special law may provide for the creation, establishment, maintenance, and operation of hospital districts located wholly in a county with a population of 75,000 or less, according to the most recent federal decennial census, and may authorize the commissioners court to levy a tax on the ad valorem property located in the district for the support and maintenance of the district. A district may not be created or a tax levied unless the creation and tax are approved by a majority of the registered voters who reside in the district. The legislature shall set the maximum tax rate a district may levy. The legislature may provide that the county in which the district is located may issue general obligation bonds for the district and provide other services

to the district. The district may provide hospital care, medical care, and other services authorized by the legislature. (Added Nov. 7, 1989.)

Sec. 10. (Blank.)

Sec. 11. HOSPITAL DISTRICTS; OCHILTREE, CASTRO, HANSFORD, AND HOPKINS COUNTIES; CREATION; TAXES. (a) The Legislature may by law authorize the creation of hospital districts in Ochiltree, Castro, Hansford and Hopkins Counties, each district to be coextensive with the limits of such county.

(b) If any such district is created, it may be authorized to levy a tax not to exceed Seventy-five Cents (75¢) on the One Hundred Dollar ($100) valuation of taxable property within the district; provided, however, no tax may be levied until approved by a majority vote of the participating resident qualified voters. The maximum rate of tax may be changed at subsequent elections so long as obligations are not impaired, and not to exceed the maximum limit of Seventy-five Cents (75¢) per One Hundred Dollar ($100) valuation.

(c) If such tax is authorized, no political subdivision or municipality within or having the same boundaries as the district may levy a tax for medical or hospital care for needy individuals, nor shall they maintain or erect hospital facilities, but the district shall by resolution assume all such responsibilities and shall assume all of the liabilities and obligations (including bonds and warrants) of such subdivisions or municipalities or both. The maximum tax rate submitted shall be sufficient to discharge obligations, liabilities, and responsibilities, and to maintain and operate the hospital system, and the Legislature may authorize the district to issue tax bonds for the purpose of the purchase, construction, acquisition, repair or renovation of improvements and initially equipping the same, and such bonds shall be payable from said Seventy-five Cent (75¢) tax. The Legislature shall provide for transfer of title to properties to the district. (Added Nov. 6, 1962; amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 11: see Appendix, Note 1.)

Sec. 12. AIRPORT AUTHORITIES. (a) The Legislature may by law provide for the creation, establishment, maintenance and operation of Airport Authorities composed of one or more counties, with power to issue general obligation bonds, revenue bonds, either or both of them, for the purchase, acquisition by the exercise of the power of eminent domain or otherwise, construction, reconstruction, repair or renovation of any airport or airports, landing fields and runways, airport buildings, hangars, facilities, equipment, fixtures, and any and all property, real or personal, necessary to operate, equip and maintain an airport.

(b) The Legislature shall provide for the option by the governing body of the city or cities whose airport facilities are served by certificated airlines and whose facility or some interest therein, is proposed to be or has been acquired by the Authority, to either appoint or elect a Board of Directors of said Authority. If the Directors are appointed such appointment shall be made by the County Commissioners Court after consultation with and consent of the governing body or bodies of such city or cities. If the Board of Directors is elected they shall be elected by the qualified voters of the county which chooses to elect the Directors to represent that county. Directors shall serve without compensation for a term fixed by the Legislature not to exceed six (6) years, shall be selected on the basis

of the proportionate population of each county based upon the last preceding Federal Census, and shall be residents of such county. No county shall have less than one (1) member on the Board of Directors.

(c) The Legislature shall provide for the holding of an election in each county proposing the creation of an Authority to be called by the Commissioners Court or Commissioners Courts, as the case may be, upon petition of five per cent (5%) of the qualified voters within the county or counties. The elections must be held on the same day if more than one county is included. No more than one (1) such election may be called in a county until after the expiration of one (1) year in the event such an election has failed, and thereafter only upon a petition of ten per cent (10%) of the qualified voters being presented to the Commissioners Court or Commissioners Courts of the county or counties in which such an election has failed. In the event that two or more counties vote on the proposition of the creation of an Authority therein, the proposition shall not be deemed to carry unless the majority of the qualified voters in each county voting thereon vote in favor thereof. An Airport Authority may be created and be composed of the county or counties that vote in favor of its creation if separate propositions are submitted to the voters of each county so that they may vote for a two or more county Authority or a single county Authority.

(d) The Legislature shall provide for the appointment by the Board of Directors of an Assessor and Collector of Taxes in the Authority, whether constituted of one or more counties, whose duty it shall be to assess all taxable property, both real and personal, and collect the taxes thereon, based upon the tax rolls approved by the Board of Directors, the tax to be levied not to exceed Seventy-Five Cents ($.75) per One Hundred Dollars ($100) assessed valuation of the property. The property of state regulated common carriers required by law to pay a tax upon intangible assets shall not be subject to taxation by the Authority. The taxable property shall be assessed on a valuation not to exceed the market value and shall be equal and uniform throughout the Authority as is otherwise provided by the Constitution.

(e) The Legislature shall authorize the purchase or acquisition by the Authority of any existing airport facility publicly owned and financed and served by certificated airlines, in fee or of any interest therein, or to enter into any lease agreement therefor, upon such terms and conditions as may be mutually agreeable to the Authority and the owner of such facilities, or authorize the acquisition of same through the exercise of the power of eminent domain. In the event of such acquisition, if there are any general obligation bonds that the owner of the publicly owned airport facility has outstanding, the same shall be fully assumed by the Authority and sufficient taxes levied by the Authority to discharge said outstanding indebtedness. If any city or owner has outstanding revenue bonds where the revenues of the airport have been pledged or said bonds constitute a lien against the airport facilities, the Authority shall assume and discharge all the obligations of the city under the ordinances and bond indentures under which said revenue bonds have been issued and sold.

(f) Any city which owns airport facilities not serving certificated airlines which are not purchased or acquired or taken over as herein provided by such

Authority shall have the power to operate the same under the existing laws or as the same may hereafter be amended.

(g) Any such Authority when created may be granted the power and authority to promulgate, adopt and enforce appropriate zoning regulations to protect the airport from hazards and obstructions which would interfere with the use of the airport and its facilities for landing and take-off.

(h) An additional county or counties may be added to an existing Authority if a petition of five per cent (5%) of the qualified voters is filed with and an election is called by the Commissioners Court of the county or counties seeking admission to an Authority. If the vote is favorable, then admission may be granted to such county or counties by the Board of Directors of the then existing Authority upon such terms and conditions as they may agree upon and evidenced by a resolution approved by two-thirds (2/3rds) of the then existing Board of Directors. The county or counties that may be so added to the then existing Authority shall be given representation on the Board of Directors by adding additional directors in proportion to their population according to the last preceding Federal Census. (Added Nov. 8, 1966; amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 12: see Appendix, Note 1.)

Sec. 13. PARTICIPATION OF MUNICIPALITIES AND OTHER POLITICAL SUBDIVISIONS IN ESTABLISHMENT OF MENTAL HEALTH, MENTAL RETARDATION, OR PUBLIC HEALTH SERVICES. Notwithstanding any other section of this article, the Legislature in providing for the creation, establishment, maintenance and operation of a hospital district, shall not be required to provide that such district shall assume full responsibility for the establishment, maintenance, support, or operation of mental health services or mental retardation services including the operation of any community mental health centers, community mental retardation centers or community mental health and mental retardation centers which may exist or be thereafter established within the boundaries of such district, nor shall the Legislature be required to provide that such district shall assume full responsibility of public health department units and clinics and related public health activities or services, and the Legislature shall not be required to restrict the power of any municipality or political subdivision to levy taxes or issue bonds or other obligations or to expend public moneys for the establishment, maintenance, support, or operation of mental health services, mental retardation services, public health units or clinics or related public health activities or services or the operation of such community mental health or mental retardation centers within the boundaries of the hospital districts; and unless a statute creating a hospital district shall expressly prohibit participation by any entity other than the hospital district in the establishment, maintenance, or support of mental health services, mental retardation services, public health units or clinics or related public health activities within or partly within the boundaries of any hospital district, any municipality or any other political subdivision or state-supported entity within the hospital district may participate in the establishment, maintenance, and support of mental health services, mental retardation services, public health units and clinics and related public health activities and may levy taxes, issue bonds or other obligations, and expend public moneys for such purposes as provided by law. (Added Nov. 11, 1967.)

Sec. 14. COUNTY POOR HOUSE AND FARM. Each county in the State may provide, in such manner as may be prescribed by law, a Manual Labor Poor House and Farm, for taking care of, managing, employing and supplying the wants of its indigent and poor inhabitants. (Formerly Sec. 8, Art. XVI, amended to redesignate as Sec. 14, Art. IX, Nov. 6, 2001.) (Temporary transition provision for Sec. 14: see Appendix, Note 3.)

ARTICLE 10

RAILROADS

Sec. 1. (Repealed Aug. 5, 1969.)

Sec. 2. PUBLIC HIGHWAYS; COMMON CARRIERS; REGULATION OF TARIFFS, CORRECTION OF ABUSES, AND PREVENTION OF DISCRIMINATION AND EXTORTION; MEANS AND AGENCIES. Railroads heretofore constructed or which may hereafter be constructed in this state are hereby declared public highways, and railroad companies, common carriers. The Legislature shall pass laws to regulate railroad, freight and passenger tariffs, to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this state, and enforce the same by adequate penalties; and to the further accomplishment of these objects and purposes, may provide and establish all requisite means and agencies invested with such powers as may be deemed adequate and advisable. (Amended Nov. 4, 1890.)

Sec. 3. (Repealed Aug. 5, 1969.)

Sec. 4. (Repealed Aug. 5, 1969.)

Sec. 5. (Repealed Aug. 5, 1969.)

Sec. 6. (Repealed Aug. 5, 1969.)

Sec. 7. (Repealed Aug. 5, 1969.)

Sec. 8. (Repealed Aug. 5, 1969.)

Sec. 9. (Repealed Aug. 5, 1969.)

ARTICLE 11

MUNICIPAL CORPORATIONS

Sec. 1. COUNTIES AS LEGAL SUBDIVISIONS. The several counties of this State are hereby recognized as legal subdivisions of the State.

Sec. 2. JAILS, COURT-HOUSES, BRIDGES, AND ROADS. The construction of jails, court-houses and bridges and the laying out, construction and repairing of county roads shall be provided for by general laws. (Amended Nov. 2, 1999.) (Temporary transition provisions for Sec. 2: see Appendix, Note 1.)

Sec. 3. SUBSCRIPTIONS TO CORPORATE CAPITAL; DONATIONS; LOAN OF CREDIT. No county, city, or other municipal corporation shall hereafter become a subscriber to the capital of any private corporation or association, or make any appropriation or donation to the same, or in anywise loan its credit; but this shall not be construed to in any way affect any obligation heretofore undertaken pursuant to law or to prevent a county, city, or other municipal corporation from investing its funds as authorized by law. (Amended Nov. 7, 1989.)

Sec. 4. CITIES AND TOWNS WITH POPULATION OF 5,000 OR LESS; CHARTERED BY GENERAL LAW; TAXES; FINES, FORFEITURES, AND PENALTIES. Cities and towns having a population of five thousand or less may be chartered alone by general law. They may levy, assess and collect such taxes as may be authorized by law, but no tax for any purpose shall ever be lawful for any one year which shall exceed one and one-half per cent of the taxable property of such city; and all taxes shall be collectible only in current money, and all licenses and occupation taxes levied, and all fines, forfeitures and penalties accruing to said cities and towns shall be collectible only in current money. (Amended Aug. 3, 1909, and Nov. 2, 1920.)

Sec. 5. CITIES OF MORE THAN 5,000 POPULATION; ADOPTION OR AMENDMENT OF CHARTERS; TAXES; DEBT RESTRICTIONS. (a) Cities having more than five thousand (5000) inhabitants may, by a majority vote of the qualified voters of said city, at an election held for that purpose, adopt or amend their charters. If the number of inhabitants of cities that have adopted or amended their charters under this section is reduced to five thousand (5000) or fewer, the cities still may amend their charters by a majority vote of the qualified voters of said city at an election held for that purpose. The adoption or amendment of charters is subject to such limitations as may be prescribed by the Legislature, and no charter or any ordinance passed under said charter shall contain any provision inconsistent with the Constitution of the State, or of the general laws enacted by the Legislature of this State. Said cities may levy, assess and collect such taxes as may be authorized by law or by their charters; but no tax for any purpose shall ever be lawful for any one year, which shall exceed two and one-half per cent. of the taxable property of such city, and no debt shall ever be created by any city, unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and creating a sinking fund of at least two per cent. thereon, except as provided by Subsection (b). Furthermore, no city charter shall be altered, amended or repealed oftener than every two years.

(b) To increase efficiency and effectiveness to the greatest extent possible, the legislature may by general law authorize cities to enter into interlocal contracts with other cities or counties without meeting the assessment and sinking fund requirements under Subsection (a). (Amended Aug. 3, 1909, Nov. 5, 1912, Nov. 5, 1991, and Nov. 8, 2011.)

Sec. 6. (Repealed Nov. 2, 1999.) (Temporary transition provisions for Sec. 6: see Appendix, Note 1.)

Sec. 7. COUNTIES AND CITIES ON GULF OF MEXICO; TAX FOR SEA WALLS, BREAKWATERS, AND SANITATION; BONDS; CONDEMNATION OF RIGHT OF WAY. (a) All counties and cities bordering on the coast of the Gulf of Mexico are hereby authorized upon a vote of the majority of the qualified voters voting thereon at an election called for such purpose to levy and collect such tax for construction of sea walls, breakwaters, or sanitary purposes, as may now or may hereafter be authorized by law, and may create a debt for such works and issue bonds in evidence thereof. But no debt for any purpose shall ever be incurred in any manner by any city or county unless provision is made, at the time of creating the same, for levying and collecting a sufficient tax to pay the interest thereon and provide at least two per cent (2%) as a sinking fund, except as provided by Subsection (b); and the condemnation of the right of way for the erection of such works shall be fully provided for.

(b) To increase efficiency and effectiveness to the greatest extent possible, the legislature may by general law authorize cities or counties to enter into interlocal contracts with other cities or counties without meeting the tax and sinking fund requirements under Subsection (a). (Amended Nov. 8, 1932, Nov. 6, 1973, Nov. 6, 2001, and Nov. 8, 2011.) (Temporary transition provision for Sec. 7: see Appendix, Note 3.)

Sec. 8. DONATION OF PORTION OF PUBLIC DOMAIN TO AID IN CONSTRUCTION OF SEA WALLS OR BREAKWATERS. The counties and cities on the Gulf Coast being subject to calamitous overflows, and a very large proportion of the general revenue being derived from those otherwise prosperous localities, the Legislature is especially authorized to aid by donation of such portion of the public domain as may be deemed proper, and in such mode as may be provided by law, the construction of sea walls, or breakwaters, such aid to be proportioned to the extent and value of the works constructed, or to be constructed, in any locality.

Sec. 9. PROPERTY EXEMPT FROM FORCED SALE AND FROM TAXATION. The property of counties, cities and towns, owned and held only for public purposes, such as public buildings and the sites therefor, fire engines and the furniture thereof, and all property used, or intended for extinguishing fires, public grounds and all other property devoted exclusively to the use and benefit of the public shall be exempt from forced sale and from taxation, provided, nothing herein shall prevent the enforcement of the vendors lien, the mechanics or builders lien, or other liens now existing.

Sec. 10. (Repealed Aug. 5, 1969.)

Sec. 11. TERM OF OFFICE EXCEEDING TWO YEARS IN HOME RULE AND GENERAL LAW CITIES; VACANCIES. (a) A Home Rule City may provide by charter or charter amendment, and a city, town or village operating under the general laws may provide by majority vote of the qualified voters voting at an election called for that purpose, for a longer term of office than two (2) years for its officers, either elective or appointive, or both, but not to exceed four (4) years; provided, however, that tenure under Civil Service shall not be affected hereby; provided, however, that such officers, elective or appointive, are subject to Section 65(b), Article XVI, of this Constitution, providing for automatic resignation in certain circumstances, in the same manner as a county or district officer to which that section applies.

(b) A municipality so providing a term exceeding two (2) years but not exceeding four (4) years for any of its non-civil service officers must elect all of the members of its governing body by majority vote of the qualified voters in such municipality.

(c) Any vacancy or vacancies occurring on such governing body shall not be filled by appointment but must be filled by majority vote of the qualified voters at a special election called for such purpose within one hundred and twenty (120) days after such vacancy or vacancies occur except that the municipality may provide by charter or charter amendment the procedure for filling a vacancy occurring on its governing body for an unexpired term of 12 months or less. (Added Nov. 4, 1958; amended Nov. 6, 2001; Subsec. (b) amended and (c) added Nov. 5, 2013.) (Temporary transition provision for Sec. 11: see Appendix, Note 3.)

Sec. 12. EXPENDITURES FOR RELOCATION OR REPLACEMENT OF SANITATION SEWER OR WATER LATERALS ON PRIVATE PROPERTY. The legislature by general law may authorize a city or town to expend public funds for the relocation or replacement of sanitation sewer laterals or water laterals on private property if the relocation or replacement is done in conjunction with or immediately following the replacement or relocation of sanitation sewer mains or water mains serving the property. The law must authorize the city or town to affix, with the consent of the owner of the private property, a lien on the property for the cost of relocating or replacing the laterals on the property and must provide that the cost shall be assessed against the property with repayment by the property owner to be amortized over a period not to exceed five years at a rate of interest to be set as provided by the law. The lien may not be enforced until after five years have expired since the date the lien was affixed. (Added Nov. 8, 1983; amended Nov. 5, 1985.)

Sec. 13. CLASSIFICATION OF MUNICIPAL FUNCTIONS. (a) Notwithstanding any other provision of this constitution, the legislature may by law define for all purposes those functions of a municipality that are to be considered governmental and those that are proprietary, including reclassifying a function's classification assigned under prior statute or common law.

(b) This section applies to laws enacted by the 70th Legislature, Regular Session, 1987, and to all subsequent regular or special sessions of the legislature. (Added Nov. 3, 1987.)

ARTICLE 12

PRIVATE CORPORATIONS

Sec. 1. CREATION BY GENERAL LAWS. No private corporation shall be created except by general laws.

Sec. 2. GENERAL LAWS TO BE ENACTED; PROTECTION OF PUBLIC AND STOCKHOLDERS. General laws shall be enacted providing for the creation of private corporations, and shall therein provide fully for the adequate protection of the public and of the individual stockholders.

Sec. 3. (Repealed Aug. 5, 1969.)

Sec. 4. (Repealed Aug. 5, 1969.)

Sec. 5. (Repealed Aug. 5, 1969.)

Sec. 6. (Repealed Nov. 2, 1993.)

Sec. 7. (Repealed Aug. 5, 1969.)

ARTICLE 13
SPANISH AND MEXICAN LAND TITLES

(Repealed Aug. 5, 1969.)

ARTICLE 14

PUBLIC LANDS AND LAND OFFICE

Sec. 1. GENERAL LAND OFFICE. There shall be one General Land Office in the State, which shall be at the seat of government, where all land titles which have emanated or may hereafter emanate from the State shall be registered, except those titles the registration of which may be prohibited by this Constitution. It shall be the duty of the Legislature at the earliest practicable time to make the Land Office self sustaining, and from time to time the Legislature may establish such subordinate offices as may be deemed necessary.

Sec. 2. (Repealed Aug. 5, 1969.)

Sec. 3. (Repealed Aug. 5, 1969.)

Sec. 4. (Repealed Aug. 5, 1969.)

Sec. 5. (Repealed Aug. 5, 1969.)

Sec. 6. (Repealed Aug. 5, 1969.)

Sec. 7. (Repealed Aug. 5, 1969.)

Sec. 8. (Repealed Aug. 5, 1969.)

ARTICLE 15

IMPEACHMENT

Sec. 1. POWER OF IMPEACHMENT. The power of impeachment shall be vested in the House of Representatives.

Sec. 2. TRIAL OF IMPEACHMENT OF CERTAIN OFFICERS BY SENATE. Impeachment of the Governor, Lieutenant Governor, Attorney General, Commissioner of the General Land Office, Comptroller and the Judges of the Supreme Court, Court of Appeals and District Court shall be tried by the Senate. (Amended Nov. 7, 1995.)

Sec. 3. OATH OR AFFIRMATION OF SENATORS; CONCURRENCE OF TWO-THIRDS REQUIRED. When the Senate is sitting as a Court of Impeachment, the Senators shall be on oath, or affirmation impartially to try the party impeached, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

Sec. 4. JUDGMENT; INDICTMENT, TRIAL, AND PUNISHMENT. Judgment in cases of impeachment shall extend only to removal from office, and disqualification from holding any office of honor, trust or profit under this State. A party convicted on impeachment shall also be subject to indictment, trial and punishment according to law.

Sec. 5. SUSPENSION PENDING IMPEACHMENT; PROVISIONAL APPOINTMENTS. All officers against whom articles of impeachment may be preferred shall be suspended from the exercise of the duties of their office, during the pendency of such impeachment. The Governor may make a provisional appointment to fill the vacancy occasioned by the suspension of an officer until the decision on the impeachment.

Sec. 6. JUDGES OF DISTRICT COURT; REMOVAL BY SUPREME COURT. Any judge of the District Courts of the State who is incompetent to discharge the duties of his office, or who shall be guilty of partiality, or oppression, or other official misconduct, or whose habits and conduct are such as to render him unfit to hold such office, or who shall negligently fail to perform his duties as judge; or who shall fail to execute in a reasonable measure the business in his courts, may be removed by the Supreme Court. The Supreme Court shall have original jurisdiction to hear and determine the causes aforesaid when presented in writing upon the oaths taken before some judge of a court of record of not less than ten lawyers, practicing in the courts held by such judge, and licensed to practice in the Supreme Court; said presentment to be founded either upon the knowledge of the persons making it or upon the written oaths as to the facts of creditable witnesses. The Supreme Court may issue all needful process and prescribe all needful rules to give effect to this section. Causes of this kind shall have precedence and be tried as soon as practicable.

Sec. 7. REMOVAL OF OFFICERS WHEN MODE NOT PROVIDED IN CONSTITUTION. The Legislature shall provide by law for the trial and removal from office of all officers of this State, the modes for which have not been provided in this Constitution.

ADDRESS

Sec. 8. REMOVAL OF JUDGES BY GOVERNOR ON ADDRESS OF TWO-THIRDS OF EACH HOUSE OF LEGISLATURE. The Judges of the Supreme Court, Court of Appeals and District Courts, shall be removed by the Governor on the address of two-thirds of each House of the Legislature, for wilful neglect of duty, incompetency, habitual drunkenness, oppression in office, or other reasonable cause which shall not be sufficient ground for impeachment; provided, however, that the cause or causes for which such removal shall be required, shall be stated at length in such address and entered on the journals of each House; and provided further, that the cause or causes shall be notified to the judge so intended to be removed, and he shall be admitted to a hearing in his own defense before any vote for such address shall pass, and in all such cases, the vote shall be taken by yeas and nays and entered on the journals of each House respectively.

Sec. 9. REMOVAL OF PUBLIC OFFICER BY GOVERNOR WITH ADVICE AND CONSENT OF SENATE. (a) In addition to the other procedures provided by law for removal of public officers, the governor who appoints an officer may remove the officer with the advice and consent of two-thirds of the members of the senate present.

(b) If the legislature is not in session when the governor desires to remove an officer, the governor shall call a special session of the senate for consideration of the proposed removal. The session may not exceed two days in duration. (Added Nov. 4, 1980.)

ARTICLE 16

GENERAL PROVISIONS

Sec. 1. OFFICIAL OATH. (a) All elected and appointed officers, before they enter upon the duties of their offices, shall take the following Oath or Affirmation:

"I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____ of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God."

(b) All elected or appointed officers, before taking the Oath or Affirmation of office prescribed by this section and entering upon the duties of office, shall subscribe to the following statement:

"I, _____, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God."

(c) Members of the Legislature, the Secretary of State, and all other elected and appointed state officers shall file the signed statement required by Subsection (b) of this section with the Secretary of State before taking the Oath or Affirmation of office prescribed by Subsection (a) of this section. All other officers shall retain the signed statement required by Subsection (b) of this section with the official records of the office. (Amended Nov. 8, 1938, and Nov. 6, 1956; Subsecs. (a)-(c) amended and (d)-(f) added Nov. 7, 1989; Subsecs. (a) and (b) amended, Subsecs. (c) and (d) deleted, and Subsecs. (e) and (f) amended and redesignated as Subsec. (c) Nov. 6, 2001.) (Temporary transition provision for Sec. 1: see Appendix, Note 3.)

Sec. 2. EXCLUSIONS FROM OFFICE, JURY SERVICE AND RIGHT OF SUFFRAGE; PROTECTION OF RIGHT OF SUFFRAGE. Laws shall be made to exclude from office persons who have been convicted of bribery, perjury, forgery, or other high crimes. (Amended Nov. 6, 2001.) (Temporary transition provision for Sec. 2: see Appendix, Note 3.)

Sec. 3. (Repealed Aug. 5, 1969.)

Sec. 4. (Repealed Aug. 5, 1969.)

Sec. 5. DISQUALIFICATION TO HOLD OFFICE BY GIVING OR OFFERING BRIBE. Every person shall be disqualified from holding any office of profit, or trust, in this State, who shall have been convicted of having given or offered a bribe to procure his election or appointment.

Sec. 6. APPROPRIATIONS FOR PRIVATE PURPOSES; STATE PARTICIPATION IN PROGRAMS FINANCED WITH PRIVATE OR FEDERAL FUNDS FOR REHABILITATION OF BLIND, CRIPPLED, OR PHYSICALLY OR MENTALLY HANDICAPPED PERSONS. (a) No appropriation for private or individual purposes shall be made, unless authorized by this Constitution. A regular statement, under oath, and an account

of the receipts and expenditures of all public money shall be published annually, in such manner as shall be prescribed by law.

(b) State agencies charged with the responsibility of providing services to those who are blind, crippled, or otherwise physically or mentally handicapped may accept money from private or federal sources, designated by the private or federal source as money to be used in and establishing and equipping facilities for assisting those who are blind, crippled, or otherwise physically or mentally handicapped in becoming gainfully employed, in rehabilitating and restoring the handicapped, and in providing other services determined by the state agency to be essential for the better care and treatment of the handicapped. Money accepted under this subsection is state money. State agencies may spend money accepted under this subsection, and no other money, for specific programs and projects to be conducted by local level or other private, nonsectarian associations, groups, and nonprofit organizations, in establishing and equipping facilities for assisting those who are blind, crippled, or otherwise physically or mentally handicapped in becoming gainfully employed, in rehabilitating and restoring the handicapped, and in providing other services determined by the state agency to be essential for the better care or treatment of the handicapped.

The state agencies may deposit money accepted under this subsection either in the state treasury or in other secure depositories. The money may not be expended for any purpose other than the purpose for which it was given. Notwithstanding any other provision of this Constitution, the state agencies may expend money accepted under this subsection without the necessity of an appropriation, unless the Legislature, by law, requires that the money be expended only on appropriation. The Legislature may prohibit state agencies from accepting money under this subsection or may regulate the amount of money accepted, the way the acceptance and expenditure of the money is administered, and the purposes for which the state agencies may expend the money. Money accepted under this subsection for a purpose prohibited by the Legislature shall be returned to the entity that gave the money.

This subsection does not prohibit state agencies authorized to render services to the handicapped from contracting with privately-owned or local facilities for necessary and essential services, subject to such conditions, standards, and procedures as may be prescribed by law. (Amended Nov. 8, 1966.)

Sec. 7. (Repealed Aug. 5, 1969.)

Sec. 8. (Redesignated as Sec. 14, Art. IX, Nov. 6, 2001.) (Temporary transition provision for Sec. 8: see Appendix, Note 3.)

Sec. 9. FORFEITURE OF RESIDENCE BY ABSENCE ON PUBLIC BUSINESS. Absence on business of the State, or of the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office under the exceptions contained in this Constitution.

Sec. 10. DEDUCTIONS FROM SALARY FOR NEGLECT OF DUTY. The Legislature shall provide for deductions from the salaries of public officers who may neglect the performance of any duty that may be assigned them by law.

Sec. 11. USURY; RATE OF INTEREST IN ABSENCE OF LEGISLATION. The Legislature shall have authority to define interest and fix maximum rates of interest; provided, however, in the absence of legislation fixing maximum rates of interest all contracts for a greater rate of interest than ten per centum (10%) per annum shall be deemed usurious; provided, further, that in contracts where no rate of interest is agreed upon, the rate shall not exceed six per centum (6%) per annum. (Amended Aug. 11, 1891, Nov. 8, 1960, and Nov. 6, 2001.) (Temporary transition provision for Sec. 11: see Appendix, Note 3.)

Sec. 12. MEMBERS OF CONGRESS; OFFICERS OF UNITED STATES OR FOREIGN POWER; INELIGIBILITY TO HOLD OFFICE. No member of Congress, nor person holding or exercising any office of profit or trust, under the United States, or either of them, or under any foreign power, shall be eligible as a member of the Legislature, or hold or exercise any office of profit or trust under this State.

Sec. 13. UNOPPOSED CANDIDATE FOR OFFICE. For an office for which this constitution requires an election, the legislature may provide by general law for a person to take the office without an election if the person is the only candidate to qualify in an election to be held for that office. (Former Sec. 13 repealed Aug. 5, 1969; current Sec. 13 added Sept. 13, 2003.)

Sec. 13A. UNOPPOSED CANDIDATE FOR OFFICE OF POLITICAL SUBDIVISION. For an office of a political subdivision for which this constitution requires an election, the legislature may provide by general law for a person to assume the office without an election if the person is the only candidate to qualify in an election to be held for that office. (Added Sept. 13, 2003.)

Sec. 14. CIVIL OFFICERS; RESIDENCE; LOCATION OF OFFICES. All civil officers shall reside within the State; and all district or county officers within their districts or counties, and shall keep their offices at such places as may be required by law; and failure to comply with this condition shall vacate the office so held.

Sec. 15. SEPARATE AND COMMUNITY PROPERTY. All property, both real and personal, of a spouse owned or claimed before marriage, and that acquired afterward by gift, devise or descent, shall be the separate property of that spouse; and laws shall be passed more clearly defining the rights of the spouses, in relation to separate and community property; provided that persons about to marry and spouses, without the intention to defraud pre-existing creditors, may by written instrument from time to time partition between themselves all or part of their property, then existing or to be acquired, or exchange between themselves the community interest of one spouse or future spouse in any property for the community interest of the other spouse or future spouse in other community property then existing or to be acquired, whereupon the portion or interest set aside to each spouse shall be and constitute a part of the separate property and estate of such spouse or future spouse; spouses also may from time to time, by written instrument, agree between themselves that the income or property from all or part of the separate property then owned or which thereafter might be acquired by only one of them, shall be the separate property of that spouse; if one spouse makes a gift of property to the other that gift is presumed to include all the income or property which might arise from that

gift of property; spouses may agree in writing that all or part of their community property becomes the property of the surviving spouse on the death of a spouse; and spouses may agree in writing that all or part of the separate property owned by either or both of them shall be the spouses' community property. (Amended Nov. 2, 1948, Nov. 4, 1980, Nov. 3, 1987, and Nov. 2, 1999.)

Sec. 16. CORPORATIONS WITH BANKING AND DISCOUNTING PRIVILEGES. (a) The Legislature shall by general laws, authorize the incorporation of state banks and savings and loan associations and shall provide for a system of State supervision, regulation and control of such bodies which will adequately protect and secure the depositors and creditors thereof.

No state bank shall be chartered until all of the authorized capital stock has been subscribed and paid in full in cash. Except as may be permitted by the Legislature pursuant to Subsections (b), (d), and (e) of this Section 16, a state bank shall not be authorized to engage in business at more than one place which shall be designated in its charter; however, this restriction shall not apply to any other type of financial institution chartered under the laws of this state.

No foreign corporation, other than the national banks of the United States domiciled in this State, shall be permitted to exercise banking or discounting privileges in this State.

(b) If it finds that the convenience of the public will be served thereby, the Legislature may authorize State and national banks to establish and operate unmanned teller machines within the county or city of their domicile. Such machines may perform all banking functions. Banks which are domiciled within a city lying in two or more counties may be permitted to establish and operate unmanned teller machines within both the city and the county of their domicile. The Legislature shall provide that a bank shall have the right to share in the use of these teller machines, not situated at a banking house, which are located within the county or the city of the bank's domicile, on a reasonable, nondiscriminatory basis, consistent with anti-trust laws. Banks may share the use of such machines within the county or city of their domicile with savings and loan associations and credit unions which are domiciled in the same county or city.

(c) A state bank created by virtue of the power granted by this section, notwithstanding any other provision of this section, has the same rights and privileges that are or may be granted to national banks of the United States domiciled in this State.

(d) The Legislature may authorize a state bank or national bank of the United States domiciled in this State to engage in business at more than one place if it does so through the purchase and assumption of certain assets and liabilities of a failed state bank or a failed national bank of the United States domiciled in this State.

(e) The Legislature shall authorize a state bank or national bank of the United States domiciled in this State to establish and operate banking facilities at locations within the county or city of its domicile, subject to limitations the Legislature imposes. The Legislature may permit a bank domiciled within a city

located in two or more counties to establish and operate branches within both the city and the county of its domicile, subject to limitations the Legislature imposes.

(f) A bank may not be considered a branch or facility of another bank solely because it is owned or controlled by the same stockholders as the other bank, has common accounting and administrative systems with the other bank, or has a name similar to the other bank's or because of a combination of those factors. (Amended Nov. 8, 1904, and Aug. 23, 1937; Subsecs. (a) and (b) amended Nov. 4, 1980; Subsec. (c) added Nov. 6, 1984; Subsecs. (a) and (c) amended and (d)-(f) added Nov. 4, 1986.)

Sec. 17. OFFICERS TO SERVE UNTIL SUCCESSORS QUALIFIED. All officers within this State shall continue to perform the duties of their offices until their successors shall be duly qualified.

Sec. 18. (Repealed Nov. 2, 1999.) (Temporary transition provisions for Sec. 18: see Appendix, Note 1.)

Sec. 19. (Repealed Nov. 6, 2001.) (Temporary transition provision for Sec. 19: see Appendix, Note 3.)

Sec. 20. MIXED ALCOHOLIC BEVERAGES; INTOXICATING LIQUORS; WINES; REGULATION; LOCAL OPTION. (a) The Legislature shall have the power to enact a Mixed Beverage Law regulating the sale of mixed alcoholic beverages on a local option election basis. The Legislature shall also have the power to regulate the manufacture, sale, possession and transportation of intoxicating liquors, including the power to establish a State Monopoly on the sale of distilled liquors.

Should the Legislature enact any enabling laws in anticipation of this amendment, no such law shall be void by reason of its anticipatory nature.

(b) The Legislature shall enact a law or laws whereby the qualified voters of any county, justice's precinct or incorporated town or city, may, by a majority vote of those voting, determine from time to time whether the sale of intoxicating liquors for beverage purposes shall be prohibited or legalized within the prescribed limits; and such laws shall contain provisions for voting on the sale of intoxicating liquors of various types and various alcoholic content.

(c) In all counties, justice's precincts or incorporated towns or cities wherein the sale of intoxicating liquors had been prohibited by local option elections held under the laws of the State of Texas and in force at the time of the taking effect of Section 20, Article XVI of the Constitution of Texas, it shall continue to be unlawful to manufacture, sell, barter or exchange in any such county, justice's precinct or incorporated town or city, any spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication or any other intoxicants whatsoever, for beverage purposes, unless and until a majority of the qualified voters in such county or political subdivision thereof voting in an election held for such purpose shall determine such to be lawful; provided that this subsection shall not prohibit the sale of alcoholic beverages containing not more than 3.2 per cent alcohol by weight in cities, counties or political subdivisions thereof in which the qualified voters have voted to legalize such sale under the provisions of Chapter 116, Acts of the Regular Session of the 43rd Legislature.

(d) The legislature may enact laws and direct the Alcoholic Beverage Commission or its successor to set policies for all wineries in this state, regardless of whether the winery is located in an area in which the sale of wine has or has not been authorized by local option election, for the manufacturing of wine, including the on-premises selling of wine to the ultimate consumer for consumption on or off the winery premises, the buying of wine from or the selling of wine to any other person authorized under general law to purchase and sell wine in this state, and the dispensing of wine without charge, for tasting purposes, for consumption on the winery premises, and for any purpose to promote the wine industry in this state. (Amended Aug. 11, 1891, May 24, 1919, Aug. 26, 1933, Aug. 24, 1935, and Nov. 3, 1970; Subsec. (d) added Sept. 13, 2003.)

Sec. 21. PUBLIC PRINTING AND BINDING; REPAIRS AND FURNISHINGS; CONTRACTS. All stationery, printing, fuel used in the legislature and departments of the government other than the judicial department, printing and binding of the laws, journals, and department reports, and all other printing and binding and the repairing and furnishing of the halls and rooms used during meetings of the legislature and in committees, except proclamations and such products and services as may be done by handicapped individuals employed in nonprofit rehabilitation facilities providing sheltered employment to the handicapped in Texas, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as shall be prescribed by law. No member or officer of any department of the government shall in any way have a financial interest in such contracts, and all such contracts or programs involving the state use of the products and services of handicapped individuals shall be subject to such requirements as might be established by the legislature. (Amended Nov. 7, 1978.)

Sec. 22. (Repealed Nov. 6, 2001.) (Temporary transition provision for Sec. 22: see Appendix, Note 3.)

Sec. 23. REGULATION OF LIVE STOCK; PROTECTION OF STOCK RAISERS; INSPECTIONS; BRANDS. The Legislature may pass laws for the regulation of live stock and the protection of stock raisers in the stock raising portion of the State, and exempt from the operation of such laws other portions, sections, or counties; and shall have power to pass general and special laws for the inspection of cattle, stock and hides and for the regulation of brands; provided, that any local law thus passed shall be submitted to the qualified voters of the section to be affected thereby, and approved by them, before it shall go into effect. (Amended Nov. 6, 2001.) (Temporary transition provision for Sec. 23: see Appendix, Note 3.)

Sec. 24. ROADS AND BRIDGES. The Legislature shall make provision for laying out and working public roads, for the building of bridges, and for utilizing fines, forfeitures, and convict labor to all these purposes.

Sec. 25. DRAWBACKS AND REBATEMENT TO CARRIERS, SHIPPERS, MERCHANTS, ETC. That all drawbacks and rebatement of insurance, freight, transportation, carriage, wharfage, storage, compressing, baling, repairing, or for any other kind of labor or service of, or to any cotton, grain, or any other produce or article of commerce in this State, paid or allowed or contracted for, to any common carrier, shipper, merchant, commission merchant, factor, agent,

or middleman of any kind, not the true and absolute owner thereof, are forever prohibited, and it shall be the duty of the Legislature to pass effective laws punishing all persons in this State who pay, receive or contract for, or respecting the same.

Sec. 26. HOMICIDE; LIABILITY IN DAMAGES. Every person, corporation, or company, that may commit a homicide, through wilful act, or omission, or gross neglect, shall be responsible, in exemplary damages, to the surviving husband, widow, heirs of his or her body, or such of them as there may be, without regard to any criminal proceeding that may or may not be had in relation to the homicide.

Sec. 27. VACANCIES FILLED FOR UNEXPIRED TERM. In all elections to fill vacancies of office in this State, it shall be to fill the unexpired term only.

Sec. 28. GARNISHMENT OF WAGES. No current wages for personal service shall ever be subject to garnishment, except for the enforcement of court-ordered:

(1) child support payments; or

(2) spousal maintenance. (Amended Nov. 8, 1983, and Nov. 2, 1999.)

Sec. 29. (Repealed Aug. 5, 1969.)

Sec. 30. DURATION OF OFFICES; RAILROAD COMMISSION. (a) The duration of all offices not fixed by this Constitution shall never exceed two years.

(b) When a Railroad Commission is created by law it shall be composed of three Commissioners who shall be elected by the people at a general election for State officers, and their terms of office shall be six years. And one Railroad Commissioner shall be elected every two years. In case of vacancy in said office the Governor of the State shall fill said vacancy by appointment until the next general election.

(c) The Legislature may provide that members of the governing board of a district or authority created by authority of Article III, Section 48-e, Article III, Section 52(b)(1) or (2), or Article XVI, Section 59, of this Constitution serve terms not to exceed four years.

(d) The Legislature by general or special law may provide that members of the governing board of a hospital district serve terms not to exceed four years. (Amended Nov. 6, 1894, and Nov. 2, 1982; Subsec. (d) added Nov. 7, 1989; Subsec. (b) amended Nov. 2, 1999; Subsec. (c) amended Nov. 3, 2009.) (Temporary transition provisions for Sec. 30: see Appendix, Note 1.)

Sec. 30a. MEMBERS OF BOARDS; TERMS OF OFFICE. The Legislature may provide by law that the Board of Regents of the State University and boards of trustees or managers of the educational, eleemosynary, and penal institutions of the State, and such boards as have been, or may hereafter be established by law, may be composed of an odd number of three or more members who serve for a term of six (6) years, with one-third, or as near as one-third as possible, of the members of such boards to be elected or appointed every two (2) years in such manner as the Legislature may determine; vacancies in such offices to be filled as may be provided by law, and the Legislature shall enact suitable laws to give effect to this section. The Legislature may provide by law that a board required

by this constitution be composed of members of any number divisible by three (3) who serve for a term of six (6) years, with one-third of the members elected or appointed every two (2) years. (Added Nov. 5, 1912; amended Nov. 2, 1999.)

Sec. 30b. CIVIL SERVICE OFFICES; DURATION. Wherever by virtue of Statute or charter provisions appointive offices of any municipality are placed under the terms and provisions of Civil Service and rules are set up governing appointment to and removal from such offices, the provisions of Article 16, Section 30, of the Texas Constitution limiting the duration of all offices not fixed by the Constitution to two (2) years shall not apply, but the duration of such offices shall be governed by the provisions of the Civil Service law or charter provisions applicable thereto. (Added Nov. 5, 1940.)

Sec. 31. PRACTITIONERS OF MEDICINE. The Legislature may pass laws prescribing the qualifications of practitioners of medicine in this State, and to punish persons for mal-practice, but no preference shall ever be given by law to any schools of medicine.

Sec. 32. (Repealed Aug. 5, 1969.)

Sec. 33. SALARY OR COMPENSATION PAYMENTS TO PERSONS HOLDING MORE THAN ONE OFFICE. The accounting officers in this State shall neither draw nor pay a warrant or check on funds of the State of Texas, whether in the treasury or otherwise, to any person for salary or compensation who holds at the same time more than one civil office of emolument, in violation of Section 40. (Amended Nov. 2, 1926, Nov. 8, 1932, Nov. 11, 1967, and Nov. 7, 1972.)

Sec. 34. (Repealed Aug. 5, 1969.)

Sec. 35. (Repealed Aug. 5, 1969.)

Sec. 36. (Repealed Aug. 5, 1969.)

Sec. 37. LIENS OF MECHANICS, ARTISANS, AND MATERIAL MEN. Mechanics, artisans and material men, of every class, shall have a lien upon the buildings and articles made or repaired by them for the value of their labor done thereon, or material furnished therefor; and the Legislature shall provide by law for the speedy and efficient enforcement of said liens.

Sec. 38. (Repealed Aug. 5, 1969.)

Sec. 39. APPROPRIATIONS FOR HISTORICAL MEMORIALS. The Legislature may, from time to time, make appropriations for preserving and perpetuating memorials of the history of Texas, by means of monuments, statues, paintings and documents of historical value.

Sec. 40. HOLDING MORE THAN ONE OFFICE; EXCEPTIONS; RIGHT TO VOTE. (a) No person shall hold or exercise at the same time, more than one civil office of emolument, except that of Justice of the Peace, County Commissioner, Notary Public and Postmaster, Officer of the National Guard, the National Guard Reserve, and the Officers Reserve Corps of the United States and enlisted men of the National Guard, the National Guard Reserve, and the Organized Reserves of the United States, and retired officers of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and retired warrant officers, and retired enlisted men of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard,

and officers and enlisted members of the Texas State Guard and any other active militia or military force organized under state law, and the officers and directors of soil and water conservation districts, unless otherwise specially provided herein. Provided, that nothing in this Constitution shall be construed to prohibit an officer or enlisted man of the National Guard, the National Guard Reserve, the Texas State Guard, and any other active militia or military force organized under state law, or an officer in the Officers Reserve Corps of the United States, or an enlisted man in the Organized Reserves of the United States, or retired officers of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and retired warrant officers, and retired enlisted men of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and officers of the State soil and water conservation districts, from holding at the same time any other office or position of honor, trust or profit, under this State or the United States, or from voting at any election, general, special or primary in this State when otherwise qualified.

(b) State employees or other individuals who receive all or part of their compensation either directly or indirectly from funds of the State of Texas and who are not State officers, shall not be barred from serving as members of the governing bodies of school districts, cities, towns, or other local governmental districts. Such State employees or other individuals may not receive a salary for serving as members of such governing bodies, except that:

(1) a schoolteacher, retired schoolteacher, or retired school administrator may receive compensation for serving as a member of a governing body of a school district, city, town, or local governmental district, including a water district created under Section 59, Article XVI, or Section 52, Article III; and

(2) a faculty member or retired faculty member of a public institution of higher education may receive compensation for serving as a member of a governing body of a water district created under Section 59 of this article or under Section 52, Article III, of this constitution.

(c) It is further provided that a nonelective State officer may hold other nonelective offices under the State or the United States, if the other office is of benefit to the State of Texas or is required by the State or Federal law, and there is no conflict with the original office for which he receives salary or compensation.

(d) No member of the Legislature of this State may hold any other office or position of profit under this State, or the United States, except as a notary public if qualified by law. (Amended Nov. 2, 1926, Nov. 8, 1932, Nov. 7, 1972, Nov. 6, 2001, and Sept. 13, 2003; Subsec. (a) amended Nov. 3, 2009.)

Sec. 41. BRIBERY AND ACCEPTANCE OF BRIBES. Any person who shall, directly or indirectly, offer, give, or promise, any money or thing of value, testimonial, privilege or personal advantage, to any executive or judicial officer or member of the Legislature to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as shall be provided by law. And any member of the Legislature or executive or judicial officer who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself, or for another, from any company, corporation or person, any money, appointment, employment, testimonial, reward, thing of value or

employment, or of personal advantage or promise thereof, for his vote or official influence, or for withholding the same, or with any understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit, demand and receive any such money or other advantage matter or thing aforesaid for another, as the consideration of his vote or official influence, in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery, within the meaning of the Constitution, and shall incur the disabilities provided for said offenses, with a forfeiture of the office they may hold, and such other additional punishment as is or shall be provided by law.

Sec. 42. (Repealed Aug. 5, 1969.)

Sec. 43. (Repealed Nov. 6, 2001.) (Temporary transition provision for Sec. 43: see Appendix, Note 3.)

Sec. 44. COUNTY TREASURER AND COUNTY SURVEYOR. (a) Except as otherwise provided by this section, the Legislature shall prescribe the duties and provide for the election by the qualified voters of each county in this State, of a County Treasurer and a County Surveyor, who shall have an office at the county seat, and hold their office for four years, and until their successors are qualified; and shall have such compensation as may be provided by law.

(b) The office of County Treasurer or County Surveyor does not exist in those counties in which the office has been abolished pursuant to constitutional amendment or pursuant to the authority of Subsection (c) of this section.

(c) The Commissioners Court of a county may call an election to abolish the office of County Surveyor in the county. The office of County Surveyor in the county is abolished if a majority of the voters of the county voting on the question at that election approve the abolition. If an election is called under this subsection, the Commissioners Court shall order the ballot for the election to be printed to provide for voting for or against the proposition: "Abolishing the office of county surveyor of this county." If the office of County Surveyor is abolished under this subsection, the maps, field notes, and other records in the custody of the County Surveyor are transferred to the county officer or employee designated by the Commissioners Court of the county in which the office is abolished, and the Commissioners Court may from time to time change its designation as it considers appropriate. (Amended Nov. 2, 1954; Subsec. (a) amended and (b) and (c) added Nov. 2, 1982; Subsec. (a) amended and (b)(1) added Nov. 6, 1984; Subsecs. (a)-(c) amended and (d)-(f) added Nov. 5, 1985; Subsecs. (c) and (d) amended and (f) and (g) added Nov. 3, 1987; Subsec. (f) added Nov. 7, 1989; Subsec. (e) amended and two Subsecs. (h) added Nov. 2, 1993; Subsec. (h), as added by Acts 1993, 73rd Leg., R.S., H.J.R. 21, relating to the office of County Surveyor in Jackson County, repealed Nov. 4, 1997; Subsec. (b) amended, Subsecs. (c)-(g) deleted, and Subsec. (h), as added by Acts 1993, 73rd Leg., R.S., H.J.R. 37, relating to abolition of the office of County Surveyor, redesignated as Subsec. (c) Nov. 2, 1999.) (Temporary transition provisions for Sec. 44: see Appendix, Note 1.)

Sec. 45. (Repealed Aug. 5, 1969.)

Sec. 46. (Repealed Aug. 5, 1969.)

Sec. 47. (Repealed Nov. 2, 1999.) (Temporary transition provisions for Sec. 47: see Appendix, Note 1.)

Sec. 48. EXISTING LAWS TO CONTINUE IN FORCE. All laws and parts of laws now in force in the State of Texas, which are not repugnant to the Constitution of the United States, or to this Constitution, shall continue and remain in force as the laws of this State, until they expire by their own limitation or shall be amended or repealed by the Legislature.

Sec. 49. PROTECTION OF PERSONAL PROPERTY FROM FORCED SALE. The Legislature shall have power, and it shall be its duty, to protect by law from forced sale a certain portion of the personal property of all heads of families, and also of unmarried adults, male and female.

Sec. 50. HOMESTEAD; PROTECTION FROM FORCED SALE; MORTGAGES, TRUST DEEDS, AND LIENS. (a) The homestead of a family, or of a single adult person, shall be, and is hereby protected from forced sale, for the payment of all debts except for:

(1) the purchase money thereof, or a part of such purchase money;

(2) the taxes due thereon;

(3) an owelty of partition imposed against the entirety of the property by a court order or by a written agreement of the parties to the partition, including a debt of one spouse in favor of the other spouse resulting from a division or an award of a family homestead in a divorce proceeding;

(4) the refinance of a lien against a homestead, including a federal tax lien resulting from the tax debt of both spouses, if the homestead is a family homestead, or from the tax debt of the owner;

(5) work and material used in constructing new improvements thereon, if contracted for in writing, or work and material used to repair or renovate existing improvements thereon if:

(A) the work and material are contracted for in writing, with the consent of both spouses, in the case of a family homestead, given in the same manner as is required in making a sale and conveyance of the homestead;

(B) the contract for the work and material is not executed by the owner or the owner's spouse before the fifth day after the owner makes written application for any extension of credit for the work and material, unless the work and material are necessary to complete immediate repairs to conditions on the homestead property that materially affect the health or safety of the owner or person residing in the homestead and the owner of the homestead acknowledges such in writing;

(C) the contract for the work and material expressly provides that the owner may rescind the contract without penalty or charge within three days after the execution of the contract by all parties, unless the work and material are necessary to complete immediate repairs to conditions on the homestead property that materially affect the health or safety of the owner or person residing in the homestead and the owner of the homestead acknowledges such in writing; and

(D) the contract for the work and material is executed by the owner and the owner's spouse only at the office of a third-party lender making an extension of credit for the work and material, an attorney at law, or a title company;

(6) an extension of credit that:

(A) is secured by a voluntary lien on the homestead created under a written agreement with the consent of each owner and each owner's spouse;

(B) is of a principal amount that when added to the aggregate total of the outstanding principal balances of all other indebtedness secured by valid encumbrances of record against the homestead does not exceed 80 percent of the fair market value of the homestead on the date the extension of credit is made;

(C) is without recourse for personal liability against each owner and the spouse of each owner, unless the owner or spouse obtained the extension of credit by actual fraud;

(D) is secured by a lien that may be foreclosed upon only by a court order;

(E) does not require the owner or the owner's spouse to pay, in addition to any interest, fees to any person that are necessary to originate, evaluate, maintain, record, insure, or service the extension of credit that exceed, in the aggregate, three percent of the original principal amount of the extension of credit;

(F) is not a form of open-end account that may be debited from time to time or under which credit may be extended from time to time unless the open-end account is a home equity line of credit;

(G) is payable in advance without penalty or other charge;

(H) is not secured by any additional real or personal property other than the homestead;

(I) is not secured by homestead property that on the date of closing is designated for agricultural use as provided by statutes governing property tax, unless such homestead property is used primarily for the production of milk;

(J) may not be accelerated because of a decrease in the market value of the homestead or because of the owner's default under other indebtedness not secured by a prior valid encumbrance against the homestead;

(K) is the only debt secured by the homestead at the time the extension of credit is made unless the other debt was made for a purpose described by Subsections (a)(1)-(a)(5) or Subsection (a)(8) of this section;

(L) is scheduled to be repaid:

(i) in substantially equal successive periodic installments, not more often than every 14 days and not less often than monthly, beginning no later than two months from the date the extension of credit is made, each of which equals or exceeds the amount of accrued interest as of the date of the scheduled installment; or

(ii) if the extension of credit is a home equity line of credit, in periodic payments described under Subsection (t)(8) of this section;

(M) is closed not before:

(i) the 12th day after the later of the date that the owner of the homestead submits a loan application to the lender for the extension of credit or the date that the lender provides the owner a copy of the notice prescribed by Subsection (g) of this section;

(ii) one business day after the date that the owner of the homestead receives a copy of the loan application if not previously provided and a final itemized disclosure of the actual fees, points, interest, costs, and charges that will be charged at closing. If a bona fide emergency or another good cause exists and the lender obtains the written consent of the owner, the lender may provide the documentation to the owner or the lender may modify previously provided documentation on the date of closing; and

(iii) the first anniversary of the closing date of any other extension of credit described by Subsection (a)(6) of this section secured by the same homestead property, except a refinance described by Paragraph (Q)(x)(f) of this subdivision, unless the owner on oath requests an earlier closing due to a state of emergency that:

(a) has been declared by the president of the United States or the governor as provided by law; and

(b) applies to the area where the homestead is located;

(N) is closed only at the office of the lender, an attorney at law, or a title company;

(O) permits a lender to contract for and receive any fixed or variable rate of interest authorized under statute;

(P) is made by one of the following that has not been found by a federal regulatory agency to have engaged in the practice of refusing to make loans because the applicants for the loans reside or the property proposed to secure the loans is located in a certain area:

(i) a bank, savings and loan association, savings bank, or credit union doing business under the laws of this state or the United States;

(ii) a federally chartered lending instrumentality or a person approved as a mortgagee by the United States government to make federally insured loans;

(iii) a person licensed to make regulated loans, as provided by statute of this state;

(iv) a person who sold the homestead property to the current owner and who provided all or part of the financing for the purchase;

(v) a person who is related to the homestead property owner within the second degree of affinity or consanguinity; or

(vi) a person regulated by this state as a mortgage broker; and

(Q) is made on the condition that:

(i) the owner of the homestead is not required to apply the proceeds of the extension of credit to repay another debt except debt secured by the homestead or debt to another lender;

(ii) the owner of the homestead not assign wages as security for the extension of credit;

(iii) the owner of the homestead not sign any instrument in which blanks relating to substantive terms of agreement are left to be filled in;

(iv) the owner of the homestead not sign a confession of judgment or power of attorney to the lender or to a third person to confess judgment or to appear for the owner in a judicial proceeding;

(v) at the time the extension of credit is made, the owner of the homestead shall receive a copy of the final loan application and all executed documents signed by the owner at closing related to the extension of credit;

(vi) the security instruments securing the extension of credit contain a disclosure that the extension of credit is the type of credit defined by Section 50(a)(6), Article XVI, Texas Constitution;

(vii) within a reasonable time after termination and full payment of the extension of credit, the lender cancel and return the promissory note to the owner of the homestead and give the owner, in recordable form, a release of the lien securing the extension of credit or a copy of an endorsement and assignment of the lien to a lender that is refinancing the extension of credit;

(viii) the owner of the homestead and any spouse of the owner may, within three days after the extension of credit is made, rescind the extension of credit without penalty or charge;

(ix) the owner of the homestead and the lender sign a written acknowledgment as to the fair market value of the homestead property on the date the extension of credit is made;

(x) except as provided by Subparagraph (xi) of this paragraph, the lender or any holder of the note for the extension of credit shall forfeit all principal and interest of the extension of credit if the lender or holder fails to comply with the lender's or holder's obligations under the extension of credit and fails to correct the failure to comply not later than the 60th day after the date the lender or holder is notified by the borrower of the lender's failure to comply by:

(a) paying to the owner an amount equal to any overcharge paid by the owner under or related to the extension of credit if the owner has paid an amount that exceeds an amount stated in the applicable Paragraph (E), (G), or (O) of this subdivision;

(b) sending the owner a written acknowledgement that the lien is valid only in the amount that the extension of credit does not exceed the percentage described by Paragraph (B) of this subdivision, if applicable, or is not secured by property described under Paragraph (H) or (I) of this subdivision, if applicable;

(c) sending the owner a written notice modifying any other amount, percentage, term, or other provision prohibited by this section to a permitted

amount, percentage, term, or other provision and adjusting the account of the borrower to ensure that the borrower is not required to pay more than an amount permitted by this section and is not subject to any other term or provision prohibited by this section;

(d) delivering the required documents to the borrower if the lender fails to comply with Subparagraph (v) of this paragraph or obtaining the appropriate signatures if the lender fails to comply with Subparagraph (ix) of this paragraph;

(e) sending the owner a written acknowledgement, if the failure to comply is prohibited by Paragraph (K) of this subdivision, that the accrual of interest and all of the owner's obligations under the extension of credit are abated while any prior lien prohibited under Paragraph (K) remains secured by the homestead; or

(f) if the failure to comply cannot be cured under Subparagraphs (x)(a)-(e) of this paragraph, curing the failure to comply by a refund or credit to the owner of $1,000 and offering the owner the right to refinance the extension of credit with the lender or holder for the remaining term of the loan at no cost to the owner on the same terms, including interest, as the original extension of credit with any modifications necessary to comply with this section or on terms on which the owner and the lender or holder otherwise agree that comply with this section; and

(xi) the lender or any holder of the note for the extension of credit shall forfeit all principal and interest of the extension of credit if the extension of credit is made by a person other than a person described under Paragraph (P) of this subdivision or if the lien was not created under a written agreement with the consent of each owner and each owner's spouse, unless each owner and each owner's spouse who did not initially consent subsequently consents;

(7) a reverse mortgage; or

(8) the conversion and refinance of a personal property lien secured by a manufactured home to a lien on real property, including the refinance of the purchase price of the manufactured home, the cost of installing the manufactured home on the real property, and the refinance of the purchase price of the real property.

(b) An owner or claimant of the property claimed as homestead may not sell or abandon the homestead without the consent of each owner and the spouse of each owner, given in such manner as may be prescribed by law.

(c) No mortgage, trust deed, or other lien on the homestead shall ever be valid unless it secures a debt described by this section, whether such mortgage, trust deed, or other lien, shall have been created by the owner alone, or together with his or her spouse, in case the owner is married. All pretended sales of the homestead involving any condition of defeasance shall be void.

(d) A purchaser or lender for value without actual knowledge may conclusively rely on an affidavit that designates other property as the homestead of the affiant and that states that the property to be conveyed or encumbered is not the homestead of the affiant.

(e) A refinance of debt secured by a homestead and described by any subsection under Subsections (a)(1)-(a)(5) that includes the advance of additional funds may not be secured by a valid lien against the homestead unless:

(1) the refinance of the debt is an extension of credit described by Subsection (a)(6) of this section; or

(2) the advance of all the additional funds is for reasonable costs necessary to refinance such debt or for a purpose described by Subsection (a)(2), (a)(3), or (a)(5) of this section.

(f) A refinance of debt secured by the homestead, any portion of which is an extension of credit described by Subsection (a)(6) of this section, may not be secured by a valid lien against the homestead unless the refinance of the debt is an extension of credit described by Subsection (a)(6) or (a)(7) of this section.

(g) An extension of credit described by Subsection (a)(6) of this section may be secured by a valid lien against homestead property if the extension of credit is not closed before the 12th day after the lender provides the owner with the following written notice on a separate instrument:

"NOTICE CONCERNING EXTENSIONS OF CREDIT DEFINED BY SECTION 50(a)(6), ARTICLE XVI, TEXAS CONSTITUTION:

"SECTION 50(a)(6), ARTICLE XVI, OF THE TEXAS CONSTITUTION ALLOWS CERTAIN LOANS TO BE SECURED AGAINST THE EQUITY IN YOUR HOME. SUCH LOANS ARE COMMONLY KNOWN AS EQUITY LOANS. IF YOU DO NOT REPAY THE LOAN OR IF YOU FAIL TO MEET THE TERMS OF THE LOAN, THE LENDER MAY FORECLOSE AND SELL YOUR HOME. THE CONSTITUTION PROVIDES THAT:

"(A) THE LOAN MUST BE VOLUNTARILY CREATED WITH THE CONSENT OF EACH OWNER OF YOUR HOME AND EACH OWNER'S SPOUSE;

"(B) THE PRINCIPAL LOAN AMOUNT AT THE TIME THE LOAN IS MADE MUST NOT EXCEED AN AMOUNT THAT, WHEN ADDED TO THE PRINCIPAL BALANCES OF ALL OTHER LIENS AGAINST YOUR HOME, IS MORE THAN 80 PERCENT OF THE FAIR MARKET VALUE OF YOUR HOME;

"(C) THE LOAN MUST BE WITHOUT RECOURSE FOR PERSONAL LIABILITY AGAINST YOU AND YOUR SPOUSE UNLESS YOU OR YOUR SPOUSE OBTAINED THIS EXTENSION OF CREDIT BY ACTUAL FRAUD;

"(D) THE LIEN SECURING THE LOAN MAY BE FORECLOSED UPON ONLY WITH A COURT ORDER;

"(E) FEES AND CHARGES TO MAKE THE LOAN MAY NOT EXCEED 3 PERCENT OF THE LOAN AMOUNT;

"(F) THE LOAN MAY NOT BE AN OPEN-END ACCOUNT THAT MAY BE DEBITED FROM TIME TO TIME OR UNDER WHICH CREDIT MAY BE EXTENDED FROM TIME TO TIME UNLESS IT IS A HOME EQUITY LINE OF CREDIT;

"(G) YOU MAY PREPAY THE LOAN WITHOUT PENALTY OR CHARGE;

"(H) NO ADDITIONAL COLLATERAL MAY BE SECURITY FOR THE LOAN;

"(I) THE LOAN MAY NOT BE SECURED BY HOMESTEAD PROPERTY THAT IS DESIGNATED FOR AGRICULTURAL USE AS OF THE DATE OF CLOSING, UNLESS THE AGRICULTURAL HOMESTEAD PROPERTY IS USED PRIMARILY FOR THE PRODUCTION OF MILK;

"(J) YOU ARE NOT REQUIRED TO REPAY THE LOAN EARLIER THAN AGREED SOLELY BECAUSE THE FAIR MARKET VALUE OF YOUR HOME DECREASES OR BECAUSE YOU DEFAULT ON ANOTHER LOAN THAT IS NOT SECURED BY YOUR HOME;

"(K) ONLY ONE LOAN DESCRIBED BY SECTION 50(a)(6), ARTICLE XVI, OF THE TEXAS CONSTITUTION MAY BE SECURED WITH YOUR HOME AT ANY GIVEN TIME;

"(L) THE LOAN MUST BE SCHEDULED TO BE REPAID IN PAYMENTS THAT EQUAL OR EXCEED THE AMOUNT OF ACCRUED INTEREST FOR EACH PAYMENT PERIOD;

"(M) THE LOAN MAY NOT CLOSE BEFORE 12 DAYS AFTER YOU SUBMIT A LOAN APPLICATION TO THE LENDER OR BEFORE 12 DAYS AFTER YOU RECEIVE THIS NOTICE, WHICHEVER DATE IS LATER; AND MAY NOT WITHOUT YOUR CONSENT CLOSE BEFORE ONE BUSINESS DAY AFTER THE DATE ON WHICH YOU RECEIVE A COPY OF YOUR LOAN APPLICATION IF NOT PREVIOUSLY PROVIDED AND A FINAL ITEMIZED DISCLOSURE OF THE ACTUAL FEES, POINTS, INTEREST, COSTS, AND CHARGES THAT WILL BE CHARGED AT CLOSING; AND IF YOUR HOME WAS SECURITY FOR THE SAME TYPE OF LOAN WITHIN THE PAST YEAR, A NEW LOAN SECURED BY THE SAME PROPERTY MAY NOT CLOSE BEFORE ONE YEAR HAS PASSED FROM THE CLOSING DATE OF THE OTHER LOAN, UNLESS ON OATH YOU REQUEST AN EARLIER CLOSING DUE TO A DECLARED STATE OF EMERGENCY;

"(N) THE LOAN MAY CLOSE ONLY AT THE OFFICE OF THE LENDER, TITLE COMPANY, OR AN ATTORNEY AT LAW;

"(O) THE LENDER MAY CHARGE ANY FIXED OR VARIABLE RATE OF INTEREST AUTHORIZED BY STATUTE;

"(P) ONLY A LAWFULLY AUTHORIZED LENDER MAY MAKE LOANS DESCRIBED BY SECTION 50(a)(6), ARTICLE XVI, OF THE TEXAS CONSTITUTION;

"(Q) LOANS DESCRIBED BY SECTION 50(a)(6), ARTICLE XVI, OF THE TEXAS CONSTITUTION MUST:

"(1) NOT REQUIRE YOU TO APPLY THE PROCEEDS TO ANOTHER DEBT EXCEPT A DEBT THAT IS SECURED BY YOUR HOME OR OWED TO ANOTHER LENDER;

"(2) NOT REQUIRE THAT YOU ASSIGN WAGES AS SECURITY;

"(3) NOT REQUIRE THAT YOU EXECUTE INSTRUMENTS WHICH HAVE BLANKS FOR SUBSTANTIVE TERMS OF AGREEMENT LEFT TO BE FILLED IN;

"(4) NOT REQUIRE THAT YOU SIGN A CONFESSION OF JUDGMENT OR POWER OF ATTORNEY TO ANOTHER PERSON TO CONFESS JUDGMENT OR APPEAR IN A LEGAL PROCEEDING ON YOUR BEHALF;

"(5) PROVIDE THAT YOU RECEIVE A COPY OF YOUR FINAL LOAN APPLICATION AND ALL EXECUTED DOCUMENTS YOU SIGN AT CLOSING;

"(6) PROVIDE THAT THE SECURITY INSTRUMENTS CONTAIN A DISCLOSURE THAT THIS LOAN IS A LOAN DEFINED BY SECTION 50(a)(6), ARTICLE XVI, OF THE TEXAS CONSTITUTION;

"(7) PROVIDE THAT WHEN THE LOAN IS PAID IN FULL, THE LENDER WILL SIGN AND GIVE YOU A RELEASE OF LIEN OR AN ASSIGNMENT OF THE LIEN, WHICHEVER IS APPROPRIATE;

"(8) PROVIDE THAT YOU MAY, WITHIN 3 DAYS AFTER CLOSING, RESCIND THE LOAN WITHOUT PENALTY OR CHARGE;

"(9) PROVIDE THAT YOU AND THE LENDER ACKNOWLEDGE THE FAIR MARKET VALUE OF YOUR HOME ON THE DATE THE LOAN CLOSES; AND

"(10) PROVIDE THAT THE LENDER WILL FORFEIT ALL PRINCIPAL AND INTEREST IF THE LENDER FAILS TO COMPLY WITH THE LENDER'S OBLIGATIONS UNLESS THE LENDER CURES THE FAILURE TO COMPLY AS PROVIDED BY SECTION 50(a)(6)(Q)(x), ARTICLE XVI, OF THE TEXAS CONSTITUTION; AND

"(R) IF THE LOAN IS A HOME EQUITY LINE OF CREDIT:

"(1) YOU MAY REQUEST ADVANCES, REPAY MONEY, AND REBORROW MONEY UNDER THE LINE OF CREDIT;

"(2) EACH ADVANCE UNDER THE LINE OF CREDIT MUST BE IN AN AMOUNT OF AT LEAST $4,000;

"(3) YOU MAY NOT USE A CREDIT CARD, DEBIT CARD, OR SIMILAR DEVICE, OR PREPRINTED CHECK THAT YOU DID NOT SOLICIT, TO OBTAIN ADVANCES UNDER THE LINE OF CREDIT;

"(4) ANY FEES THE LENDER CHARGES MAY BE CHARGED AND COLLECTED ONLY AT THE TIME THE LINE OF CREDIT IS ESTABLISHED AND THE LENDER MAY NOT CHARGE A FEE IN CONNECTION WITH ANY ADVANCE;

"(5) THE MAXIMUM PRINCIPAL AMOUNT THAT MAY BE EXTENDED, WHEN ADDED TO ALL OTHER DEBTS SECURED BY YOUR HOME, MAY NOT EXCEED 80 PERCENT OF THE FAIR MARKET VALUE OF YOUR HOME ON THE DATE THE LINE OF CREDIT IS ESTABLISHED;

"(6) IF THE PRINCIPAL BALANCE UNDER THE LINE OF CREDIT AT ANY TIME EXCEEDS 50 PERCENT OF THE FAIR MARKET VALUE OF YOUR HOME, AS DETERMINED ON THE DATE THE LINE OF CREDIT IS ESTABLISHED, YOU MAY NOT CONTINUE TO REQUEST ADVANCES UNDER THE LINE OF CREDIT UNTIL THE BALANCE IS LESS THAN 50 PERCENT OF THE FAIR MARKET VALUE; AND

"(7) THE LENDER MAY NOT UNILATERALLY AMEND THE TERMS OF THE LINE OF CREDIT.

"THIS NOTICE IS ONLY A SUMMARY OF YOUR RIGHTS UNDER THE TEXAS CONSTITUTION. YOUR RIGHTS ARE GOVERNED BY SECTION 50, ARTICLE XVI, OF THE TEXAS CONSTITUTION, AND NOT BY THIS NOTICE."

If the discussions with the borrower are conducted primarily in a language other than English, the lender shall, before closing, provide an additional copy of the notice translated into the written language in which the discussions were conducted.

(h) A lender or assignee for value may conclusively rely on the written acknowledgment as to the fair market value of the homestead property made in accordance with Subsection (a)(6)(Q)(ix) of this section if:

(1) the value acknowledged to is the value estimate in an appraisal or evaluation prepared in accordance with a state or federal requirement applicable to an extension of credit under Subsection (a)(6); and

(2) the lender or assignee does not have actual knowledge at the time of the payment of value or advance of funds by the lender or assignee that the fair market value stated in the written acknowledgment was incorrect.

(i) This subsection shall not affect or impair any right of the borrower to recover damages from the lender or assignee under applicable law for wrongful foreclosure. A purchaser for value without actual knowledge may conclusively presume that a lien securing an extension of credit described by Subsection (a)(6) of this section was a valid lien securing the extension of credit with homestead property if:

(1) the security instruments securing the extension of credit contain a disclosure that the extension of credit secured by the lien was the type of credit defined by Section 50(a)(6), Article XVI, Texas Constitution;

(2) the purchaser acquires the title to the property pursuant to or after the foreclosure of the voluntary lien; and

(3) the purchaser is not the lender or assignee under the extension of credit.

(j) Subsection (a)(6) and Subsections (e)-(i) of this section are not severable, and none of those provisions would have been enacted without the others. If any of those provisions are held to be preempted by the laws of the United States, all of those provisions are invalid. This subsection shall not apply to any lien or extension of credit made after January 1, 1998, and before the date any provision under Subsection (a)(6) or Subsections (e)-(i) is held to be preempted.

(k) "Reverse mortgage" means an extension of credit:

(1) that is secured by a voluntary lien on homestead property created by a written agreement with the consent of each owner and each owner's spouse;

(2) that is made to a person who is or whose spouse is 62 years or older;

(3) that is made without recourse for personal liability against each owner and the spouse of each owner;

(4) under which advances are provided to a borrower:

(A) based on the equity in a borrower's homestead; or

(B) for the purchase of homestead property that the borrower will occupy as a principal residence;

(5) that does not permit the lender to reduce the amount or number of advances because of an adjustment in the interest rate if periodic advances are to be made;

(6) that requires no payment of principal or interest until:

(A) all borrowers have died;

(B) the homestead property securing the loan is sold or otherwise transferred;

(C) all borrowers cease occupying the homestead property for a period of longer than 12 consecutive months without prior written approval from the lender;

(C-1) if the extension of credit is used for the purchase of homestead property, the borrower fails to timely occupy the homestead property as the borrower's principal residence within a specified period after the date the extension of credit is made that is stipulated in the written agreement creating the lien on the property; or

(D) the borrower:

(i) defaults on an obligation specified in the loan documents to repair and maintain, pay taxes and assessments on, or insure the homestead property;

(ii) commits actual fraud in connection with the loan; or

(iii) fails to maintain the priority of the lender's lien on the homestead property, after the lender gives notice to the borrower, by promptly discharging any lien that has priority or may obtain priority over the lender's lien within 10 days after the date the borrower receives the notice, unless the borrower:

(a) agrees in writing to the payment of the obligation secured by the lien in a manner acceptable to the lender;

(b) contests in good faith the lien by, or defends against enforcement of the lien in, legal proceedings so as to prevent the enforcement of the lien or forfeiture of any part of the homestead property; or

(c) secures from the holder of the lien an agreement satisfactory to the lender subordinating the lien to all amounts secured by the lender's lien on the homestead property;

(7) that provides that if the lender fails to make loan advances as required in the loan documents and if the lender fails to cure the default as required in the loan documents after notice from the borrower, the lender forfeits all principal and interest of the reverse mortgage, provided, however, that this subdivision does not apply when a governmental agency or instrumentality takes an assignment of the loan in order to cure the default;

(8) that is not made unless the prospective borrower and the spouse of the prospective borrower attest in writing that the prospective borrower and the prospective borrower's spouse received counseling regarding the advisability and availability of reverse mortgages and other financial alternatives that was completed not earlier than the 180th day nor later than the 5th day before the date the extension of credit is closed;

(9) that is not closed before the 12th day after the date the lender provides to the prospective borrower the following written notice on a separate instrument, which the lender or originator and the borrower must sign for the notice to take effect:

"IMPORTANT NOTICE TO BORROWERS
RELATED TO YOUR REVERSE MORTGAGE

"UNDER THE TEXAS TAX CODE, CERTAIN ELDERLY PERSONS MAY DEFER THE COLLECTION OF PROPERTY TAXES ON THEIR RESIDENCE HOMESTEAD. BY RECEIVING THIS REVERSE MORTGAGE YOU MAY BE REQUIRED TO FORGO ANY PREVIOUSLY APPROVED DEFERRAL OF PROPERTY TAX COLLECTION AND YOU MAY BE REQUIRED TO PAY PROPERTY TAXES ON AN ANNUAL BASIS ON THIS PROPERTY.

"THE LENDER MAY FORECLOSE THE REVERSE MORTGAGE AND YOU MAY LOSE YOUR HOME IF:

"(A) YOU DO NOT PAY THE TAXES OR OTHER ASSESSMENTS ON THE HOME EVEN IF YOU ARE ELIGIBLE TO DEFER PAYMENT OF PROPERTY TAXES;

"(B) YOU DO NOT MAINTAIN AND PAY FOR PROPERTY INSURANCE ON THE HOME AS REQUIRED BY THE LOAN DOCUMENTS;

"(C) YOU FAIL TO MAINTAIN THE HOME IN A STATE OF GOOD CONDITION AND REPAIR;

"(D) YOU CEASE OCCUPYING THE HOME FOR A PERIOD LONGER THAN 12 CONSECUTIVE MONTHS WITHOUT THE PRIOR WRITTEN APPROVAL FROM THE LENDER OR, IF THE EXTENSION OF CREDIT IS

USED FOR THE PURCHASE OF THE HOME, YOU FAIL TO TIMELY OCCUPY THE HOME AS YOUR PRINCIPAL RESIDENCE WITHIN A PERIOD OF TIME AFTER THE EXTENSION OF CREDIT IS MADE THAT IS STIPULATED IN THE WRITTEN AGREEMENT CREATING THE LIEN ON THE HOME;

"(E) YOU SELL THE HOME OR OTHERWISE TRANSFER THE HOME WITHOUT PAYING OFF THE LOAN;

"(F) ALL BORROWERS HAVE DIED AND THE LOAN IS NOT REPAID;

"(G) YOU COMMIT ACTUAL FRAUD IN CONNECTION WITH THE LOAN; OR

"(H) YOU FAIL TO MAINTAIN THE PRIORITY OF THE LENDER'S LIEN ON THE HOME, AFTER THE LENDER GIVES NOTICE TO YOU, BY PROMPTLY DISCHARGING ANY LIEN THAT HAS PRIORITY OR MAY OBTAIN PRIORITY OVER THE LENDER'S LIEN WITHIN 10 DAYS AFTER THE DATE YOU RECEIVE THE NOTICE, UNLESS YOU:

"(1) AGREE IN WRITING TO THE PAYMENT OF THE OBLIGATION SECURED BY THE LIEN IN A MANNER ACCEPTABLE TO THE LENDER;

"(2) CONTEST IN GOOD FAITH THE LIEN BY, OR DEFEND AGAINST ENFORCEMENT OF THE LIEN IN, LEGAL PROCEEDINGS SO AS TO PREVENT THE ENFORCEMENT OF THE LIEN OR FORFEITURE OF ANY PART OF THE HOME; OR

"(3) SECURE FROM THE HOLDER OF THE LIEN AN AGREEMENT SATISFACTORY TO THE LENDER SUBORDINATING THE LIEN TO ALL AMOUNTS SECURED BY THE LENDER'S LIEN ON THE HOME.

"IF A GROUND FOR FORECLOSURE EXISTS, THE LENDER MAY NOT COMMENCE FORECLOSURE UNTIL THE LENDER GIVES YOU WRITTEN NOTICE BY MAIL THAT A GROUND FOR FORECLOSURE EXISTS AND GIVES YOU AN OPPORTUNITY TO REMEDY THE CONDITION CREATING THE GROUND FOR FORECLOSURE OR TO PAY THE REVERSE MORTGAGE DEBT WITHIN THE TIME PERMITTED BY SECTION 50(k)(10), ARTICLE XVI, OF THE TEXAS CONSTITUTION. THE LENDER MUST OBTAIN A COURT ORDER FOR FORECLOSURE EXCEPT THAT A COURT ORDER IS NOT REQUIRED IF THE FORECLOSURE OCCURS BECAUSE:

"(1) ALL BORROWERS HAVE DIED; OR

"(2) THE HOMESTEAD PROPERTY SECURING THE LOAN IS SOLD OR OTHERWISE TRANSFERRED."

"YOU SHOULD CONSULT WITH YOUR HOME COUNSELOR OR AN ATTORNEY IF YOU HAVE ANY CONCERNS ABOUT THESE OBLIGATIONS BEFORE YOU CLOSE YOUR REVERSE MORTGAGE LOAN. TO LOCATE AN ATTORNEY IN YOUR AREA, YOU MAY WISH TO CONTACT THE STATE BAR OF TEXAS."

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(10) that does not permit the lender to commence foreclosure until the lender gives notice to the borrower, in the manner provided for a notice by mail related to the foreclosure of liens under Subsection (a)(6) of this section, that a ground for foreclosure exists and gives the borrower at least 30 days, or at least 20 days in the event of a default under Subdivision (6)(D)(iii) of this subsection, to:

(A) remedy the condition creating the ground for foreclosure;

(B) pay the debt secured by the homestead property from proceeds of the sale of the homestead property by the borrower or from any other sources; or

(C) convey the homestead property to the lender by a deed in lieu of foreclosure; and

(11) that is secured by a lien that may be foreclosed upon only by a court order, if the foreclosure is for a ground other than a ground stated by Subdivision (6)(A) or (B) of this subsection.

(l) Advances made under a reverse mortgage and interest on those advances have priority over a lien filed for record in the real property records in the county where the homestead property is located after the reverse mortgage is filed for record in the real property records of that county.

(m) A reverse mortgage may provide for an interest rate that is fixed or adjustable and may also provide for interest that is contingent on appreciation in the fair market value of the homestead property. Although payment of principal or interest shall not be required under a reverse mortgage until the entire loan becomes due and payable, interest may accrue and be compounded during the term of the loan as provided by the reverse mortgage loan agreement.

(n) A reverse mortgage that is secured by a valid lien against homestead property may be made or acquired without regard to the following provisions of any other law of this state:

(1) a limitation on the purpose and use of future advances or other mortgage proceeds;

(2) a limitation on future advances to a term of years or a limitation on the term of open-end account advances;

(3) a limitation on the term during which future advances take priority over intervening advances;

(4) a requirement that a maximum loan amount be stated in the reverse mortgage loan documents;

(5) a prohibition on balloon payments;

(6) a prohibition on compound interest and interest on interest;

(7) a prohibition on contracting for, charging, or receiving any rate of interest authorized by any law of this state authorizing a lender to contract for a rate of interest; and

(8) a requirement that a percentage of the reverse mortgage proceeds be advanced before the assignment of the reverse mortgage.

(o) For the purposes of determining eligibility under any statute relating to payments, allowances, benefits, or services provided on a means-tested basis by this state, including supplemental security income, low-income energy assistance, property tax relief, medical assistance, and general assistance:

(1) reverse mortgage loan advances made to a borrower are considered proceeds from a loan and not income; and

(2) undisbursed funds under a reverse mortgage loan are considered equity in a borrower's home and not proceeds from a loan.

(p) The advances made on a reverse mortgage loan under which more than one advance is made must be made according to the terms established by the loan documents by one or more of the following methods:

(1) an initial advance at any time and future advances at regular intervals;

(2) an initial advance at any time and future advances at regular intervals in which the amounts advanced may be reduced, for one or more advances, at the request of the borrower;

(3) an initial advance at any time and future advances at times and in amounts requested by the borrower until the credit limit established by the loan documents is reached;

(4) an initial advance at any time, future advances at times and in amounts requested by the borrower until the credit limit established by the loan documents is reached, and subsequent advances at times and in amounts requested by the borrower according to the terms established by the loan documents to the extent that the outstanding balance is repaid; or

(5) at any time by the lender, on behalf of the borrower, if the borrower fails to timely pay any of the following that the borrower is obligated to pay under the loan documents to the extent necessary to protect the lender's interest in or the value of the homestead property:

(A) taxes;

(B) insurance;

(C) costs of repairs or maintenance performed by a person or company that is not an employee of the lender or a person or company that directly or indirectly controls, is controlled by, or is under common control with the lender;

(D) assessments levied against the homestead property; and

(E) any lien that has, or may obtain, priority over the lender's lien as it is established in the loan documents.

(q) To the extent that any statutes of this state, including without limitation, Section 41.001 of the Texas Property Code, purport to limit encumbrances that

may properly be fixed on homestead property in a manner that does not permit encumbrances for extensions of credit described in Subsection (a)(6) or (a)(7) of this section, the same shall be superseded to the extent that such encumbrances shall be permitted to be fixed upon homestead property in the manner provided for by this amendment.

(r) The supreme court shall promulgate rules of civil procedure for expedited foreclosure proceedings related to the foreclosure of liens under Subsection (a)(6) of this section and to foreclosure of a reverse mortgage lien that requires a court order.

(s) The Finance Commission of Texas shall appoint a director to conduct research on the availability, quality, and prices of financial services and research the practices of business entities in the state that provide financial services under this section. The director shall collect information and produce reports on lending activity of those making loans under this section. The director shall report his or her findings to the legislature not later than December 1 of each year.

(t) A home equity line of credit is a form of an open-end account that may be debited from time to time, under which credit may be extended from time to time and under which:

(1) the owner requests advances, repays money, and reborrows money;

(2) any single debit or advance is not less than $4,000;

(3) the owner does not use a credit card, debit card, or similar device, or preprinted check unsolicited by the borrower, to obtain an advance;

(4) any fees described by Subsection (a)(6)(E) of this section are charged and collected only at the time the extension of credit is established and no fee is charged or collected in connection with any debit or advance;

(5) the maximum principal amount that may be extended under the account, when added to the aggregate total of the outstanding principal balances of all indebtedness secured by the homestead on the date the extension of credit is established, does not exceed an amount described under Subsection (a)(6)(B) of this section;

(6) no additional debits or advances are made if the total principal amount outstanding exceeds an amount equal to 50 percent of the fair market value of the homestead as determined on the date the account is established;

(7) the lender or holder may not unilaterally amend the extension of credit; and

(8) repayment is to be made in regular periodic installments, not more often than every 14 days and not less often than monthly, beginning not later than two months from the date the extension of credit is established, and:

(A) during the period during which the owner may request advances, each installment equals or exceeds the amount of accrued interest; and

(B) after the period during which the owner may request advances, installments are substantially equal.

(u) The legislature may by statute delegate one or more state agencies the power to interpret Subsections (a)(5)-(a)(7), (e)-(p), and (t), of this section. An act or omission does not violate a provision included in those subsections if the act or omission conforms to an interpretation of the provision that is:

(1) in effect at the time of the act or omission; and

(2) made by a state agency to which the power of interpretation is delegated as provided by this subsection or by an appellate court of this state or the United States.

(v) A reverse mortgage must provide that:

(1) the owner does not use a credit card, debit card, preprinted solicitation check, or similar device to obtain an advance;

(2) after the time the extension of credit is established, no transaction fee is charged or collected solely in connection with any debit or advance; and

(3) the lender or holder may not unilaterally amend the extension of credit. (Amended Nov. 6, 1973, and Nov. 7, 1995; Subsecs. (a)-(d) amended and (e)-(s) added Nov. 4, 1997; Subsecs. (k), (p), and (r) amended Nov. 2, 1999; Subsec. (a) amended Nov. 6, 2001; Subsecs. (a), (f), and (g) amended and (t) and (u) added Sept. 13, 2003; Subsec. (p) amended and (v) added Nov. 8, 2005; Subsecs. (a), (g), and (t) amended Nov. 6, 2007; Subsec. (k) amended Nov. 5, 2013.)

Sec. 51. AMOUNT OF HOMESTEAD; USES. The homestead, not in a town or city, shall consist of not more than two hundred acres of land, which may be in one or more parcels, with the improvements thereon; the homestead in a city, town or village, shall consist of lot or contiguous lots amounting to not more than 10 acres of land, together with any improvements on the land; provided, that the homestead in a city, town or village shall be used for the purposes of a home, or as both an urban home and a place to exercise a calling or business, of the homestead claimant, whether a single adult person, or the head of a family; provided also, that any temporary renting of the homestead shall not change the character of the same, when no other homestead has been acquired; provided further that a release or refinance of an existing lien against a homestead as to a part of the homestead does not create an additional burden on the part of the homestead property that is unreleased or subject to the refinance, and a new lien is not invalid only for that reason. (Amended Nov. 3, 1970, Nov. 6, 1973, Nov. 8, 1983, and Nov. 2, 1999.)

NOTE: The joint resolution amending Sec. 51 in 1983 included a section that did not purport to amend the constitution and that provided the following: "This amendment applies to all homesteads in this state, including homesteads acquired before the adoption of this amendment."

Sec. 52. DESCENT AND DISTRIBUTION OF HOMESTEAD; RESTRICTIONS ON PARTITION. On the death of the husband or wife, or both, the homestead shall descend and vest in like manner as other real property of the deceased, and shall be governed by the same laws of descent and distribution, but it shall not be partitioned among the heirs of the deceased during the lifetime of the surviving husband or wife, or so long as the survivor may elect to use or occupy

the same as a homestead, or so long as the guardian of the minor children of the deceased may be permitted, under the order of the proper court having the jurisdiction, to use and occupy the same.

Sec. 53. (Repealed Nov. 2, 1999.) (Temporary transition provisions for Sec. 53: see Appendix, Note 1.)

Sec. 54. (Repealed Aug. 5, 1969.)

Sec. 55. (Repealed Aug. 5, 1969.)

Sec. 56. (Repealed Nov. 6, 2001.) (Temporary transition provision for Sec. 56: see Appendix, Note 3.)

Sec. 57. (Repealed Aug. 5, 1969.)

Sec. 58. (Repealed Aug. 5, 1969.)

Sec. 59. CONSERVATION AND DEVELOPMENT OF NATURAL RESOURCES AND PARKS AND RECREATIONAL FACILITIES; CONSERVATION AND RECLAMATION DISTRICTS. (a) The conservation and development of all of the natural resources of this State, and development of parks and recreational facilities, including the control, storing, preservation and distribution of its storm and flood waters, the waters of its rivers and streams, for irrigation, power and all other useful purposes, the reclamation and irrigation of its arid, semiarid and other lands needing irrigation, the reclamation and drainage of its overflowed lands, and other lands needing drainage, the conservation and development of its forests, water and hydro-electric power, the navigation of its inland and coastal waters, and the preservation and conservation of all such natural resources of the State are each and all hereby declared public rights and duties; and the Legislature shall pass all such laws as may be appropriate thereto.

(b) There may be created within the State of Texas, or the State may be divided into, such number of conservation and reclamation districts as may be determined to be essential to the accomplishment of the purposes of this amendment to the constitution, which districts shall be governmental agencies and bodies politic and corporate with such powers of government and with the authority to exercise such rights, privileges and functions concerning the subject matter of this amendment as may be conferred by law.

(c) The Legislature shall authorize all such indebtedness as may be necessary to provide all improvements and the maintenance thereof requisite to the achievement of the purposes of this amendment. All such indebtedness may be evidenced by bonds of such conservation and reclamation districts, to be issued under such regulations as may be prescribed by law. The Legislature shall also authorize the levy and collection within such districts of all such taxes, equitably distributed, as may be necessary for the payment of the interest and the creation of a sinking fund for the payment of such bonds and for the maintenance of such districts and improvements. Such indebtedness shall be a lien upon the property assessed for the payment thereof. The Legislature shall not authorize the issuance of any bonds or provide for any indebtedness against any reclamation district unless such proposition shall first be submitted to the qualified voters of such district and the proposition adopted.

(c-1) In addition and only as provided by this subsection, the Legislature may authorize conservation and reclamation districts to develop and finance with taxes those types and categories of parks and recreational facilities that were not authorized by this section to be developed and financed with taxes before September 13, 2003. For development of such parks and recreational facilities, the Legislature may authorize indebtedness payable from taxes as may be necessary to provide for improvements and maintenance only for a conservation and reclamation district all or part of which is located in Bexar County, Bastrop County, Waller County, Travis County, Williamson County, Harris County, Galveston County, Brazoria County, Fort Bend County, or Montgomery County, or for the Tarrant Regional Water District, a water control and improvement district located in whole or in part in Tarrant County. All the indebtedness may be evidenced by bonds of the conservation and reclamation district, to be issued under regulations as may be prescribed by law. The Legislature may also authorize the levy and collection within such district of all taxes, equitably distributed, as may be necessary for the payment of the interest and the creation of a sinking fund for the payment of the bonds and for maintenance of and improvements to such parks and recreational facilities. The indebtedness shall be a lien on the property assessed for the payment of the bonds. The Legislature may not authorize the issuance of bonds or provide for indebtedness under this subsection against a conservation and reclamation district unless a proposition is first submitted to the qualified voters of the district and the proposition is adopted. This subsection expands the authority of the Legislature with respect to certain conservation and reclamation districts and is not a limitation on the authority of the Legislature with respect to conservation and reclamation districts and parks and recreational facilities pursuant to this section as that authority existed before September 13, 2003.

(d) No law creating a conservation and reclamation district shall be passed unless notice of the intention to introduce such a bill setting forth the general substance of the contemplated law shall have been published at least thirty (30) days and not more than ninety (90) days prior to the introduction thereof in a newspaper or newspapers having general circulation in the county or counties in which said district or any part thereof is or will be located and by delivering a copy of such notice and such bill to the Governor who shall submit such notice and bill to the Texas Water Commission, or its successor, which shall file its recommendation as to such bill with the Governor, Lieutenant Governor and Speaker of the House of Representatives within thirty (30) days from date notice was received by the Texas Water Commission. Such notice and copy of bill shall also be given of the introduction of any bill amending a law creating or governing a particular conservation and reclamation district if such bill (1) adds additional land to the district, (2) alters the taxing authority of the district, (3) alters the authority of the district with respect to the issuance of bonds, or (4) alters the qualifications or terms of office of the members of the governing body of the district.

(e) No law creating a conservation and reclamation district shall be passed unless, at the time notice of the intention to introduce a bill is published as provided in Subsection (d) of this section, a copy of the proposed bill is delivered

to the commissioners court of each county in which said district or any part thereof is or will be located and to the governing body of each incorporated city or town in whose jurisdiction said district or any part thereof is or will be located. Each such commissioners court and governing body may file its written consent or opposition to the creation of the proposed district with the governor, lieutenant governor, and speaker of the house of representatives. Each special law creating a conservation and reclamation district shall comply with the provisions of the general laws then in effect relating to consent by political subdivisions to the creation of conservation and reclamation districts and to the inclusion of land within the district.

(f) A conservation and reclamation district created under this section to perform any or all of the purposes of this section may engage in fire-fighting activities and may issue bonds or other indebtedness for fire-fighting purposes as provided by law and this constitution. (Added Aug. 21, 1917; Subsec. (d) added Nov. 3, 1964; Subsec. (e) added Nov. 6, 1973; Subsec. (f) added Nov. 7, 1978; Subsec. (c) amended Nov. 2, 1999; Subsec. (a) amended and (c-1) added Sept. 13, 2003.) (Temporary transition provisions for Sec. 59: see Appendix, Note 1.)

Sec. 60. (Repealed Aug. 5, 1969.)

Sec. 61. COMPENSATION OF DISTRICT, COUNTY, AND PRECINCT OFFICERS; SALARY OR FEE BASIS; DISPOSITION OF FEES. (a) All district officers in the State of Texas and all county officers in counties having a population of twenty thousand (20,000) or more, according to the then last preceding Federal Census, shall be compensated on a salary basis.

(b) In all counties in this State, the Commissioners Courts shall be authorized to determine whether precinct officers shall be compensated on a fee basis or on a salary basis, with the exception that it shall be mandatory upon the Commissioners Courts, to compensate all justices of the peace, constables, deputy constables and precinct law enforcement officers on a salary basis.

(c) In counties having a population of less than twenty thousand (20,000), according to the then last preceding Federal Census, the Commissioners Courts have the authority to determine whether county officers shall be compensated on a fee basis or on a salary basis, with the exception that it shall be mandatory upon the Commissioners Courts to compensate all sheriffs, deputy sheriffs, county law enforcement officers including sheriffs who also perform the duties of assessor and collector of taxes, and their deputies, on a salary basis.

(d) All fees earned by district, county and precinct officers shall be paid into the county treasury where earned for the account of the proper fund, provided that fees incurred by the State, county and any municipality, or in case where a pauper's oath is filed, shall be paid into the county treasury when collected and provided that where any officer is compensated wholly on a fee basis such fees may be retained by such officer or paid into the treasury of the county as the Commissioners Court may direct.

(e) All Notaries Public, county surveyors and public weighers shall continue to be compensated on a fee basis. (Added Aug. 24, 1935; amended Nov. 2, 1948,

Nov. 7, 1972, and Nov. 2, 1999.) (Temporary transition provisions for Sec. 61: see Appendix, Note 1.)

Sec. 62. (Repealed April 22, 1975.)

Sec. 63. (Repealed April 22, 1975.)

Sec. 64. TERMS OF OFFICE, CERTAIN OFFICES. The elective district, county, and precinct offices which have heretofore had terms of two years, shall hereafter have terms of four years; and the holders of such offices shall serve until their successors are qualified. (Added Nov. 2, 1954; amended Nov. 6, 2007.)

Sec. 65. TERMS OF OFFICE; AUTOMATIC RESIGNATION. (a) This section applies to the following offices: District Clerks; County Clerks; County Judges; Judges of the County Courts at Law, County Criminal Courts, County Probate Courts and County Domestic Relations Courts; County Treasurers; Criminal District Attorneys; County Surveyors; County Commissioners; Justices of the Peace; Sheriffs; Assessors and Collectors of Taxes; District Attorneys; County Attorneys; Public Weighers; and Constables.

(b) If any of the officers named herein shall announce their candidacy, or shall in fact become a candidate, in any General, Special or Primary Election, for any office of profit or trust under the laws of this State or the United States other than the office then held, at any time when the unexpired term of the office then held shall exceed one year and 30 days, such announcement or such candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled pursuant to law in the same manner as other vacancies for such office are filled. (Added Nov. 2, 1954; amended Nov. 4, 1958, and Nov. 2, 1999; Subsec. (a) amended Nov. 6, 2007; Subsec. (b) amended Nov. 8, 2011.) (Temporary transition provisions for Sec. 65: see Appendix, Note 1.)

Sec. 65A. (Repealed Nov. 6, 2001.) (Temporary transition provision for Sec. 65A: see Appendix, Note 3.)

Sec. 66. PROTECTED BENEFITS UNDER CERTAIN PUBLIC RETIREMENT SYSTEMS. (a) This section applies only to a public retirement system that is not a statewide system and that provides service and disability retirement benefits and death benefits to public officers and employees.

(b) This section does not apply to a public retirement system that provides service and disability retirement benefits and death benefits to firefighters and police officers employed by the City of San Antonio.

(c) This section does not apply to benefits that are:

(1) health benefits;

(2) life insurance benefits; or

(3) disability benefits that a retirement system determines are no longer payable under the terms of the retirement system as those terms existed on the date the retirement system began paying the disability benefits.

(d) On or after the effective date of this section, a change in service or disability retirement benefits or death benefits of a retirement system may not reduce or otherwise impair benefits accrued by a person if the person:

(1) could have terminated employment or has terminated employment before the effective date of the change; and

(2) would have been eligible for those benefits, without accumulating additional service under the retirement system, on any date on or after the effective date of the change had the change not occurred.

(e) Benefits granted to a retiree or other annuitant before the effective date of this section and in effect on that date may not be reduced or otherwise impaired.

(f) The political subdivision or subdivisions and the retirement system that finance benefits under the retirement system are jointly responsible for ensuring that benefits under this section are not reduced or otherwise impaired.

(g) This section does not create a liability or an obligation to a retirement system for a member of the retirement system other than the payment by active members of a required contribution or a future required contribution to the retirement system.

(h) A retirement system described by Subsection (a) and the political subdivision or subdivisions that finance benefits under the retirement system are exempt from the application of this section if:

(1) the political subdivision or subdivisions hold an election on the date in May 2004 that political subdivisions may use for the election of their officers;

(2) the majority of the voters of a political subdivision voting at the election favor exempting the political subdivision and the retirement system from the application of this section; and

(3) the exemption is the only issue relating to the funding and benefits of the retirement system that is presented to the voters at the election. (Former Sec. 66 repealed Nov. 2, 1999; current Sec. 66 added Sept. 13, 2003.)

Sec. 67. STATE AND LOCAL RETIREMENT SYSTEMS. (a) General Provisions. (1) The legislature may enact general laws establishing systems and programs of retirement and related disability and death benefits for public employees and officers. Financing of benefits must be based on sound actuarial principles. The assets of a system are held in trust for the benefit of members and may not be diverted.

(2) A person may not receive benefits from more than one system for the same service, but the legislature may provide by law that a person with service covered by more than one system or program is entitled to a fractional benefit from each system or program based on service rendered under each system or program calculated as to amount upon the benefit formula used in that system or program. Transfer of service credit between the Employees Retirement System of Texas and the Teacher Retirement System of Texas also may be authorized by law.

(3) Each statewide benefit system must have a board of trustees to administer the system and to invest the funds of the system in such securities as the board may consider prudent investments. In making investments, a board shall exercise the judgment and care under the circumstances then prevailing that persons of ordinary prudence, discretion, and intelligence exercise in the

management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable income therefrom as well as the probable safety of their capital. The legislature by law may further restrict the investment discretion of a board.

(4) General laws establishing retirement systems and optional retirement programs for public employees and officers in effect at the time of the adoption of this section remain in effect, subject to the general powers of the legislature established in this subsection.

(b) State Retirement Systems. (1) The legislature shall establish by law a Teacher Retirement System of Texas to provide benefits for persons employed in the public schools, colleges, and universities supported wholly or partly by the state. Other employees may be included under the system by law.

(2) The legislature shall establish by law an Employees Retirement System of Texas to provide benefits for officers and employees of the state and such state-compensated officers and employees of appellate courts and judicial districts as may be included under the system by law.

(3) The amount contributed by a person participating in the Employees Retirement System of Texas or the Teacher Retirement System of Texas shall be established by the legislature but may not be less than six percent of current compensation. The amount contributed by the state may not be less than six percent nor more than 10 percent of the aggregate compensation paid to individuals participating in the system. In an emergency, as determined by the governor, the legislature may appropriate such additional sums as are actuarially determined to be required to fund benefits authorized by law.

(c) Local Retirement Systems. (1) The legislature shall provide by law for:

(A) the creation by any city or county of a system of benefits for its officers and employees;

(B) a statewide system of benefits for the officers and employees of counties or other political subdivisions of the state in which counties or other political subdivisions may voluntarily participate; and

(C) a statewide system of benefits for officers and employees of cities in which cities may voluntarily participate.

(2) Benefits under these systems must be reasonably related to participant tenure and contributions.

(d) Judicial Retirement System. (1) Notwithstanding any other provision of this section, the system of retirement, disability, and survivors' benefits heretofore established in the constitution or by law for justices, judges, and commissioners of the appellate courts and judges of the district and criminal district courts is continued in effect. Contributions required and benefits payable are to be as provided by law.

(2) General administration of the Judicial Retirement System of Texas is by the Board of Trustees of the Employees Retirement System of Texas under such regulations as may be provided by law.

(e) Anticipatory Legislation. Legislation enacted in anticipation of this amendment is not void because it is anticipatory.

(f) Retirement Systems Not Belonging to a Statewide System. The board of trustees of a system or program that provides retirement and related disability and death benefits for public officers and employees and that does not participate in a statewide public retirement system shall:

(1) administer the system or program of benefits;

(2) hold the assets of the system or program for the exclusive purposes of providing benefits to participants and their beneficiaries and defraying reasonable expenses of administering the system or program; and

(3) select legal counsel and an actuary and adopt sound actuarial assumptions to be used by the system or program.

(g) If the legislature provides for a fire fighters' pension commissioner, the term of office for that position is four years. (Added April 22, 1975; Subsec. (f) added Nov. 2, 1993; Subsec. (g) added Nov. 6, 2001.)

Sec. 68. ASSOCIATIONS OF AGRICULTURAL PRODUCERS; ASSESSMENTS ON PRODUCT SALES TO FINANCE PROGRAMS OF MARKETING, PROMOTION, RESEARCH, AND EDUCATION. The legislature may provide for the advancement of food and fiber in this state by providing representative associations of agricultural producers with authority to collect such refundable assessments on their product sales as may be approved by referenda of producers. All revenue collected shall be used solely to finance programs of marketing, promotion, research, and education relating to that commodity. (Added Nov. 8, 1983.)

Sec. 69. PRIOR APPROVAL OF EXPENDITURE OR EMERGENCY TRANSFER OF APPROPRIATED FUNDS. The legislature may require, by rider in the General Appropriations Act or by separate statute, the prior approval of the expenditure or the emergency transfer of any funds appropriated to the agencies of state government. (Added Nov. 5, 1985.)

Sec. 70. (Added Nov. 8, 1988; expired Sept. 1, 2008.)

Sec. 71. TEXAS PRODUCT DEVELOPMENT AND SMALL BUSINESS INCUBATOR FUNDS; BONDS. (a) The legislature by law may establish a Texas product development fund to be used without further appropriation solely in furtherance of a program established by the legislature to aid in the development and production of new or improved products in this state. The fund shall contain a program account, an interest and sinking account, and other accounts authorized by the legislature. To carry out the program authorized by this subsection, the legislature may authorize loans, loan guarantees, and equity investments using money in the Texas product development fund and the issuance of up to $25 million of general obligation bonds to provide initial funding of the Texas product development fund. The Texas product development fund is composed of the proceeds of the bonds authorized by this subsection, loan repayments, guarantee fees, royalty receipts, dividend income, and other amounts received by the state from loans, loan guarantees, and equity investments made under

this subsection and any other amounts required to be deposited in the Texas product development fund by the legislature.

(b) The legislature by law may establish a Texas small business incubator fund to be used without further appropriation solely in furtherance of a program established by the legislature to foster and stimulate the development of small businesses in the state. The fund shall contain a project account, an interest and sinking account, and other accounts authorized by the legislature. A small business incubator operating under the program is exempt from ad valorem taxation in the same manner as an institution of public charity under Article VIII, Section 2, of this constitution. To carry out the program authorized by this subsection, the legislature may authorize loans and grants of money in the Texas small business incubator fund and the issuance of up to $20 million of general obligation bonds to provide initial funding of the Texas small business incubator fund. The Texas small business incubator fund is composed of the proceeds of the bonds authorized by this subsection, loan repayments, and other amounts received by the state for loans or grants made under this subsection and any other amounts required to be deposited in the Texas small business incubator fund by the legislature.

(c) The legislature may require review and approval of the issuance of bonds under this section, of the use of the bond proceeds, or of the rules adopted by an agency to govern use of the bond proceeds. Notwithstanding any other provision of this constitution, any entity created or directed to conduct this review and approval may include members, or appointees of members, of the executive, legislative, and judicial departments of state government.

(d) Bonds authorized under this section constitute a general obligation of the state. While any of the bonds or interest on the bonds is outstanding and unpaid, there is appropriated out of the first money coming into the treasury in each fiscal year, not otherwise appropriated by this constitution, the amount sufficient to pay the principal of and interest on the bonds that mature or become due during the fiscal year, less any amount in any interest and sinking account at the end of the preceding fiscal year that is pledged to payment of the bonds or interest. (Added Nov. 7, 1989; Subsec. (b) amended Nov. 2, 1999.)

Sec. 72. TEMPORARY REPLACEMENT OF PUBLIC OFFICER ON MILITARY ACTIVE DUTY. (a) An elected or appointed officer of the state or of any political subdivision who enters active duty in the armed forces of the United States as a result of being called to duty, drafted, or activated does not vacate the office held, but the appropriate authority may appoint a replacement to serve as temporary acting officer as provided by this section if the elected or appointed officer will be on active duty for longer than 30 days.

(b) For an officer other than a member of the legislature, the authority who has the power to appoint a person to fill a vacancy in that office may appoint a temporary acting officer. If a vacancy would normally be filled by special election, the governor may appoint the temporary acting officer for a state or district office, and the governing body of a political subdivision may appoint the temporary acting officer for an office of that political subdivision.

(c) For an officer who is a member of the legislature, the member of the legislature shall select a person to serve as the temporary acting representative or senator, subject to approval of the selection by a majority vote of the appropriate house of the legislature. The temporary acting representative or senator must be:

(1) a member of the same political party as the member being temporarily replaced; and

(2) qualified for office under Section 6, Article III, of this constitution for a senator, or Section 7, Article III, of this constitution for a representative.

(d) The officer who is temporarily replaced under this section may recommend to the appropriate appointing authority the name of a person to temporarily fill the office.

(e) The appropriate authority shall appoint the temporary acting officer to begin service on the date specified in writing by the officer being temporarily replaced as the date the officer will enter active military service.

(f) A temporary acting officer has all the powers, privileges, and duties of the office and is entitled to the same compensation, payable in the same manner and from the same source, as the officer who is temporarily replaced.

(g) A temporary acting officer appointed under this section shall perform the duties of office for the shorter period of:

(1) the term of the active military service of the officer who is temporarily replaced; or

(2) the term of office of the officer who is temporarily replaced.

(h) In this section, "armed forces of the United States" means the United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, the United States Coast Guard, any reserve or auxiliary component of any of those services, or the National Guard. (Added Sept. 13, 2003.)

Sec. 73. VETERANS HOSPITALS. The state may contribute money, property, and other resources for the establishment, maintenance, and operation of veterans hospitals in this state. (Added Nov. 3, 2009.)

ARTICLE 17

MODE OF AMENDING THE CONSTITUTION OF THIS STATE

Sec. 1. PROPOSED AMENDMENTS; PUBLICATION; SUBMISSION TO VOTERS; ADOPTION. (a) The Legislature, at any regular session, or at any special session when the matter is included within the purposes for which the session is convened, may propose amendments revising the Constitution, to be voted upon by the qualified voters for statewide offices and propositions, as defined in the Constitution and statutes of this State. The date of the elections shall be specified by the Legislature. The proposal for submission must be approved by a vote of two-thirds of all the members elected to each House, entered by yeas and nays on the journals.

(b) A brief explanatory statement of the nature of a proposed amendment, together with the date of the election and the wording of the proposition as it is to appear on the ballot, shall be published twice in each newspaper in the State which meets requirements set by the Legislature for the publication of official notices of offices and departments of the state government. The explanatory statement shall be prepared by the Secretary of State and shall be approved by the Attorney General. The Secretary of State shall send a full and complete copy of the proposed amendment or amendments to each county clerk who shall post the same in a public place in the courthouse at least 30 days prior to the election on said amendment. The first notice shall be published not more than 60 days nor less than 50 days before the date of the election, and the second notice shall be published on the same day in the succeeding week. The Legislature shall fix the standards for the rate of charge for the publication, which may not be higher than the newspaper's published national rate for advertising per column inch.

(c) The election shall be held in accordance with procedures prescribed by the Legislature, and the returning officer in each county shall make returns to the Secretary of State of the number of legal votes cast at the election for and against each amendment. If it appears from the returns that a majority of the votes cast have been cast in favor of an amendment, it shall become a part of this Constitution, and proclamation thereof shall be made by the Governor. (Amended Nov. 7, 1972, and Nov. 2, 1999.) (Temporary transition provisions for Sec. 1: see Appendix, Note 1.)

Sec. 2. (Repealed Nov. 2, 1999.) (Temporary transition provisions for Sec. 2: see Appendix, Note 1.)

APPENDIX
Notes on Temporary Provisions for Adopted Amendments

A temporary provision may be included in a joint resolution to amend the Texas Constitution for a variety of reasons. A temporary provision can provide that the proposed constitutional amendment have a limited duration, but this is an exceedingly rare occurrence. The more common uses of temporary provisions are as saving provisions or transition provisions. A temporary saving provision "saves" from the application of a new or amended constitutional provision certain conduct or legal relationships that occurred before or existed on the effective date of the constitutional amendment. A temporary transition provision provides for the orderly implementation of the constitutional amendment. The most common type of temporary transition provision is one that provides an effective date for a constitutional amendment that is later in time than the effective date that would otherwise occur by operation of law. Most temporary provisions include an expiration date; those with no expiration date remain in the constitution in perpetuity unless removed by a subsequent amendment to the constitution.

1. H.J.R. No. 62, Section 56, 76th Legislature, Regular Session, 1999.

TEMPORARY TRANSITION PROVISIONS. (a) This section applies to amendments proposed by H.J.R. No. 62, 76th Legislature, Regular Session, 1999.

(b) The amendments do not impair any obligation created by the issuance of bonds or other evidences of indebtedness in accordance with prior law, and all bonds or other evidences of indebtedness validly issued under provisions amended or repealed remain valid, enforceable, and binding according to their terms and shall be paid from the sources pledged. Bonds or other evidences of indebtedness authorized but unissued on the effective date of the amendments may be issued in compliance with and subject to the provisions of the prior law. The amendments do not reduce or expand the authority to provide for, issue, or sell bonds or other evidences of indebtedness previously authorized.

(c) As of the date of adoption of H.J.R. No. 62 by the 76th Legislature, Regular Session, 1999, the Veterans' Land Board has authorized but unissued bonds in the aggregate principal amount of $190,002,225 for the purpose of providing funds for the Veterans' Land Fund, $1,309,997,775 having previously been issued for that purpose, and $615,000,000 for the purpose of providing funds for the Veterans' Housing Assistance Fund II, $385,000,000 having previously been issued for that purpose. The amendments do not in any manner impair the authority of the Veterans' Land Board hereafter to issue bonds or incur other evidences of indebtedness, provided that any bonds or other evidences of indebtedness issued

or incurred by the Veterans' Land Board prior to adoption of the amendments shall cause the amount of authorized but unissued bonds described in this subsection to be reduced by the amount of the bonds so issued or other evidences of indebtedness so incurred.

(d) As of the date of adoption of H.J.R. No. 62 by the 76th Legislature, Regular Session, 1999, the Texas Water Development Board has authorized but unissued bonds in the aggregate principal amount of $945,765,000, and as of that date that board has issued $113,300,000 in bonds for the purpose of providing wholesale and retail water and wastewater facilities to economically distressed areas of the state, as defined by law. The amendments do not in any manner impair the authority of the Texas Water Development Board hereafter to issue bonds or incur other evidences of indebtedness, provided that any bonds or other evidences of indebtedness issued or incurred by the Texas Water Development Board prior to adoption of the amendments shall cause the amount of authorized but unissued bonds described in this subsection to be reduced by the amount of the bonds so issued or other evidences of indebtedness so incurred.

(e) As of the date of adoption of H.J.R. No. 62 by the 76th Legislature, Regular Session, 1999, the Texas Higher Education Coordinating Board has authorized but unissued bonds in the aggregate principal amount of $150,000,000, and as of that date the board has issued $810,000,000 in bonds for the purpose of educational loans to students. The amendments do not in any manner impair the authority of the Texas Higher Education Coordinating Board hereafter to issue bonds or incur other evidences of indebtedness, provided that any bonds or other evidences of indebtedness issued or incurred by the Texas Higher Education Coordinating Board prior to adoption of the amendments shall cause the amount of authorized but unissued bonds described in this subsection to be reduced by the amount of the bonds so issued or other evidences of indebtedness so incurred.

(f) The amendment of Subsection (b), Section 1-b, Article VIII, does not affect the increase in the amount of an exemption effective January 1, 1979, under that subsection, and that increase is preserved and given effect in accordance with the prior law.

(g) The amendment of Subsection (b), Section 1-j, Article VIII, does not affect the taxation of personal property in accordance with action taken under that section before April 1, 1990, and that authority to tax personal property is preserved and given effect in accordance with the prior law.

(h) The amendment of Subsection (c), Section 5, Article IX, does not affect the validity of a confirmation election held in accordance with that section.

(i) The repeal of Section 5, Article VIII, does not affect the power of a municipality to impose and collect taxes on the property of railroad companies in accordance with the general authority of municipalities under this constitution to impose and collect those taxes.

(j) The repeal of Section 6, Article IX, does not affect the disposition of assets of the Lamar County Hospital District in accordance with that section.

(k) The amendment of Section 44, Article XVI, does not affect the power of a county to abolish the office of county treasurer or county surveyor in accordance with previously adopted amendments of that section, and the power is preserved in accordance with the prior law.

(l) The repeal of Section 66, Article XVI, does not affect the pensions payable under that section and those pensions shall be paid in accordance with the prior law.

(m) The reenactment of any provision for purposes of amendment does not revive a provision that may have been impliedly repealed by the adoption of a later amendment.

(n) The amendment of any provision does not affect vested rights.

2. H.J.R. No. 58, Section 3, 76th Legislature, Regular Session, 1999.

TEMPORARY PROVISION. (a) The amendment of Section 18, Article VII, of this constitution adopted in 1999 does not impair any obligation created by the issuance of bonds or notes in accordance with that section before January 1, 2000, and all outstanding bonds and notes validly issued under that section remain valid, enforceable, and binding and shall be paid in full, both principal and interest, in accordance with their terms and from the sources pledged to their payment. In order to ensure that the amendment of that section does not impair any obligation created by the issuance of those bonds and notes, there shall be distributed from the income, investment returns, or other assets of the permanent university fund to the available university fund during each fiscal year an amount at least equal to the amount necessary to pay the principal and interest due and owing during the fiscal year on those bonds and notes.

(b) This section expires January 1, 2030.

3. H.J.R. No. 75, Section 9.01, 77th Legislature, Regular Session, 2001.

TEMPORARY TRANSITION PROVISION. (a) This section applies to the amendments to this constitution proposed by H.J.R. No. 75, 77th Legislature, Regular Session, 2001.

(b) The reenactment of any provision of this constitution for purposes of amendment does not revive a provision that may have been impliedly repealed by the adoption of a later amendment.

(c) The amendment of any provision of this constitution does not affect vested rights.

4. S.J.R. No. 1, Section 2, 83rd Legislature, 3rd Called Session, 2013.

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 83rd Legislature, 3rd Called Session, 2013, to provide for the transfer of certain general revenue to the economic stabilization fund and to the state highway fund and for the dedication of the revenue transferred to the state highway fund.

(b) The amendment to Section 49-g, Article III, of this constitution takes effect immediately on the final canvass of the election on the amendment. If, between September 1, 2014, and the effective date of that constitutional amendment, the comptroller of public accounts has transferred from general revenue to the economic stabilization fund amounts in accordance with Subsections (c), (d), and (e) of that section, as those subsections existed at the time of the transfer, as soon as practicable after the effective date of the amendment, the comptroller shall return the transferred amounts from the economic stabilization fund to general revenue and transfer from general revenue to the economic stabilization fund and the state highway fund amounts in accordance with the amended provisions and in accordance with general law, notwithstanding the requirement of Subsection (c) of that section that the transfers for that fiscal year be made before the 90th day of the fiscal year beginning September 1, 2014.

(c) This temporary provision expires January 1, 2017.

5. H.J.R. No. 75, Section 2, 84th Legislature, Regular Session, 2015.

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 84th Legislature, Regular Session, 2015, authorizing the legislature to exempt from ad valorem taxation all or part of the market value of the residence homestead of certain surviving spouses of 100 percent or totally disabled veterans.

(b) The amendments to Section 1-b, Article VIII, of this constitution take effect January 1, 2016, and apply only to ad valorem taxes imposed for a tax year beginning on or after that date.

(c) This temporary provision expires January 1, 2017.

6. S.J.R. No. 1, Section 3, 84th Legislature, Regular Session, 2015.

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by S.J.R. 1, 84th Legislature, Regular Session, 2015.

(b) The amendments to Sections 1-b(c), (d), and (e), Article VIII, of this constitution take effect for the tax year beginning January 1, 2015.

(c) This temporary provision expires January 1, 2017.

7. S.J.R. No. 5, Section 2, 84th Legislature, Regular Session, 2015.

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 84th Legislature, Regular Session, 2015, dedicating a portion of the revenue derived from the state sales and use tax and the tax imposed on the sale, use, or rental of a motor vehicle to the state highway fund.

(b) Section 7-c(a), Article VIII, of this constitution takes effect September 1, 2017.

(c) Section 7-c(b), Article VIII, of this constitution takes effect September 1, 2019.

(d) Beginning on the dates prescribed by Subsections (b) and (c) of this section, the legislature may not appropriate any revenue to which Section 7-c(a) or (b), Article VIII, of this constitution applies that is deposited to the credit of the state highway fund for any purpose other than a purpose described by Section 7-c(c), Article VIII, of this constitution.

(e) This temporary provision expires September 1, 2020.

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* Of the two Articles III-49-n, this is the one proposed by Acts 2003, 78th Leg., R.S., S.J.R. 55.
† Of the two Articles III-49-n, this is the one proposed by Acts 2003, 78th Leg., R.S., H.J.R. 28.

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* Of the two Articles VIII-1-n, this is the one proposed by Acts 2001, 77th Leg., R.S., S.J.R. 47.
† Of the two Articles III-49-n, this is the one proposed by Acts 2003, 78th Leg., R.S., H.J.R. 28.

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RULES
OF THE HOUSE
84th Legislature

Texas House Rules
84th Legislature
2015

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Texas House Rules

84th Legislature
2015

Statement of Authorization and Precedence

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

Rule 1
Duties and Rights of the Speaker

Chapter A. Duties as Presiding Officer

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

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

EXPLANATORY NOTES

See Rule 6, Sec. 1, concerning the daily order of business.

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

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

EXPLANATORY NOTES

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

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

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

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

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

EXPLANATORY NOTES

1. Technically, under the above section, a call for a division is eligible only after a viva voce vote, the basic voting form prescribed by the rules. Sometimes members will start calling for a division even before the question is put. Most of the time the chair acquiesces, and the division votes are taken directly on the voting machine. However, the above section is clear, and nothing could prevent the chair from listening first to a viva voce vote and announcing the result unless a division is called for before the result is announced, in which case it must be granted.
2. See Rule 5, Sec. 40, concerning voting on the machine.

Section 8. Voting Rights of the Presiding Officer — The speaker shall have the same right as other members to vote. If the speaker, or a member temporarily presiding, has not voted, he or she may cast the deciding vote at the time such opportunity becomes official, whether to make or break a tie. If a verification of the vote is called for and granted, the decision of the speaker, or a member temporarily presiding, to cast the deciding vote need not be made until the verification has been completed. In case of error in a vote, if the correction leaves decisive effect to the vote of the speaker, or a member temporarily presiding, the deciding vote may be cast even though the result has been announced.

EXPLANATORY NOTES

1. See Sec. 10 of this rule and precedents following concerning temporary presiding officers.
2. See Rule 5, Sec. 55, and notes following concerning verification.

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

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

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

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

EXPLANATORY NOTES

1. Many points of order are raised concerning the constitutionality of bills, legislative procedures, and legislative powers. Through many sessions the speakers have followed the plan of refusing to rule on constitutional points not related to legislative procedure, of ruling on constitutional procedural points where no doubt exists, or, where doubt exists, either submitting the points to the house for determination or overruling the points directly then passing them on to the house for determination, in effect, on the vote involved. As a general rule the speaker does not submit points of order to the house on questions of procedure under the rules.
2. While the speaker may, under unusual circumstances, submit a constitutional procedural point directly to the house, it is contrary to well-established parliamentary practice to submit other points of order directly to the house for a decision.
3. The speaker may occasionally review committee proceedings for the purpose of ruling on a point of order raised against further consideration of a bill because of a violation of the house rules during committee proceedings.

4. The purpose of Rule 1, Sec. 9(c), is to provide the chair with procedures for the prompt disposition of questions of order.

5. See House Precedents following Rule 4, Sec. 14, concerning appeals from rulings of the chair of a committee.

HOUSE PRECEDENTS

1. RAISING POINTS OF ORDER AT THE PROPER TIME. — The house was considering H.B. 136, the previous question having been ordered on a sequence of motions, including engrossment of the bill. Votes were taken on all motions short of engrossment. Then a motion was made to reconsider the vote by which the previous question was ordered. This motion prevailed. Mr. Morse then raised a point of order that such motion cannot be made after one or more votes have been taken under the previous question, short of the final vote.

The speaker, Mr. Daniel, overruled the point of order on the ground that it came too late. 48 H.J. Reg. 1024 (1943).

The point of order would have been good before the vote on reconsideration.

2. INTERVENING BUSINESS NOT NECESSARILY PREJUDICIAL TO A POINT OF ORDER. — Mr. Hartsfield moved to reconsider the vote by which H.B. 79 passed to engrossment. Mr. Crosthwait moved to table, and the motion failed. Then Mr. Bell raised the point of order that Mr. Hartsfield had not voted on the prevailing side and that his motion was therefore out of order. Opponents argued that Mr. Bell's point of order came too late, that it should have been made as soon as the motion was made.

The speaker, Mr. Senterfitt, sustained Mr. Bell's point of order, pointing out that since no action had been taken on the motion proper, the point of order had not come too late. 52 H.J. Reg. 1918 (1951).

CONGRESSIONAL PRECEDENTS

DECISIONS OF THE SPEAKER. — The speaker may inquire for what purpose a member rises and then may deny recognition, 6 C.P. 289, and an inquiry to ascertain for what purpose a member rises does not constitute recognition. 6 C.P. 293. While circumscribed by the rules and practice of the house, the exercise of the power of recognition is not subject to a point of order. 6 C.P. 294. The speaker may require that a question of order be presented in writing. 5 H.P. 6865. He is not required to decide a question not directly presented by the proceedings. 2 H.P. 1314. Debate on a point of order, being for his information, is within his discretion. 5 H.P. 6919, 6920. In discussing questions of order the rule of relevancy is strictly construed and debate is confined to the point of order and does not admit reference to the merits of the pending proposition. 6 C.P. 3449. Preserving the authority and binding force of parliamentary law is as much the duty of each member of the house as it is the duty of the chair. Speaker Gillett, Jan. 3, 1923, 67th Cong., 4th Session, p. 1205. Points of order are recorded in the journal, 4 H.P. 2840, 2841, but responses to parliamentary inquiries are not so recorded. 4 H.P. 2842. He does not decide on the legislative effect of propositions, 2 H.P. 1274, 1323, 1324, or on the consistency of proposed action with other acts of the house, 2 H.P. 1327-1336, or on the constitutional powers of the house, 2 H.P. 1255, 1318-1320,

1490; 4 H.P. 3507, or on the propriety or expediency of a proposed course of action. 2 H.P. 1275, 1325, 1326, 1337; 4 H.P. 3091-3093, 3127. It is not the duty of the chair to decide hypothetical points of order or to anticipate questions which may be suggested in advance of regular order, 6 C.P. 249; nor is it the duty of the chair to construe the constitution as affecting proposed legislation. 6 C.P. 250. The effect or purport of a proposition is not a question to be passed on by the chair, and a point of order as to the competency or meaning of an amendment does not constitute a parliamentary question. 6 C.P. 254. When precedents conflict, the chair is constrained to give greatest weight to the latest decisions. 6 C.P. 248.

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

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

CONGRESSIONAL PRECEDENTS

SPEAKER PRO TEMPORE. — A call of the house may take place with a speaker pro tempore in the chair, 4 H.P. 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, 2 H.P. 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. 2 H.P. 1379, 1400.

Section 11. Emergency Adjournment — In the event of an emergency of such compelling nature that the speaker must adjourn the house without fixing a date and hour of reconvening, the speaker shall have authority to determine the date and hour of reconvening and to notify the members of the house by any means the speaker considers adequate. Should the speaker be disabled or otherwise unable to exercise these emergency powers, the permanent speaker

pro tempore, if one has been named, shall have authority to act. If there is no permanent speaker pro tempore, or if that officer is unable to act, authority shall be exercised by the chair of the Committee on State Affairs, who shall preside until the house can proceed to the selection of a temporary presiding officer to function until the speaker or the speaker pro tempore is again able to exercise the duties and responsibilities of the office.

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

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

EXPLANATORY NOTES

See House Precedents following Rule 8, Sec. 13.

Chapter B. Administrative Duties

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

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

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

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

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

Section 16. Appointment of Select and Conference Committees — (a) The speaker shall appoint all conference committees. The speaker shall name the chair of each conference committee, and may also name the vice-chair thereof.

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

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

(1) vacate the new speaker's membership on any committee;

(2) make committee appointments for the member who was removed as speaker;

(3) designate a different member of a standing committee as committee chair; and

(4) fill vacancies that occur on a committee.

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

Chapter C. Campaigns for Speaker

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

Rule 2. Employees

Chapter A. Duties of Employees of the House

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Rule 2
Employees

Chapter A. Duties of Employees of the House

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

(1) be the custodian of all bills, resolutions, and amendments;

(2) number in the order of their filing, with a separate sequence for each category, all bills, joint resolutions, concurrent resolutions, and house resolutions;

(3) provide for the keeping of a complete record of introduction and action on all bills and resolutions, including the number, author, brief description of the subject matter, committee reference, and the time sequence of action taken on all bills and resolutions to reflect at all times their status in the legislative process;

(4) on the day of numbering a bill relating to a conservation and reclamation district created under Article XVI, Section 59, of the Texas Constitution, send two copies of the bill, with two copies of the notice of intention to introduce the bill, to the governor and notify the journal clerk of the action;

(5) receive the recommendations of the Texas Commission on Environmental Quality on a bill forwarded to the commission under Article XVI, Section 59, of the Texas Constitution, attach them to the bill to which they apply, and notify the journal clerk that the recommendations have been filed;

(6) forward to a committee chair in an electronic or other format determined by the chief clerk a certified copy of each legislative document referred to the committee, including all official attachments to the document;

(7) have printed and distributed correct copies of all legislative documents, as provided in the subchapter on printing, and keep an exact record of the date and hour of transmittal to the printer, return from the printer, and distribution of the document to members of the house with that information time-stamped on the originals of the document;

(8) certify the passage of bills and resolutions, noting on them the date of passage and the vote by which passed, including the yeas and nays if a record of the yeas and nays is ordered;

(9) be responsible for engrossing all house bills and resolutions that have passed second reading and those that have passed third reading, and for enrolling all house bills and resolutions that have passed both houses.

All engrossed and enrolled documents shall be prepared without erasures, interlineations, or additions in the margin.

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

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

(10) be authorized to amend the caption to conform to the body of each

house bill and joint resolution ordered engrossed or enrolled;

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

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

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

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

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

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

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

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

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

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

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

EXPLANATORY NOTES

1. See Rule 8, Sec. 17, and note following concerning engrossment of bills.

2. See Rule 11, Sec. 9, and note following concerning amendments to captions.

3. Only essential endorsements should be placed on an engrossed or finally passed bill. These would include: the fact and date of first reading and reference to a particular standing committee; the fact and date of report by the committee, showing its recommendation (if reported unfavorably, the fact and date bill was ordered printed on minority report should also be shown); the fact and date of and vote on passage to engrossment; the fact, date, and vote showing suspension of the constitutional rule requiring bills to be read on three several days, if such applies; the fact and date of and vote on final passage; and the date bill was sent to the senate. See also annotation under Rule 8, Sec. 21,

regarding endorsements on bills passed under Art. III, Sec. 49a, of the constitution.

4. Each house enrolls its own bills and resolutions; however, the joint rules may provide for a joint enrolling facility.

5. All concurrent resolutions, except those relating to procedural matters between the two houses, are presented to the governor for approval.

(b) The chief clerk shall also:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) the summaries of congratulatory and memorial resolutions,

as printed on the congratulatory and memorial calendar;

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

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

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

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

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

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

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

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

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

(M) reasons for a vote;

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

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

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

(Q) the parliamentarian's written explanation on the final ruling on a point of order, which includes the citation of any house or congressional precedents used in determining the ruling, as provided in Rule 14, Section 8;

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

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

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

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

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

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

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

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

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

EXPLANATORY NOTES

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

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

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

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

Section 4. Sergeant-at-Arms — The sergeant-at-arms shall:

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

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

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

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

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

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

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

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

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

(10) provide for issuance of an identification card to each member and

employee of the house; and

(11) supervise the doorkeeper.

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

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

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

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

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

EXPLANATORY NOTES

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

2. See Rule 5, Secs. 11 and 12, for the list of persons entitled to the privileges of the floor when the house is in session.

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

EXPLANATORY NOTES

See Rule 6, Sec. 1, concerning the daily order of business.

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

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

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

(3) prepare official copies of all record votes for the journal; and

(4) make no additions, subtractions, or other changes in any registration or record vote unless specifically granted permission by the house or directed by the speaker prior to the announcement of the final result.

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

(1) under the direction of the Committee on House Administration, prepare a schedule for regular meetings of all standing committees as provided by Rule 4, Section 8(a);

(2) post committee meeting notices, as directed by the chair of a committee, in accordance with Rule 4, Section 11(a);

(3) maintain duplicate originals of committee minutes as required by Rule 4, Sections 18(c) and (d);

(4) direct the maintenance of sworn statements either in electronic or paper format and, under the direction of the Committee on House Administration, prescribe the form of those statements, as required by Rule 4, Sections 20(a) and (c);

(5) receive and forward impact statements as required by Rule 4, Section 34(e);

(6) receive committee reports as required by Rule 4, Section 37, and refer them for printing as provided by Rule 6, Section 19; and

(7) receive and distribute the recommendations and final reports of interim study committees as provided by Rule 4, Section 61.

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

Section 9. Parliamentarian — (a) The parliamentarian is an officer of the house who serves at the pleasure of the speaker. The parliamentarian shall advise and assist the presiding officer and the members of the house on matters of procedure. The parliamentarian has a duty of confidentiality to the speaker and to each member of the house and shall keep confidential all requests made by members of the house for advice or guidance regarding procedure unless the parties otherwise agree.

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

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

Chapter B. Other Employees

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

(b) Communications between any employee of the Texas Legislative Council and the speaker, another member of the house, or an employee of a member or committee of the house are confidential. The General Investigating

and Ethics Committee of the House may investigate an alleged violation of this subsection.

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

EXPLANATORY NOTES

There are numerous statutes, rules, and policies that impose a duty of confidentiality on legislative employees, particularly attorneys and staff who work for legislative agencies such as the Texas Legislative Council. See, for example, Section 323.017, Government Code, Rule 1.05, Texas Disciplinary Rules of Professional Conduct, and the Texas Legislative Council Confidentiality Policy. A deliberate or accidental breach of the duty of confidentiality, whether by the youngest member of a legislator's staff at a cocktail reception or by a senior legislative agency employee, is serious. Legislative staff, regardless of whether they are employed by a member or a legislative agency, should be clear on their duties to strictly safeguard confidential information. This rule underscores the responsibility of legislative employees (specifically, those employed by the Texas Legislative Council) to maintain confidentiality in these communications.

It should be noted that an alleged violation of Rule 2, Sec. 10(b), may result in the referral of the matter to the General Investigating and Ethics Committee, where examination of evidence related to the confidential communication between a member, a member's staff, and the legislative council employee would be in order and would be conducted in a manner that does not itself reveal confidential information.

Rule 3. Standing Committees

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Rule 3
Standing Committees

Section 1. Agriculture and Livestock — The committee shall have seven members, with jurisdiction over all matters pertaining to:

(1) agriculture, horticulture, and farm husbandry;

(2) livestock and stock raising, and the livestock industry;

(3) the development and preservation of forests, and the regulation, control, and promotion of the lumber industry;

(4) problems and issues particularly affecting rural areas of the state, including issues related to rural economic development and the provision of and access to infrastructure, education, and health services; and

(5) the following state agencies: the Department of Agriculture, the Texas Animal Health Commission, the State Soil and Water Conservation Board, the Texas A&M Forest Service, the Office of South Central Interstate Forest Fire Protection Compact, the Office of Chief Apiary Inspector, Texas A&M AgriLife Research, the Texas A&M AgriLife Extension Service, the Food and Fibers Research Council, the State Seed and Plant Board, the State Board of Veterinary Medical Examiners, the Texas A&M Veterinary Medical Diagnostic Laboratory, the Produce Recovery Fund Board, the board of directors of the Texas Boll Weevil Eradication Foundation, Inc., and the Texas Wildlife Services.

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

(1) all bills and resolutions appropriating money from the state treasury;

(2) all bills and resolutions containing provisions resulting in automatic allocation of funds from the state treasury;

(3) all bills and resolutions diverting funds from the state treasury or preventing funds from going in that otherwise would be placed in the state treasury; and

(4) all matters pertaining to claims and accounts filed with the legislature against the state unless jurisdiction over those bills and resolutions is specifically granted by these rules to some other standing committee.

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

Section 3. Business and Industry — The committee shall have seven members, with jurisdiction over all matters pertaining to:

(1) industry and manufacturing;

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

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

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

(5) the organization, incorporation, management, and regulation of

private corporations and professional associations and the Uniform Commercial Code and the Business Organizations Code;

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

(7) privacy and identity theft;

(8) homeowners' associations;

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

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

Section 4. Calendars (Procedural) — The committee shall have 15 members, with jurisdiction over:

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

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

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

Section 5. Corrections — The committee shall have seven members, with jurisdiction over all matters pertaining to:

(1) the incarceration and rehabilitation of convicted felons;

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

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

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

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

(2) establishing districts for the election of governing bodies of counties;

(3) regional councils of governments;

(4) multicounty boards or commissions;

(5) relationships or contracts between counties;

(6) other units of local government; and

(7) the following state agency: the Commission on Jail Standards.

Section 7. Criminal Jurisprudence — The committee shall have seven members, with jurisdiction over all matters pertaining to:

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

(2) probation and parole;

(3) criminal procedure in the courts of Texas;

(4) revision or amendment of the Penal Code; and

(5) the following state agencies: the Office of State Prosecuting Attorney and the Texas State Council for Interstate Adult Offender Supervision.

Section 8. Culture, Recreation, and Tourism — The committee shall have seven members, with jurisdiction over:

(1) the creation, operation, and control of state parks, including the development, maintenance, and operation of state parks in connection with the sales and use tax imposed on sporting goods, but not including any matter within the jurisdiction of the Committee on Appropriations;

(2) the regulation and control of the propagation and preservation of wildlife and fish in the state;

(3) the development and regulation of the fish and oyster industries of the state;

(4) hunting and fishing in the state, and the regulation and control thereof, including the imposition of fees, fines, and penalties relating to that regulation;

(5) the regulation of other recreational activities;

(6) cultural resources and their promotion, development, and regulation;

(7) historical resources and their promotion, development, and regulation;

(8) promotion and development of Texas' image and heritage;

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

(10) international and interstate tourist promotion and development;

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

(12) the Gulf States Marine Fisheries Compact; and

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

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

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

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

(3) the realignment or closure of military bases;

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

(5) emergency preparedness;

(6) veterans of military and related services; and

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

Section 10. Economic and Small Business Development — (a) The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) workforce training;

(2) commerce, trade, and manufacturing;

(3) economic and industrial development;

(4) development and support of small businesses;

(5) job creation and job-training programs;

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

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

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

(9) weights and measures; and

(10) the following state agencies: the Texas Economic Development and Tourism Office, the Texas Workforce Commission, and the Texas Workforce Investment Council.

(b) The chair of the committee shall appoint a permanent subcommittee on small business development consisting of not fewer than five members to consider all matters pertaining to:

(1) the establishment, operation, and well-being of small businesses and their employees in the state; and

(2) identifying and addressing federal, state, and local regulatory barriers or impediments to the establishment, operation, and well-being of small businesses and their employees in the state.

Section 11. Elections — The committee shall have seven members, with jurisdiction over all matters pertaining to:

(1) the right of suffrage in Texas;

(2) primary, special, and general elections;

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

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

(5) campaign finance;

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

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

Section 12. Energy Resources — The committee shall have 13 members, with jurisdiction over all matters pertaining to:

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

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

(3) mining and the development of mineral deposits within the state;

(4) the leasing and regulation of mineral rights under public lands;

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

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

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

(8) increasing energy efficiency throughout the state;

(9) the coordination of the state's efforts related to the federal designation of threatened and endangered species as it relates to energy resources in the state; and

(10) the following state agencies: the Railroad Commission of Texas, the Office of Interstate Oil and Gas Compact Commissioner for Texas, the Office of Interstate Mining Compact Commissioner for Texas, the State Energy Conservation Office, and the Office of Southern States Energy Board Member for Texas.

Section 13. Environmental Regulation — The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) air, land, and water pollution, including the environmental regulation of industrial development;

(2) the regulation of waste disposal;

(3) environmental matters that are regulated by the Department of State Health Services or the Texas Commission on Environmental Quality;

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

(5) the following state agency: the Texas Low-Level Radioactive Waste Disposal Compact Commission.

Section 14. General Investigating and Ethics (Procedural) — (a) The committee shall have seven members of the house appointed by the speaker. The speaker shall appoint the chair and the vice-chair of the committee.

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

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

(d) The committee has jurisdiction over all matters pertaining to the conduct of and ethical standards applicable to state and local government officers and employees, including individuals appointed to offices of the executive branch of state government for the purpose of ensuring that an appointed officer is acting in the best interests of the State of Texas.

(e) The committee has jurisdiction over the operation of, including transparency in the reporting of financial transactions by, agencies of the judicial and executive branches of state government and affiliated entities or foundations.

Section 15. Government Transparency and Operation — The committee shall have seven members, with jurisdiction over all matters pertaining to:

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

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

(3) open government matters, including open records and open meetings;

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

(5) the promotion within the state of an advance described by Subdivision (4);

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

(7) the Texas Emerging Technology Advisory Committee and the Sunset Advisory Commission.

Section 16. Higher Education — (a) The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) education beyond high school;

(2) the colleges and universities of the State of Texas; and

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

(b) The chair of the committee shall appoint a permanent subcommittee on postsecondary education and workforce readiness consisting of not fewer than five members to consider all matters pertaining to the availability of postsecondary educational opportunities in the state, including opportunities at:

(1) public or private institutions of higher education;

(2) nonprofit colleges or universities; and

(3) career schools or colleges, or any other postsecondary educational providers in the state.

Section 17. Homeland Security and Public Safety — The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) law enforcement;

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

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

(4) homeland security, including:

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

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

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

Section 18. House Administration (Procedural) — (a) The committee shall have 11 members, with jurisdiction over:

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

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

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

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

(5) the assignment of vacant office space, vacant parking spaces, and vacant desks on the house floor to members with seniority based on cumulative years of service in the house, except that the committee may make these assignments based on physical disability of a member where it deems proper;

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

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

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

(9) the electronic recording of the proceedings of the house of representatives and the custody of the recordings of testimony before house committees, with authority to promulgate reasonable rules, regulations, and conditions concerning the safekeeping, reproducing, and transcribing of the recordings, and the defraying of costs for transcribing the recordings, subject to other provisions of these rules;

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

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

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

Section 19. Human Services — The committee shall have nine members, with jurisdiction over all matters pertaining to:

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

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

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

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

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

Section 20. Insurance — The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) insurance and the insurance industry;

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

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

Section 21. International Trade and Intergovernmental Affairs — The committee shall have seven members, with jurisdiction over all matters pertaining to:

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

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

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

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

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

(6) the provision of public services to persons residing in proximity to Texas' international border or in other areas of the state that have experienced

a significant increase in the percentage of the population that consists of immigrants from other nations, according to the last two federal decennial censuses or another reliable measure; and

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

Section 22. Investments and Financial Services — (a) The committee shall have seven members, with jurisdiction over all matters pertaining to:

(1) banking and the state banking system;

(2) savings and loan associations;

(3) credit unions;

(4) the regulation of state and local bonded indebtedness;

(5) the lending of money;

(6) the regulation of securities and investments;

(7) privacy and identity theft; and

(8) the following state agencies: the Finance Commission of Texas, the Credit Union Commission, the Office of Consumer Credit Commissioner, the Office of Banking Commissioner, the Texas Department of Banking, the Department of Savings and Mortgage Lending, the Texas Treasury Safekeeping Trust Company, the Texas Public Finance Authority, the Bond Review Board, and the State Securities Board.

(b) The chair of the committee shall appoint a permanent subcommittee on state and local bonded indebtedness consisting of not fewer than five members to consider all matters pertaining to bonded indebtedness by a state or local governmental entity, including:

(1) the authority to issue bonds and the effects of issuing bonds;

(2) the economic impact of bonded indebtedness; and

(3) the transparency of, and information provided to taxpayers regarding, transactions related to the issuance of bonds.

Section 23. Judiciary and Civil Jurisprudence — The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) fines and penalties arising under civil laws;

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

(3) civil procedure in the courts of Texas;

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

(5) permission to sue the state;

(6) uniform state laws;

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

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

(9) the State Commission on Judicial Conduct;

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

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

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

Section 24. Juvenile Justice and Family Issues — The committee shall have seven members, with jurisdiction over all matters pertaining to:

(1) the commitment and rehabilitation of youths;

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

(3) juvenile delinquency and gang violence;

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

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

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

(7) the following state agencies: the Texas Juvenile Justice Board, the Texas Juvenile Justice Department, the Office of Independent Ombudsman for the Texas Juvenile Justice Department, and the Advisory Council on Juvenile Services.

Section 25. Land and Resource Management — The committee shall have seven members, with jurisdiction over all matters pertaining to:

(1) the management of public lands;

(2) the power of eminent domain;

(3) annexation, zoning, and other governmental regulation of land use; and

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

Section 26. Licensing and Administrative Procedures — The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) the oversight of businesses, industries, general trades, and occupations regulated by this state;

(2) the regulation of greyhound and horse racing and other gaming industries;

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

(4) the Alcoholic Beverage Code; and

(5) the following state agencies: the Texas Department of Licensing and Regulation, the State Office of Administrative Hearings, the Texas Board of Architectural Examiners, the Texas State Board of Public Accountancy, the Texas Real Estate Commission, the Texas State Board of Plumbing Examiners, the Texas Board of Professional Engineers, the Real Estate Center, the Texas

Board of Professional Land Surveying, the Texas Racing Commission, the Texas Appraiser Licensing and Certification Board, the Texas Lottery Commission, and the Texas Alcoholic Beverage Commission.

Section 27. Local and Consent Calendars (Procedural) — The committee shall have 13 members, with jurisdiction over:

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

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

Section 28. Natural Resources — (a) The committee shall have 11 members, with jurisdiction over all matters pertaining to:

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

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

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

(4) the creation, modification, and regulation of groundwater conservation districts and the modification and regulation of water supply districts, water control and improvement districts, conservation and reclamation districts, and all similar organs of local government dealing with water and water supply;

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

(6) the following state agencies: the Office of Canadian River Compact Commissioner for Texas, the Office of Pecos River Compact Commissioner for Texas, the Office of Red River Compact Commissioner for Texas, the Office of Rio Grande Compact Commissioner for Texas, the Office of Sabine River Compact Commissioner for Texas, the Multi-State Water Resources Planning Commission, and the Texas Water Development Board.

(b) The chair of the committee shall appoint a permanent subcommittee on special water districts consisting of not fewer than five members to consider all matters pertaining to special water districts within the jurisdiction of the committee, including:

(1) the organization and operation of the districts;

(2) the powers and duties of the districts; and

(3) the districts' role in the conservation of natural resources and the control and development of land and water in the state.

Section 29. Pensions — The committee shall have seven members, with jurisdiction over all matters pertaining to:

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

(2) the following state agencies: the Texas Emergency Services

Retirement System, the Board of Trustees of the Teacher Retirement System of Texas, the Board of Trustees of the Employees Retirement System of Texas, the Board of Trustees of the Texas County and District Retirement System, the Board of Trustees of the Texas Municipal Retirement System, and the State Pension Review Board.

Section 30. Public Education — (a) The committee shall have 11 members, with jurisdiction over all matters pertaining to:

(1) the public schools and the public school system of Texas and the financing thereof;

(2) the state programming of elementary and secondary education for the public school system of Texas;

(3) proposals to create, change, or otherwise alter school districts of the state; and

(4) the following state agencies: the State Board of Education, the Texas Education Agency, the Office of Compact for Education Commissioner for Texas, the Office of Southern Regional Education Compact Commissioner for Texas, the Texas School for the Blind and Visually Impaired, the State Board for Educator Certification, and the Texas School for the Deaf.

(b) The chair of the committee shall appoint a permanent subcommittee on educator quality consisting of not fewer than five members to consider all matters pertaining to ensuring the high quality of teachers in the state, including:

(1) ways to improve the quality of the existing teacher workforce and recruit well-qualified individuals into the workforce; and

(2) the adequacy of existing certification programs for new teachers.

Section 31. Public Health — The committee shall have 11 members, with jurisdiction over all matters pertaining to:

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

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

(3) the prevention and treatment of mental illness;

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

(5) the following state agencies: the Department of State Health Services, the Anatomical Board of the State of Texas, the Texas Funeral Service Commission, the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments, the Texas Health Services Authority, the Texas Optometry Board, the Radiation Advisory Board, the Texas State Board of Pharmacy, the Interagency Obesity Council, the Texas Board of Nursing, the Texas Board of Chiropractic Examiners, the Texas Board of Physical Therapy Examiners, the Texas State Board of Podiatric Medical Examiners, the Texas State Board of Examiners of Psychologists, the State Board of Dental Examiners, the Texas Medical Board, the Advisory Board of Athletic Trainers, the Dental Hygiene Advisory Committee, the Cancer Prevention and Research Institute of Texas, the Texas State Board of Acupuncture Examiners, the Health Professions Council, the Office of Patient Protection, and the Texas Board of Occupational Therapy

Examiners.

Section 32. Redistricting (Procedural) — The committee shall have nine members, with jurisdiction over all matters pertaining to:

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

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

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

(4) preparations for the redistricting process.

Section 33. Rules and Resolutions (Procedural) — The committee shall have 11 members, with jurisdiction over:

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

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

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

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

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

Section 34. Special Purpose Districts — (a) The committee shall have seven members, with jurisdiction over all matters pertaining to:

(1) the creation of any special purpose district not otherwise assigned by these rules to other standing committees, including a crime control and prevention district, library district, public improvement district, municipal management district, municipal development district, irrigation district, water improvement district, water control and improvement district, river authority, or navigation district; and

(2) any other local government special purpose district authorized or created under law that as the result of its creation may levy or impose a tax, assessment, or fee for a special purpose.

(b) In this section, "local government" means a political subdivision of this state, other than a county, and includes a corporation or other entity created by a political subdivision of this state other than a county.

Section 35. State Affairs — The committee shall have 13 members, with jurisdiction over all matters pertaining to:

(1) questions and matters of state policy;

(2) the administration of state government;

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

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

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

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

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

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

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

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

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

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

(13) the following organizations and state agencies: the Council of State Governments, the National Conference of State Legislatures, the Office of the Governor, the Texas Facilities Commission, the Department of Information Resources, the Inaugural Endowment Fund Committee, the Sunset Advisory Commission, the Public Utility Commission of Texas, and the Office of Public Utility Counsel.

Section 36. Transportation — (a) The committee shall have 13 members, with jurisdiction over all matters pertaining to:

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

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

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

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

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

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

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

(8) the regulation of metropolitan transit; and

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

(b) The chair of the committee shall appoint a permanent subcommittee on long-term transportation infrastructure planning consisting of not fewer than seven members to consider all matters pertaining to the transportation needs of the state during the next 10 years and funding mechanisms to provide for meeting those needs.

Section 37. Urban Affairs — The committee shall have seven members, with jurisdiction over all matters pertaining to:

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

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

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

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

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

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

(7) land use regulation by municipalities; and

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

Section 38. Ways and Means — (a) The committee shall have 11 members, with jurisdiction over:

(1) all bills and resolutions proposing to raise state revenue;

(2) all bills or resolutions proposing to levy state taxes or other fees;

(3) all proposals to modify, amend, or change any existing state tax or revenue statute;

(4) all proposals to regulate the manner of collection of state revenues and taxes;

(5) all bills and resolutions containing provisions resulting in automatic allocation of funds from the state treasury;

(6) all bills and resolutions diverting funds from the state treasury or preventing funds from going in that otherwise would be placed in the state treasury;

(7) all bills and resolutions proposing to permit a local government to raise revenue;

(8) all bills and resolutions proposing to permit a local government to levy or impose property taxes, sales and use taxes, or other taxes and fees;

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

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

(11) all bills and resolutions relating to the appraisal of property for

taxation;

(12) all bills and resolutions relating to the Tax Code; and

(13) the following state agencies: the Office of Multistate Tax Compact Commissioner for Texas and the Comptroller of Public Accounts.

(b) The chair of the committee shall appoint one or more subcommittees consisting of not fewer than five members each, with each subcommittee focusing on a specific method of taxation and all matters pertaining to that method. One subcommittee must be appointed to consider property taxation.

Rule 4. Organization, Powers, and Duties of Committees

Chapter A. Organization

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Rule 4
Organization, Powers, and Duties of Committees

Chapter A. Organization

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

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

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

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

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

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

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

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

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

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

(c) In the event that a member-elect of the current legislature has not taken the oath of office by the end of the ninth day of the regular session, the

representative of that district shall not be entitled to select a committee on the basis of seniority. If the member-elect has not taken the oath of office by the time committee appointments are announced, committee appointments on behalf of that district shall be designated by district number.

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

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

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

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

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

(1) be responsible for the effective conduct of the business of the committee;

(2) appoint all subcommittees and determine the number of members to serve on each subcommittee;

(3) in consultation with members of the committee, schedule the work of the committee and determine the order in which the committee shall consider and act on bills, resolutions, and other matters referred to the committee;

(4) have authority to employ and discharge the staff and employees authorized for the committee and have supervision and control over all the staff and employees;

(5) direct the preparation of all committee reports. No committee report shall be official until signed by the chair of the committee, or by the person acting as chair, or by a majority of the membership of the committee;

(6) determine the necessity for public hearings, schedule hearings, and be responsible for directing the posting of notice of hearings as required by the rules;

(7) preside at all meetings of the committee and control its deliberations and activities in accordance with acceptable parliamentary procedure; and

(8) have authority to direct the sergeant-at-arms to assist, where necessary, in enforcing the will of the committee.

Section 7. Bill Analyses — (a) Except for the general appropriations bill, for each bill or joint resolution referred to the committee, the staff of the committee shall be responsible for distributing a copy of a bill analysis to:

(1) each member of the committee at the earliest possible opportunity but not later than the first time the measure is laid out in a committee meeting; and

(2) except for an analysis prepared by the Texas Legislative Council, the author of a house measure or sponsor of a senate measure at the earliest

possible opportunity but not later than 48 hours before the first time the measure is laid out in a committee meeting.

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

(c) The Texas Legislative Council shall provide to the author of a house measure or sponsor of a senate measure a copy of an analysis at the time the analysis is provided to the staff of the committee.

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

EXPLANATORY NOTES

Note that the requirements for a bill analysis at the committee hearing phase are much less formalized than those for the detailed analysis required to be included with the committee report under Rule 4, Sec. 32.

Chapter B. Procedure

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

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

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

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

HOUSE PRECEDENTS

MOTION TO GRANT PERMISSION FOR COMMITTEE TO MEET WHILE HOUSE IN SESSION IS DEBATABLE. — In the 56th Legislature the speaker, Mr. Carr, ruled that a motion to grant such permission was debatable and subject to the three minute pro and con debate rule.

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

(1) a public hearing where testimony is to be heard, and where official action may be taken, on bills, resolutions, or other matters;

(2) a formal meeting where the committee may discuss and take official action on bills, resolutions, or other matters without testimony; and

(3) a work session where the committee may discuss bills, resolutions, or other matters but take no formal action.

EXPLANATORY NOTES

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

Many times, persons representing an association or executive branch agency will appear before a committee to testify "on" a particular measure. Such persons often refer to themselves as "resource witnesses" because they are not taking a position for or against the measure. For purposes of the rules, however, these persons are considered to be witnesses who must complete a witness affirmation form, be listed in the committee minutes and the witness list on the committee report, and cannot testify unless the committee is convened in a public hearing.

See Sec. 23A of this rule.

Section 11. Posting Notice — (a) No committee or subcommittee, including a calendars committee, shall assemble for the purpose of a public hearing during a regular session unless notice of the hearing has been posted in accordance with the rules at least five calendar days in advance of the hearing. No committee or subcommittee, including a calendars committee, shall assemble for the purpose of a public hearing during a special session unless notice of the hearing has been posted in accordance with the rules at least 24 hours in advance of the hearing. The committee minutes shall reflect the date

of each posting of notice. Notice shall not be required for a public hearing on a senate bill which is substantially the same as a house bill that has previously been the subject of a duly posted public hearing by the committee.

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

(c) All committees meeting during the interim for the purpose of a formal meeting, work session, or public hearing shall post notice in accordance with the rules and notify members of the committee at least five calendar days in advance of the meeting.

EXPLANATORY NOTES

1. Notices of public hearings are conspicuously posted in areas designated by the Committee on House Administration.
2. See Sec. 6(6) of this rule, concerning the chair's responsibility for directing the posting of notice.
3. If it becomes necessary to postpone, reschedule, relocate, or cancel a committee meeting, current practice is for the chair or staff of the committee to notify the committee coordinator, so that the official posting can be updated and a notice of that fact can be posted at the entrance to the meeting room. If the house is in session when it becomes necessary to postpone, reschedule, relocate, or cancel a committee meeting, the chair should also file an announcement with the journal clerk to be read by the reading clerk while the house is in session.

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

HOUSE PRECEDENTS

PUBLIC HEARING NOT A PREREQUISITE TO REPORTING BY A COMMITTEE OR CONSIDERATION BY THE HOUSE. — The speaker laid before the house on second reading H.B. 40, and the caption was read. Mr. Cato raised a point of order on further consideration of the bill on the ground that a "public hearing" had not been held before the bill was reported by the committee. The speaker, Mr. Gilmer, overruled the point of order. 49 H.J. Reg. 277 (1945).

This point of order is raised frequently and arises through a misunderstanding of Secs. 10-12 of this rule. Sec. 12 provides that every committee meeting shall be open to the public. Anyone may attend committee meetings. Committees, however, have control of their business, and there is nothing in the rules which requires committees to hold "public hearings" in the accepted meaning of the term, i.e., where numbers of persons appear to argue both sides of a question. Public hearings should be and almost always are held on bills of outstanding importance. If a committee elects to hold a "public hearing," then it must set the bill and post the proper notice. It is these two steps which characterize the "public hearing" as differentiated from the ordinary committee meeting.

Section 13. Rules Governing Operations — (a) The Rules of Procedure of the House of Representatives, and to the extent applicable, the rules of evidence and procedure in the civil courts of Texas, shall govern the hearings and operations of each committee, including a calendars committee. Subject to the foregoing, and to the extent necessary for orderly transaction of business, each committee may promulgate and adopt additional rules and procedures by which it will function.

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

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

HOUSE PRECEDENTS

1. POINTS OF ORDER ON COMMITTEE PROCEDURE. — In the 51st Legislature, the speaker, Mr. Manford, held that a point of order in the house against the consideration of a bill because of some parliamentary error in committee or an erroneous ruling of a committee chairman during its consideration is not good provided the bill was eventually voted out favorably (or unfavorably) in conformity with the rules. Full protection against such errors or rulings in committee is provided under the rules of the house. Failure to take advantage of such protection in a committee is no reason to prejudice consideration of the bill or other measure on the floor of the house.

2. ERRONEOUS RULINGS BY COMMITTEE CHAIRS ARE INSUFFICIENT GROUNDS FOR SENDING BILLS BACK TO COMMITTEES ON POINTS OF ORDER, PROVIDED REPORTS ARE MADE IN ACCORDANCE WITH THE RULES. — H.B. 236 was laid before the house. Mr. Pearson raised a point of order on further

consideration because the bill was not "properly and legally" voted out of the committee. He contended that the chairman of the committee had made certain erroneous rulings, but agreed that the bill had finally received a majority vote for favorable report and that a quorum was present. The speaker, Mr. Reed, in overruling the point of order, held that the stated grounds were insufficient to send the bill back to committee, particularly in view of the fact that committee members have recourse to appeals from the rulings of committee chairmen, and that the committee minutes failed to show any protest or appeal. 50 H.J. Reg. 1750 (1947).

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

Section 16. Quorum — A majority of a committee shall constitute a quorum. No action or recommendation of a committee shall be valid unless taken at a meeting of the committee with a quorum actually present, and the committee minutes shall reflect the names of those members of the committee who were actually present. No committee report shall be made to the house nor shall bills or resolutions be placed on a calendar unless ordered by a majority of the membership of the committee, except as otherwise provided in the rules, and a quorum of the committee must be present when the vote is taken on reporting a bill or resolution, on placing bills or resolutions on a calendar, or on taking any other formal action within the authority of the committee. No committee report shall be made nor shall bills or resolutions be placed on a calendar except by record vote of the members of the committee, with the yeas and nays to be recorded in the minutes of the committee. Proxies cannot be used in committees.

HOUSE PRECEDENTS

1. NOT IN ORDER TO CIRCUMVENT COMMITTEE ACTION BY SUSPENSION OF THE RULES. — The speaker laid S.B. No. 235 before the house, and Mr. Mangum raised a point of order that the bill had not been reported properly from the committee, the minutes showing that a quorum was not present at the time. The speaker, Mr. Reed, called for and examined the minutes and then sustained the point of order. Mr. Miller moved to suspend all rules for the purpose of considering the bill at this time. A point of order by Mr. Mangum against such procedure was sustained by the speaker, who held that to allow it would set a precedent whereby the constitutional requirement for committee consideration would be abrogated. 50 H.J. Reg. 2732 (1947).

2. VALID COMMITTEE REPORT NECESSARY UNDER THE CONSTITUTION. — During the consideration of H.B. 33, a point of order was raised that the minutes of the committee reporting the bill showed

that in fact a quorum was not present at the time the bill was reported. Mr. McAllister then moved to suspend the house rule requiring the presence of a quorum of a committee at the time of reporting a bill, resolution or other measure. Mr. Bell of DeWitt raised the point of order against such a motion on the ground that Sec. 37 of Art. III of the constitution requires a valid committee report. The speaker, Mr. Gilmer, sustained the point of order and ordered the bill returned to the committee for further consideration, pointing out that to do otherwise would render meaningless the constitutional requirement of committee consideration and report. 49 H.J. Reg. 1714 (1945).

CONGRESSIONAL PRECEDENTS

QUORUM REQUIRED FOR COMMITTEE ACTION. — Action of a committee is valid only when taken at a formal meeting of the committee actually assembled. 8 C.P. 2209. Action of a committee is recognized by the house only when taken with a quorum actually assembled and meeting. 8 C.P. 2211. Action taken by a committee in the absence of a quorum was held to be invalid when reported to the house. 8 C.P. 2212.

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

(1) for the consideration of a specific bill, resolution, or other matter;

(2) for a definite period of time; or

(3) for the consideration of any designated class of bills or other matters.

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

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

(1) the time and place of each meeting of the committee;

(2) a roll call to determine the members present at each meeting of the committee, whether that meeting follows an adjournment or a recess from a previous committee meeting;

(3) an accurate record of all votes taken, including a listing of the yeas and nays cast on a record vote;

(4) the date of posting of notice of the meeting; and

(5) other information that the chair shall determine.

(b) The minutes for each public hearing of a committee shall also include an attachment listing the names of the persons, other than members of the legislature, and the persons or entities represented by those persons, who were recognized by the chair to address the committee. The attachment shall also list

the name of each person, other than a member of the legislature, who submitted to the committee a sworn statement indicating that the person was present in favor of, in opposition to, or without taking a position on the measure or other matter, but who because of the person's departure or other reason was not recognized by the chair to address the committee; provided that the omission of the name of such a person is not a sustainable question of order.

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

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

HOUSE PRECEDENTS

INCOMPLETE WITNESS LIST. — Representative Coleman raised a point of order under Rule 4, Sec. 18(b), in that the witness list fails to properly reflect a witness, who submitted a witness affirmation form in favor of both the introduced bill and the committee substitute, as testifying both for the introduced bill and the committee substitute. The chair has examined the witness affirmation card and the witness list for the committee's March 17, 2011, meeting. The witness list does not reflect the information on the witness affirmation form that the witness testified on. Because the committee minutes failed to list the name of a person who submitted to the committee a sworn statement indicating that the person was present in favor of, in opposition to, or without taking a position on the measure, the witness list violates Rule 4, Sec. 18, and the point of order is sustained. 82 H.J. Reg. 3771 (2011).

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

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

(1) any committee substitute or amendment laid before the

committee; and

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

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

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

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

(1) the committee or subcommittee;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXPLANATORY NOTES

1. See Section 301.011 et seq., Government Code.
2. For matters relating to additional powers of committees, see Chapter 301, Government Code.

HOUSE PRECEDENTS

SWORN STATEMENT NOT INCOMPLETE. — Representative Martinez Fischer raised a point of order under Rule 4, Sec. 20. Representative Martinez Fischer has provided one witness affirmation form that has a form left entirely blank on the line entry of a telephone number. Mr. Martinez Fischer states that other forms may contain this same defect.

A similar point was considered in H.B. 2292, 78th Regular Session (2003). In that case, two witness affirmation forms were left entirely blank or had an entry "N/A". The speaker in that case ruled that if there was sufficient information to allow an interested party to contact a witness regarding testimony given by a witness during a committee hearing, the purpose of the rule had been complied with. In this case, as in the ruling on H.B. 2292, the witness provided a complete mailing address that was sufficient for the purpose of the rule to be satisfied. Accordingly, the point of order is respectfully overruled. 82 H.J. Reg. 3139 (2011).

Section 20A. Video Testimony — The committee coordinator shall examine the feasibility of, and to the extent practicable at the time the committee coordinator determines appropriate, establish procedures to permit a person to submit testimony relating to measures under consideration by a committee to the committee in the form of an online video. The procedures established must ensure that testimony submitted in the form of a video is available to the public on the Internet. Online video testimony submitted to the committee may not exceed three minutes. Unless the person testifies as a witness in a public hearing, a person appearing in online video testimony may not submit a witness affirmation form and the person's name may not appear on a witness list.

Section 21. Power to Issue Process and Summon Witnesses — (a) By a record vote of not less than two-thirds of those present and voting, a quorum being present, each standing committee shall have the power and authority to

issue process to witnesses at any place in the State of Texas, to compel their attendance, and to compel the production of all books, records, and instruments. If necessary to obtain compliance with subpoenas or other process, the committee shall have the power to issue writs of attachment. All process issued by the committee may be addressed to and served by an agent of the committee or a sergeant-at-arms appointed by the committee or by any peace officer of the State of Texas. The committee shall also have the power to cite and have prosecuted for contempt, in the manner provided by law, anyone disobeying the subpoenas or other process lawfully issued by the committee. The chair of the committee shall issue, in the name of the committee, the subpoenas and other process as the committee may direct.

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

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

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

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

EXPLANATORY NOTES

Sec. 23A allows, but does not require, the chair of a committee to recognize a member in any meeting described by Sec. 10 of this rule if, in the chair's opinion, the member will provide information that may be useful to the committee. The rule also preserves the chair's well-established power of recognition by providing that denial of a recognition is not appealable.

Chapter C. Committee Functions

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

Section 25. Motion Preventing Reporting or Placement on a Calendar — No motion is in order in a committee considering a bill, resolution, or other matter that would prevent the committee from reporting it back to the house or placing it on a calendar in accordance with the Rules of the House.

EXPLANATORY NOTES

For example, motions to tag a bill, 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.

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

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

(1) leave the bill in the committee for further consideration;

(2) refer the bill to some other committee; or

(3) order the bill printed, in which case the bill shall go to the Committee on Calendars for placement on a calendar and for proposal of an appropriate rule for house consideration.

CONGRESSIONAL PRECEDENTS

COMMITTEE UNABLE TO AGREE. — A committee being unable to agree on a recommendation for action may submit a statement of this fact as its report. 4 H.P. 4665, 4666. Instance wherein a committee being equally divided, reported its inability to present a proposition for action. 1 H.P. 347.

Section 28. Minority Reports — The report of a minority of a committee shall be made in the same general form as a majority report. No minority report shall be recognized by the house unless it has been signed by not less than 4

members of a committee consisting of 21 or more members, 3 members of a committee consisting of less than 21 members and more than 10 members, or 2 members of a committee consisting of 10 or less members. Only members who were present when the vote was taken on the bill, resolution, or other matter being reported, and who voted on the losing side, may sign a minority report. Notice of intention to file a minority report shall be given to the assembled committee after the vote on the bill, resolution, or other matter, and before the recess or adjournment of the committee, provided ample opportunity is afforded for the giving of notice; otherwise, notice may be given in writing to the chief clerk within 24 hours after the recess or adjournment of the committee.

EXPLANATORY NOTES

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

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

EXPLANATORY NOTES

The chief clerk transmits one copy of a minority report to the journal clerk when received.

HOUSE PRECEDENTS

1. PRINTING ON MINORITY REPORT. — In the regular session of the 45th Legislature the house ordered a bill printed on minority report. The minority report contained amendments which constituted a new bill,

and, upon the suggestion of the speaker, Mr. Calvert, the house ordered the amendments printed along with the original bill.

2. MOTION TO RECOMMIT AS SUBSTITUTE FOR MOTION TO PRINT ON MINORITY REPORT. — In the 55th Legislature, Regular Session, Speaker Waggoner Carr ruled that a motion to recommit a bill was an acceptable substitute for a motion to print a bill on minority report, which motion had been made at a routine motion period. He held further that the substitute motion was undebatable under the general rule that at routine motion periods three-minute pro and con debate is allowed only on an original motion. 55 H.J. Reg. 761 (1957).

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

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

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

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

(1) be signed by the chair, or the member acting as chair, or a majority of the membership of the committee;

(2) be addressed to the speaker;

(3) contain a statement of the recommendations of the committee with reference to the matter which is the subject of the report;

(4) contain the date the committee made its recommendation;

(5) indicate whether a copy of a bill or resolution was forwarded to the Legislative Budget Board for preparation of a fiscal note or other impact statement, if applicable;

(6) contain the record vote by which the report was adopted, including the vote of each member of the committee;

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

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

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

(10) include a list of the names of the persons, other than members of the legislature, and persons or entities represented by those persons, who

submitted to the committee sworn statements indicating that the persons were present in favor of, in opposition to, or without taking a position on the bill or resolution. The omission from the list of the name of a person who submitted a sworn statement regarding a bill or resolution but who was not recognized by the chair to address the committee is not a sustainable question of order;

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

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

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

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

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

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

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

(4) a statement indicating whether or not the bill or resolution expressly creates a criminal offense, expressly increases the punishment for an existing criminal offense or category of offenses, or expressly changes the eligibility of a person for community supervision, parole, or mandatory supervision;

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

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

(d) The author of a bill or resolution for which an analysis is required by Subsection (c) of this section and the committee to which the bill or resolution is referred may request the Texas Legislative Council to prepare the analysis required by Subsection (c) of this section. The Texas Legislative Council shall provide to the author of a house measure or sponsor of a senate measure a copy of an analysis requested under this subsection at the time the analysis is provided to the staff of the committee.

(e) Except for an analysis prepared by the Texas Legislative Council, a committee chair shall provide to the author of a house measure or sponsor of a senate measure a copy of the analysis required by Subsection (c) of this section as soon as the analysis is complete.

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

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

EXPLANATORY NOTES

1. See Rule 6, Sec. 23, for the qualifications for placement of a bill on a local, consent, or resolutions calendar.

2. Though the analysis required under Subsection (c) of this section may be prepared by the Texas Legislative Council, other entities are not prohibited from preparing the analysis.

HOUSE PRECEDENTS

1. STATEMENT OF SUBSTANTIAL DIFFERENCES BETWEEN COMPLETE COMMITTEE SUBSTITUTE AND ORIGINAL BILL NOT ADEQUATE. — The speaker, Mr. Craddick, sustained a point of order that the committee report analysis of H.B. 846 did not accurately describe the substantial changes in the committee substitute as compared to the introduced bill. The speaker held that the failure of the analysis to comply with the house rule rendered it misleading. 79 H.J. Reg. 2935 (2005).

2. SUMMARY OF COMMITTEE HEARING INACCURATE. — Representative Martinez Fischer raised a point of order under Rule 4, Sec. 32(b)(9), that the summary of committee actions to H.B. 274 is inaccurate. Specifically, Representative Martinez Fischer points out that the summary of committee action for April 11, 2011, states that the members of Tort Subcommittee of the Judiciary and Civil Jurisprudence Committee were named on April 11, 2011, when in fact the subcommittee members had been named at an earlier meeting, on April 4, 2011, and were not separately named at the April 11, 2011, meeting.

The chair has reviewed the summary of committee actions and agrees. Accordingly, the point of order is sustained. 82 H.J. Reg. 3073 (2011).

3. RELIANCE ON SWORN STATEMENT. — Representative Y. Davis raised a point of order under Rule 4, Sec. 32(b)(10), in that the committee report fails to include a correct list of the names of persons who submitted sworn statements and their position on the bill.

Ms. Davis has alleged that the sworn statement of Witness A which indicates that Witness A was against the bill and which is accurately reflected in the committee report, is in fact, incorrect. Ms. Davis contends that, during the course of the meeting, Witness A made statements that should have caused the chair of the committee to alter the witness's affirmation form.

The point of order is respectfully overruled. Pursuant to Rule 4, Sec. 20 of the House Rules, Witness A made a sworn, written statement of his position. The position on the witness affirmation is correctly noted in the committee report. The chair continues to follow prior precedents of the

house in consistently declining to use electronic recordings as a basis of a point of order, deferring instead to the printed records of the house.

Accordingly, the point of order is respectfully overruled. 82 H.J. Reg. 1734 (2011).

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

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

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

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

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

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

EXPLANATORY NOTES

It is current practice that a senate fiscal note may be used by a house committee for a senate measure if the measure has not been amended

since the preparation of that fiscal note. If the measure has been amended since the senate fiscal note was prepared, the chair of the house committee should request a new fiscal note from the Legislative Budget Board. This practice does not preclude the chair of a house committee from requesting a new fiscal note on any senate measure referred to the committee.

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

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

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

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

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

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

(4) proposes to create a water district under the authority of Article XVI, Section 59, of the Texas Constitution, the chair shall send a copy of the measure to the Legislative Budget Board for the preparation of a water development policy impact statement; or

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

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

(d) An impact statement is not required to be present before a measure is laid out in a committee meeting. If timely received, the impact statement shall

be attached to the measure on first printing. If the measure is amended by the committee so as to alter its particular implications, the chair shall obtain an updated impact statement. If timely received, the updated impact statement shall also be attached to the measure on first printing.

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

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

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

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

Section 37. Referral of Reports to Committee Coordinator — All committee reports on bills or resolutions shall be immediately referred to the committee coordinator. The chair of the committee shall be responsible for delivery of the report to the committee coordinator.

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

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

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

EXPLANATORY NOTES

If amendments are proposed by a committee they should be numbered for printing, but they should be numbered only after they

are finally approved by the committee. That is, the order of offering and adoption in committee has no significance. Thus, a series of committee amendments should appear in the printed bill numbered in an uninterrupted series beginning at No. 1.

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

EXPLANATORY NOTES

Whenever a complete committee substitute is agreed to, and in the process of committee consideration amendments thereto have been adopted, the committee clerk should incorporate these amendments into the complete substitute before filing the bill with the committee coordinator for printing. Thus, only a single and complete substitute representing the new bill body should be printed. The printing of committee amendments to a committee substitute results in much confusion.

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

HOUSE PRECEDENTS

POINTS OF ORDER RELATIVE TO COMPLETE COMMITTEE SUBSTITUTE BEING NOT GERMANE. — Mr. Davis raised a point of order against further consideration of the complete committee substitute to H.B. 750, in that it violated Rule 18, Sec. 7 (now Rule 11, Sec. 2), the germaneness rule of the house, by the inclusion of items not found in the original bill.

The speaker, Mr. Clayton, sustained the point of order and stated that C.S.H.B. 750 comes under the provisions of Rule 5, Sec. 36 (now this section), and would be returned to the Committee on Calendars. The Committee on Calendars then returned H.B. 750, as filed with the chief clerk, to the Committee on Public Education for further consideration. 65 H.J. Reg. 1661 (1977).

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

The speaker, Mr. Clayton, sustained the point of order stating that in so sustaining the point of order, C.S.S.B. 1275 comes under the provisions of Rule 5, Sec. 36 (now this section), and would be returned to the Committee on Calendars. The Committee on Calendars then

ordered S.B. 1275 as received from the senate, printed, distributed, and placed on the calendar for future consideration. 65 H.J. Reg. 4093 (1977).

Section 42. Author's Right to Offer Amendments to Report — Should the author or sponsor of the bill, resolution, or other proposal not be satisfied with the final recommendation or form of the committee report, the member shall have the privilege of offering on the floor of the house such amendments or changes as he or she considers necessary and desirable, and those amendments or changes shall be given priority during the periods of time when original amendments are in order under the provisions of Rule 11, Section 7.

Chapter D. Subcommittees

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

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

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

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

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

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

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

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

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

Chapter E. Committees of the Whole House

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

EXPLANATORY NOTES

When the house resolves into the committee of the whole house, the minutes of the committee (except testimony, etc.) are kept by the journal clerk just as though the house were in session. These minutes form the body of the report, which the chair of the committee of the whole makes to the house when the committee rises. Testimony taken before the committee may be printed as an appendix to the journal or may be embodied in the minutes of the committee and reported to the house by the chair. During investigations, the chair sometimes instructs the staff to furnish the journal clerk with a complete transcript of the proceedings

from the time the committee begins work until it completes its labors and rises.

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

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

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

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

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

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

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

EXPLANATORY NOTES

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

Chapter F. Interim Study Committees

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

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

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

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

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

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

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

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

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

Section 62. Joint House and Senate Interim Studies — Procedures may be established by a concurrent resolution adopted by both houses, by which the speaker may authorize and appoint, jointly with the senate, committees to conduct interim studies. A copy of the authorization for and the appointments

to a joint interim study committee shall be filed with the chief clerk. Individual joint interim study committees may not be authorized or created by resolution.

Rule 5. Floor Procedure

Chapter A. Quorum and Attendance

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Rule 5
Floor Procedure

Chapter A. Quorum and Attendance

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

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

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

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

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

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

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

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

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

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

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

(1) for the consideration of a specific bill, resolution, motion, or other

measure;

(2) for the consideration of any designated class of bills; or

(3) for a definite period of time.

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

HOUSE PRECEDENTS

1. BILL CONSIDERED UNDER CALL OF THE HOUSE MADE A SPECIAL ORDER. — In the 51st Legislature, the speaker, Mr. Manford, held that when a bill was being considered under a call of the house, pursuant to (1) above, a motion to set the bill as a special order for another time was in order.

2. ILLUSTRATION OF A "CLASS OF BILLS." — The house was considering H.B. 231. Mr. Pool moved a call of the house until House Bills 231, 232, 233, and 288 were disposed of. Mr. Hale raised a point of order that such was not a valid motion in that it encompassed four separate bills that did not constitute a "class" under this section.

The speaker, Mr. Carr, in overruling the point of order, called attention to the fact that all four bills dealt with the same general subject matter, i.e., segregation in the public schools, that their provisions were complementary, and that, in his opinion, they constituted a "class of bills" as contemplated in this section. 55th Reg.

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

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

EXPLANATORY NOTES

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

HOUSE PRECEDENTS

1. NO SUBSTITUTE FOR A CALL OF THE HOUSE. — In the 51st Legislature, the speaker, Mr. Manford, held that there is no substitute

for a call of the house, i.e., a different time or purpose cannot be substituted.

2. CALL OF THE HOUSE IN EFFECT PENDING VERIFICATION. — In the 51st Legislature, the speaker, Mr. Manford, as the result of a 65 to 64 vote for a call of the house, ordered the doors of the house closed immediately despite a request for a verification which he accepted and allowed. The verification sustained the announced vote.

CONGRESSIONAL PRECEDENTS

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

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

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

Chapter B. Admittance to House Chamber

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

Section 12. Admittance Within the Railing — Only the following persons shall be admitted to the area on the floor of the house enclosed by the railing when the house is in session: members of the house; members of the senate; the governor; the lieutenant governor; officers and employees of the senate and house when those officers and employees are actually engaged in

performing their official duties as determined by the Committee on House Administration; spouses of members of the house on such occasions as may be determined by the Committee on House Administration; and, within the area specifically designated for media representatives, duly accredited media representatives as permitted by Section 20 of this rule.

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

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

EXPLANATORY NOTES

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

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

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

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

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

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

EXPLANATORY NOTES

As a general rule, a demonstrative aid, including a sign, poster, placard, or other object of a similar nature, is not allowed in any portion of the House. In recent times, after review and approval by the Chair of House Administration, small charts that convey fiscal information or maps of proposed redistricting plans have been allowed to be displayed on the House floor for an extremely limited time.

See Rule 1, Sec. 5, regarding the speaker's duty to preserve order and decorum.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Permission to make live or recorded television, radio, or Internet broadcasts in or from the house chamber while the house is in session may be granted only by the Committee on House Administration. The committee shall promulgate regulations governing television, radio, or Internet broadcasts, and such regulations shall be printed as an addendum to the rules of the house. When broadcasts from the floor of the house are recommended by the Committee on House Administration, the recommendation shall identify those persons in the technical crews to whom pass cards to the floor of the house and galleries are to be issued. Passes granted under this authority shall be subject to revocation on the recommendation of the Committee on House Administration. Each committee of the house shall have authority to determine whether or not to permit television, radio, or Internet broadcasts of any of its proceedings.

(g) A member of the house who believes a media representative granted privileges under this section does not meet the requirements of this section or has abused the privileges may submit a written complaint to the Committee on House Administration. The committee shall investigate the complaint and may temporarily suspend the media representative's privileges pending the investigation. The committee shall notify the subject of the complaint of the time and place of a hearing on the complaint. Following the hearing, the media representative's privileges granted under this section are revoked if the committee determines that the allegations contained in the complaint are valid.

Section 21. Public Admission to and Nonlegislative Use of the House Chamber — When the house is not in session, the floor of the house shall remain open on days and hours determined by the Committee on House

Administration. By resolution, the house may open the floor of the house during its sessions for the inauguration of the governor and lieutenant governor and for such other public ceremonies as may be deemed warranted.

Chapter C. Speaking and Debate

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

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

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

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

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

EXPLANATORY NOTES

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

2. In the 80th Legislature, Regular Session, the speaker, Mr. Craddick, ruled that the speaker's power of recognition was absolute, including the power to deny recognition to a member seeking recognition on a question of privilege. 80 H.J. Reg. 6439 (2007).

Changes enacted to this section in 2009 partially overturn this decision by granting a member the right to appeal a denial of recognition on a question of privilege.

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

EXPLANATORY NOTES

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

CONGRESSIONAL PRECEDENTS

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

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

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

EXPLANATORY NOTES

1. The "mover of a proposition" is the mover of the original proposition before the house for consideration. In the case of a bill being considered, the member having the bill in charge is the mover of the proposition.
2. Since an amendment to strike out the enacting clause of a bill, if adopted, has the effect of killing the bill, it opens for debate the merits of the entire bill.
3. Debate on any debatable motion may be had (unless the previous question has been ordered) whenever that motion is before the house regardless of the fate of any motion made thereto. For example, if a motion to recommit is made and a motion to table same is made and lost, the motion to recommit is still open to debate.

CONGRESSIONAL PRECEDENTS

LOSS OF RIGHT TO PRIOR RECOGNITION. — When an essential motion made by the member in charge of the bill is decided adversely, the right to prior recognition passes to the member leading the opposition, 2 H.P. 1465-1468, but the mere defeat of an amendment proposed by the member in charge does not cause prior right of recognition to pass to the opponents. 2 H.P. 1478-1479.

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

EXPLANATORY NOTES

1. See Rule 7, Sec. 2, for a list of motions on which three-minute pro and con debate is allowed.
2. When a motion to suspend the rules to extend a member's time in debate carries, the extension, under prevailing practice, is for ten minutes in ordinary debate and three minutes in three-minute pro and con debate, unless a specific time is mentioned in the motion.

Section 29. Limit on Number of Times to Speak — No member shall speak more than twice on the same question without leave of the house, nor more than once until every member choosing to speak has spoken, nor shall any

member be permitted to consume the time of another member without leave of the house being given by a majority vote.

CONGRESSIONAL PRECEDENTS

MEMBER SPEAKING MORE THAN ONCE. — A member who has spoken once on a main question may speak again on an amendment. 5 H.P. 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. 5 H.P. 4992.

Section 30. Effect of Adjournment on Speaking Limit — If a pending question is not disposed of because of an adjournment of the house, a member who has spoken twice on the subject shall not be allowed to speak again without leave of the house.

Section 31. Objection to Reading a Paper — When the reading of a paper is called for, and objection is made, the matter shall be determined by a majority vote of the house, without debate.

Section 32. Passing Between Microphones During Debate — No person shall pass between the front and back microphones during debate or when a member has the floor and is addressing the house.

Section 33. Transgression of Rules While Speaking — If any member, in speaking or otherwise, transgresses the rules of the house, the speaker shall, or any member may, call the member to order, in which case the member so called to order shall immediately be seated; however, that member may move for an appeal to the house, and if appeal is duly seconded by 10 members, the matter shall be submitted to the house for decision by majority vote. In such cases, the speaker shall not be required to relinquish the chair, as is required in cases of appeals from the speaker's decisions. The house shall, if appealed to, decide the matter without debate. If the decision is in favor of the member called to order, the member shall be at liberty to proceed; but if the decision is against the member, he or she shall not be allowed to proceed, and, if the case requires it, shall be liable to the censure of the house, or such other punishment as the house may consider proper.

Section 34. Electronic Recording of All House Proceedings — (a) All proceedings of the house of representatives shall be electronically recorded under the direction of the Committee on House Administration. Copies of the proceedings may be released under guidelines promulgated by the Committee on House Administration.

(b) Archived video broadcasts of proceedings in the house chamber that are available through the house's Internet or intranet website may, under the direction of the Committee on House Administration, include a link to the point in time in the video where each measure under consideration by the house is laid out. Such a link shall be provided as soon as the committee determines is practical.

Chapter D. Questions of Privilege

Section 35. Questions of Privilege Defined — Questions of privilege shall be:

(1) those affecting the rights of the house collectively, its safety and dignity, and the integrity of its proceedings, including the right of the house to remove the speaker and elect a new speaker; and

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

EXPLANATORY NOTES

In the 80th Legislature, Regular Session, the speaker, Mr. Craddick, ruled that a motion to vacate the chair was not a question of privilege. 80 H.J. Reg. 6384 (2007). Changes enacted to this section in 2009 overturn this decision, but recognize the privileged question as "the right of the house to remove the speaker and elect a new speaker." Further provisions on the appeal of the denial of recognition on this privileged question are contained in Rule 5, Sec. 24.

Section 36. Precedence of Questions of Privilege — Questions of privilege shall have precedence over all other questions except motions to adjourn. When in order, a member may address the house on a question of privilege, or may at any time print it in the journal, provided it contains no reflection on any member of the house.

Section 37. When Questions of Privilege Not In Order — (a) It shall not be in order for a member to address the house on a question of privilege:

(1) between the time an undebatable motion is offered and the vote is taken on the motion;

(2) between the time the previous question is ordered and the vote is taken on the last proposition included under the previous question; or

(3) between the time a motion to table is offered and the vote is taken on the motion.

(b) If a question of privilege relating to removal of the speaker and election of a new speaker fails, a subsequent attempt to remove the same speaker can be made only by reconsidering the vote by which the original question of privilege failed. Such reconsideration shall be subject to the rules of the house governing reconsideration.

Section 38. Confining Remarks to Question of Privilege; Interruptions Prohibited — (a) When speaking on privilege, members must confine their remarks within the limits of Section 35 of this rule, which will be strictly construed to achieve the purposes hereof.

(b) When a member is speaking on privilege, the member shall not be interrupted by another member for any purpose. While the member is speaking, another member may submit a question of order to the speaker in writing or by approaching the podium in person. The member submitting the question of order shall not interrupt the member who is speaking. The speaker may

interrupt the member who is speaking if the speaker determines it is appropriate to address the question of order at that time.

Section 39. Discussion of Merits of Motion Forbidden — Merits of a main or subsidiary motion shall not be discussed or debated under the guise of speaking to a question of privilege.

CONGRESSIONAL PRECEDENTS

PRIVILEGE OF THE HOUSE. — The privilege of the house, as distinguished from that of the individual member, includes questions relating to its constitutional prerogatives, in respect to revenue legislation, etc., 2 H.P. 1480-1501; its power to punish for contempt, whether of its own members, 2 H.P. 1641-1665, of witnesses who are summoned to give information, 2 H.P. 1608, 1612; 3 H.P. 1666-1724, or of other persons, 2 H.P. 1597-1640; questions relating to its organization, 1 H.P. 22-24, 189, 212, 290, and the title of its members to their seats, 3 H.P. 2579-2587; the conduct of officers and employees, 1 H.P. 284-285; 3 H.P. 2628, 2645-2647; comfort and convenience of members and employees, 3 H.P. 2629-2636; admission to the floor of the house, 3 H.P. 2624-2626; the accuracy and propriety of reports in the Congressional Record, 5 H.P. 7005-7023; the conduct of representatives of the press, 2 H.P. 1630, 1631; 3 H.P. 2627; the integrity of its journal, 2 H.P. 1363; 3 H.P. 2620; the protection of its records, 3 H.P. 2659; the accuracy of its documents, 5 H.P. 7329, and messages, 3 H.P. 2613; and the integrity of the processes by which bills are considered. 3 H.P. 2597-2601, 2614; 4 H.P. 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. 3 H.P. 2670. A menace to the personal safety of members from an insecure ceiling in the hall was held to involve a question of the highest privilege. 3 H.P. 2685. Charges against the conduct of a member are held to involve privilege when they relate to the member's representative capacity. 3 H.P. 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. 3 H.P. 1827, 2691, 2717. Charges made in newspapers against members in their representative capacities involve privilege, 3 H.P. 1832, 2694, 2696-2699, 2703, 2704, even though the names of the individual members be not given. 3 H.P. 1831, 2705, 2709. But vague charges in newspaper articles, 3 H.P. 2711, criticisms, 3 H.P. 2712-2714, or even misrepresentations of the members' acts or speeches have not been entertained. 3 H.P. 2707, 2708. A member making a statement in a matter of personal privilege should confine his remarks to that which concerns himself personally. 5 H.P. 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. 5 H.P. 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, 5 H.P. 6051, 6052, 6058, 6059, or take from the floor another member who has been recognized for debate. 5 H.P. 5002.

Chapter E. Voting

Section 40. Recording All Votes on Voting Machine — On all votes, except viva voce votes, members shall record their votes on the voting machine and shall not be recognized by the chair to cast their votes from the floor. If a member attempts to vote from the floor, the speaker shall sustain a point of order directed against the member's so doing. This rule shall not be applicable to the mover or the principal opponent of the proposition being voted on nor to a member whose voting machine is out of order. If a member demands strict enforcement of this section, Section 47 shall not apply to the taking of a vote, and the house may discipline a member in violation of this rule pursuant to its inherent authority.

EXPLANATORY NOTES

It is the practice of the chair, on close votes and on demand for a "strict enforcement of the rules," to accept only one "Yea" and one "Nay" vote from the floor, refusing to accept others. Actually, under the above section, the chair could refuse any floor votes but these two, but the chair allows floor votes frequently as an accommodation to members who are temporarily away from their seats.

Section 41. Registration Equivalent to Roll Call Vote — A registration or vote taken on the voting machine of the house shall in all instances be considered the equivalent of a roll call or yea and nay vote, which might be had for the same purpose.

EXPLANATORY NOTES

This provision allows the house to use a voting machine to register a vote in place of a verbal roll call of the members.

Section 42. Disclosure of Personal or Private Interest — Any member who has a personal or private interest in any measure or bill proposed or pending before the house shall disclose the fact and not vote thereon.

EXPLANATORY NOTES

This is a constitutional provision embodied in the rules of the house, with which each member is left to comply according to his or her own judgment as to what constitutes a personal or private interest. Texas Const., Art. III, Sec. 22.

CONGRESSIONAL PRECEDENTS

PERSONAL INTEREST. — In one or two instances, the speaker has decided that because of personal interest, a member should not vote, 5 H.P. 5955, 5958; but usually the speaker has held that the member himself should determine this question, 5 H.P. 5950, 5951, and one speaker denied his own power to deprive a member of the constitutional right to vote. 5 H.P. 5966. It has been held that the disqualifying interest must be such as affects the member directly, 5 H.P. 5954, 5955, 5963, and not as one of a class. 5 H.P. 5952; 8 C.P. 3072.

Section 43. Dividing the Question — By a majority vote of the house, a quorum being present, the question shall be divided, if it includes propositions so distinct in substance that, one being taken away, a substantive proposition remains. A motion for a division vote cannot be made after the previous question has been ordered, after a motion to table has been offered, after the question has been put, nor after the yeas and nays have been ordered. Under this subsection, the speaker may divide the question into groups of propositions that are closely related.

CONGRESSIONAL PRECEDENTS

DIVISION OF THE QUESTION. — After the question has been put it may not be divided, 5 H.P. 6162, nor after the yeas and nays have been ordered, 5 H.P. 6160, 6161, but it may be demanded after the previous question has been ordered. 5 H.P. 5468, 6149. The principle that there must be at least two substantive propositions in order to satisfy a division is insisted on rigidly. 5 H.P. 6108-6113. In passing on a demand for a division, the chair considers only substantive propositions and not the merits of the questions presented. 5 H.P. 6122. It seems to be most proper, also, that the division should depend upon grammatical structure rather than on legislative propositions involved. 1 H.P. 394; 5 H.P. 6119. Although a question presents two propositions grammatically it is not divisible if either does not constitute a substantive proposition when considered alone. 8 C.P. 3165. Decisions have been made that a resolution affecting two individuals may be divided, although such division may involve a reconstruction of the text. 1 H.P. 623; 5 H.P. 6119-6121. The better practice seems to be, however, that this reconstruction of the text should be made by the adoption of a substitute of two branches, rather than by interpretation of the chair. 2 H.P. 1621. When a motion is made to lay several connected propositions on the table, a division is not in order. 5 H.P. 6138-6140. On a decision of the speaker involving two distinct questions, there may be a division on appeal. 5 H.P. 6157.

Section 44. Failure or Refusal to Vote — Any member who is present and fails or refuses to vote after being requested to do so by the speaker shall be recorded as present but not voting, and shall be counted for the purpose of making a quorum.

EXPLANATORY NOTES

Neither the journal clerk nor the voting clerk has the authority to show a member as "Absent — Excused," when in fact he has not been excused by a formal vote of the house. Occasionally the house, by formal vote, excuses a member temporarily, i.e., for a short period of time during a working day.

Section 45. Presence in House Required in Order to Vote — A member must be on the floor of the house or in an adjacent room or hallway on the same level as the house floor, in order to vote.

HOUSE PRECEDENTS

MEMBER CANNOT VOTE FROM THE GALLERY. — The house was considering H.B. 42. On the record vote on engrossment, a member

sought to vote from the gallery. Mr. Norton raised the point of order that such a vote was not in order since members must be "in the house." The speaker, Mr. Manford, sustained the point of order. 51 H.J. Reg. 3020 (1949).

CONGRESSIONAL PRECEDENTS

RIGHT OF MEMBERS TO VOTE. — It has been found impracticable to enforce the provisions requiring every member to vote, 5 H.P. 5942-5948, and the weight of authority also favors the idea that there is no authority in the house to deprive a member of his right to vote. 5 H.P. 5937, 5952, 5959, 5966, 5967.

Section 46. Locking Voting Machines of Absent Members — During each calendar day in which the house is in session, it shall be the duty of the journal clerk to lock the voting machine of each member who is excused or who is otherwise known to be absent. Each such machine shall remain locked until the member in person contacts the journal clerk and personally requests the unlocking of the machine. Unless otherwise directed by the speaker, the journal clerk shall not unlock any machine except at the personal request of the member to whom the machine is assigned. Any violation, or any attempt by a member or employee to circumvent the letter or spirit of this section, shall be reported immediately to the speaker for such disciplinary action by the speaker, or by the house, as may be warranted under the circumstances.

Section 47. Voting for Another Member — Any member found guilty by the house of knowingly voting for another member on the voting machine without that other member's permission shall be subject to discipline deemed appropriate by the house.

EXPLANATORY NOTES

A possible serious consequence of permitting this practice would be a vote recorded for or against some important question contrary to the intent of the absent member. Such a vote might not be detected until after the permanent journal is published, when it would be too late to make correction.

Section 48. Interruption of a Roll Call — Once a roll call has begun, it may not be interrupted for any reason. While a yea and nay vote is being taken, or the vote is being counted, no member shall visit the reading clerk's desk or the voting clerk's desk.

CONGRESSIONAL PRECEDENTS

INTERRUPTION OF THE ROLL CALL. — Once begun, the roll call may not be interrupted by a motion to adjourn, 5 H.P. 6053, a parliamentary inquiry, a question of personal privilege, 5 H.P. 6058, 6059, the arrival of the time fixed for another order of business, 5 H.P. 6056, or for a recess, 5 H.P. 6054, 6055, or the presentation of a conference report. 5 H.P. 6443.

Section 49. Explanation of Vote — (a) No member shall be allowed to interrupt the vote or to make any explanation of a vote that the member is about

to give after the voting machine has been opened, but may record in the journal the reasons for giving such a vote.

(b) A "Reason for Vote" must be in writing and filed with the journal clerk. If timely received, the "Reason for Vote" shall be printed immediately following the results of the vote in the journal. Otherwise, "Reasons for Vote" shall be printed in a separate section at the end of the journal for the day on which the reasons were recorded with the journal clerk. Such "Reason for Vote" shall not deal in personalities or contain any personal reflection on any member of the legislature, the speaker, the lieutenant governor, or the governor, and shall not in any other manner transgress the rules of the house relating to decorum and debate.

(c) A member absent when a vote was taken may file with the journal clerk while the house is in session a statement of how the member would have voted if present. If timely received, the statement shall be printed immediately following the results of the vote in the journal. Otherwise, statements shall be printed in a separate section at the end of the journal for the day on which the statements were recorded with the journal clerk.

EXPLANATORY NOTES

Speaker Tunnell during the 58th Legislature made it a practice to review the reasons for vote submitted to the journal clerk so as to assure compliance with Rule XI (now Subsec. (b) of this section). Those reasons for vote that would be subject to objection according to the rules of decorum and debate were denied printing in the journal.

Section 50. Pairs — (a) All pairs must be announced before the vote is declared by the speaker, and a written statement sent to the journal clerk. The statement must be signed by the absent member to the pair, or the member's signature must have been authorized in writing or by telephone, and satisfactory evidence presented to the speaker if deemed necessary. If authorized in writing, the writing shall be delivered to the chief clerk by personal delivery or by commercially acceptable means of delivery, including electronic transmission by PDF or similar secure format that is capable of transmitting an accurate image of the member's signature. If authorized by telephone, the call must be to and confirmed by the chief clerk in advance of the vote to which it applies. Pairs shall be entered in the journal, and the member present shall be counted to make a quorum.

(b) The speaker may not refuse to recognize a pair that complies with the requirements of Subsection (a), if both members consent to the pair.

EXPLANATORY NOTES

1. Since a pair represents a private agreement between two members, the house has no control whatever over it except as provided in the above section. Where two members are "paired" on a vote or series of votes, the member present agrees with a member who is to be absent that the member present will not vote, but will be "present and not voting." The "pair" states how each of the members would have voted.

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

CONGRESSIONAL PRECEDENTS

PAIRS. — Pairs may not be announced at a time other than that prescribed by the rule. 5 H.P. 6046. The house does not consider questions arising out of the breaking of a pair, 5 H.P. 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. 5 H.P. 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.

Section 51. Entry of Yea and Nay Vote in Journal — (a) At the desire of any member present, the yeas and nays of the members of the house on any question shall be taken and entered in the journal. No member or members shall be allowed to call for a yea and nay vote after a vote has been declared by the speaker.

(b) A motion to expunge a yea and nay vote from the journal shall not be in order.

(c) The yeas and nays of the members of the house on final passage of any bill, and on any joint resolution proposing or ratifying a constitutional amendment, shall be taken and entered in the journal. For purposes of this subsection, a vote on final passage means a vote on:

(1) third reading;

(2) second reading if the house suspends or otherwise dispenses with the requirement for three readings;

(3) whether to concur in the senate's amendments; or

(4) whether to adopt a conference committee report.

EXPLANATORY NOTES

Motions to expunge yea and nay votes from the journal have uniformly been held out of order because of the constitutional provision that a record vote shall be taken upon the demand of three members.

HOUSE PRECEDENTS

INTERPRETATION OF CONSTITUTIONAL PROVISIONS AND HOUSE PRACTICES REGARDING SECRET BALLOT ELECTION OF SPEAKER. — Representative P. King raised a point of order against further consideration of Amendment No. 2 under Art. III, Sec. 12, of the Texas Constitution and Rule 5, Sec. 51, of the temporary House Rules on the grounds that the amendment would not allow for the yeas and nays of the members of the house to be immediately entered in the journal. The chair overruled the point of order, stating in part:

The supreme court has determined that the senate could proceed by secret ballot in In re Texas Senate, 36 S.W. 3d 119 (Tex. 2000). While the court's opinion did not directly address the effect of Art. III, Sec. 12,

on the ability to request a secret ballot, the unanimous court made very clear several principles:
First, Art. III, Sec. 41, "clearly gives each House of the Legislature the authority to elect its officers by means other than a viva voce vote." *Id*. at 120-21;
Second, Art. III, Sec. 41, authorizes each legislative chamber "to elect its officers by secret ballot, should it choose to do so." *Id*. at 120; and
Third, Arguments based on policy concerns for or against a secret ballot are not for the court (or a presiding officer) to consider. The constitution, by allowing but not requiring a secret ballot, commits that choice to this chamber. *Id*. at 121.

Examining the history of these Texas constitutional provisions and the specific provision regarding Art. III, Sec. 41, the practice of the house in actually conducting elections by secret ballot and other methods, and the unanimous Texas Supreme Court decision in In re Texas Senate, which included that court's strong recognition that each legislative chamber's authority under Art. III, Sec. 41, of the Texas Constitution to elect its officers by means the chamber determines is best, the presiding officer is of the opinion that the Texas Constitution leaves solely to the members of this house the authority to determine the manner of election of the speaker of the house, including by a means other than a viva voce vote, including by a secret ballot.

Additionally, the Texas Constitution is clear that arguments based on policy concerns for or against a secret ballot are not for the presiding officer to consider but are rather properly and wisely entrusted to the members of the Texas House. In short, the members must make this determination themselves.

Accordingly, the point of order is respectfully overruled. 80 H.J. Reg. 10 (2007).

Section 51A. Real-Time Access by Public to Yeas and Nays — The Committee on House Administration shall ensure that:

(1) the recorded yeas and nays are available to the public on the Internet and on any televised broadcast of the house proceedings produced by or under the direction of the house; and

(2) members of the public may view the yeas and nays in real time to the extent possible on the Internet and on any televised broadcast of the house proceedings produced by or under the direction of the house.

Section 52. Journal Recording of Votes on Any Question — On any question where a record of the yeas and nays has not been ordered, members may have their votes recorded in the journal as "yea" or "nay" by filing such information with the journal clerk before adjournment or recess to another calendar day.

EXPLANATORY NOTES

See Rule 2, Sec. 2(1)(N), under duties of the journal clerk.

Section 53. Changing a Vote — Before the result of a vote has been finally and conclusively pronounced by the chair, but not thereafter, a member may change his or her vote; however, if a member's vote is erroneous, the member shall be allowed to change that vote at a later time provided:

(1) the result of the record vote is not changed thereby;

(2) the request is made known to the house by the chair and permission for the change is granted by unanimous consent; and

(3) a notation is made in the journal that the member's vote was changed.

Section 54. Tie Vote — All matters on which a vote may be taken by the house shall require for adoption a favorable affirmative vote as required by these rules, and in the case of a tie vote, the matter shall be considered lost.

Section 55. Verification of a Yea and Nay Vote — When the result of a yea and nay vote is close, the speaker may on the request of any member order a verification vote, or the speaker may order a verification on his or her own initiative. During verification, no member shall change a vote unless it was erroneously recorded, nor may any member not having voted cast a vote; however, when the clerk errs in reporting the yeas and nays, and correction thereof leaves decisive effect to the speaker's vote, the speaker may exercise the right to vote, even though the result has been announced. A verification shall be called for immediately after the vote is announced. The speaker shall not entertain a request for verification after the house has proceeded to the next question, or after a recess or an adjournment. A vote to recess or adjourn, like any other proposition, may be verified. Only one vote verification can be pending at a time. A verification may be dispensed with by a two-thirds vote.

EXPLANATORY NOTES

On a verification the speaker directs the reading clerk to call first the names of the apparent prevailing side. If, after this call, the result is clearly established, the remainder of the verification is usually dispensed with by unanimous consent or a suspension of the rules. Motions to adjourn or recess are not in order during a verification.

Since the voting machine, which is sometimes subject to error, is used in lieu of roll call with voice response, in order to protect the members' right to obtain an accurate record vote, minimum use should be made of the practice of dispensing with the verification.

See also Rule 1, Sec. 8, concerning the speaker's right to vote after a verification is completed.

HOUSE PRECEDENTS

1. MOTIONS TO DISPENSE WITH VERIFICATIONS. — In the 52nd Legislature the speaker, Mr. Senterfitt, refused to accept motions to dispense with the verification of votes on certain motions requiring affirmative two-thirds and four-fifths votes. Examples: submission of a constitutional amendment (required vote, two-thirds of the members elected to the house) and introduction of a bill after the first sixty calendar days of a session (required vote, four-fifths of the members present and voting).

2. VERIFICATION OF VOTE TO ADJOURN. — In the 52nd Legislature, the speaker, Mr. Senterfitt, allowed the verification of a record vote to adjourn, the request for same having come before he could declare the result of the vote, i.e., that "the house stands

adjourned." The machine vote showed an adjournment by a close vote, but the verification reversed the result. The speaker held that the verification of a vote to adjourn should be allowed just as any other, particularly because often so much may depend upon an adjournment vote. He also held similarly in regard to a motion for a recess.

Section 56. Verification of a Registration — The speaker may allow the verification of a registration (as differentiated from a record vote) if in the speaker's opinion there is serious doubt as to the presence of a quorum.

Section 57. Motion for a Call of the House Pending Verification — A motion for a call of the house, and all incidental motions relating to it, shall be in order pending the verification of a vote. These motions must be made before the roll call on verification begins, and it shall not be in order to break into the roll call to make them.

Section 58. Erroneous Announcement of the Result of a Vote — If, by an error of the voting clerk or reading clerk in reporting the yeas and nays from a registration or verification, the speaker announces a result different from that shown by the registration or verification, the status of the question shall be determined by the vote as actually recorded. If the vote is erroneously announced in such a way as to change the true result, all subsequent proceedings in connection therewith shall fail, and the journal shall be amended accordingly.

EXPLANATORY NOTES

Error of the clerk, as used in this section and Sec. 55 of this rule, covers any error in the process of recording a vote and reporting. The most frequent error, aside from the voting machine itself, comes from duplication of members' votes — on the voting machine and from the floor. All record votes are double-checked for errors by the clerk, and any significant error is reported to the speaker.

See Sec. 48 of this rule, regarding visiting the clerks' desks during voting.

Rule 6. Order of Business and Calendars

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Rule 6
Order of Business and Calendars

Section 1. Daily Order of Business — (a) When the house convenes on a new legislative day, the daily order of business shall be as follows:

(1) Call to order by speaker.

(2) Registration of members.

(3) Prayer by chaplain, unless the invocation has been given previously on the particular calendar day.

(4) Pledge of allegiance to the United States flag.

(5) Pledge of allegiance to the Texas flag.

(6) Excuses for absence of members and officers.

(7) First reading and reference to committee of bills filed with the chief clerk; and motions to introduce bills, when such motions are required.

(8) Requests to print bills and other papers; requests of committees for further time to consider papers referred to them; and all other routine motions and business not otherwise provided for, all of which shall be undebatable except that the mover and one opponent of the motion shall be allowed three minutes each.

The mover of a routine motion shall be allowed his or her choice of making the opening or the closing speech under this rule. If the house, under a suspension of the rules, extends the time of a member under this rule, such extensions shall be for three minutes. Subsidiary motions that are applicable to routine motions shall be in order, but the makers of such subsidiary motions shall not be entitled to speak thereon in the routine motion period, nor shall the authors of the original routine motions be allowed any additional time because of subsidiary motions.

(9) Unfinished business.

(10) Third reading calendars of the house in their order of priority in accordance with Section 7 of this rule, unless a different order is determined under other provisions of these rules.

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

(12) Second reading calendars of the house in their order of priority in accordance with Section 7 of this rule, unless a different order is determined under other provisions of these rules.

(b) When the house reconvenes for the first time on a new calendar day following a recess, the daily order of business shall be:

(1) Call to order by the speaker.

(2) Registration of members.

(3) Prayer by the chaplain.

(4) Pledge of allegiance to the United States flag.

(5) Pledge of allegiance to the Texas flag.

(6) Excuses for absence of members and officers.

(7) Pending business.

(8) Calendars of the house in their order of priority in accordance with Section 7 of this rule, unless a different order is determined under other provisions of these rules.

EXPLANATORY NOTES

1. "Daily order of business" means all the items set out in Subsecs. (a) and (b) of this section, while the regular order or "order of the day," as used in the reconsideration rule, means the several calendars under the 11th main item of Subsec. (a).

2. Due to the heavy increase of routine motions during the latter part of a session, the chair will frequently receive non-controversial routine motions at various times during the day other than at the regular routine motion period, e.g., just before or after a recess or before an adjournment.

3. The author or member in charge of a bill or proposition reached on the calendar in regular order, or by any other route, has no right to yield for himself or for some other member to call up another bill or proposition unless the house permits it by a suspension of the rules.

4. The terms "unfinished business" and "pending business" both apply to a partially completed item of business. The question arises as to just where each fits into the daily order of business. The "ninth" item in Subsec. (a) of this section is set aside for the consideration of "unfinished business," but there is no definite mention of where "pending business" is to be considered.

The test as to whether an incomplete item of business is to be classified as "unfinished" or "pending" is as follows:

a. If an item (bill or joint resolution) is incomplete at the time of an adjournment (terminating that legislative day), it then becomes the "unfinished business" for the next legislative day upon which it can be considered under the rules, and as such must be considered as the "ninth" item in the daily order of business for a legislative day.

b. If an item (bill or joint resolution) is incomplete at the time of a recess, it then becomes the "pending business" when and if the house reconvenes on the same calendar day, or, if the recess occurs at the end of a calendar day, then on the next calendar day it can be considered under the rules, provided, of course, an adjournment does not occur before it is reached on the calendar.

5. When the house reconvenes after a recess on the same calendar day, consideration of the business pending at recess is resumed.

HOUSE PRECEDENTS

1. MOTION TO RECONSIDER VOTE ON RE-REFERRAL OUT OF ORDER UNLESS MADE DURING THE ROUTINE MOTION PERIOD. — During the routine motion period, on the motion of Mr. Celaya, the house re-referred Senate Bill No. 143 from the Committee on Privileges, Suffrage and Elections to the Committee on Highways and Motor Traffic.

Later in the day Mr. Leonard moved to reconsider the vote by which Senate Bill No. 143 was re-referred from the Committee on Privileges, Suffrage and Elections to the Committee on Highways and Motor Traffic.

Mr. Greathouse raised a point of order on further consideration of the motion to reconsider the vote to re-refer, on the ground that since

a motion to re-refer a bill is in order only in the routine motion period, then a motion to reconsider a vote to re-refer is not in order at this time.

The speaker, Mr. Stevenson, sustained the point of order. 43 H.J. Reg. 2368 (1933).

2. MOTION TO PRINT A BILL ON A MINORITY REPORT IS OUT OF ORDER UNLESS MADE DURING THE ROUTINE MOTION PERIOD. — Mr. Greathouse moved that Senate Bill 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, Mr. Stevenson, sustained the point of order. 43 H.J. Reg. 2366 (1933). See also Rule 4, Sec. 29, on action on bills reported unfavorably.

3. IN ORDER IN ROUTINE MOTION PERIOD TO RECOMMIT A BILL ALREADY PASSED TO A THIRD READING. — The house had previously passed S.B. 21 to a third reading. At a routine motion period, Mr. Young moved to recommit the bill to the Committee on Highways and Roads. Mr. Sparks raised the point of order that such a motion was out of order.

The chair, Mr. Pierce Johnson, overruled the point of order. 51 H.J. Reg. 3055 (1949).

Section 2. Special Orders — (a) Any bill, resolution, or other measure may on any day be made a special order for the same day or for a future day of the session by an affirmative vote of two-thirds of the members present. A motion to set a special order shall be subject to the three-minute pro and con debate rule. When once established as a special order, a bill, resolution, or other measure shall be considered from day to day until disposed of; and until it has been disposed of, no further special orders shall be made.

A three-fourths vote of the members present shall be required to suspend the portion of this rule which specifies that only one special order may be made and pending at a time.

(b) After the first eight items under the daily order of business for a legislative day have been passed, a special order shall have precedence when the hour for its consideration has arrived, except as provided in Section 9 of this rule.

(c) After the 115th day of a regular session, if a joint resolution has appeared on a daily house calendar and is adopted, and a bill that is enabling legislation for the joint resolution is either on or eligible to be placed on a calendar, the author or sponsor of the bill or another member may immediately be recognized for a motion to set the bill that is the enabling legislation as a special order pursuant to this section. For purposes of this subsection, the bill must have been designated as the enabling legislation for the joint resolution in writing filed with the chief clerk not later than the date the committee report for the enabling legislation is printed and distributed.

EXPLANATORY NOTES

1. If a special order is not taken up for consideration at the time set, the special order character of the bill or resolution is not changed. It remains eligible for consideration at the time for which it has been set or

thereafter, provided that other rules covering consideration of classes of business do not become operative so as to defer consideration of the special order further.

2. Privileged matters as described in Rule 13, Sec. 2(b), take precedence over special orders.

3. A house bill may be set as a special order on a senate bill day, but it cannot be considered on that day as long as there are any senate bills remaining on the daily calendar.

HOUSE PRECEDENTS

1. WHEN SPECIAL ORDER MOTION IN ORDER. — In the 50th Legislature, Speaker W. O. Reed ruled that a motion to set a special order is in order at any time when other business is not pending. Frequently, when one special order is disposed of, some member will move immediately to set another, and such practice was formally recognized and approved by this ruling.

2. SUSPENSION OF RULES TO CONSIDER OTHER MATTER AHEAD OF A SPECIAL ORDER. — A motion to suspend the rules for the purpose of considering a certain bill ahead of a special order when the time for considering it had arrived, was accepted in the 52nd Legislature by the speaker, Mr. Senterfitt, and the house adopted the motion by the necessary two-thirds vote.

3. TAKING UP A SPECIAL ORDER AFTER THE TIME FOR CONSIDERATION OF IT HAS ARRIVED. — The house had been considering H.B. 49 for some time after the hour set for the consideration of H.B. 662 as a special order.

Mr. McDonald raised the point of order that even though the time set for the consideration of H.B. 662 as a special order had passed, it was still the special order and therefore had right of way at that time.

The speaker, Mr. Calvert, sustained the point of order. 45 H.J. Reg. 1587 (1937).

4. SETTING A BILL AS A SPECIAL ORDER WHEN THE BILL IS BEING CONSIDERED UNDER A CALL OF THE HOUSE. — In the 51st Legislature, the speaker, Mr. Manford, held that when a bill was being considered under a call of the house, a motion to set the bill as a special order for another time was in order.

Section 3. Postponement of a Special Order — A special order may be postponed to a day certain by a two-thirds vote of those present, and when so postponed, shall be considered as disposed of so far as its place as a special order is concerned.

Section 4. Tabled Measures as Special Orders — A bill or resolution laid on the table subject to call may be made a special order.

Section 5. Substitution in Motion for a Special Order — When a motion is pending to set a particular bill or resolution as a special order, it shall not be in order to move as a substitute to set another bill or resolution as a special order. It shall be in order, however, to substitute, by majority vote, a different time for the special order consideration than that given in the original motion.

Section 6. Member's Suspension and Special Order Privileges — If a member moves to set a bill or joint resolution as a special order, or moves to suspend the rules to take up a bill or joint resolution out of its regular order, and the motion prevails, the member shall not have the right to make either of these motions again until every other member has had an opportunity, via either of these motions, to have some bill or joint resolution considered out of its regular order during that session of the legislature. A member shall not lose the suspension privilege if the motion to suspend or set for special order does not prevail.

EXPLANATORY NOTES

1. When a bill is under consideration, it may be set as a special order as elsewhere provided in these rules. Such special order setting is not chargeable to the member making the motion, as might be interpreted from this section.

2. Since the above rule can be suspended by a two-thirds vote, that portion limiting a member to one suspension of the rules to take up a bill out of regular order is meaningless. However, the speaker tries to spread recognitions to make such motions throughout the membership.

HOUSE PRECEDENTS

SUSPENSION OF RULES TO CONSIDER RESOLUTION OUT OF REGULAR ORDER IS NOT CHARGEABLE TO THE MEMBER. — In the 53rd Legislature, the speaker, Mr. Senterfitt, held that a successful suspension of the rules to consider a resolution out of regular order did not come under the terms of the above section, i.e., was not chargeable to the member.

Section 7. System of Calendars — (a) Legislative business of the house shall be controlled by a system of calendars, consisting of the following:

(1) EMERGENCY CALENDAR, on which shall appear bills considered to be of such pressing and imperative import as to demand immediate action, bills to raise revenue and levy taxes, and the general appropriations bill. A bill submitted as an emergency matter by the governor may also be placed on this calendar.

(2) MAJOR STATE CALENDAR, on which shall appear bills of statewide effect, not emergency in nature, which establish or change state policy in a major field of governmental activity and which will have a major impact in application throughout the state without regard to class, area, or other limiting factors.

(3) CONSTITUTIONAL AMENDMENTS CALENDAR, on which shall appear joint resolutions proposing amendments to the Texas Constitution, joint resolutions proposing the ratification of amendments to the Constitution of the United States, and joint resolutions applying to Congress for a convention to amend the Constitution of the United States.

(4) GENERAL STATE CALENDAR, on which shall appear bills of statewide effect, not emergency in nature, which establish or change state law and which have application to all areas but are limited in legal effect by

classification or other factors which minimize the impact to something less than major state policy, and bills, not emergency in nature, which are not on the local, consent, and resolutions calendar.

(5) LOCAL, CONSENT, AND RESOLUTIONS CALENDAR, on which shall appear bills, house resolutions, and concurrent resolutions, not emergency in nature, regardless of extent and scope, on which there is such general agreement as to render improbable any opposition to the consideration and passage thereof, and which have been recommended by the appropriate standing committee for placement on the local, consent, and resolutions calendar by the Committee on Local and Consent Calendars.

(6) RESOLUTIONS CALENDAR, on which shall appear house resolutions and concurrent resolutions, not emergency in nature and not privileged.

(7) CONGRATULATORY AND MEMORIAL RESOLUTIONS CALENDAR, on which shall appear congratulatory and memorial resolutions whose sole intent is to congratulate, memorialize, or otherwise express concern or commendation. The Committee on Rules and Resolutions may provide separate categories for congratulatory and memorial resolutions.

(b) A calendars committee shall strictly construe and the speaker shall strictly enforce this system of calendars.

Section 8. Senate Bill Calendars — (a) Senate bills and resolutions pending in the house shall follow the same procedure with regard to calendars as house bills and resolutions, but separate calendars shall be maintained for senate bills and resolutions, and consideration of them on senate bill days shall have priority in the manner and order specified in this rule.

(b) No other business shall be considered on days devoted to the consideration of senate bills when there remain any bills on any of the senate calendars, except with the consent of the senate. When all senate calendars are clear, the house may proceed to consideration of house calendars on senate bill days.

Section 9. Senate Bill Days — (a) On calendar Wednesday and on calendar Thursday of each week, only senate bills and senate resolutions shall be taken up and considered, until disposed of. Senate bills and senate resolutions shall be considered in the order prescribed in Section 7 of this rule on separate senate calendars prepared by the Committee on Calendars. In case a senate bill or senate resolution is pending at adjournment on calendar Thursday, it shall go over to the succeeding calendar Wednesday as unfinished business.

(b) Precedence given in Rule 8 to certain classes of bills during the first 60 calendar days of a regular session shall also apply to senate bills on senate bill days.

EXPLANATORY NOTES

1. This section does not preclude the consideration of conference committee reports on house bills on senate bill days.

2. A house biennial appropriation bill does not have priority on senate bill days, unless permission for consideration has been given by the senate.

Section 10. Consideration of Senate Bill on Same Subject —When any house bill is reached on the calendar or is before the house for consideration, it shall be the duty of the speaker to give the place on the calendar of the house bill to any senate bill containing the same subject that has been referred to and reported from a committee of the house and to lay the senate bill before the house, to be considered in lieu of the house bill.

EXPLANATORY NOTES

Such senate bill must be at the same parliamentary stage as the house bill, i.e., 2nd reading or 3rd reading.

Section 11. Periods for Consideration of Congratulatory and Memorial Calendars — As the volume of legislation shall warrant, the chair of the Committee on Rules and Resolutions shall move to designate periods for the consideration of congratulatory and memorial calendars. Each such motion shall require a two-thirds vote for its adoption. In each instance, the Committee on Rules and Resolutions shall prepare and post on the electronic legislative information system a calendar at least 24 hours in advance of the hour set for consideration. No memorial or congratulatory resolution will be heard by the full house without having first been approved, at least 24 hours in advance, by a majority of the membership of the Committee on Rules and Resolutions, in accordance with Rule 4, Section 16. It shall not be necessary for the Committee on Rules and Resolutions to report a memorial or congratulatory resolution from committee in order to place the resolution on a congratulatory and memorial calendar. If the Committee on Rules and Resolutions determines that a resolution is not eligible for placement on the congratulatory and memorial calendar the measure shall be sent to the Committee on Calendars for further action. A congratulatory and memorial calendar will contain the resolution number, the author's name, and a brief description of the intent of the resolution. On the congratulatory and memorial calendar, congratulatory resolutions may be listed separately from memorial resolutions. Once a calendar is posted, no additional resolutions will be added to it, and the requirements of this section shall not be subject to suspension.

Section 12. Procedure for Consideration of Congratulatory and Memorial Calendars — During the consideration of a congratulatory and memorial calendar, resolutions shall not be read in full unless they pertain to members or former members of the legislature, or unless the intended recipient of the resolution is present on the house floor or in the gallery. All other such resolutions shall be read only by number, type of resolution, and name of the person or persons designated in the resolutions. Members shall notify the chair, in advance of consideration of the calendar, of any resolutions that will be required to be read in full. In addition, the following procedures shall be observed:

(1) The chair shall recognize the reading clerk to read the resolutions within each category on the calendar only by number, type of resolution, author or sponsor, and name of the person or persons designated in the resolutions, except for those resolutions that have been withdrawn or that are required to be read in full. The resolutions read by the clerk shall then be adopted in one motion for each category.

(2) Subsequent to the adoption of the resolutions read by the clerk, the chair shall proceed to lay before the house the resolutions on the calendar that are required to be read in full. Each such resolution shall be read and adopted individually.

(3) If it develops that any resolution on the congratulatory and memorial calendar does not belong on that calendar, the chair shall withdraw the resolution from further consideration, remove it from the calendar, and refer it to the appropriate calendars committee for placement on the proper calendar.

Section 13. Periods for Consideration of Local, Consent, and Resolutions Calendars — (a) As the volume of legislation shall warrant, the chair of the Committee on Local and Consent Calendars shall move to designate periods for the consideration of local, consent, and resolutions calendars. Each such motion shall require a two-thirds vote for its adoption. In each instance, the Committee on Local and Consent Calendars shall prepare and post on the electronic legislative information system a calendar at least 48 hours in advance of the hour set for consideration. Once a calendar is posted, no additional bills or resolutions will be added to it. This requirement can be suspended only by unanimous consent. No local, consent, and resolutions calendar may be considered by the house if it is determined that the rules of the house were not complied with by the Committee on Local and Consent Calendars in preparing that calendar.

(b) The period designated for the consideration of a local, consent, and resolutions calendar under this section or under a special order under Section 2 of this rule may not exceed one calendar day.

Section 14. Procedure for Consideration of Local, Consent, and Resolutions Calendars — During the consideration of a local, consent, and resolutions calendar set by the Committee on Local and Consent Calendars the following procedures shall be observed:

(1) The chair shall allow the sponsor of each bill or resolution three minutes to explain the measure, and the time shall not be extended except by unanimous consent of the house. This rule shall have precedence over all other rules limiting time for debate.

(2) If it develops that any bill or resolution on a local, consent, and resolutions calendar is to be contested on the floor of the house, the chair shall withdraw the bill or resolution from further consideration and remove it from the calendar.

(3) Any bill or resolution on a local, consent, and resolutions calendar shall be considered contested if notice is given by five or more members that they intend to oppose the bill or resolution, either by a raising of hands or the

delivery of written notice to the chair.

(4) Any bill or resolution on a local, consent, and resolutions calendar shall be considered contested if debate exceeds 10 minutes. The chair shall strictly enforce this time limit and automatically withdraw the bill from further consideration if the time limit herein imposed is exceeded.

(5) Any bill or resolution on a local, consent, and resolutions calendar that is not reached for floor consideration because of the expiration of the calendar day period for consideration established by Section 13 of this rule shall carry over onto the next local, consent, and resolutions calendar. Bills or resolutions that carry over must appear in the same relative order as on the calendar on which the bills or resolutions initially appeared, and bills or resolutions originally from older calendars must appear before those originally from more recent calendars.

EXPLANATORY NOTES

See Rule 11, Sec. 4, on amendments to bills and resolutions on local, consent, and resolutions calendars.

Section 15. Order of Consideration of Calendars — Except for local, consent, and resolutions calendars and congratulatory and memorial calendars, consideration of calendars shall be in the order named in Section 7 of this rule, subject to any exceptions ordered by the Committee on Calendars. Bills and resolutions on third reading shall have precedence over bills and resolutions on second reading.

Section 16. Daily Calendars, Supplemental Calendars, and Lists of Items Eligible for Consideration — (a) Calendars shall be prepared daily when the house is in session. A calendar must be posted on the electronic legislative information system at least 36 hours if convened in regular session and 24 hours if convened in special session before the calendar may be considered by the house, except as otherwise provided by these rules for the calendar on which the general appropriations bill is first eligible for consideration on second reading when convened in regular session. A calendar that contains a bill extending an agency, commission, or advisory committee under the Texas Sunset Act must be posted at least 48 hours if convened in regular or special session before the calendar may be considered by the house. Deviations from the calendars as posted shall not be permitted except that the Committee on Calendars shall be authorized to prepare and post, not later than two hours before the house convenes, a supplemental daily house calendar, on which shall appear:

(1) bills or resolutions which were passed to third reading on the previous legislative day;

(2) bills or resolutions which appeared on the Daily House Calendar for a previous calendar day which were not reached for floor consideration;

(3) postponed business from a previous calendar day; and

(4) notice to take from the table a bill or resolution which was laid on the table subject to call on a previous legislative day.

In addition to the items listed above, the bills and resolutions from a daily house calendar that will be eligible for consideration may be incorporated, in their proper order as determined by these rules, into the supplemental daily house calendar.

(a-1) If the house is convened in regular session, the calendar on which the general appropriations bill is first eligible for consideration on second reading must be posted on the electronic legislative information system at least 144 hours before the calendar may be considered by the house. The posted calendar must indicate the date and time at which the calendar is scheduled for consideration by the house, which date and time must be in accordance with Rule 8, Section 14.

(b) In addition, when the volume of legislation shall warrant, and upon request of the speaker, the chief clerk shall have prepared a list of Items Eligible for Consideration, on which shall appear only:

(1) house bills with senate amendments that are eligible for consideration under Rule 13, Section 5, including the number of senate amendments and the total number of pages of senate amendments;

(2) senate bills for which the senate has requested appointment of a conference committee; and

(3) conference committee reports that are eligible for consideration under Rule 13, Section 10.

(c) The list of Items Eligible for Consideration must be posted on the electronic legislative information system at least six hours before the list may be considered by the house.

(d) The time at which a calendar or list is posted on the electronic legislative information system shall be time-stamped on the originals of the calendar or list.

(e) No house calendar shall be eligible for consideration if it is determined that the rules of the house were not complied with by the Committee on Calendars in preparing that calendar.

(f) If the Committee on Calendars has proposed a rule for floor consideration of a bill or resolution that is eligible to be placed on a calendar of the daily house calendar, the rule must be printed and a copy distributed to each member. If the bill or resolution to which the rule will apply has already been placed on a calendar of the daily house calendar, a copy of the rule must also be posted with the calendar on which the bill or resolution appears. The speaker shall lay a proposed rule before the house prior to the consideration of the bill or resolution to which the rule will apply. The rule shall be laid before the house not earlier than six hours after a copy of the rule has been distributed to each member in accordance with this subsection. The rule shall not be subject to amendment, but to be effective, the rule must be approved by the house by an affirmative vote of two-thirds of those members present and voting, except that the rule must be approved by an affirmative vote of a majority of those members present and voting if the rule applies to a tax bill, an appropriations bill, or a redistricting bill. If approved by the house in accordance with this subsection,

the rule will be effective for the consideration of the bill or resolution on both second and third readings.

HOUSE PRECEDENTS

EXAMPLE OF REMAINDER OF CALENDAR BEING INELIGIBLE FOR CONSIDERATION BASED ON VIOLATION OF RULES IN SETTING CALENDAR. — On Monday, May 26, 1997, the day before the last day for the house to consider senate bills and joint resolutions on second reading, the house was considering S.B. 1500 when Ms. Wohlgemuth raised the point of order under then Rule 4, Sec. 11(b), and Rule 6, Sec. 16(e), of the House Rules on the grounds that the location of the formal meeting of the Calendars Committee in which the bill was placed on the calendar was not announced. A review of the records of the house indicated that the chair of the Calendars Committee had announced the time of the meeting, but had failed to announce the location of the meeting. It was therefore determined that the committee had set the calendar at a meeting for which proper notice had not been given.

The speaker, Mr. Laney, sustained the point of order. 75 H.J. Reg. 3810 (1997). The point of order, although directed at a particular bill, by its terms and the circumstances surrounding the placement of S.B. 1500 on the calendar, addressed the eligibility of the calendar itself, because the entire calendar was set by a single vote on a single motion at the improper meeting. Accordingly, when the point of order was sustained, under the express provisions of the rules, further consideration of the remainder of the bills on that calendar was not in order.

Section 17. Position on a Calendar — (a) Unless removed from the calendar under Subsection (b) of this section, once a bill or resolution is placed on its appropriate calendar under these rules, and has appeared on a house calendar, as posted on the electronic legislative information system, the bill shall retain its relative position on the calendar until reached for floor consideration, and the calendars committee with jurisdiction over the bill or resolution shall have no authority to place other bills on the calendar ahead of that bill, but all additions to the calendar shall appear subsequent to the bill.

(b) If a bill or resolution that has been placed on a house calendar, as posted on the electronic legislative information system, is recommitted or withdrawn from further consideration, the bill or resolution relinquishes its position on the calendar, and the bill or resolution shall be removed from the calendar.

Section 18. Requirements for Placement on a Calendar — Except as provided in Section 11 of this rule as it relates to congratulatory and memorial resolutions, no bill or resolution shall be placed on a calendar until:

(1) it has been referred to and reported from its appropriate standing committee by favorable committee action; or

(2) it is ordered printed on minority report or after a committee has reported its inability to recommend a course of action.

Section 19. Referral to Calendars Committees — All bills and resolutions, on being reported from committee, shall be referred immediately

to the committee coordinator for printing and then to the appropriate calendars committee for placement on the appropriate calendar.

Section 20. Time Limit for Vote to Place on a Calendar — Within 30 calendar days after a bill or resolution has been referred to the appropriate calendars committee, the committee must vote on whether to place the bill or resolution on one of the calendars of the daily house calendar or the local, consent, and resolutions calendar, as applicable. A vote against placement of the bill or resolution on a calendar does not preclude a calendars committee from later voting in favor of placement of the bill or resolution on a calendar.

Section 21. Motion to Place on a Calendar — (a) When a bill or resolution has been in the appropriate calendars committee for 30 calendar days, exclusive of the calendar day on which it was referred, awaiting placement on one of the calendars of the daily house calendar or on the local, consent, and resolutions calendar, it shall be in order for a member to move that the bill or resolution be placed on a specific calendar of the daily house calendar or on the local, consent, and resolutions calendar without action by the committee. This motion must be seconded by five members and shall require a majority vote for adoption.

(b) A motion to place a bill or resolution on a specific calendar of the daily house calendar or on the local, consent, and resolutions calendar is not a privileged motion and must be made during the routine motion period unless made under a suspension of the rules.

Section 22. Request for Placement on Local, Consent, and Resolutions Calendar — No bill or resolution shall be considered for placement on the local, consent, and resolutions calendar by the Committee on Local and Consent Calendars unless a request for that placement has been made to the chair of the standing committee from which the bill or resolution was reported and unless the committee report of the standing committee recommends that the bill or resolution be sent to the Committee on Local and Consent Calendars for placement on the local, consent, and resolutions calendar. The recommendation of the standing committee shall be advisory only, and the Committee on Local and Consent Calendars shall have final authority to determine whether or not a bill or resolution shall be placed on the local, consent, and resolutions calendar. If the Committee on Local and Consent Calendars determines that the bill or resolution is not eligible for placement on the local, consent, and resolutions calendar, the measure shall be sent to the Committee on Calendars for further action.

Section 23. Qualifications for Placement on the Local, Consent, and Resolutions Calendar — (a) No bill defined as a local bill by Rule 8, Section 10(c), shall be placed on the local, consent, and resolutions calendar unless:

(1) evidence of publication of notice in compliance with the Texas Constitution and these rules is filed with the Committee on Local and Consent Calendars; and

(2) it has been recommended unanimously by the present and voting

members of the committee from which it was reported that the bill be sent to the Committee on Local and Consent Calendars for placement on the local, consent, and resolutions calendar.

(b) No other bill or resolution shall be placed on the local, consent, and resolutions calendar unless it has been recommended unanimously by the present and voting members of the committee from which it was reported that the bill be sent to the Committee on Local and Consent Calendars for placement on the local, consent, and resolutions calendar.

(c) No bill or resolution shall be placed on the local, consent, and resolutions calendar that:

(1) directly or indirectly prevents from being available for purposes of funding state government generally any money that under existing law would otherwise be available for that purpose, including a bill that transfers or diverts money in the state treasury from the general revenue fund to another fund; or

(2) authorizes or requires the expenditure or diversion of state funds for any purpose, as determined by a fiscal note attached to the bill.

Section 24. Replacement of Contested Bills and Resolutions — A bill or resolution once removed from the local, consent, and resolutions calendar shall be returned to the Committee on Local and Consent Calendars for further action. The Committee on Local and Consent Calendars, if it feels such action is warranted, may again place the bill or resolution on the local, consent, and resolutions calendar, provided, however, that if the bill or resolution is not placed on the next local, consent, and resolutions calendar set by the Committee on Local and Consent Calendars, the bill or resolution shall immediately be referred to the Committee on Calendars for further action. If the bill or resolution is then removed from the calendar a second time by being contested on the floor of the house, the bill or resolution shall not again be placed on the local, consent, and resolutions calendar by the Committee on Local and Consent Calendars during that session of the legislature but shall be returned to the Committee on Calendars for further action.

EXPLANATORY NOTES

1. The portion of this section referring to a bill removed from a local or consent calendar is not enforced strictly, because frequently a bill is not fully understood. Sometimes a simple amendment may cure all objections. In either case, a good bill may be saved by allowing it to be placed on a local or consent calendar again. The Committee on Local and Consent Calendars can easily control its calendar so that truly controversial bills do not appear twice.

2. Occasionally, opposition to a bill develops after it has passed to engrossment and before final passage. It has become the custom for a presiding officer to withdraw such a bill from further consideration at such time if five or more members object to the bill.

3. Occasionally, a local and consent calendar is set for a time to which the house later adjourns. When convening time arises, it is currently the practice to have the usual registration of members, prayer by the chaplain, and excuses for absences of members. Then, the local

and consent calendar is taken up. When it is completed, the remaining items in the daily order of business are covered in order.

HOUSE PRECEDENTS

PRIVILEGED MATTERS HAVE PRIORITY OVER LOCAL AND CONSENT CALENDARS. — In the 56th Legislature, Regular Session, the speaker, Mr. Carr, ruled that a pending privileged matter (concurring in senate amendments) had precedence for consideration over a local and consent calendar which had been set for that particular time.

Section 25. Discretion in Placement on Calendars — Subject to the limitations contained in this rule, the Committee on Calendars shall have full authority to make placements on calendars in whatever order is necessary and desirable under the circumstances then existing, except that bills on third reading shall have precedence over bills on second reading. It is the intent of the calendar system to give the Committee on Calendars wide discretion to insure adequate consideration by the house of important legislation.

Rule 7. Motions

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Rule 7
Motions

Chapter A. General Motions

Section 1. Motions Decided Without Debate — The following motions, in addition to any elsewhere provided herein, shall be decided without debate, except as otherwise provided in these rules:

(1) to adjourn;
(2) to lay on the table;
(3) to lay on the table subject to call;
(4) to suspend the rule as to the time for introduction of bills;
(5) to order a call of the house, and all motions incidental thereto;
(6) an appeal by a member called to order;
(7) on questions relating to priority of business;
(8) to amend the caption of a bill or resolution;
(9) to extend the time of a member speaking under the previous question or to allow a member who has the right to speak after the previous question is ordered to yield the time, or a part of it, to another;
(10) to reconsider and table.

Section 2. Motions Subject to Debate — The speaker shall permit the mover and one opponent of the motion three minutes each during which to debate the following motions without debating the merits of the bill, resolution, or other matter, and the mover of the motion may elect to either open the debate or close the debate, but the mover's time may not be divided:

(1) to suspend the regular order of business and take up some measure out of its regular order;
(2) to instruct a committee to report a certain bill or resolution;
(3) to rerefer a bill or resolution from one committee to another;
(4) to place a bill or resolution on a specific calendar without action by the appropriate calendars committee;
(5) to take up a bill or resolution laid on the table subject to call;
(6) to set a special order;
(7) to suspend the rules;
(8) to suspend the constitutional rule requiring bills to be read on three several days;
(9) to pass a resolution suspending the joint rules;
(10) to order the previous question;
(11) to order the limiting of amendments to a bill or resolution;
(12) to print documents, reports, or other material in the journal;
(13) to take any other action required or permitted during the routine motion period by Rule 6, Section 1;
(14) to divide the question.

EXPLANATORY NOTES

1. See Rule 6, Sec. 1(a)(8), for three-minute debate rule as applied to routine motions in the daily order of business.

2. Recent practice has allowed a first extension of time (three minutes) of a member speaking under the three-minute debate rule by majority vote and any further extension by unanimous consent. Such practice has been dictated for general debate by Rule 5, Sec. 28. This is not the case, however, at the routine motion period.

3. See Rule 5, Sec. 28, concerning extension of debate under three-minute debate rule during the last ten calendar days of a regular session and the last five days of a special session.

HOUSE PRECEDENTS

DEBATE ON RECONSIDERED MATTERS. — In the 52nd Legislature, the speaker, Mr. Senterfitt, held that if the vote on a motion to which the three-minute debate rule is applicable had been reconsidered, the question was before the house anew, and the three-minute debate rule was again operative.

Section 3. Motions Allowed During Debate — When a question is under debate, the following motions, and none other, shall be in order, and such motions shall have precedence in the following order:

(1) to adjourn;
(2) to take recess;
(3) to lay on the table;
(4) to lay on the table subject to call;
(5) for the previous question;
(6) to postpone to a day certain;
(7) to commit, recommit, refer, or rerefer;
(8) to amend by striking out the enacting or resolving clause, which, if carried, shall have the effect of defeating the bill or resolution;
(9) to amend;
(10) to postpone indefinitely.

EXPLANATORY NOTES

1. This rule gives the order of precedence of motions "when a question is under debate," which means, of course, that an original or main motion is pending, e.g., the passage of a resolution. Illustrating the significance of the above order of listing, if a motion "to amend" is made and pending, the motion "to commit" can be made, and, if no other motion is made, would be voted upon first because it has "precedence" according to the listing. However, the motion "to lay on the table," for example, could have been made to the motion to commit, and the vote would have come first on that motion, it having higher precedence in the listing. To carry the pattern one step farther, while the motion to table the motion to commit is pending, motions "to recess" or "to adjourn" can be made and voted upon first because they are of still higher precedence.

2. See Rule 11, Sec. 7, relating to general classification and precedence of amendments.

3. For many years it has been the custom for the house to "stand at ease," i.e., the house remains technically in session but without continuing to transact business. This state of inactivity is initiated and terminated by the chair without a motion from the floor. There are many times when the house must stand at ease for one reason or another. Such is also the case in joint sessions.

HOUSE PRECEDENTS

1. PRECEDENCE OF MOTIONS. — In the 52nd Legislature the speaker, Mr. Senterfitt, ruled that it is in order to have some two or more of the above listed motions made and pending at the same time, but that they must be voted upon in the order of their precedence as established above, or as prescribed in other rules specifically covering the several motions. For example, a motion that a proposition be laid on the table subject to call could be pending and a motion made to postpone to a day certain, but the vote must be taken first upon the former motion which is of higher rank in the order of precedence. There are obviously many other similar combinations of two or more motions possible under the rules.

2. NOT IN ORDER TO POSTPONE INDEFINITELY A MATTER NOT BEFORE THE HOUSE UNLESS UNDER A MOTION TO SUSPEND THE RULES. — The house was considering a resolution. Mr. Thornton raised the point of order that one of the resolving clauses sought, without a direct suspension of the rules, to postpone indefinitely consideration of a bill that was not before the house and was therefore out of order.

The speaker, Mr. Calvert, sustained the point of order and ruled out of order the resolving clause in question, which left, however, other substantive propositions. 45 H.J. Reg. 210 (1937).

Section 4. Statement or Reading of a Motion — When a motion has been made, the speaker shall state it, or if it is in writing, order it read by the clerk; and it shall then be in possession of the house.

Section 5. Entry of Motions in Journal — Every motion made to the house and entertained by the speaker shall be reduced to writing on the demand of any member, and shall be entered on the journal with the name of the member making it.

Section 6. Withdrawal of a Motion — A motion may be withdrawn by the mover at any time before a decision on the motion, even though an amendment may have been offered and is pending. It cannot be withdrawn, however, if the motion has been amended. After the previous question has been ordered, a motion can be withdrawn only by unanimous consent.

CONGRESSIONAL PRECEDENTS

WITHDRAWAL OF MOTIONS. — A motion may be withdrawn although an amendment may have been offered and be pending. 5 H.P. 5347. A "decision" that prevents withdrawal of a motion may consist of the ordering of the previous question or the refusal to lay on the table. 5 H.P. 5351, 5352. A member having a right to withdraw a motion before a decision thereon has the resulting power to modify it. 5 H.P. 5358. A

motion being withdrawn, all proceedings on an appeal arising from a point of order related to it fell thereby. 5 H.P. 5356.

Section 7. Motions to Adjourn or Recess — A motion to adjourn or recess shall always be in order, except:

(1) when the house is voting on another motion;

(2) when the previous question has been ordered and before the final vote on the main question, unless a roll call shows the absence of a quorum;

(3) when a member entitled to the floor has not yielded for that purpose; or

(4) when no business has been transacted since a motion to adjourn or recess has been defeated.

EXPLANATORY NOTES

1. See also Sec. 35 of this rule and annotations following.

2. The above item (4) obviously could not apply to the situation under a call of the house, where no quorum is present and where there are no other eligible motions except to adjourn. In actual practice one or two attempts to adjourn are usually enough to indicate clearly the attitude of the house.

3. The vote by which a motion to adjourn is carried or lost is not subject to reconsideration.

4. A parliamentary inquiry is not considered "business" under the above section.

5. On May 19, 1947, upon request of the House Committee on Appropriations, Attorney General Price Daniel ruled as follows on the meaning of Sec. 17 of Art. III of the constitution: (Summary of opinion only quoted):

"Section 17, Article III, of the Texas Constitution, prohibiting adjournment of either House for more than three days without consent of the other House. In calculating 'three days,' the day of adjournment or the day of reconvening must be counted. If a Sunday is within the period of adjournment, it should not be counted. Therefore, either House may adjourn from Thursday to Monday without the consent of the other, since the period is not for more than three days, excluding Sunday.

"A 'blanket' consent of both Houses for adjournment of more than three days at any time during the session would violate Section 17, Article III, of the Texas Constitution, since it contemplates separate and specific consent of the other House each time one House desires to adjourn for more than three days."

HOUSE PRECEDENTS

1. MOTIONS TO ADJOURN OR RECESS NOT IN ORDER DURING REGISTRATION OR VERIFICATION. — In the 55th Legislature, Regular Session, Speaker Waggoner Carr ruled that motions to adjourn or recess are not in order while a registration for any purpose or a vote verification is under way.

2. AN INTERPRETATION OF ITEM (4) ABOVE. — Mr. Isaacks moved to adjourn. On a record vote, the house refused to adjourn, but the absence of a quorum was evident.

Mr. Isaacks then renewed his motion to adjourn, whereupon Mr. Abington raised the point of order that no business had been transacted, as required by the rule, since a motion to adjourn had been defeated.

The speaker, Mr. Senterfitt, overruled the point of order, holding that the revelation of the absence of a quorum had in itself moved the proceedings to a new stage. 52 H.J. Reg. 227 (1951).

3. HELD THAT SPEAKING IS "BUSINESS." — Mr. Jenkins resumed the floor, addressing the house on the amendments pending to House Bill No. 20.

During the address by Mr. Jenkins, he yielded the floor. Mr. Peeler moved that the house take a recess to 8 p.m. that day, whereupon Mr. Mears raised a point of order on the motion to take a recess, on the ground that it should not be entertained for the reason that no business had been transacted since a similar motion had been rejected by the house.

Overruled. 30 H.J. Reg. 1163 (1907).

4. 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 2nd C.S. (This was in accord with the long established practice of the house.)

5. CHAIR IS REQUIRED TO ANNOUNCE VOTE AND DECLARE RESULT WHEN VOTE BECOMES KNOWN OFFICIALLY, AND FINALLY, REGARDLESS OF EFFECT. PRINCIPLE APPLIED TO MOTION TO ADJOURN. — Mr. McIlhany moved that the house adjourn until 12:10 p.m. today, April 1. The yeas and nays were demanded. When the speaker announced that the motion had carried by a vote of 67 to 65, a verification was requested and granted. The verification showed 66 to 65 for adjournment, and the speaker so informed the house; but, before he could declare the house adjourned, Mr. McDaniel raised the point of order that the time to which the house would have adjourned under the motion had passed and that the action was, therefore, null and void.

The speaker, Mr. Senterfitt, overruled the point of order, explaining that whenever the will of the house on a motion finally becomes known, the chair then has no choice but to announce the vote and declare the result accordingly. He did so and then immediately called the house to order on the new legislative day. 53 H.J. 1 C.S. 223 (1953).

6. CONCURRENT RESOLUTION GRANTING PERMISSION TO ADJOURN IS SUFFICIENT AUTHORITY TO RECESS. — In the 52nd Legislature the speaker, Mr. Senterfitt, ruled that a concurrent resolution granting each house permission to adjourn "from Wednesday to Monday" was sufficient authority to permit a recess for the same period.

CONGRESSIONAL PRECEDENTS

THE MOTION TO ADJOURN. — While the motion to adjourn takes precedence of other motions, it may not be put while the house is voting

on another motion or while a member has the floor in debate. 5 H.P. 5360. A motion to adjourn may not interrupt the call of the yeas and nays. 5 H.P. 6053. There must be intervening business before a motion to adjourn may be repeated, 5 H.P. 5373, and such "business" may be debate, 5 H.P. 5374, a decision of the chair on a question of order, 5 H.P. 5378, reception of a message, 5 H.P. 5375, or the making of recognized motions. It is not in order to preface a motion to adjourn with preamble or argument touching reason or purpose of the proposed adjournment. 8 C.P. 2647. After the motion to adjourn is made, neither another motion nor an appeal may intervene before the taking of the vote. 5 H.P. 5361. A smaller number than a quorum may adjourn from day to day and compel the attendance of absent members. 4 H.P. 2980. A motion to reconsider a vote whereby the house has refused to adjourn is not in order. 5 H.P. 5620-5622.

ADJOURNING FOR MORE THAN THREE DAYS. — A concurrent resolution providing for an adjournment of the two houses for more than three days is privileged. 5 H.P. 6680. The constitutional adjournment of "more than three days" must take into account either the day of adjourning or the day of meeting. 5 H.P. 6673, 6674.

Section 8. Consideration of Several Motions to Adjourn or Recess — When several motions to recess or adjourn are made at the same period, the motion to adjourn carrying the shortest time shall be put first, then the next shortest time, and in that order until a motion to adjourn has been adopted or until all have been voted on and lost; and then the same procedure shall be followed for motions to recess.

Section 9. Withdrawal or Addition of a Motion to Adjourn or Recess — A motion to adjourn or recess may not be withdrawn when it is one of a series upon which voting has commenced, nor may an additional motion to adjourn or recess be made when voting has commenced on a series of such motions.

Section 10. Reconsideration of Vote to Adjourn or Recess — The vote by which a motion to adjourn or recess is carried or lost shall not be subject to a motion to reconsider.

Section 11. Adjourning With Less Than a Quorum — A smaller number of members than a quorum may adjourn from day to day, and may compel the attendance of absent members.

Section 12. Motion to Table — A motion to lay on the table, if carried, shall have the effect of killing the bill, resolution, amendment, or other immediate proposition to which it was applied. Such a motion shall not be debatable, but the mover of the proposition to be tabled, or the member reporting it from committee, shall be allowed to close the debate after the motion to table is made and before it is put to a vote. When a motion to table is made to a debatable main motion, the main motion mover shall be allowed 20 minutes to close the debate, whereas the movers of other debatable motions sought to be tabled shall be allowed only 10 minutes to close. The vote by which a motion to table is carried or lost cannot be reconsidered. After the previous question has

been ordered, a motion to table is not in order. The provisions of this section do not apply to motions to "lay on the table subject to call"; however, a motion to lay on the table subject to call cannot be made after the previous question has been ordered.

EXPLANATORY NOTES

1. See Sec. 42 of this rule and the annotation following dealing with the double motion to reconsider and table.

2. With the exception of amendments offered to a bill on third reading, the motion to table is not usually applied to motions requiring a two-thirds or four-fifths vote for adoption. For example, in the 50th Legislature Speaker W. O. Reed ruled that this motion could not be applied to motions such as: "To suspend the constitutional rule requiring bills to be read on three several days," "To suspend the rule relating to the introduction of bills after the first sixty calendar days of a regular session," "To suspend the rules for a stated purpose," "To set a special order," etc.

3. Due to the precedence of motions set out in Sec. 3 of this rule, the motion to table can be applied to the motion that a proposition be laid on the table subject to call.

HOUSE PRECEDENTS

ONLY ONE MOTION TO TABLE MAY BE PENDING AT A TIME. — During the regular session of the 49th Legislature, an amendment had been offered to a bill, and a motion to table that amendment was pending.

A motion to table the bill was then made and insisted upon because such a motion has high precedence, as shown in Sec. 3 of Rule XII (now Sec. 3 of this rule), and would ordinarily be received and considered even though an amendment is pending. The speaker, Mr. Gilmer, held that the motion to table the pending amendment must be considered first, and after that the motion to table the bill proper was accepted.

CONGRESSIONAL PRECEDENTS

THE MOTION TO LAY ON THE TABLE. — The motion to lay on the table is used in the house for a final, adverse disposition of a matter without debate. 5 H.P. 5389. It has the precedence given in the rule but may not be made after the previous question is ordered. 5 H.P. 5415, 5422. When a bill is laid on the table, pending motions connected therewith go to the table also. 5 H.P. 5426, 5427. The motion to table may not be amended, 5 H.P. 5754, or applied to motions for the previous question, 5 H.P. 5410-5411, or to suspend the rules. 5 H.P. 5405. The motion to lay on the table may be repeated after intervening business, 5 H.P. 5398-5400, but the ordering of the previous question, 5 H.P. 5709, a call of the house, 5 H.P. 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. 5 H.P. 5709.

Section 13. Matters Tabled Subject to Call — When a bill, resolution, or other matter is pending before the house, it may be laid on the table subject to call, and one legislative day's notice, as provided on the Supplemental House

Calendar, must be given before the proposition can be taken from the table, unless it is on the same legislative day, in which case it can be taken from the table at any time except when there is another matter pending before the house. A bill, resolution, or other matter can be taken from the table only by a majority vote of the house. When a special order is pending, a motion to take a proposition from the table cannot be made unless the proposition is a privileged matter.

EXPLANATORY NOTES

1. This motion is applicable to main motions only, e.g., the passage of a bill or resolution, or adoption of a report, and is not applicable to any of the motions listed in Sec. 3 of this rule.
2. "Pending before the house" as used above means the matter then under consideration by the house, i.e., the pending business. If the "one legislative day's notice" as required in the above section has been given, and for any reason the member making the motion does not get an opportunity during that legislative day for a vote to take the matter from the table, the notice must be repeated so as to give the legislative day's notice. This is necessary to keep the house on notice as to when the particular bill or resolution is to be considered.
3. Since the motion to lay on the table subject to call is classified as a non-debatable motion, if such a motion is made and the previous question then ordered, the mover of such motion obviously does not have the right "to close under the previous question."

Section 14. Motion to Postpone — A motion to postpone to a day certain may be amended and is debatable within narrow limits, but the merits of the proposition sought to be postponed cannot be debated. A motion to postpone indefinitely opens to debate the entire proposition to which it applies.

Section 15. Postponed Matters — (a) A bill or proposition postponed to a day certain shall be laid before the house at the time on the calendar day to which it was postponed, provided it is otherwise eligible under the rules and no other business is then pending. If business is pending, the postponed matter shall be deferred until the pending business is disposed of without prejudice otherwise to its right of priority. When a privileged matter is postponed to a particular time, and that time arrives, the matter, still retaining its privileged nature, shall be taken up even though another matter is pending.

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

EXPLANATORY NOTES

1. A resolution is interpreted as a "proposition" under the above.
2. One privileged motion cannot be taken up while another privileged motion is pending.
3. A motion to reconsider the vote on a privileged motion is likewise privileged.

CONGRESSIONAL PRECEDENTS

THE MOTIONS TO POSTPONE. — The motions to postpone must apply to the whole and not a part of the pending proposition. 5 H.P. 5306. It may not be applied to the motion to refer, 5 H.P. 5317, or to suspend the rules. 5 H.P. 5316. The motion to postpone to a day certain may be amended. 5 H.P. 5754. It is debatable within narrow limits only, 5 H.P. 5309, 5310, the merits of the proposition to which it is applied not being within those limits. 5 H.P. 5311-5315; 8 C.P. 2640.

Section 16. Order of Consideration of Postponed Matters — If two or more bills, resolutions, or other propositions are postponed to the same time, and are otherwise eligible for consideration at that time, they shall be considered in the chronological order of their setting.

Section 17. Motion to Refer — When motions are made to refer a subject to a select or standing committee, the question on the subject's referral to a standing committee shall be put first.

EXPLANATORY NOTES

It has been held that a bill, resolution, or other matter re-referred from committee A to committee B could, by a majority vote at the proper time, be re-referred to committee C, but a motion to re-refer from B back to A would have to follow the reconsideration rule or receive a two-thirds vote for a suspension of the rules for the particular purpose.

HOUSE PRECEDENTS

MOTION TO RE-REFER A BILL UNDER CONSIDERATION BY A SUBCOMMITTEE. — Mr. Wood moved as a substitute motion that H.B. 126 be withdrawn from the Committee on Revenue and Taxation and re-referred to the Committee on Appropriations.

Mr. Mays raised a point of order against the motion on the ground that a bill being considered in subcommittee may not be re-referred by action of the house.

The speaker, Mr. Morse, overruled the point of order. 46 H.J. Reg. 956 (1939).

Section 18. Motion to Recommit — A motion to recommit a bill, after being defeated at the routine motion period, may again be made when the bill itself is under consideration; however, a motion to recommit a bill shall not be in order at the routine motion period if the bill is then before the house as either pending business or unfinished business.

A motion to recommit a bill or resolution can be made and voted on even though the author, sponsor, or principal proponent is not present.

Section 19. Terms of Debate on Motions to Refer, Rerefer, Commit, or Recommit — A motion to refer, rerefer, commit, or recommit is debatable within narrow limits, but the merits of the proposition may not be brought into the debate. A motion to refer, rerefer, commit, or recommit with instructions is fully debatable.

HOUSE PRECEDENTS

MOTION TO RECOMMIT TO COMMITTEE OF THE WHOLE HOUSE. — In the 51st Legislature, the speaker, Mr. Manford, ruled that debate on motions "to recommit to the committee of the whole house" is the same as allowed under the rules for other motions to recommit.

Section 20. Recommitting to Committee for a Second Time —Except as provided in Rule 4, Section 30, when a bill has been recommitted once at any reading and has been reported adversely by the committee to which it was referred, it shall be in order to again recommit the bill only if a minority report has been filed in the time required by the rules of the house. A two-thirds vote of those present shall be required to recommit a second time.

HOUSE PRECEDENTS

ADVERSE COMMITTEE REPORT ON A BILL DOES NOT PREVENT CONSIDERATION OF A SIMILAR BILL. — The house was considering a bill similar to one adversely reported to the house, when Mr. Bailey raised the point of order that a bill having the same subject had been reported adversely by Judiciary Committee No. 2, which was in effect the defeat of the bill, and that it was not now in order to pass on this bill.

Overruled. 26 H.J. Reg. 1206 (1899).

Chapter B. Motion for the Previous Question

Section 21. Motion for the Previous Question — There shall be a motion for the previous question, which shall be admitted only when seconded by 25 members. It shall be put by the chair in this manner: "The motion has been seconded. Three minutes pro and con debate will be allowed on the motion for ordering the previous question." As soon as the debate has ended, the chair shall continue: "As many as are in favor of ordering the previous question on (here state on which question or questions) will say 'Aye,'" and then, "As many as are opposed say 'Nay.'" As in all other propositions, a motion for the previous question may be taken by a record vote if demanded by any member. If ordered by a majority of the members voting, a quorum being present, it shall have the effect of cutting off all debate, except as provided in Section 23 of this rule, and bringing the house to a direct vote on the immediate question or questions on which it has been asked and ordered.

Section 22. Debate on Motion for Previous Question — On the motion for the previous question, there shall be no debate except as provided in Sections 2 and 21 of this rule. All incidental questions of order made pending decision on such motion shall be decided, whether on appeal or otherwise, without debate.

Section 23. Limitation of Debate After Previous Question Ordered — After the previous question has been ordered, there shall be no debate upon the questions on which it has been ordered, or upon the incidental questions, except that the mover of the proposition or any of the pending amendments or any other motions, or the member making the report from the committee, or, in the case of the absence of either of them, any other member designated by such absentee, shall have the right to close the debate on the

particular proposition or amendment. Then a vote shall be taken immediately on the amendments or other motions, if any, and then on the main question.

Section 24. Speaking and Voting After the Previous Question Ordered — All members having the right to speak after the previous question has been ordered shall speak before the question is put on the first proposition covered by the previous question. All votes shall then be taken in the correct order, and no vote or votes shall be deferred to allow any member to close on any one of the propositions separately after the voting has commenced.

Section 25. Speaking on an Amendment as Substituted — When an amendment has been substituted and the previous question is then moved on the adoption of the amendment as substituted, the author of the amendment as substituted shall have the right to close the debate on that amendment in lieu of the author of the original amendment.

HOUSE PRECEDENTS

ORDER OF SPEECHES WHEN THE PREVIOUS QUESTION HAS BEEN ORDERED ON A SERIES OF PENDING MOTIONS. — A bill was pending on second reading and an amendment was adopted thereto. A motion to reconsider the vote on the adoption of the amendment was made. Then a motion for the previous question was made, seconded, and voted on all pending motions, i.e., the motion to reconsider, the adoption of the amendment (if the motion to reconsider prevailed), and, lastly, the engrossment of the bill. Since, under the rule, all speeches must be made before voting begins on a series of motions under the previous question, the speaker, Mr. Senterfitt, ruled that the mover of the motion to reconsider should speak first, next the author of the amendment, and, lastly, the author of the bill.

The principle illustrated is that the order of speeches should follow, as nearly as possible, the order that would have been obtained if the previous question had not been ordered. The complicating factor in the above case was that the rights of the author of the amendment had to be protected by allowing him to speak as indicated above. Had he not been so allowed, even though his amendment was not actually pending, and the motion to reconsider had been adopted, he would have been cut off. Of course, if the previous question had not been ordered, the author of the amendment would have spoken first, and the mover of the motion to reconsider would then have closed the debate. This inversion of the order of speaking between these two members, as recited above, was logical because, with no previous question, if the motion to reconsider had prevailed, the author of the amendment would have had the right to close on his amendment. As it happened in the precedent above, the motion to reconsider was lost; consequently, the only remaining vote was upon the engrossment of the bill.

Section 26. Speaking on a Motion to Postpone or Amend — When the previous question is ordered on a motion to postpone indefinitely or to amend by striking out the enacting clause of a bill, the member moving to postpone or amend shall have the right to close the debate on that motion or amendment, after which the mover of the proposition or bill proposed to be so postponed or

amended, or the member reporting it from the committee, or, in the absence of either of them, any other member designated by the absentee, shall be allowed to close the debate on the original proposition.

Section 27. Application of the Previous Question — The previous question may be asked and ordered on any debatable single motion or series of motions, or any amendment or amendments pending, or it may be made to embrace all authorized debatable motions or amendments pending and include the bill, resolution, or proposition that is on second or third reading. The previous question cannot be ordered, however, on the main proposition without including other pending motions of lower rank as given in Section 3 of this rule.

EXPLANATORY NOTES

See Rule 8, Sec. 16, concerning moving the previous question during section-by-section consideration.

HOUSE PRECEDENTS

THE HOUSE HAVING ORDERED THE CONSIDERATION OF THE APPROPRIATIONS BILL BY DEPARTMENTS, THE PREVIOUS QUESTION COULD NOT BE ORDERED ON THE ENGROSSMENT OF THE BILL WITHOUT RECONSIDERING THE ORDER OR COMPLETING THE CONSIDERATION OF THE SECTIONS OF THE BILL. — During the consideration of an appropriation bill the house had ordered that it be considered by departments, and, while the house was considering the public health and vital statistics division, Mr. Dodd moved the previous question on the engrossment of the bill.

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

Sustained. 29 H.J. 1 C.S. 121 (1905).

CONGRESSIONAL PRECEDENTS

THE PREVIOUS QUESTION. — The motion may not include a provision that it shall take effect at a certain time. 5 H.P. 5457. It is often ordered on undebatable propositions to prevent amendments, 5 H.P. 5473, 5490, but may not be moved on a motion that is both undebatable and unamendable. 4 H.P. 3077. It applies to questions of privilege as to other questions. 2 H.P. 1256; 5 H.P. 5459, 5460.

Section 28. Limit of Application — The previous question shall not extend beyond the final vote on a motion or sequence of motions to which the previous question has been ordered.

Section 29. Amendments Not Yet Laid Before the House — Amendments on the speaker's desk for consideration which have not actually been laid before the house and read cannot be included under a motion for the previous question.

Section 30. Moving the Previous Question After a Motion to Table — If a motion to table is made directly to a main motion, the motion for the previous question is not in order. In a case where an amendment to a main motion is pending, and a motion to table the amendment is made, it is in order

to move the previous question on the main motion, the pending amendment, and the motion to table the amendment.

Section 31. No Substitute for Motion for the Previous Question — There is no acceptable substitute for a motion for the previous question, nor can other motions be applied to it.

EXPLANATORY NOTES

An inspection of Sec. 3 of this rule, in regard to the precedence of motions, will show that a motion to table takes precedence over a motion for the previous question when those motions are applied to the same motion. However, if a main motion is pending, e.g., the engrossment of a bill, and a motion of lower rank than the previous question, as given in Sec. 3 of this rule, is pending, and a motion to table that motion is made, then the previous question may be applied to the whole series of motions pending, including the motion to table.

HOUSE PRECEDENTS

ACCEPTANCE OF A MOTION FOR THE PREVIOUS QUESTION, PROVIDED THERE HAS BEEN SOME DISCUSSION ON THE BILL. — Mr. Jones of Atascosa moved the previous question on House Bill No. 365 and the pending committee amendment.

Mr. Pope raised the point of order that such motion was out of order, under the provisions of the constitution, because there had not been full and free discussion on the bill and amendment.

The speaker, Mr. Stevenson, overruled the point of order, holding that since there had been some discussion on the bill and amendment, the motion was in order, but if there had been no discussion whatsoever on the bill or amendment, the motion would be clearly out of order. 44 H.J. Reg. 1317 (1935).

Section 32. Motion for the Previous Question Not Subject to Tabling — The motion for the previous question is not subject to a motion to table.

Section 33. Motion to Adjourn After Motion for Previous Question Accepted — The motion to adjourn is not in order after a motion for the previous question is accepted by the chair, or after the seconding of such motion and before a vote is taken.

Section 34. Motions In Order After Previous Question Ordered — After the previous question has been ordered, no motion shall be in order until the question or questions on which it was ordered have been voted on, without debate, except:

(1) a motion for a call of the house, and motions incidental thereto;

(2) a motion to extend the time of a member closing on a proposition;

(3) a motion to permit a member who has the right to speak to yield the time or a part thereof to another member;

(4) a request for and a verification of a vote;

(5) a motion to reconsider the vote by which the previous question was ordered. A motion to reconsider may be made only once and that must be

before any vote under the previous question has been taken;

(6) a motion to table a motion to reconsider the vote by which the previous question has been ordered;

(7) a double motion to reconsider and table the vote by which the previous question was ordered.

EXPLANATORY NOTES

1. No debate is allowed on the above motions, and they are decided by majority vote.
2. See Sec. 38 of this rule, concerning debate on motion to reconsider.
3. See first House Precedent following Rule 14, Sec. 3.

Section 35. Motion to Adjourn or Recess After Previous Question Ordered — No motion for an adjournment or a recess shall be in order after the previous question is ordered until the final vote under the previous question has been taken, unless the roll call shows the absence of a quorum.

EXPLANATORY NOTES

If the house adjourns, the whole matter under consideration is picked up just where it was left off, the previous question still being in effect, as provided in Sec. 36 of this rule.

Section 36. Adjourning Without a Quorum — When the house adjourns without a quorum under the previous question, the previous question shall remain in force and effect when the bill, resolution, or other proposition is again laid before the house.

Chapter C. Reconsideration

Section 37. Motion to Reconsider a Vote — (a) When a question has been decided by the house and the yeas and nays have been called for and recorded, any member voting with the prevailing side may, on the same legislative day, or on the next legislative day, move a reconsideration; however, if a reconsideration is moved on the next legislative day, it must be done before the order of the day, as designated in the 10th item of Rule 6, Section 1(a), is taken up. If the house refuses to reconsider, or on reconsideration, affirms its decision, no further action to reconsider shall be in order.

(b) Where the yeas and nays have not been called for and recorded, any member, regardless of whether he or she voted on the prevailing side or not, may make the motion to reconsider; however, even when the yeas and nays have not been recorded, the following shall not be eligible to make a motion to reconsider:

(1) a member who was absent;

(2) a member who was paired and, therefore, did not vote; and

(3) a member who was recorded in the journal as having voted on the losing side.

(c) A motion to reconsider the vote by which a bill, joint resolution, or concurrent resolution was defeated is not in order unless a member has previously

provided at least one hour's notice of intent to make the motion by addressing the house when the house is in session and stating that a member intends to make a motion to reconsider the vote by which the bill or resolution was defeated. It is not necessary for the member providing the notice to be eligible to make or to be the member who subsequently makes the motion to reconsider. If notice of intent to make a motion to reconsider is given within the period that the motion to reconsider may be made under Subsection (a) of this section and that period expires during the one-hour period required by this subsection, then the period within which the motion may be made under Subsection (a) is extended by the amount of time, not to exceed one hour during which the house is in session, necessary to satisfy the one-hour notice required by this subsection. For purposes of this subsection, a motion to reconsider includes a motion to reconsider and table and a motion to reconsider and spread on the journal.

HOUSE PRECEDENTS

RECONSIDERATION OF ROUTINE MOTIONS. — In the 54th Legislature, the speaker, Mr. Lindsey, ruled that, in view of the provisions of the above section, a proper motion to reconsider the vote taken on a motion during a routine motion period could be made at any time permitted under this section, but that voting on reconsideration must go over to a routine motion period in the daily order of business on a subsequent legislative day, in accordance with Sec. 43 of this rule.

Section 38. Debate on Motion to Reconsider — A motion to reconsider shall be debatable only when the question to be reconsidered is debatable. Even though the previous question was in force before the vote on a debatable question was taken, debate is permissible on the reconsideration of such debatable question.

Section 39. Majority Vote Required — Every motion to reconsider shall be decided by a majority vote, even though the vote on the original question requires a two-thirds vote for affirmative action. If the motion to reconsider prevails, the question then immediately recurs on the question reconsidered.

CONGRESSIONAL PRECEDENTS

THE MOTION TO RECONSIDER. — The provision of the rule that the motion may be made "by any member of the majority" is construed to mean any member of the prevailing side, be the vote a tie vote or one requiring two-thirds. 5 H.P. 5615, 5616, 5617, 5618; 1 H.P. 1656. While the motion has high privilege for entry, it may not be considered while another question is before the house. 5 H.P. 5673-5676. The motion may not be applied to negative votes on motions to adjourn or recess. 5 H.P. 5620-5622, 5625. It is in order to reconsider a vote postponing a bill to a day certain, 5 H.P. 5643, but not to reconsider a negative decision on a vote to suspend the rules. 5 H.P. 5645, 5646. When the motion to reconsider is decided in the affirmative, the question immediately recurs on the question reconsidered. 5 H.P. 5703. After passage of a bill, reconsideration of the vote on any amendment thereto may be secured only by a motion to reconsider the vote by which the bill was passed 8 C.P. 2789. The motion to reconsider may not be applied to the

vote whereby the house has laid another motion to reconsider on the table. 5 H.P. 5632, 5640. A motion to reconsider is not debatable if the motion proposed to be reconsidered was not debatable. 5 H.P. 5694-5699. A request for unanimous consent is in effect a motion and action predicated thereon is subject to reconsideration. 8 H.P. 2794.

Section 40. Withdrawal of Motion to Reconsider — A motion to reconsider cannot be withdrawn unless permission is given by a majority vote of the house, and the motion may be called up by any member.

Section 41. Tabling Motion to Reconsider — A motion to reconsider shall be subject to a motion to table, which, if carried, shall be a final disposition of the motion to reconsider.

Section 42. Double Motion to Reconsider and Table — The double motion to reconsider and table shall be in order. It shall be undebatable. When carried, the motion to reconsider shall be tabled. When it fails, the question shall then be on the motion to reconsider, and the motion to reconsider shall, without further action, be spread on the journal, but it may be called up by any member, in accordance with the provisions of Section 43 of this rule.

EXPLANATORY NOTES

1. In the practice of the house, the double motion to reconsider the vote on a proposition and to table the motion to reconsider occurs frequently. It is in effect two motions, one to reconsider the vote on a proposition and the other to lay the motion to reconsider on the table. The question is first on the motion to table. If that motion is lost, the question is then on the motion to reconsider. The purpose of this double motion is to prevent reconsideration of a matter the house has already decided, for when a motion to reconsider is tabled, another motion to reconsider is not permitted under the rules.
2. As stated above, when the motion to table fails, the question recurs on the motion to reconsider, i.e., the second half of the double motion. Since a motion to reconsider is debatable, if the motion to be reconsidered is debatable, debate may be in order on the motion to be reconsidered. It follows logically that the right to close the debate under the described situation passes to the side favoring a reconsideration.
3. The motion to reconsider remaining after the defeat of a double motion to reconsider and table is not again subject to a motion to table, even at a later date.
4. The motion to rescind is not permitted under the rules.

HOUSE PRECEDENTS

MOTION TO RECONSIDER AND TABLE AN AMENDMENT NOT IN ORDER AFTER BILL PASSED TO ENGROSSMENT. — In the 55th Legislature, Regular Session, Speaker Waggoner Carr ruled that the motion to reconsider and table an amendment adopted on second reading of a bill could not be made after the bill had passed to engrossment.

Section 43. Delayed Disposition of Motion to Reconsider — (a) If a motion to reconsider is not disposed of when made, it shall be entered in the

journal, and cannot, after that legislative day, be called up and disposed of unless one legislative day's notice has been given.

(b) Unless called up and disposed of prior to 72 hours before final adjournment of the session, all motions to reconsider shall be regarded as determined and lost.

(c) All motions to reconsider made during the last 72 hours of the session shall be disposed of when made; otherwise, the motion shall be considered as lost.

Section 44. Motion to Reconsider and Spread on Journal — (a) A member voting on the prevailing side may make a motion to reconsider and spread on the journal, which does not require a vote, and on the motion being made, it shall be entered on the journal. Any member, regardless of whether he or she voted on the prevailing side or not, who desires immediate action on a motion to reconsider which has been spread on the journal, can call it up as soon as it is made, and demand a vote on it, or can call it up and move to table it.

(b) If the motion to table the motion to reconsider is defeated, the motion to reconsider remains spread on the journal for future action; however, any member, regardless of whether he or she voted on the prevailing side or not, can call the motion from the journal for action by the house, and, once disposed of, no other motion to reconsider can be made.

EXPLANATORY NOTES

1. If notice has been given by a member that a motion to reconsider, which has been spread upon the journal, will be called up on the next legislative day or on some other day later, then that member or any other member can call up the motion. The fact that the notice required by the rule has been given is sufficient to qualify any member to call up the motion.

2. If a motion to reconsider, previously spread upon the journal, is not called up on the legislative day for which the required notice has been given, then a new notice must be given before the motion can be called up from the journal.

Section 45. Motion to Require Committee to Report — (a) During the first 76 calendar days of a regular session, when any bill, resolution, or other paper has been in committee for 6 calendar days, exclusive of the calendar day on which it was referred, it shall be in order for a member to move that the committee be required to report the same within 7 calendar days. This motion shall require a two-thirds vote for passage.

(b) After the first 76 calendar days of a regular session, when any bill, resolution, or other paper has been in committee for 6 calendar days, exclusive of the calendar day on which it was referred, it shall be in order for a member to move that the committee be required to report the same within 7 calendar days. This motion shall require a majority vote for passage.

(c) A motion to instruct a committee to report is not a privileged motion and must be made during the routine motion period unless made under a suspension of the rules.

(d) The house shall have no authority to instruct a subcommittee directly; however, instructions recognized under the rules may be given to a committee and shall be binding on all subcommittees.

EXPLANATORY NOTES

The house may not instruct a committee to do that which it is not permitted to do under the rules, or to require of it actions not covered by the rules.

Section 46. Motion to Rerefer to Another Committee — (a) During the first 76 calendar days of a regular session, when any bill, resolution, or other paper has been in committee for 7 calendar days after the committee was instructed by the house to report that measure by a motion made under Section 45 of this rule, it shall be in order for a member to move to rerefer the bill, resolution, or other paper to a different committee. This motion shall require a two-thirds vote for passage.

(b) After the first 76 calendar days of a regular session, when any bill, resolution, or other paper has been in committee for 7 calendar days after the committee has been instructed to report that measure by a motion made under Section 45 of this rule, it shall be in order for a member to move to rerefer the bill, resolution, or other paper to a different committee. This motion shall require a majority vote for passage.

(c) A motion to rerefer a bill, resolution, or other paper from one committee to another committee is not a privileged motion and must be made during the routine motion period unless made under a suspension of the rules.

Rule 8. Bills

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Rule 8
Bills

Section 1. Contents of Bills — (a) Proposed laws or changes in laws must be incorporated in bills, which shall consist of:

(1) a title or caption, beginning with the words "A Bill to be Entitled An Act" and a brief statement that gives the legislature and the public reasonable notice of the subject of the proposed measure;

(2) an enacting clause, "Be It Enacted by the Legislature of the State of Texas"; and

(3) the bill proper.

(b) A house bill that would impose, authorize, increase, or change the rate or amount of a tax, assessment, surcharge, or fee must include a short statement at the end of its title or caption indicating the general effect of the bill on the tax, assessment, surcharge, or fee, such as "imposing a tax (or assessment)," "authorizing a surcharge (or fee)," or "increasing the rate (or amount) of a tax."

(c) A house bill that would create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision must include a short statement at the end of its title or caption indicating the general effect of the bill on the offense, punishment, or eligibility, such as "creating a criminal offense," "increasing a criminal penalty," or "changing the eligibility for community supervision (or parole or mandatory supervision)."

(d) A house bill that would create a requirement that an individual or entity obtain a license, certificate, registration, permit, or other authorization before engaging in a particular occupation or profession or that would expand an existing requirement to additional individuals or entities must include a short statement at the end of its title or caption indicating the general effect of the bill on the occupation or profession, such as "requiring an occupational license" or "expanding the applicability of an occupational license (or permit or certificate)."

EXPLANATORY NOTES

See Const., Art. III, Sec. 29.

HOUSE PRECEDENTS

1. IF THE ENACTING CLAUSE APPEARS IN THE ORIGINAL COPY OF A BILL AS FILED, ITS OMISSION FROM THE PRINTED BILL IS IMMATERIAL. — Mr. Bolin raised a point of order on further consideration of a bill, stating that as the printed bill contains no enacting clause, there is nothing before the house.

The chair overruled the point of order, stating that the original bill on the speaker's table contained the enacting clause, and that the omission was clearly a mistake of the printer. 28 H.J. Reg. 786 (1903).

2. APPLICATION OF CAPTION REQUIREMENT REGARDING TAX, ASSESSMENT, SURCHARGE, OR FEE. — Representative Simpson

raised a point of order that C.S.H.B. 63 violates Rule 8, Sec. 1(b) of the House Rules. Specifically, Representative Simpson argued that C.S.H.B. 63 violates Rule 8, Sec. 1(b) of the House Rules because the caption of the bill does not contain a statement that the bill contains an imposition of a change in a tax, assessment, surcharge, or fee. Representative Simpson argued that the fine imposed by the bill is in fact a fee, citing Black's Law Dictionary's definition of fee. The point of order was respectfully overruled.

As noted, C.S.H.B. 63 does not impose, authorize, increase, or change the rate or amount of a tax, assessment, surcharge, or fee. Therefore, Rule 8, Sec. 1(b), cannot apply to C.S.H.B. 63. The purpose of the rule is to provide clear notice to house members and the public concerning the effect of a house bill on taxes, assessments, surcharges, and fees. By operation of Rule 9, Sec. 1(a), the new caption rule also applies to house joint resolutions proposing constitutional amendments.

In general, the rule applies to bills that expressly (within the four corners of the bill) impose, authorize, or change the rate or amount of a tax, assessment, surcharge, or fee, as well as to bills that have an equivalent purpose, such as a bill whose primary purpose is to repeal a tax or to extend a temporary fee. However, the rule does not apply to bills that indirectly affect the payment or application of an existing tax, assessment, surcharge, or fee, such as a bill changing a due date, repealing or otherwise eliminating a program or agency that includes fee or assessment authority, modifying or adopting a tax exemption, or modifying a class of persons or transactions subject to an existing tax or fee. Application of the rule to such bills would require subjective judgment and render the rule far less useful due to the large number of bills that would be affected.

The key exception to the general rule that the bill must expressly refer to a tax, assessment, surcharge, or fee to fall within the new caption requirement is a bill that creates a special purpose district with authority to impose a tax, assessment, surcharge, or fee through a reference to other law or to the authority of other special districts or local governments. The rule applies to such a bill to ensure that the tax, assessment, surcharge, or fee authority created by the bill is apparent to the members of the house and to the public, regardless of whether the bill expressly refers to a tax, assessment, surcharge, or fee. The intent of the rule would be thwarted if new special districts with taxing or fee authority could be enacted without notice of that authority stated in the caption. For these bills, to minimize the risk of technical omissions, a caption is sufficient if it states that the bill authorizes "taxes, assessments, surcharges, or fees" or "taxes, assessments, or fees" as long as at least one of those items is authorized by the bill. While the rule requires notice for any bill that directly imposes or authorizes the imposition of taxes, assessments, surcharges, and fees by state or local governmental entities, bills affecting monetary transfers between governmental bodies and charges imposed by private sector entities, even if nominally referred to as a tax, assessment, surcharge, or fee, do not require the prescribed caption notice. Application of the rule to such matters could mislead the reader into assuming that the bill provides for a fee or assessment to be imposed by government and reduce the usefulness of the rule for its intended purpose.

To avoid hiding the explanation of the bill's effect on a tax, assessment, surcharge, or fee within a caption, the new rule requires the explanatory statement to appear "at the end" of the caption. However, the rule does not require that a separate redundant statement be added to the end of a brief caption that already provides the intended information. A caption complies with the rule if it is reasonably short and clearly states any direct effect of the bill on a tax, assessment, surcharge, or fee. For example, a caption that reads "relating to authorizing increases in the license fees applicable to dentists" is sufficient to comply with the rule without the addition of a redundant statement at the end such as "authorizing fee increases."

Bills affecting charges other than those specifically referred to as taxes, assessments, surcharges, and fees are not covered by the rule. Application of the rule to these other types of payments, such as civil or criminal penalties or interest on late payments, would water the rule down by covering too many bills that don't have the same impact as a bill authorizing or otherwise affecting a tax or fee imposed on a general class of persons.

CONGRESSIONAL PRECEDENTS

MOTION TO STRIKE OUT THE ENACTING CLAUSE. — Striking out the enacting clause of a bill constitutes its rejection. 5 H.P. 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. 5 H.P. 5336. See additional explanatory notes after Rule 11, Sec. 7.

Section 2. Publishing Acts in Their Entirety — No law shall be revived or amended by reference to its title. The act revived, or the section or sections amended, shall be reenacted and published at length. This rule does not apply to revisions adopted under Article III, Section 43, of the Texas Constitution.

EXPLANATORY NOTES

See Texas Const., Art. III, Sec. 36 and Sec. 43.

Section 3. Limiting a Bill to a Single Subject — Each bill (except a general appropriations bill, which may embrace the various subjects and accounts for which money is appropriated or a revision adopted under Article III, Section 43, of the Texas Constitution) shall contain only one subject.

HOUSE PRECEDENTS

BILL CONTAINING MORE THAN SINGLE SUBJECT. — H.B. 2 with senate amendments, relating to the allocation of certain revenue from franchise taxes, motor vehicle sales and use taxes, and taxes on cigarettes and other tobacco products to provide property tax relief and public education, was called up for consideration. The speaker, Mr. Craddick, sustained a point of order that as amended by the senate H.B. 2 contained more than one subject. The ruling noted that, while latitude is given by courts in analyzing legislation for violation of the single-subject requirement of Art. III, Sec. 30, Texas Constitution, legislation of this importance places a great duty of care upon the legislature to comply with that constitutional requirement and make every effort to ensure that no bill is passed that could reasonably be construed to

violate that provision. The bill as it left the house had only one subject: the dedication of certain tax revenue to the reduction of school property tax rates. The senate amendment expanded the subject, authorizing the use of the dedicated funds for a second purpose in the form of an appropriation to the Texas Education Agency to increase funding to schools. This amendment effectively expanded the subject of the bill to include two subjects. The bill with senate amendments violated both House Rule 8, Sec. 3, and Art. III, Sec. 30, Texas Constitution. 79 H.J. 3 C.S. 236 (2006).

Section 4. Changing General Law Through an Appropriations Bill — A general law may not be changed by the provisions in an appropriations bill.

EXPLANATORY NOTES

1. See Const., Art. III, Sec. 35. It has been held many times that the legislature is not bound to appropriate the full amount purportedly required by law. Inherent in the power to appropriate funds is the power to determine the amount to be appropriated. A previous legislature, in passing a general law that purports to require a specific amount of funding, may not bind a subsequent legislature to appropriate that amount. Accordingly, the legislature may appropriate less than the amount that general law would otherwise require. For example, when the salaries of many state officers and employees were fixed by statute, it was often held that the legislature could appropriate less than the statutory amount. Similarly, the legislature is empowered to appropriate less funds for formula-driven entitlements such as the foundation school program than the formulas would require to fully fund the program.

2. There are many holdings by courts, the attorney general, and presiding officers that a rider to an appropriations bill may detail, restrict, or limit the expenditure of appropriated funds, but may not enact or amend general law. See Op. Tex. Att'y Gen. Nos. MW-51 (1979), MW-389 (1981); Moore v. Sheppard, 192 S.W. 2d 559 (Tex. 1946).

HOUSE PRECEDENTS

POINTS CONCERNING CONSTITUTIONALITY OF CERTAIN APPROPRIATIONS. — In the 70th Legislature, 2nd Called Session, the house was considering S.B. 1, the General Appropriations Act. Representative Horn offered an amendment to transfer certain motor vehicle registration fees from the state highway fund to the general revenue fund. Representative Rudd raised a point of order against consideration of the amendment on the grounds that the amendment directed dedicated funds that could not constitutionally be redirected. (Art. VIII, Sec. 7-a, of the Texas Constitution directs the use of motor vehicle registration fees.) The chair sustained the point of order. 70 H.J. 2d C.S. 82 (1987).

The same session, during consideration of the same bill, Representative Hammond raised a point of order against further consideration of a rider included in the committee substitute for S.B. 1 on the grounds that the rider was attempting to change general law in the appropriations bill in violation of this rule and Art. III, Sec. 35, of the Texas Constitution. The chair sustained the point of order, stating: "The

last two sentences of Rider 16 under the Foundation School Program purport to define terms used in general law. While a rider may detail, limit, or restrict the expenditure of funds, these two sentences do not do so but, rather, have the effect of general law." The rider was stricken from the bill. 70 H.J. 2d C.S. 147 (1987).

Section 5. Coauthorship, Joint Authorship, Sponsorship, Cosponsorship, and Joint Sponsorship — (a) A house bill or resolution may have only one primary author. The signature of the primary author shall be the only signature that appears on the measure filed with the chief clerk. The signatures of all coauthors or joint authors shall appear on the appropriate forms in the chief clerk's office.

(b) Any member may become the coauthor of a bill or resolution by securing permission from the author. If permission is secured from the author prior to the time the measure is filed with the chief clerk, the primary author and the coauthor shall sign the appropriate form, which shall be included with the measure when it is filed with the chief clerk. If a member wishes to become the coauthor of a measure after it has been filed, no action shall be required by the house, but it shall be the duty of the member seeking to be a coauthor to obtain written authorization on the appropriate form from the author. This authorization shall be filed with the chief clerk before the coauthor signs the form for the bill or resolution. The chief clerk shall report daily to the journal clerk the names of members filed as coauthors of bills or resolutions. If a coauthor of a bill or resolution desires to withdraw from such status, the member shall notify the chief clerk, who in turn shall notify the journal clerk.

(c) The primary author of a measure may designate up to four joint authors by providing written authorization on the appropriate form to the chief clerk. If a member designated as a joint author has not already signed on the measure as a coauthor, that member must also sign the form before the records will reflect the joint author status of that member. The names of all joint authors shall be shown immediately following the primary author's name on all official printings of the measure, on all house calendars, in the house journal, and in the electronic legislative information system.

(d) The determination of the house sponsor of a senate measure is made at the time the measure is reported from committee. In the case of multiple requests for house sponsorship, the house sponsor of a senate measure shall be determined by the chair of the committee, in consultation with the senate author of the measure. The chair of the committee must designate a primary sponsor and may designate up to four joint sponsors or an unlimited number of cosponsors. The names of all joint sponsors shall be shown immediately following the primary sponsor's name on all official printings of the measure, on all house calendars, in the house journal, and in the electronic legislative information system.

EXPLANATORY NOTES

1. The house sponsor of a senate bill or resolution has all of the rights and privileges accorded a house author under the rules.

2. Under current practice, a member cannot become the joint author or coauthor of a bill after same has been passed by the house.

3. Under current practice, a house member who desires to sponsor a senate measure notifies the chief clerk of that fact and the chief clerk forwards that information to the chair of the committee to which the senate measure is referred. The determination of the house sponsor of a senate measure is made by the chair of the committee when the measure is reported, and the house sponsor of a senate measure is normally the member who requested a hearing on the measure. If more than one member has requested to sponsor a senate measure, the chair of the committee may designate a primary sponsor and up to four joint sponsors or one or more cosponsors of the measure.

Section 6. Filing, First Reading, and Referral to Committee — Each bill shall be filed with the chief clerk when introduced and shall be numbered in its regular order. Each bill shall be read first time by caption and referred by the speaker to the appropriate committee with jurisdiction.

Section 7. Prefiling — Beginning the first Monday after the general election preceding the next regular legislative session, or within 30 days prior to any special session, it shall be in order to file with the chief clerk bills and resolutions for introduction in that session. On receipt of the bills or resolutions, the chief clerk shall number them and make them a matter of public record, available for distribution. Once a bill or resolution has been so filed, it may not be recalled. This shall apply only to members-elect of the succeeding legislative session.

Section 8. Deadline for Introduction — (a) Bills and joint resolutions introduced during the first 60 calendar days of the regular session may be considered by the committees and in the house and disposed of at any time during the session, in accordance with the rules of the house. After the first 60 calendar days of a regular session, any bill or joint resolution, except local bills, emergency appropriations, and all emergency matters submitted by the governor in special messages to the legislature, shall require an affirmative vote of four-fifths of those members present and voting to be introduced.

(b) In addition to a bill defined as a "local bill" under Section 10(c) of this rule, a bill is considered local for purposes of this section if it relates to a specified district created under Article XVI, Section 59, of the Texas Constitution (water districts, etc.), a specified hospital district, or another specified special purpose district, even if neither these rules nor the Texas Constitution require publication of notice for that bill.

EXPLANATORY NOTES

When the house gives permission for the introduction of a bill or joint resolution under the above section, the chief clerk so endorses the original bill or joint resolution.

HOUSE PRECEDENTS

APPLICATION TO JOINT RESOLUTIONS. — In the 54th Legislature the speaker, Mr. Lindsey, held that the requirement for a four-fifths vote

for introduction after the first sixty days of a regular session also applied to joint resolutions.

Section 9. Filing — (a) A bill must be filed with the chief clerk in the manner and in an electronic or other format specified by the chief clerk at the time that the bill is introduced.

(b) A bill relating to conservation and reclamation districts and governed by the provisions of Article XVI, Section 59, of the Texas Constitution must be filed with copies of the notice to introduce the bill attached if the bill is intended to:

(1) create a particular conservation and reclamation district; or

(2) amend the act of a particular conservation and reclamation district to:

(A) add additional land to the district;

(B) alter the taxing authority of the district;

(C) alter the authority of the district with respect to issuing bonds; or

(D) alter the qualifications or terms of office of the members of the governing body of the district.

EXPLANATORY NOTES

1. One copy is kept in a safe by the chief clerk.

2. Occasionally an original bill is lost in processing. At times bills are lost in the senate. Current procedure necessary to remedy the difficulty is to obtain a new copy, certified by the chief clerk of the house or the secretary of the senate, as the situation dictates, complete with all endorsements so as to show the exact status of the bill at the time it was lost. If a bill of one house is lost in the other, a resolution requesting a new copy, with all endorsements, from the house of origin, is in order, and the request must be granted as authorization for the substitution.

HOUSE PRECEDENTS

IDENTICAL COPIES OF BILLS MUST BE FILED WHEN INTRODUCED. CASE WHERE FAILURE TO DO SO CAUSED THE BILL TO BE RULED AS NOT LEGALLY INTRODUCED EVEN THOUGH SAME HAD REACHED SECOND READING. — H.B. 44 was laid before the house, and Mr. Fly raised a point of order on its further consideration on the ground that when it was introduced the author failed to comply with the then paragraph 2 of Sec. 1 of Rule 18 in that the original and the required copy were not identical, but rather there were significant differences between the two.

The speaker, Mr. Reed, after thoroughly investigating the facts concluded that, while the differences involved were due entirely to an oversight, yet they were of such a character as to be clearly in violation of the rule cited and, as a consequence, he ruled that the bill had never been legally introduced. In so ruling he held further that the point of order did not come too late when made on second reading of the bill. (50 H.J. Reg. 832 (1947).

Section 10. Local Bills — (a) The house may not consider a local bill unless notice of intention to apply for the passage of the bill was published

as provided by law and evidence of the publication is attached to the bill. If not attached to the bill on filing with the chief clerk or receipt of the bill from the senate, copies of the evidence of timely publication shall be filed with the chief clerk and must be distributed to the members of the committee not later than the first time the bill is laid out in a committee meeting. The evidence shall be attached to the bill on first printing and shall remain with the measure throughout the entire legislative process, including submission to the governor.

(b) Neither the house nor a committee of the house may consider a bill whose application is limited to one or more political subdivisions by means of population brackets or other artificial devices in lieu of identifying the political subdivision or subdivisions by name. However, this subsection does not prevent consideration of a bill that classifies political subdivisions according to a minimum or maximum population or other criterion that bears a reasonable relation to the purpose of the proposed legislation or a bill that updates laws based on population classifications to conform to a federal decennial census.

(c) Except as provided by Subsection (d) of this section, "local bill" for purposes of this section means:

(1) a bill for which publication of notice is required under Article XVI, Section 59, of the Texas Constitution (water districts, etc.);

(2) a bill for which publication of notice is required under Article IX, Section 9, of the Texas Constitution (hospital districts);

(3) a bill relating to hunting, fishing, or conservation of wildlife resources of a specified locality;

(4) a bill creating or affecting a county court or statutory court or courts of one or more specified counties or municipalities;

(5) a bill creating or affecting the juvenile board or boards of a specified county or counties; or

(6) a bill creating or affecting a road utility district under the authority of Article III, Section 52, of the Texas Constitution.

(d) A bill is not considered to be a local bill under Subsection (c)(3), (4), or (5) if it affects a sufficient number of localities, counties, or municipalities so as to be of general application or of statewide importance.

EXPLANATORY NOTES

1. Most local bills are prohibited by Art. III, Sec. 56, of the Texas Constitution. Where local bills are permitted by the constitution, the constitution requires publication of notice of intent to introduce the bill. A bill that would enact a valid "bracket law" is not considered a local bill for purposes of publishing notice. The procedure for publishing notice is provided by Chapter 313, Government Code.

2. The constitution requires notice for three of the six types of bills listed in this rule. In addition, the constitution probably requires notice for five additional types of local bills not listed in this rule: (1) grants in cases of public calamity, (2) consolidation of county government offices, (3) creation and operation of airport authorities, (4) fence laws, and (5) stock laws. A bill for which the constitution requires notice is subject to a point of order if the notice is not given, even if the bill is not of a type listed in this rule. However, a bill for which the constitution

or rules require notice is probably not subject to a successful court challenge if the notice is not given.

3. Art. IX, Sec. 9, of the Texas Constitution requires publication of notice on all bills that create a hospital district. Other bills concerning hospital districts do not require publication of notice.

4. Art. XVI, Sec. 59, of the Texas Constitution requires publication of notice on all bills that create a conservation and reclamation district (e.g., water district, water authority, river authority, subsidence district, waste disposal authority, etc.). In addition, publication of notice is required on all bills amending a law creating or governing a conservation and reclamation district if the bill (1) adds additional land to the district; (2) alters the taxing authority of the district; (3) alters the authority of the district with respect to the issuance of bonds; or (4) alters the qualifications or terms of office of the members of the governing body of the district.

HOUSE PRECEDENTS

1. 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. 27 H.J. Reg. 1162 (1901).

2. 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 the following 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 reasons that it creates another district court for half of Dallas County and half of Grayson County and makes changes also in the time of the meeting of the district court in Collin County.

Sustained. 31 H.J. Reg. 602 (1909).

3. FEE BILL APPLYING TO COUNTIES OF MORE THAN 80,000 NOT LOCAL. — The house was considering a fee bill applying to counties having a population of 80,000 or more.

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

Overruled. 31 H.J. Reg. 837 (1909).

4. A GENERAL BILL CANNOT BY AMENDMENT BE CHANGED TO A LOCAL BILL. — The House was considering a bill to provide means of securing fair elections and true returns thereof whenever any election is held when any proposed amendment or amendments to the Constitution of this State shall be voted upon. Mr. Smith of Atascosa offered an amendment providing that the provisions of the act should apply only to the Fourth Senatorial District, which amendment, upon the point of order raised by Mr. Schluter, was held not germane to the purpose of the bill. 32 H.J. Reg. 1153 (1911).

5. CASE WHERE GAME AND FISH BILL WAS RULED NOT LOCAL. — During the 58th Legislature, Speaker Tunnell ruled, in part, regarding publication of game and fish laws, as follows:

"The sixth and final numbered point of order relates to the requirement of publication of notice of a local law 30 days before its introduction, in that no publication has been made of S.B. 341. This publication requirement is provided by Section 57, Article III of the Constitution of the State of Texas. The point of order refers to the enrolled bill doctrine and the necessity for the presiding officers of the Legislature to enforce this provision.

The enrolled bill doctrine was established in a Texas Supreme Court decision in 1892 in a case styled William vs. Taylor. This doctrine provides that a bill which is signed by the presiding officers of both houses and approved by the Governor affords conclusive evidence that it was passed according to the Constitution, and the journals of the houses cannot be looked to in determining a question in judicial review.

Now, as to the Chair's duty concerning the lack of publication of S.B. 341. The Chair has found clear judicial precedent to rule that a game and fish law, such as we have proposed before us in S.B. 341, does not require the notice provided by Section 57 of Article III.

As the Chair has ruled in consideration of these points of order that according to the specific proviso contained in Section 56 of Article III of the Constitution, an act of the Legislature for the protection of the fish of the State, as proposed in S.B. 341, is not a 'local' law in the sense used in Sections 56 and 57 of Article III of the Constitution. The Chair cites Stephenson v. Wood, 35 SW 2d 795, in clear support of a ruling that the authority of the Legislature to pass game and fish laws such as the one under consideration without notice mentioned in Section 57 of Article III of the Constitution is specially reserved. For these reasons, the point of order is respectfully overruled." 58 H.J. Reg. 2511 (1963). (The house rules have since been amended to require publication of notice for game and fish laws.)

Section 11. Consideration in Committee — (a) No bill shall be considered unless it first has been referred to a committee and reported from it.

(b) After a bill has been recommitted, it shall be considered by the committee as a new subject.

EXPLANATORY NOTES

1. See Sec. 37 of Art. III, Texas Constitution. It has long been held that the requirement of Subsection (a) of this section is satisfied if a bill is reported out of a committee of one of the two houses within the time described, three days of final adjournment. Regardless of this holding, long followed, speakers have historically refused to admit motions to suspend the rules so as to keep senate bills from going to house committees. They have contended that to allow such would be a violation of the spirit of Sec. 37 of Article III as well as legislative committee rules generally, since the two houses of the legislature are of equal importance and each requires committee consideration of its own bills without exception.

2. Subsection (a) above applies alike to regular and called sessions.

Section 12. Order of Consideration — All bills and resolutions before the house shall be taken up and acted on in the order in which they appear on their respective calendars, and each calendar shall have the priority accorded to it by the provisions of Rule 6, Sections 7 and 8.

EXPLANATORY NOTES

See also Rule 6, Sec. 15, on order of consideration of calendars.

Section 13. Deadlines for Consideration — (a) No house bill that is local as defined by Section 10(c) of this rule and that appears on a local, consent, and resolutions calendar shall be considered for any purpose after the 130th day of a regular session, except to:

(1) act on senate amendments;
(2) adopt a conference committee report;
(3) reconsider the bill to make corrections; or
(4) pass the bill notwithstanding the objections of the governor.

(b) No other house bill or joint resolution shall be considered on its second reading after the 122nd day of a regular session if it appears on a daily or supplemental daily house calendar, or for any purpose after the 123rd day of a regular session, except to:

(1) act on senate amendments;
(2) adopt a conference committee report;
(3) reconsider the bill or resolution to make corrections; or
(4) pass the bill notwithstanding the objections of the governor.

(c) No senate bill or joint resolution shall be considered on its second reading after the 134th day of a regular session if it appears on a daily or supplemental daily house calendar, or for any purpose after the 135th day of a regular session, except to:

(1) adopt a conference committee report;
(2) reconsider the bill or resolution to remove house amendments;
(3) reconsider the bill or resolution to make corrections; or
(4) pass the bill notwithstanding the objections of the governor.

(d) The speaker shall not lay any bill or joint resolution before the house or permit a vote to be taken on its passage on the 136th and 137th days of a regular session, except to:

(1) act on senate amendments;
(2) adopt a conference committee report;
(3) reconsider the bill or resolution to remove house amendments;
(4) reconsider the bill or resolution to make corrections; or
(5) pass the bill notwithstanding the objections of the governor.

(e) The speaker shall not lay any bill or joint resolution before the house or permit a vote to be taken on its passage on the 138th and 139th days of a regular session, except to:

(1) adopt a conference committee report;
(2) reconsider the bill or resolution to remove house amendments;
(3) discharge house conferees and concur in senate amendments;
(4) reconsider the bill or resolution to make corrections; or

(5) pass the bill notwithstanding the objections of the governor.

(f) No vote shall be taken upon the passage of any bill or resolution within 24 hours of the final adjournment of a regular session unless it be to reconsider the bill or resolution to make corrections, or to adopt a corrective resolution.

(g) The clock of record for the house, as determined under Rule 2, Section 2, shall be used to determine compliance with deadlines and other time requirements of the Texas Constitution and these rules. A motion to suspend this rule must be decided by a record vote.

EXPLANATORY NOTES

"Final adjournment" means sine die adjournment of a session.

Section 14. Delivery Prior to Consideration — (a) Each bill or resolution, except the general appropriations bill, shall be delivered to each member by making a copy of the bill or resolution available in an electronic format for viewing by the member and, when the electronic format copy of the appropriate printing becomes available, by sending notice of that fact to a Capitol e-mail address designated by the member, at least 36 hours if convened in regular session and 24 hours if convened in special session before the bill can be considered by the house on second reading. If a member informs the chief clerk in writing that the member desires to receive paper copies of bills and resolutions under this section in addition to delivery in an electronic format, the chief clerk shall place a paper copy of the bill or resolution in the newspaper box of the member as soon as practicable after the electronic copies of the bill or resolution are made available for viewing.

(a-1) A printed copy of the general appropriations bill shall be placed in the newspaper mailbox of each member at least 168 hours during a regular session and at least 72 hours during a special session before the bill can be considered by the house on second reading.

(b) By majority vote, the house may order both the original bill or resolution and the complete committee substitute to be printed. It shall not be necessary for the house to order complete committee substitutes printed in lieu of original bills.

(c) A two-thirds vote of the house is necessary to order that bills, other than local bills, be not printed. It shall not be necessary for the house to order that local bills be not printed.

EXPLANATORY NOTES

1. See Rule 4, Secs. 28 and 29, in regard to minority reports, particularly as to the printing of bills on minority report.

2. Committees have no authority to order not printed bills which they report favorably, except local bills, even though such bills may be considered uncontested, and the chief clerk should disregard such recommendations and send the bills to the printer as required in the above section. A two-thirds vote of the house, by way of a suspension of the rules, is necessary to order bills, other than local bills, not printed.

3. A "complete committee substitute" takes the form of a complete bill with a title, enacting clause and text of the bill.

4. If, for some reason, usually a clerical error, a committee fails to order a local bill not printed, it should be sent to the printer unless, by majority vote, the house orders it not printed.

Section 15. Requirement for Three Readings — A bill shall not have the force of law until it has been read on three several legislative days in each house and free discussion allowed, unless this provision is suspended by a vote of four-fifths of the members present and voting, a quorum being present. The yeas and nays shall be taken on the question of suspension and entered in the journal.

Section 16. Consideration Section by Section — (a) During the consideration of any bill or resolution, the house may, by a majority vote, order the bill or resolution to be considered section by section, or department by department, until each section or department has been given separate consideration. If such a procedure is ordered, only amendments to the section or department under consideration at that time shall be in order. However, after each section or department has been considered separately, the entire bill or resolution shall be open for amendment, subject to the provisions of Rule 11, Section 8(b). Once the consideration of a bill section by section or department by department has been ordered, it shall not be in order to move the previous question on the entire bill, to recommit it, to lay it on the table, or to postpone it, until each section or department has been given separate consideration or until the vote by which section by section consideration was ordered is reconsidered.

(b) A motion to consider a bill section by section is debatable within narrow limits; that is, the pros and cons of the proposed consideration can be debated but not the merits of the bill.

Section 17. Passage to Engrossment or Third Reading — After a bill or complete committee substitute for a bill has been taken up and read, amendments shall be in order. If no amendment is made, or if those proposed are disposed of, then the final question on its second reading shall be, in the case of a house bill, whether it shall be passed to engrossment, or, in the case of a senate bill, whether it shall pass to its third reading. All bills ordered passed to engrossment or passed to a third reading shall remain on the calendar on which placed, but with future priority over bills that have not passed second reading.

EXPLANATORY NOTES

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

2. House bills "ordered engrossed" must actually be engrossed and returned to the speaker's desk before they can be laid before the house on third reading, unless the constitutional rule requiring bills to be read on three several days is suspended, in which case practice of long-standing foregoes actual engrossment at this stage, the four-fifths vote needed for such suspension being considered in effect a simultaneous suspension (only a two-thirds vote needed) of the above section insofar as the actual engrossment requirement is concerned. Such bills are engrossed before they are sent to the senate.

3. Engrossed "riders" (amendments adopted on second reading) may be used in lieu of full engrossment on second reading passage.
4. See Rule 11, Sec. 7, and associated annotations on precedence of amendments.
5. See Rule 6, Sec. 15, on order of consideration of calendars.

Section 18. Certification of Final Passage — The chief clerk shall certify the final passage of each bill, noting on the bill the date of its passage, and the vote by which it passed, if by a yea and nay vote.

HOUSE PRECEDENTS

NOT IN ORDER TO DIRECT THE CHIEF CLERK TO MAKE ANY CHANGES IN A BILL WHICH HAS PASSED THE HOUSE AND BEEN SENT TO THE SENATE. — The house was considering H.S.R. 190 by Mr. Zivley. The resolution recited actions by the House in amending H.B. 132, and directing the engrossing clerk to send to the senate a "corrective" amendment to be attached to the bill.

Mr. Hull raised the point of order on further consideration of the resolution on the ground that the resolution was an attempt to amend a bill that had passed the house and was then in the senate.

The speaker, Mr. Senterfitt, sustained the point of order. A bill must be recalled to make any changes therein. 53 H.J. Reg. 917 (1953).

Section 19. Effective Date — Every law passed by the legislature, except the General Appropriations Act, shall take effect or go into force on the 91st day after the adjournment of the session at which it was enacted, unless the legislature provides for an earlier effective date by a vote of two-thirds of all the members elected to each house. The vote shall be taken by yeas and nays and entered in the journals.

EXPLANATORY NOTES

1. The attorney general has held consistently that a concurrent resolution, passed subsequent to the passage of a bill, which failed to receive the required two-thirds vote in its passage, could not put the bill into immediate effect, even though it declared legislative intent and the bill contained the required emergency clause. (The requirement for an emergency clause has since been eliminated by a constitutional amendment approved by the voters in 1999.) See Opinions Nos.: O-95, O-1717, O-3697, and V-867. However, in Opinion No. V-850, the attorney general held that the date for the submission of a proposed amendment to the constitution could be changed by the adoption of a joint resolution setting a new one. In this latter case, the same legislative method, a joint resolution, was used in both actions.
2. On rare occasion a clerk has accidentally shown incorrect votes in endorsements relating to final passage of bills. The attorney general has ruled, Opinion O-5171a, that in such matters the journals control if they differ from the endorsements on the enrolled bills. There have been several instances where bills were recalled from the governor, and the endorsements corrected.
3. Whenever a bill with the appropriate effective date language receives the necessary two-thirds vote and is signed by the governor, or becomes a law by absence of a veto, its terms become effective

immediately. If, however, there is a specific recitation in the act which determines its effective date, then such controls. If such a recitation is contained in an act that does not receive the necessary two-thirds vote and such date is prior to ninety days after adjournment, then such specific recitation is of no effect, and the bill becomes effective ninety days after adjournment.

Section 20. Bills Containing Same Substance as Defeated Bill —After a bill or resolution has been considered and defeated by either house of the legislature, no bill or resolution containing the same substance shall be passed into law during the same session.

EXPLANATORY NOTES

See Const., Art. III, Sec. 34.

HOUSE PRECEDENTS

1. HELD THAT A BILL DEFEATED IN THE SENATE COULD BE CONSIDERED IN THE HOUSE. — In the 26th 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. See the following precedent.

2. HELD THAT A BILL DEFEATED IN THE SENATE COULD BE CONSIDERED IN THE HOUSE. — The speaker laid before the house as a special order 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, Mr. Thomas, overruled the point of order, stating that while the constitution prohibits the passage by either house of a bill after being officially notified of a defeat by the other house of a bill containing the same substance, it does not prohibit its consideration. 37 H.J. Reg. 425 (1921).

The contention of the speaker was that it was entirely possible for the house to amend the bill and so change it by germane amendments as to make it agreeable to the senate.

Section 21. Consideration of Bills Involving State Funds — (a) In order to assure the continuation of financial support of existing state services through the passage of the general appropriations bill, it shall not be in order during the first 118 days of the regular session for the speaker to lay before the house, prior to the consideration, passage, and certification by the comptroller of the general appropriations bill, any bill that directly or indirectly prevents

from being available for purposes of funding state government generally any money that under existing law would otherwise be available for that purpose, including a bill that transfers or diverts money in the state treasury from the general revenue fund to another fund.

(b) In order to assure compliance with the limitation on appropriations of state tax revenue not dedicated by the constitution as provided by Article VIII, Section 22, of the Texas Constitution, it is not in order for the speaker to lay before the house, prior to the time that the general appropriations bill has been finally passed and sent to the comptroller, any bill that appropriates funds from the state treasury that are not dedicated by the constitution.

(c) When bills subject to the provisions of Subsection (a) of this section become eligible for consideration, they shall be considered for passage under the rules of the house and the joint rules as any other bill but shall not be signed by the speaker as required by the Constitution of Texas and the rules of the house until the general appropriations bill has been signed by the presiding officers of both houses of the legislature and transmitted to the comptroller of public accounts for certification as required by Article III, Section 49a, of the Constitution of Texas.

(d) All bills subject to the provisions of Subsection (a) of this section that have finally passed both houses shall be enrolled as required by the rules and transmitted to the speaker. The speaker shall note on each bill the date and hour of final legislative action and shall withhold his or her signature and any further action on all such bills until the general appropriations bill has been signed by the presiding officers of both houses and transmitted to the comptroller of public accounts for certification. Immediately thereafter, the speaker shall sign in the presence of the house all bills on which further action was being withheld because the bills were subject to the provisions of this section. After being signed by the speaker, the bills shall then be transmitted to the comptroller of public accounts for certification or to the governor, as the case may be, in the order in which final legislative action was taken. "Final legislative action," as that term is used in this subsection, shall mean the last act of either house meeting in general session necessary to place the bill in its final form preparatory to enrollment.

(e) Subsections (a)-(d) of this section shall not apply to any bills providing for:

(1) the payment of expenses of the legislature;

(2) the payment of judgments against the state;

(3) any emergency matter when requested by the governor in a formal message to the legislature; or

(4) the reduction of taxes.

(e-1) Subsection (a) of this section does not apply to a bill that prevents the deposit into the general revenue fund of money received from the federal government or earnings on that money if the bill does not prevent that money from being available for the purpose of funding state government generally to the same extent as under existing law.

(f) Unless within the authority of a resolution or resolutions adopted pursuant to Article VIII, Section 22(b), of the Texas Constitution, it is not in order for the house to consider for final passage on third reading, on motion to concur in senate amendments, or on motion to adopt a conference committee report, a bill appropriating funds from the state treasury in an amount that, when added to amounts previously appropriated by bills finally passed and sent or due to be sent to the comptroller, would exceed the limit on appropriations established under Chapter 316, Government Code.

(g) The general appropriations bill shall be reported to the house by the Committee on Appropriations not later than the 90th calendar day of the regular session. Should the Committee on Appropriations fail to report by the deadline, Subsections (a)-(d) of this section shall be suspended for the balance of that regular session.

EXPLANATORY NOTES

1. See Sec. 4 of this rule, concerning changing general law through an appropriations bill.

2. Since Sec. 49a of Art. III of the constitution has become effective, whenever an appropriation bill is finally passed, the speaker declares, "The bill is finally passed subject to the provisions of Sec. 49a of Art. III of the Constitution." This declaration is made and noted on the bill when such a bill is "finally passed" on its third reading, when senate amendments thereto are concurred in, or when a conference report thereon is adopted. Whenever the bill is finally passed by both houses, the chief clerk, if it is a house bill, enrolls the bill and then takes it to the comptroller for certification as required in Sec. 49a. The comptroller then returns the bill to the chief clerk, and the bill is taken to the governor in the usual manner.

If, through an oversight, the speaker fails to make the declaration referred to, and it becomes apparent to the chief clerk that the bill does in fact contain an appropriation, the chief clerk should nevertheless show the bill passed subject to Sec. 49a of Art. III and take it to the comptroller for certification.

ADDITIONAL NOTES ON BILLS

RECALL OF BILLS AND RESOLUTIONS

EXPLANATORY NOTES

1. Frequently, concurrent resolutions are passed authorizing the correction of errors in bills in the process of being enrolled, and it is often necessary to recall bills from the governor for correction. Such recall is done by concurrent resolution, usually originating in the house in which the bill originated.

2. "Corrective" resolutions should be strictly of that character, it not being allowable under the rules to make changes in substance. To allow such would set a dangerous precedent, because there would be no way of drawing a line as to what could and what could not be changed by such a resolution. If such practice were allowed, an act that passed both houses under the constitutionally specified three-reading

procedure could be set aside or changed in whole or in part. However, over recent years both houses have accepted resolutions (concurrent) which authorized many and various types of corrections in the general appropriations bill after adoption of the conference report relating thereto. At times these "corrections" have been to insert unintended omissions due to clerical errors, to remedy obviously faulty wording, and to eliminate any contradictions between provisions. Generally speaking, the houses have accepted genuine corrections, as explained by the Chairmen of the Committees on Appropriation and Finance, even though such "corrections" are admittedly broader in character than would be allowed through resolutions for other bills. Such course of action has been deemed preferable to recommitting the bill to conference, since under such procedure the entire subject matter of the appropriation bill would thereby be reopened.

3. When it becomes necessary to recall a bill from the governor, the house in which the bill originated should pass a resolution such as the following:

"Resolved by the . . . Legislature of the State of Texas, that the Governor be and is hereby requested to return to the . . . Bill No. . . . for further consideration; and be it further

Resolved, that the action of the Speaker and the President of the Senate in signing . . . Bill No. . . . be declared null and void, and that the two presiding officers be authorized to remove their signatures from the enrolled bill."

If only a simple correction is involved, this additional clause should appear in the resolution: "and be it further Resolved, that the chief clerk of the house (or the enrolling clerk of the senate) be and is hereby directed to correct the enrolled copy of . . . Bill No. . . . in the following manner — (here should follow an exact description of the correction)."

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

If further consideration of the bill is involved, every step must be retraced in regular order until the bill is again at a stage that permits the desired action.

CONGRESSIONAL PRECEDENTS

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. 4 H.P. 3460-3464. There being an error in an engrossed house bill sent to the senate, a request was made that the clerk be permitted to make the correction. 4 H.P. 3465. The correction of an enrolled bill is sometimes ordered by concurrent resolution. 4 H.P. 3446-3450.

MOTION TO RESCIND

HOUSE PRECEDENTS

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, Mr. Terrell, gave the following reasons:

"Rule 14, Section 1, (now revised as Rule 7, Sec. 37) provides as follows: 'When a motion has been made and carried or lost, or an amendment, resolution or bill voted upon, it shall be in order for any Member of the prevailing side to move for a reconsideration thereof, on the same day or the next sitting day, before the order of the day is taken up.'

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

Art. III, Sec. 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 the same session, were correct.

If a motion to rescind could be made on the defeat of any bill, it could also be made after the passage of a bill, and in this way defeat the expressed will of the House. A motion to rescind must be based on the proposition that the only way to defeat a bill is by final adjournment, and if that be true, the provision of Section 34 of Article III of the Constitution would be meaningless.

For the above reasons, the Speaker sustains the point of order." 33 H.J. Reg. 832 (1913).

REVENUE BILLS

HOUSE PRECEDENTS

1. THE HOUSE REFUSES TO ACCEPT A REVENUE-RAISING (TAX BILL) FROM THE SENATE. — The senate bill having for its purpose the taxing of pool halls was laid before the house and read for the first time.

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

The speaker, Mr. Rayburn, sustained the point of order and the chief clerk was instructed to return the bill to the senate. 32 H.J. Reg. 864 (1911).

2. HELD THAT THE BILL CREATING A FUND TO PAY THE STATE HIGHWAY ENGINEER BY CHARGING A LICENSE FEE FOR THE REGISTRATION OF MOTOR VEHICLES IS NOT A REVENUE MEASURE OF SUCH CHARACTER AS TO PREVENT ITS ORIGINATING IN THE SENATE. — The house was considering 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.

The speaker, Mr. Terrell, overruled the point of order. 33 H.J. Reg. 1577 (1913).

3. INTERPRETATION OF SEC. 33 OF ART. III OF THE CONSTITUTION WHICH REQUIRES THAT REVENUE-RAISING MEASURES ORIGINATE IN THE HOUSE. — The house was considering S.B. 6, which increased the tuition and certain other fees at state-supported institutions of higher education. Mr. Johnston and Mr. Townsend jointly raised a point of order that the bill was not properly before the house since it was a revenue-raising measure originating in the senate, and that under the provisions of Sec. 33 of Art. III of the constitution, revenue-raising measures must originate in the house. They pointed out that earlier in the session the speaker had held the bill to be within the governor's call because it was a revenue-raising measure.

In overruling the point of order, the speaker, Mr. Carr, cited cases in Vernon's Constitution of the State of Texas Annotated, which held generally that Sec. 33 "applies to bills to levy taxes in the strict sense

of the word, and not to bills for other purposes which may incidentally raise revenue." Regarding the earlier ruling, which had been referred to, Mr. Carr quoted the wording of the governor's call, which clearly included any bill to raise revenue by whatever means, not just through taxation. He noted that a bill to produce additional revenue for the institutions of higher education by an increase in fees, would, to a certain extent at least, relieve the general revenue fund. 56 H.J. 2 C.S. 697 (1959).

4. INTERPRETATION OF SEC. 33 OF ART. III OF THE CONSTITUTION WHICH REQUIRES THAT REVENUE-RAISING MEASURES ORIGINATE IN THE HOUSE. — The house was considering S.B. 15 to allow pari-mutuel wagering in Texas. Mr. David Hudson raised a point of order against further consideration of S.B. 15 in that it violated Art. III, Sec. 33, of the Texas Constitution, which states that all bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as it may other bills.

Speaker Gib Lewis's ruling follows:

"Generally, a bill for raising revenue is a bill the primary purpose of which is to levy a tax on the public to defray the actual costs of the government and for which the public does not receive a specific benefit in return. If the primary purpose of a bill does not involve raising revenue, but the bill contains a provision that incidentally raises revenue, the bill is not a revenue-raising bill within the meaning of Article III, Section 33.

The chair feels that the subject of S.B. 15 is to allow pari-mutuel wagering in Texas and is not a measure the primary purpose of which is to raise revenue and therefore is not a revenue-raising bill within the meaning of Article III, Section 33.

Therefore, the chair respectfully overrules the point of order." 69 H.J. 2nd C.S. 189 (1986).

SPECIAL SESSION — LEGISLATION THAT MAY BE CONSIDERED

EXPLANATORY NOTES

1. Sec. 40 of Art. III of the state constitution reads in applicable part:

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

Traditionally, it has been held that the legislature has broad discretion within the boundaries of the subjects submitted by the governor during a called session. The speaker is required to determine from time to time whether specific items of legislation are within the parameters of the subjects the governor has submitted. In making these determinations, the speaker is guided by the practice consistently followed by presiding officers of the house and permits the broadest latitude of legislative consideration within the limits of the constitution. Only with free and open consideration of all the issues raised by the subjects the governor has laid before the legislature can representative government function as the framers of our constitution intended. See the House precedents below for further information on this matter.

2. In called sessions occurring in recent years, two distinct plans of procedure have been followed by speakers in dealing with bills embodying subjects not submitted by the governors in their calls or messages. Under the first plan, which is current practice, the speaker gives all introduced bills a first reading and then refers them to appropriate committees without regard as to whether they fit within the stated purposes of the called session. This procedure does not diminish the right of a member to later challenge a measure on the ground that it does not relate to a subject submitted by the governor. This procedure does, however, activate the important committee operations of the house and has proven in the past to expedite significantly the consideration of subjects that the governor may later submit to a called session.

Under the second plan, which follows strictly the provisions of the constitution, the speaker reviews all bills filed with the chief clerk, or coming from the senate, to determine if their subject matter has been submitted by the governor. The speaker will then admit to first reading only those that are so covered. The reasoning behind this plan is that it may protect both members of the legislature and the governor from needless and often unfair pressures.

It is generally conceded that if a bill, not within the governor's call or later submissions, is passed by the legislature and signed or filed by the governor (not vetoed), it will become law.

3. It is uniformly held that the subject matter of house and concurrent resolutions does not have to be submitted by the governor before they can be considered at a special session. See Rule 10, Sec. 7.

HOUSE PRECEDENTS

1. DECISIONS REGARDING SUBJECT MATTER ALLOWED UNDER GOVERNOR'S CALL AT A SPECIAL SESSION; ALSO TEST OF WHETHER OR NOT SUBJECT MATTER OF AMENDMENTS COME UNDER GOVERNOR'S CALL. — Mr. John R. Lee raised the point of order that an amendment to H.B. 6 by Mr. Murray Watson did not come within the call of the governor convening the special session. Speaker Waggoner Carr's ruling follows:

"Art. III, Sec. 40, of the Constitution of Texas reads as follows:

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

There are several court decisions interpreting Art. III, Sec. 40, that have a direct bearing on this question.

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

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

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

4. The Constitution does not require the proclamation of the Governor to define the character or scope of legislation which may be enacted at a special session but only in a general way to present the subjects for legislation, and thus confine the business to a particular field which may be covered in such way as the legislature may determine. Baldwin v. State, 21 Tex. App. 591; 3 S.W. 109; Devereaux v. City of Brownsville (C.C.) 29 Fed. 742.

5. Governor's proclamation or messages, submitting subject of legislation to special session under Art. III, Sec. 40, need not state the details of the legislation to be considered; such matters being within the discretion of Legislature.

The gist of these opinions is that the legislature is not held to strict interpretation of 'subject' submitted in the Governor's call, but rather that it has the authority to determine the specific details of legislation as long as they come generally within the call. And it seems clear that the Governor could not restrict the legislature to a particular bill or plan of legislation.

Item 4 of the Governor's proclamation concerning this session reads as follows:

4. 'To create and finance a statewide water planning agency to work in cooperation with State, local and Federal agencies in conducting research and planning for an over-all program of water conservation and flood control with authority to contract for water conservation storage in Federal reservoirs to be paid for out of revenue.'

Establishment of the precedent of having to rule on whether or not such amendment offered comes within the Governor's call would be cumbersome and useless. Rather, it would seem the part of reason to apply the rule that if a bill is within the Governor's call then it would follow logically that any germane amendment falls within the call. Germaneness would then become the critical tests as to whether or not an amendment comes within the Governor's call, so long, of course, as the bill itself comes within the Governor's call.

With regard to the Watson amendment to the committee amendment, the Chair has heretofore refused to rule it out as not germane, realizing at the time that the question was close, since H.B. 6 and Committee Amendment No. 1 have within their provisions a reaffirmation, at least, of a portion of the present law dealing with 200-acre-feet reservoirs, thereby exposing such provision to amendment.

In this case, the bill appears clearly within the Governor's call. Consequently, the point of order that the amendment does not fall within the call of the Governor is respectfully overruled."

2. DECISION RELATING TO WHETHER BILL CAME WITHIN GOVERNOR'S CALL PASSED TO HOUSE. — In the 55th Legislature, 1st Called Session, the speaker, Mr. Carr, in the light of a unique set of circumstances, and under a rarely-used procedure, passed directly to the house the decision as to whether a particular bill came within the governor's call. 55 1st C.S. 156 (1957).

3. DECISION REGARDING SUBJECT MATTER ALLOWED UNDER GOVERNOR'S CALL AT A SPECIAL SESSION. — Mr. David Hudson

raised a point of order against further consideration of S.B. 15 in that it violates Art. IV, Sec. 8, and Art. III, Sec. 40, of the Texas Constitution.

Speaker Gib Lewis's ruling follows:

"Article IV, Section 8, of the Texas Constitution requires the governor, when convening the legislature in called session, to specify the purposes for which the session is convened.

Article III, Section 40, of the constitution restricts the scope of legislative consideration to bills and proposed constitutional amendments embraced by those subjects that the governor submits. Within the boundaries of these subjects, however, this body has broad discretion. It is the legislature's responsibility to determine the manner in which these subjects are to be addressed.

The chair may be required to determine from time to time whether specific items of legislation are within the parameters of the subjects the governor has submitted. In making these determinations, the chair will be guided by the practice consistently followed by presiding officers of this house and permit the broadest latitude of legislative consideration within the limitations of the constitution. Only with free and open consideration of all the issues raised by the subjects the governor has laid before us can representative government function as the framers of our constitution intended.

As a general rule, legislative power is plenary except when the constitution has imposed limits on it. When limitations such as Article III, Section 40, are imposed, they are an exception to the general rule and must be strictly construed. Long v. State, 127 S.W. 208 (Tex. Crim. App. 1910).

Strict construction of the governor's power under Article III, Section 40, results in three conclusions: (1) that the limitations imposed by the governor's proclamation calling a special session do not restrict the general power of the legislature unless the limitations clearly inhibit the act in question; (2) that the governor may not limit the legislature to detailed legislation rather than a general subject; and (3) that the legislature has broad power to determine what the subject is.

As an example, in Baldwin v. State, 3 S.W. 109 (Tex. Civ. App. 1886), a defendant found guilty of failing to pay an occupation tax attacked the constitutionality of the statute imposing the tax on the ground that it was not included in the subjects contained in the proclamation convening the special session at which it was enacted. The proclamation stated that one of the purposes for the special session was "to reduce the taxes, both ad valorem and occupation, so far as it may be found consistent with the support of an efficient state government." The court found that the proclamation embraced the whole subject of taxation and that the governor's proclamation merely called attention to the subject on which legislation was desired. Thus, the statute imposing a tax was upheld as being authorized by a proclamation that spoke only to reducing taxes.

The chair has been asked the question of whether revenue enhancement bills, such as pari-mutuel wagering, are now within the call submitted by the governor in light of his proclamations.

The chair feels that the subject submitted by the governor is legislation concerning state finance and necessarily includes revenue enhancement measures as well as reduced spending. Because of court decisions such as Baldwin v. State, and legislative precedent, it naturally

follows that a measure which enhances revenue deals with the subject of state finance in that the effect is to raise money. The chair respectfully overrules the point of order." 69 H.J. 2nd C.S. 189 (1986).

VETOED BILLS

EXPLANATORY NOTES

The constitution provides that when the governor vetoes a bill it shall be returned to the house in which it originated and that said house shall "proceed to reconsider it." For some time it was held that when a motion to pass a bill over the veto of the governor failed that no further action could be had, specifically that no motion to reconsider such vote could be made on the theory that when the constitution said "reconsider" that it meant only once. Later practice, however, discarded this theory, Speakers R. E. Morse, Homer Leonard, and Price Daniel holding that the constitutional term "reconsider" did not refer to the parliamentary motion "to reconsider." The practice now permits one additional vote on passage over the governor's veto if obtained under the route defined in the reconsideration rule, and an additional vote or votes if obtained under a suspension of the rules.

HOUSE PRECEDENTS

1. CAN NOT 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. 32 H.J. Reg. 732 (1911).

2. A GOOD "CONSTITUTIONAL" POINT OF ORDER CONCERNING A BILL MAY BE SUCCESSFULLY RAISED AT ANY TIME A BILL IS BEFORE THE HOUSE FOR CONSIDERATION. CASE WHERE SUCH A POINT WAS RAISED WHILE A BILL WAS BEFORE THE HOUSE ON MOTION TO PASS OVER VETO OF THE GOVERNOR. — The house was considering H.B. 260 on motion to pass same over the veto of the governor. Mr. Craig raised a point of order on further consideration of the motion on the ground that certain constitutional provisions concerning local bills had not been complied with in the case of H.B. 260. Opponents of this position held that such a point could not successfully be raised at the time because the only question pending was whether or not it should be passed over the veto of the governor.

The speaker, Mr. Daniel, after ascertaining the facts from the author, sustained the point of order, stating that the bill was then just as truly before the house for consideration as at any other previous stage of its passage. 48 H.J. Reg. 887 (1943).

Rule 9. Joint Resolutions

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Rule 9
Joint Resolutions

Section 1. Amendments to the Texas Constitution — (a) A proposed amendment to the Texas Constitution shall take the form of a joint resolution, which shall be subject to the rules that govern the proceedings on bills, except as provided by this section.

(b) A joint resolution is not subject to the provisions of Rule 8, Section 3, or Rule 11, Section 3.

(c) A joint resolution shall be adopted on any reading after the first if it receives a two-thirds vote of the elected membership of the house. If such a joint resolution receives only a majority vote on second reading, it shall be passed to engrossment, and subsequent proceedings shall be the same as those governing the final passage of bills which have been passed to engrossment. If such a joint resolution does not receive a two-thirds vote of the elected membership of the house on third reading and final passage, it shall fail of adoption.

EXPLANATORY NOTES

1. See Const., Art. XVII, Sec. 1.
2. The joint resolution has been used for years by congress and state legislatures as a vehicle for different forms of business. In the Texas Legislature the rules provide that such a resolution should be used as the means of submitting amendments to the state constitution. The above section provides, in effect, that a joint resolution shall take the same course through the two houses as a bill and be like a bill in all respects, except that if it receives, at any reading beyond the first, a two-thirds vote of all members elected to a particular house, then the resolution is passed finally by that house. Current practice is that joint resolutions are not submitted to the governor for signature but are filed directly with the secretary of state. The two-thirds vote requirement in the rules is in keeping with the Texas constitutional requirement that an amendment to the constitution can be proposed only by that vote.
3. The germaneness rule applies to joint resolutions as well as to bills. The rule that prohibits a bill from containing more than one subject and the rule that prohibits a bill from being amended to change its original purpose do not apply to joint resolutions, as both rules are based on constitutional provisions that apply exclusively to bills.
4. Senate amendments to house joint resolutions proposing constitutional amendments must be concurred in by the same two-thirds vote required for their passage, i.e., two-thirds of the elected membership. The same vote is required for the adoption of a conference committee report on a joint resolution.

Section 2. Ratifying or Proposing Amendments to the Constitution of the United States — Ratification by Texas of a proposed amendment to or application to Congress for a convention to amend the Constitution of the United States shall take the form of a joint resolution, which shall be subject to the rules that govern the proceedings on bills, except that it shall be adopted on second reading if it receives a majority vote of the members present and voting,

a quorum being present. If such a joint resolution fails to receive a majority vote, it shall fail of adoption and shall not be considered again unless revived by a motion to reconsider as otherwise provided in the rules.

EXPLANATORY NOTES

Amendments to the federal constitution are considered adopted after submission by the Congress and ratification by the required number of states through the action of their legislatures. It has been the custom to present such proposals for ratification in the Texas Legislature through the vehicle of a joint resolution, but since nothing exists to the contrary, such a resolution can be passed by a majority vote of each house, the two-thirds vote requirement referred to in Sec. 1 of this rule obviously not being applicable. To illustrate, when the 19th Amendment to the Federal Constitution (Suffrage Amendment) was ratified by the Texas Legislature, it received a record vote in the house, but only a voice vote in the senate, and was declared duly ratified. The 20th Amendment to the Federal Constitution (Presidential Succession) was adopted by a unanimous vote of each house of the Texas Legislature, the vote being recorded but no reference being made to a "two-thirds vote." Had such been considered significant, it would have been appropriately recorded. The same vote requirements apply to resolutions applying to Congress for a convention to amend the federal constitution.

Section 3. Placement of Joint Resolutions on a Calendar — Joint resolutions on committee report shall be referred to the Committee on Calendars for placement on an appropriate calendar. The Committee on Calendars shall maintain a separate calendar for house joint resolutions and a separate calendar for senate joint resolutions. Senate joint resolutions shall be considered on calendar Wednesdays and calendar Thursdays along with senate bills.

Rule 10. House Resolutions and Concurrent Resolutions

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Rule 10
House Resolutions and Concurrent Resolutions

Section 1. Filing — Resolutions shall be introduced by filing a resolution with the chief clerk in the manner and in an electronic or other format specified by the chief clerk, who shall number and record house resolutions in one series and concurrent resolutions in a separate series.

Section 2. Referral to Committee — (a) After numbering and recording, all resolutions shall be sent to the speaker for referral to the proper committee.

(b) Resolutions proposing the expenditure of money out of the contingent expense fund of the legislature shall be referred to the Committee on House Administration.

(c) All other resolutions shall be referred to the appropriate committee with jurisdiction.

Section 3. Referral to Calendars Committees — All resolutions on committee report, other than privileged resolutions, shall be referred immediately to the appropriate calendars committee for placement on the appropriate calendar.

Section 4. Order of Consideration — Unless privileged, resolutions shall be considered by the house only at the time assigned for their consideration on the calendar, in accordance with the provisions of Rule 6, Section 7.

Section 4A. Record Vote Required by Texas Constitution — A vote on final passage of a resolution other than a resolution of a purely ceremonial or honorary nature must be by record vote with the vote of each member entered in the journal as required by Section 12(b), Article III, Texas Constitution.

EXPLANATORY NOTES

Neither simple nor concurrent resolutions of a purely ceremonial or honorary nature are required to have a record vote under Sec. 12(b), Art. III, Texas Constitution.

Section 5. Signing by Governor — Concurrent resolutions shall take the same course as house resolutions, except that they shall be sent to the governor for signing when finally passed by both houses.

EXPLANATORY NOTES

1. Matters of business solely between the two houses are handled by concurrent resolutions; for example, requests for the return of bills for further consideration, corrections, etc., are contained in concurrent resolutions. All concurrent resolutions, except those pertaining to procedural matters between the two houses, must be submitted to the governor for approval.

2. Presiding officers of both houses have repeatedly held that the provisions of concurrent resolutions dealing solely with procedural matters between the two houses actually become effective as soon as they are approved by both houses.

3. Concurrent resolutions do not have to be "put into immediate effect" by receiving one hundred votes on passage. A majority vote is all that is necessary to carry out the provisions of any house or concurrent resolution.

Section 6. Mascot Resolutions — (a) All candidates for the office of mascot shall be named in and elected by a single house resolution.

(b) Only children of house members who are under the age of 12 years shall be eligible for election to the honorary office of mascot. A child once named a mascot shall not be eligible for the honor a second time.

(c) No separate classification or special title shall be given to any mascot, but all shall receive the same title of honorary mascot of the house of representatives.

(d) The speaker shall issue a certificate showing the election of each mascot and deliver it to the parent member of the child.

Pictures of mascots shall appear on the panel picture of the house.

Section 7. Consideration of Resolutions During Called Sessions — The subject matter of house resolutions and concurrent resolutions does not have to be submitted by the governor in a called session before they can be considered.

Section 8. Resolutions Authorizing Technical Corrections — Resolutions authorizing the enrolling clerk of the house or senate to make technical corrections to a measure that has been finally acted upon by both houses of the legislature shall be privileged in nature and need not be referred to committee. Such resolutions shall be eligible for consideration by the house upon introduction in the house or receipt from the senate.

Section 9. Author's Signature on Congratulatory or Memorial Resolution — The enrolled printing of a house congratulatory or memorial resolution shall include a place for the signature of the primary author of the resolution. The chief clerk shall provide the primary author with the opportunity to sign the resolution after the resolution is enrolled. The absence of the primary author's signature does not affect the validity of the resolution as adopted by the house.

HOUSE PRECEDENTS RELATING TO RESOLUTIONS

1. THE LEGISLATURE BY CONCURRENT RESOLUTION CANNOT POSTPONE THE DATE A LAW IS TO BECOME EFFECTIVE. — The speaker had laid before the house 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 cannot by concurrent resolution change the date a law becomes effective.

The speaker, Mr. Barron, sustained the point of order. 41 H.J. 1 C.S. 601 (1929).

2. AUTHORITY CANNOT BE GIVEN TO A STATE AGENCY BY CONCURRENT RESOLUTION IF SUCH DOES NOT ALREADY EXIST BY LAW. — The house was considering H.C.R. 68 which required of the Department of Public Safety certain activity not prescribed by law.

Mr. Carlton raised a point of order on consideration of the resolution on the ground that delegation of authority not authorized by law cannot be accomplished by a concurrent resolution.

The speaker, Mr. Daniel, sustained the point of order. 48 H.J. Reg. 1018 (1943).

3. CANNOT AUTHORIZE BY RESOLUTION AN ACT IN VIOLATION OF AN EXISTING STATUTE. — H.C.R. 122, authorizing the Game, Fish and Oyster Department to issue complimentary hunting licenses to out-of-state sportsmen, was before the house.

Mr. Alsup raised a point of order against the resolution on the ground that such authorization would be in violation of existing statute, and that the legislature had no authority to change a statute except by bill.

The speaker, Mr. Calvert, sustained the point of order. 45 H.J. Reg. 2723 (1937).

4. 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."

Chapter 107, Civil Practice and Remedies Code, governs resolutions granting permission to sue the state.

5. APPROPRIATION FROM THE GENERAL REVENUE FUND OF THE STATE CAN NOT BE MADE BY RESOLUTION. — H.C.R. 13, pending before the house, provided an appropriation of $1,000 "out of the General Revenue Fund of the State Treasury" to defray the expenses of a committee, consisting of members of the house and senate and others, to meet with representatives of the State of Oklahoma in regard to certain boundary matters.

Mr. Jones of Wise raised a point of order against the resolution on the ground that the appropriation was in violation of Sec. 6 of Art. VIII of the constitution which requires that an appropriation must be "made by law."

The speaker, Mr. Calvert, sustained the point of order, and the resolution was amended by unanimous consent to provide for the appropriation out of the Contingent Expense Fund of the house and senate. 45 H.J. Reg. 209 (1937).

6. SINE DIE ADJOURNMENT RESOLUTION MUST FIX A DATE CERTAIN FOR ADJOURNMENT. — The house was considering S.C.R. 64, providing for sine die adjournment on a certain date. An amendment was offered to change the adjournment date to "Twelve days after the departmental appropriation . . . is presented to the Governor." Mr. Isaacks raised a point of order that the amendment was out of order because it would make the adjournment date vague and indefinite. The speaker, Mr. Homer Leonard, sustained the point of order. 47 H.J. Reg. 3760 (1941).

Rule 11. Amendments

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Rule 11
Amendments

Section 1. Acceptable Motions to Amend — When a bill, resolution, motion, or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order. It shall also be in order to offer a further amendment by way of a substitute. Such a substitute may not be amended. If the substitute is adopted, the question shall then be on the amendment as substituted, and under this condition an amendment is not in order.

Section 2. Motions on a Different Subject Offered as Amendments — No motion or proposition on a subject different from the subject under consideration shall be admitted as an amendment or as a substitute for the motion or proposition under debate. "Proposition" as used in this section shall include a bill, resolution, joint resolution, or any other motion which is amendable.

Amendments pertaining to the organization, powers, regulation, and management of the agency, commission, or advisory committee under consideration are germane to bills extending state agencies, commissions, or advisory committees under the provisions of the Texas Sunset Act (Chapter 325, Government Code).

An amendment to a committee substitute laid before the house in lieu of an original bill is germane if each subject of the amendment is a subject that is included in the committee substitute or was included in the original bill.

EXPLANATORY NOTES

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

Under long-standing practice, the speaker applies stricter scrutiny to amendments near the end of a legislative session in order to prevent defeated legislation from being considered again in the form of an amendment.

HOUSE PRECEDENTS

1. SUBSTITUTE AMENDMENTS MUST BE GERMANE TO ORIGINAL AMENDMENTS. — In the 56th Legislature, 2nd Called Session, the speaker, Mr. Carr, ruled that an amendment striking out an entire section of a bill could not be offered as a substitute for a minor amendment to the section. He noted that the amendment striking out the entire section could be offered regardless of the fate of the minor amendment.

2. EXAMPLES OF AMENDMENTS THAT ARE GERMANE. — An amendment to provide for election of comptroller of public accounts and other officers by adding these to a joint resolution to elect governor, lieutenant governor and attorney general at same time and place as members of legislature. 41st Reg.

An amendment providing the act under consideration shall not affect royalties now being received by the state from river, bayou or lake beds, to a bill validating all patents to certain lands along rivers and giving the owners thereof all royalties. 41st Reg.

An amendment to prohibit railroads from owning an interest in any motor carrier, to a bill regulating motor carriers transporting property over the highway for hire. 42nd Reg.

An amendment to have a joint session of the house and the senate to hear evidence from commissioner of agriculture, comptroller and treasurer of the state as to disposition of certain moneys mentioned in the resolution, to a resolution for the purpose of hearing evidence to be presented by commissioner of agriculture and such other evidence to substantiate the charges set out in the resolution. 44th Reg.

An amendment to place rangers under bond to a bill creating department of public safety to which rangers were transferred from the adjutant general's department. 44th Reg.

An amendment to provide a literacy test for voters to a joint resolution abolishing poll tax and allowing the legislature to provide for registration of voters. 44th Reg.

3. EXAMPLES OF AMENDMENTS THAT ARE NOT GERMANE. — An amendment to include control and the regulation of the natural gas industry to a bill making gas pipe lines common carriers. 44th Reg.

An amendment granting permission to one person to have a cigar stand in capitol to resolution granting permission to another person. 44th Reg.

An amendment to limit the weight of all trucks on highways by allowing variation of ten per centum of gross weight, to a bill providing schedule of weights to determine the load weight of lumber. 44th Reg.

An amendment to pay a reward for bank robbers to bill creating bank deposit insurance funds. 43rd, 1st C.S.

An amendment to place tax on natural gas to bill appropriating money for the centennial. 43rd Reg.

An amendment repealing the law creating the board of pardons and paroles to a bill moving the board from Austin to Huntsville. 43rd Reg.

An amendment to change the license fee on motor cars and trucks to a bill requiring a tax receipt for ad valorem taxes before registration. 43rd Reg.

An amendment relative to teachers' certificates to a bill relating to tuition charges of state schools. 43rd Reg.

An amendment to add light and power companies to a bill relating to ready-to-serve charges of natural gas companies. 43rd Reg.

An amendment taxing cigars to a bill placing a tax on natural gas and regulating the industry. 43rd Reg.

An amendment to pay expenses of eradication of ticks to a bill to pay claims of losses in eradication of pink bollworm. 43rd Reg.

An amendment creating a road bond and indebtedness assumptions plan to a bill relating to tax on gasoline and collection thereof. 42nd Reg.

An amendment to provide an appropriation for relief to DeSoto school district to a bill making appropriation to the Frost independent school district. 42nd Reg.

An amendment making the act apply to all the state to a bill making a closed season on quail in Howard County. 42nd Reg.

An amendment making it a misdemeanor to make false reports relative to milk or false test of milk or butterfats, and providing an appropriation to carry into effect the provision of the act, to a deficiency appropriation bill. 42nd Reg.

An amendment placing a gross production tax on the production of oil to bill providing for the county tax collector to collect a tax or license fee from cigarette dealers. 42nd, C.S.

An amendment not to permit a truck to have more than twenty-five gallons of gasoline for purposes of operation to a bill licensing chauffeurs of trucks. 42nd, 3rd C.S.

An amendment striking out commissioner of agriculture and substituting therefor authorities at A. & M. College, to a bill making ginners obtain license from commissioner of agriculture. 41st Reg.

An amendment inserting drugs, groceries, and dry goods industries to a bill making the ice industry a public business. 41st Reg.

4. ANOTHER EXAMPLE OF AN AMENDMENT THAT IS NOT GERMANE. — The house was considering House Bill No. 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 House Bill No. 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. 39 H.J. 1 C.S. 1169 (1926).

5. ANOTHER EXAMPLE OF AN AMENDMENT THAT IS NOT GERMANE. — The house was considering H.B. 267, an act banning liquor advertisements. Mr. Harris of Dallas offered an amendment seeking to include "tobaccos" under the terms of the bill.

Mr. Harris of Dickens raised a point of order that the amendment was not germane to the purpose of the bill.

The speaker, Mr. Calvert, sustained the point of order. 45 H.J. Reg. 683 (1937).

6. AN AMENDMENT AMENDING IN MAJOR PARTICULARS AN EXISTING LAW IS GERMANE TO A BILL SEEKING TO REPEAL THE LAW. — Under a congressional precedent of many years standing,

followed in the house, if an amendatory bill vitally affects "a whole law so as to bring the entire act under consideration," an amendment providing for repeal of the law is germane.

Conversely, in the 56th Legislature, Regular Session, the speaker, Mr. Carr, held that an amendment to a bill that vitally affected a whole law, i.e., bringing a major portion of the entire act under consideration in the amendment, was germane to a bill proposing the repeal of the law.

7. AN AMENDMENT ADDING ONE OR MORE DISTINCT PROPOSITIONS TO A BILL CONTAINING ONE DISTINCT PROPOSITION IS NOT GERMANE EVEN IF THE PROPOSITIONS TO BE ADDED ARE OF THE SAME CLASS AS THE ORIGINAL PROPOSITION. — The house was considering H.B. 277, "An Act providing relief for the Old Glory Rural High Common School District No. 4 of Stonewall County . . . ." by making an appropriation to replace buildings, etc., destroyed by fire. A committee amendment was pending which proposed to add to the bill appropriations for several other destroyed buildings in other counties of the state. Many amendments were adopted to the committee amendment which added still more appropriations for similar purposes.

Mr. Knetsch raised a point of order against the committee amendment as amended on the ground that it sought to change the purpose of the bill by way of adding other distinct propositions.

The speaker, Mr. Calvert, sustained the point of order. 45 H.J. Reg. 617 (1937).

8. 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." 29 H.J. 1 C.S. 94 (1905).

9. THE LEGISLATURE CANNOT AMEND EXISTING STATUTE BY AN AMENDMENT TO AN APPROPRIATION BILL. — Mr. Beck offered an amendment to House Bill 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, Mr. Stevenson, sustained the point of order. 43 H.J. Reg. 1090 (1933).

10. MATTER INCIDENT TO THE MAIN PURPOSE OF A BILL IS GERMANE, AND ITS ADDITION DOES NOT CONSTITUTE A SECOND "SUBJECT" IN THE MEANING OF THE CONSTITUTION. — The house

was considering H.B. 48, providing for old age assistance. Mr. Farmer offered a substitute bill in the form of an amendment.

Mr. Gibson raised a point of order against consideration of the amendment on the ground that it was not germane to the original bill since the amendment sought to levy a tax on certain natural resources for payment of the old age assistance, whereas the original bill did not seek to levy a tax and on the further ground that if the amendment were adopted the bill would contain two subjects in violation of the constitution, namely, old age assistance and taxation.

The speaker, Mr. Calvert, overruled the point of order, stating that any matter incidental to carrying out the provisions of an act was germane; and also, since the tax feature was incidental to the main proposition, in his opinion the bill did not contain two distinct subjects within the meaning of the constitution. 45 H.J. Reg. 458 (1937).

11. AMENDMENTS MUST BE GERMANE, AND WHILE THE HOUSE RULE RELATING TO GERMANENESS CAN BE SUSPENDED, YET THE CONSTITUTIONAL SECTION CONTAINING THE SAME REQUIREMENT CAN NOT BE SUSPENDED. — The house was considering H.B. 72, and Mr. Alexander offered the committee amendment to the bill. Mr. Mays raised the point of order that the amendment was not germane to the bill.

The speaker, Mr. Calvert, sustained the point of order.

On motion by Mr. Thornton, the house rule relating to germaneness was suspended for the purpose of admitting the amendment. Whereupon Mr. Knetsch raised a point of order against further consideration of the committee amendment on the ground that while it was proper to suspend a house rule, Sec. 30 of Art. III of the constitution, which requires germaneness, could not be suspended.

The speaker sustained the point of order. 45 H.J. Reg. 767 (1937).

12. GENERAL STATEMENT AS TO GERMANENESS. — The house was considering S.B. 305, and Mr. Pearcy offered an amendment to add emotionally disturbed children to the statutory enumeration of exceptional children. The bill proposed to change the age classification to the existing enumeration. In sustaining the point of order that the amendment was not germane, the speaker ruled, (in part):

"In general, the only purpose of an objection to germaneness is that the proposed amendment is a motion upon a subject different from that under consideration. Its purpose is to prevent hastily and ill-considered legislation, to prevent matters from being presented for the consideration of the body which might not reasonably be anticipated.

"It is well settled that an amendment to an existing law and relating to the terms of the law rather than to the bill are not germane. Where an amendment does not vitally affect the entire present law, amendments to that same law have been held not necessarily germane.

"In other words the rule of germaneness applies to the relation between the proposed amendment and the pending bill; and not to the relation between such amendment and existing law of which the pending bill is amendatory." 58 H.J. Reg. 1733 (1963).

An amendment (1) adding a new tax, (2) raising or lowering an existing tax, or (3) eliminating a tax altogether is basically germane to an "omnibus tax bill," provided, however, that (a) the proposed tax is constitutional, (b) the tax feature is clearly paramount, and (c)

the proposed tax does not involve an illegal act. The two precedents following illustrate two of these limitations.

13. AN AMENDMENT RULED NOT GERMANE TO A TAX BILL BECAUSE THE TAX INVOLVED AN ILLEGAL ACT. — In the 56th Legislature, 2nd Called Session, the speaker, Mr. Carr, ruled out of order as not germane an amendment to an omnibus tax bill, which would have levied a tax on the sale in dry territory of liquor illegally distilled therein. He maintained that to levy such a tax would give semblance of legality to that which by law is specifically declared illegal.

14. EXAMPLE OF WHERE THE MAJOR PURPOSE OF AN AMENDMENT DETERMINED ITS GERMANENESS; AMENDMENT HELD NOT GERMANE. — The house was considering H.B. 8, an omnibus tax bill, when Mr. Dwyer and Mr. Bean offered an amendment which would permit the sale of liquor by the drink and levy certain taxes on the sale thereof. Mr. Hanna and Mr. Blankenship raised the point of order that the amendment was not germane on the ground that its major purpose was to legalize the sale of liquor by the drink in violation of existing law, the tax feature being of secondary importance.

The speaker, Mr. Homer Leonard, sustained the point of order. 47 H.J. Reg. 1123 (1941).

15. ANOTHER EXAMPLE OF WHERE THE MAJOR PURPOSE OF AN AMENDMENT DETERMINED ITS GERMANENESS; AMENDMENT HELD NOT GERMANE. — The house was considering H.B. 723, a bill that required informed consent before the performance of a hysterectomy, when Ms. Wohlgemuth offered an amendment that would have added a requirement for informed consent before the performance of any medical procedure that leads to a hysterectomy. Mr. Berlanga raised the point of order that the amendment was not germane on the grounds that no provision of the bill as reported from committee addressed a medical procedure other than a hysterectomy and that the clear effect of the amendment would be to expand the bill to cover medical procedures other than hysterectomies. Mr. Berlanga argued that, although the additional covered medical procedures would be limited to those procedures that lead to a hysterectomy, the scope and number of procedures meeting that standard were unknown and were clearly broader than the narrower concept of the hysterectomy procedure itself.

The speaker, Mr. Laney, sustained the point of order. 75 H.J. Reg. 1147 (1997).

16. BODY OF A BILL, NOT ITS CAPTION, MUST BE USED AS THE BASIS OF DETERMINING GERMANENESS OF AN AMENDMENT. — An amendment was pending to H.B. 100. Mr. Love raised a point of order on its consideration on the ground that "it does not conform to the caption of the bill."

The speaker, Mr. Daniel, overruled the point of order, explaining that the body of a bill, rather than its caption, must be examined to determine germaneness. He pointed out further that the rules allow amending captions to conform to bodies of bills after the bills have been decided upon, and any amendment that comes under the germaneness rules may be considered regardless of whether the original caption properly reflected the content of the bill. 48 H.J. Reg. 699 (1943).

17. SEVERAL TYPES OF AMENDMENTS HELD NOT GERMANE, PARTICULARLY RELATING TO CHANGING LOCAL BILLS INTO

GENERAL BILLS AND VICE VERSA. — At various times during the 50th Legislature, the speaker, Mr. Reed, and in the 51st Legislature, the speaker, Mr. Manford, held the following types of amendments out of order as being not germane:

a. Making a general bill out of a local bill.

b. Exempting a single county or group of counties from the terms of a general bill by statements of exemption.

c. Making a local bill out of a general bill by specifying arbitrarily that it be not applicable to any except a single county or group of counties.

d. Restricting a general bill by some arbitrary and illogical population specification such as "not applicable to cities of 3,000 or less."

18. EXAMPLE OF SENATE AMENDMENT NOT GERMANE TO HOUSE VERSION OF BILL. — H.B. 2 with senate amendments, relating to the allocation of certain revenue from franchise taxes, motor vehicle sales and use taxes, and taxes on cigarettes and other tobacco products to provide property tax relief and public education, was called up for consideration. The speaker, Mr. Craddick, sustained a point of order that the senate amendments were not germane to H.B. 2 as it left the house. As approved by the house, H.B. 2 required certain tax revenue to be dedicated to the reduction of school property tax rates. The senate amendment changed the sole dedication of that tax revenue to property tax relief to allow up to one-third of those funds to be used to increase school funding at the expense of providing additional property tax relief. This senate amendment was not germane to the house engrossed version and was contrary to the stated purpose of the bill. 79 H.J. 3 C.S. 234 (2006).

CONGRESSIONAL PRECEDENTS ON GERMANE AMENDMENTS

Whether an amendment is germane should be judged from the provisions of its text rather than from the purposes which circumstances may suggest. 5 H.P. 5783, 5803. The rule that amendments should be germane applies to amendments reported by committees. 5 H.P. 5806. The rule of germaneness applies to the relation between a proposed amendment and the pending bill to which offered and not to the relation between such amendment and an existing law of which the pending bill is amendatory. 8 C.P. 2909. The rule providing that amendments must be germane has been construed as requiring that the fundamental purpose of an amendment be germane to the fundamental purpose of the bill to which it is offered. 8 C.P. 2911. The burden of proof of the germaneness of an amendment rests upon its proponents. 8 C.P. 2995. Under the later practice an amendment should be germane to the particular paragraph or section to which it is offered, 5 H.P. 5811-5820, and an amendment inserting an additional section should be germane to the portion of the bill to which it is offered. 5 H.P. 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, 5 H.P. 5808; also ruled by Speaker Cannon, Apr. 1, 1910, 61st Cong., 1st Sess., p. 4144; Speaker Clark, Dec. 5, 1912, 62nd Cong. 3rd 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., 2nd 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. To a bill amendatory of existing law in one particular, a proposition to amend the law in another particular is not germane. 8 C.P. 2937. An amendment to a bill amendatory of an existing law as to one specific particular, an amendment relating to the terms of the law rather than to the terms of the bill was held not to be germane. 8 C.P. 2916. An amendment germane to the bill as a whole, but hardly germane to any one section, may be offered at an appropriate place with notice of motions to strike out the following sections that it would supersede. 5 H.P. 5823.

In determining whether an amendment is germane, certain principles are established:

(a) One individual proposition may not be amended by another individual proposition even though the two belong to the same class. Thus, the following are not germane: To a bill proposing the admission of one territory into the union, an amendment for admission of another territory, 5 H.P. 5529; to a bill for the relief of one individual, an amendment proposing similar relief for another, 5 H.P. 5826-5829; to a provision for extermination of the cotton bollweevil, an amendment including the gypsy moth, 5 H.P. 5832; to a provision for a clerk for one committee, an amendment for a clerk to another committee, 5 H.P. 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, 62nd Cong., 2nd 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 the labor described in the bill constituted a single class of labor. Speaker Clark, Mar. 25, 1914, p. 5481, 2nd Sess., 63rd Cong.

(b) A specific subject may not be amended by a provision general in nature, even when of the class of the specific subject. 5 H.P. 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, 5 H.P. 5837; to a bill relating to all corporations engaged in interstate commerce, an amendment relating to all corporations, 5 H.P. 5842; to a bill modifying an existing law as to one specific particular, an amendment relating to the terms of the law rather than those of the bill, 5 H.P. 5806-5808; to a bill merely extending and re-enacting an existing law, an amendment seeking to further amend the law, 5 H.P. 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, 5 H.P. 5838; to a bill providing for the construction of buildings in each of two cities, an amendment providing for similar buildings in several other cities, 5 H.P. 5840; to a resolution embodying two distinct phases of international relationship, an amendment embodying a third. 5 H.P. 5839. But to a resolution authorizing a class of employees in the service of the house, an amendment providing for the employment of a specified individual was held not to be germane. 5 H.P. 5848, 5849.

(d) Two subjects are not necessarily germane because they are related. Thus the following have been held not to be germane: To a proposition relating to the terms of senators, an amendment changing the manner of their election, 5 H.P. 5882; to a bill relating to commerce between the states, an amendment relating to commerce within the several states, 5 H.P. 5841; to a proposition to relieve destitute citizens of the United States in Cuba, a proposition declaring a state of war in Cuba and proclaiming neutrality, 5 H.P. 5897; to a proposition for the appointment of a select committee to investigate a certain subject, an amendment proposing an inquiry of the executive on that subject, 5 H.P. 5891; to a bill granting a right of way to a railroad, an amendment providing for the purchase of the railroad by the government, 5 H.P. 5887; to a provision for the erection of a building for a mint, an amendment to change the coinage laws, 5 H.P. 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, 63rd 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, 63rd Cong., 2nd 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. 915. 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., 2nd 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, 5 H.P. 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 that is germane, not being "on a subject different from that under consideration," belongs to a class illustrated by the following: To a bill providing for an interoceanic canal by one

route, an amendment providing for a different route, 5 H.P. 5909; to a bill providing for the reorganization of the army, an amendment providing for the encouragement of marksmanship, 5 H.P. 5910; to a proposition to create a board of inquiry, an amendment specifying when the board shall report, 5 H.P. 5915; to a bill relating to "oleomargarine and other imitation dairy products," an amendment on the subject of "renovated butter," 5 H.P. 5919; to a resolution rescinding an order for final adjournment, an amendment fixing a new date therefor. 5 H.P. 5920.

Section 3. Amending a Bill to Change Its Original Purpose — No bill shall be amended in its passage through either house so as to change its original purpose.

EXPLANATORY NOTES

See Const., Sec. 30, Art. III.

HOUSE PRECEDENTS

1. EXAMPLE OF AN AMENDMENT NOT GERMANE BECAUSE IT WAS EXACTLY OPPOSITE TO THE PURPOSE OF THE BILL UNDER CONSIDERATION. — The house was considering H.B. 189, and Mr. Aynesworth offered an amendment. Mr. Young raised the point of order on further consideration of the amendment on the ground that it sought to permit exactly what the bill sought to prohibit, thus changing the original purpose of the bill.

The speaker, Mr. Senterfitt, sustained the point of order. 52 H.J. Reg. 519 (1951).

This ruling agrees with others in the past. Often attempts have been made to reverse completely the purposes of bills by amendment, sometimes the changing or addition of single words so as to "permit" rather than "prohibit." These are obviously violations of the constitution. In the proceedings above cited, the opponents of the bill could have rejected it by any one of several parliamentary routes had enough votes been available.

2. EXAMPLE OF WHERE AN AMENDMENT, THOUGH ON THE SAME SUBJECT AS THE BILL, WOULD HAVE CHANGED THE ORIGINAL PURPOSE OF THE BILL. — The house was considering S.B. 1454, a bill that was the general validation act for municipal actions that had occurred since the 74th Legislature, when Mr. Crabb offered an amendment that would have established a process by which certain municipal acts could be invalidated by a local vote. Ms. Danburg raised the point of order that the amendment changed the original purpose of the bill because the purpose of the amendment, to provide for the invalidation of municipal actions, was exactly the opposite of the purpose of the bill, to validate municipal actions.

The speaker, Mr. Laney, sustained the point of order. 75 H.J. Reg. 3773 (1997).

Section 4. Amendments to Bills and Resolutions on Local, Consent, and Resolutions Calendars — Amendments to a bill or resolution shall not be in order during its consideration on a local, consent, and resolutions calendar set by the Committee on Local and Consent Calendars, unless the amendments have first been submitted to and approved by the Committee on Local and Consent

Calendars, which shall be noted thereon by the chair of the Committee on Local and Consent Calendars prior to the offering of the amendments.

Section 5. Amendments on Third Reading — When a bill has been taken up on its third reading, amendments shall be in order, but shall require a two-thirds vote of the members present for their adoption. A bill on third reading may be recommitted to a committee and later reported to the house with amendments, in which case the bill shall again take the course of a bill at its second reading.

Section 6. Copies of an Amendment — (a) Five copies of each amendment shall be filed with the speaker. When the amendment is read, two copies shall go to the chief clerk, one copy to the journal clerk, one copy to the reading clerk, and one copy to the speaker. No amendment offered from the floor shall be in order unless the sponsoring member has complied with the provisions of this section with respect to copies of the amendment. The chief clerk shall retain one copy of each amendment filed with the speaker under this section whether or not the amendment was offered by the filing member.

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

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

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

(e) The speaker shall not recognize a member to offer an original amendment that exceeds one page in length and that is in the form of a complete substitute for the bill or resolution laid before the house, or in the opinion of the speaker is a substantial substitute, unless 10 copies of the amendment have been provided to the chief clerk and were available in the chief clerk's office at least 12 hours prior to the time the calendar on which the bill or resolution to be amended is eligible for consideration.

(f) An amendment may be typed, hand-printed, or handwritten, but must be legible in order to be offered.

(g) The speaker shall not recognize a member to offer an original amendment to a bill extending an agency, commission, or advisory committee under the Texas Sunset Act unless 10 copies of the amendment have been provided to the chief clerk and were available in the chief clerk's office at least 24 hours prior to the time the calendar on which the bill or resolution to be amended is eligible for consideration.

(h) If the house is convened in regular session, the speaker shall not recognize a member to offer an original amendment to the general appropriations bill on second reading unless 10 copies of the amendment have been provided

to the chief clerk and were available in the chief clerk's office at least 72 hours prior to the time the calendar on which the general appropriations bill appears for second reading is first eligible for consideration.

(i) The Committee on House Administration shall ensure that:

(1) the floor amendment system through which members of the house may view an electronic image of current or past amendments, or the system's successor in function, is available to the public on the Internet;

(2) members of the public using the system available on the Internet may view the same information that members may view at the same time that members may view the information; and

(3) members of the public using the system available on the Internet may view any amendment required to be provided to the chief clerk under Rule 11, Sections 6(e), (g), and (h) at least 10 hours prior to the time the calendar on which the bill or resolution to be amended is eligible for consideration.

(j) To the extent practicable, an amendment must include the page and line numbers of the text of the bill, resolution, or amendment being amended. Failure to comply with the requirements of this subsection is not a sustainable point of order.

EXPLANATORY NOTES

Individual committee amendments must be offered on the floor of the house before they can be considered.

Section 7. Order of Offering Motions to Amend — Classes of motions to amend shall be offered in the following order:

(1) motions to amend by striking out the enacting clause of a bill (or the resolving clause of a resolution), which amendment cannot be amended or substituted;

(2) motions to amend an original bill, resolution, motion, or proposition (other than substitute bills as provided for in Subdivision (3) below), which shall have precedence as follows:

(A) original amendment;

(B) amendment to the amendment;

(C) substitute for the amendment to the amendment.

Recognition for the offering of original amendments shall be as follows: first, the main author; second, the member or members offering the committee amendment; and third, members offering other amendments from the floor;

(3) motions to amend an original bill by striking out all after the enacting clause (substitute bills), which substitute bills shall be subject to amendment as follows:

(A) amendment to the substitute bill;

(B) substitute for the amendment to the substitute bill.

Recognition for offering such substitute bills shall be as follows: first, the main author of the original bill, if the member has not sought to perfect the bill by amendments as provided for in Subdivision (2) above; second, the member

or members offering the committee amendment; and, third, members offering amendments from the floor.

It shall be in order under the procedure described in this subdivision to have as many as four complete measures pending before the house at one time; that is, an original bill, an amendment striking out all after the enacting clause of the bill and inserting a new bill body, an amendment to the amendment striking out all after the enacting clause of the bill and inserting a new bill body, and a substitute for this amendment to the amendment to the original bill which is also a new bill body. These "substitute bills" shall be voted on in the reverse order of their offering;

(4) motions to amend the caption of a bill or joint resolution, which may also be offered in accordance with Section 9(a) of this rule.

EXPLANATORY NOTES

1. Usually, the author of a bill offers the individual committee amendments; but he is free, under the above provision, to offer any he pleases. Individual committee amendments can be offered as such, or as substitutes, by others if the author does not choose to offer them.

2. When a substitute is adopted for an amendment to an amendment, the parliamentary right of authorship moves to the author of the substitute, i.e., he can close the debate directly, or under a motion to table or under the previous question.

3. See Rule 7, Secs. 12, 23, and 25.

4. The proper way to substitute a new bill from the floor is to offer two amendments, one striking out all after the enacting clause and inserting a new body, and the other striking out all before the enacting clause and inserting a new caption, if needed. Under current house practice, an amendment is offered to strike out all after the enacting clause and insert a new body. Then, upon passage of the bill, the appropriate enrolling clerk is empowered to amend the caption to conform to the body of the bill. See explanatory notes following Sec. 9 of this rule.

Section 8. Strike Outs and Insertions — (a) A motion to strike out and to insert new matter in lieu of that to be stricken out shall be regarded as a substitute and shall be indivisible.

EXPLANATORY NOTES

1. The above is taken from a rule of congress, which continues, "but a motion to strike out being lost shall neither preclude amendments nor motion to strike out and insert."

2. An amendment to strike out and insert is an acceptable substitute for an amendment to strike out.

(b) Matter inserted or stricken out of an original bill by way of amendment may not be taken out or reinserted at a later time on the same reading except under the following conditions:

(1) reconsideration of the inserting or deleting amendment;

(2) adoption of a "substitute bill" amendment;

(3) adoption of an amendment for a whole paragraph, section or

subdivision of a bill which so materially changes the original text that the portion inserted or deleted is in fact of minor importance.

EXPLANATORY NOTES

"Matter inserted," as used in the above subsection, means any matter inserted in a bill by way of amendment. Such matter would, of course, be discarded in case a new bill, in amendment form, is adopted.

HOUSE PRECEDENTS

AN AMENDMENT TO STRIKE OUT ONLY MATTER PREVIOUSLY INSERTED IN A BILL AT THE SAME READING IS NOT IN ORDER UNLESS RECONSIDERATION IS ORDERED. — Mr. Bolin offered the following amendment:

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

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

The point of order was sustained. 28 H.J. Reg. 175 (1903).

Section 9. Amending Captions — (a) An amendment to the caption of a bill or resolution shall not be in order until all other proposed amendments have been acted on and the house is ready to vote on the passage of the measure, and it shall then be decided without debate.

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

EXPLANATORY NOTES

1. Rule 2, Sec. 1(a)(10), empowers the chief clerk to amend captions to conform to bill bodies. This, of course, applies only to house bills. Also, that rule renders the above section of little value. However, the rule would not preclude the offering of caption amendments on the floor if such was desired.
2. See Rule 7, Sec. 23.

Section 10. Motion to Limit Amendments — (a) A motion to limit amendments shall be admitted only when seconded by 25 members. The motion may take either of two forms:

(1) to limit amendments to those pending before the house; or
(2) to limit amendments to those pending on the speaker's desk.

(b) The motion shall be put by the chair in this manner: "The motion has been seconded. Three minutes pro and con debate will be allowed on the motion to limit amendments." As soon as the debate has ended, the chair shall continue: "As many as are in favor of limiting amendments on (here state on which question or questions) will say 'Aye,'" and then "As many as are opposed say 'Nay.'" As in all other propositions, a motion to limit amendments shall be decided by a record vote if demanded by any member. If ordered by a majority of the members voting, a quorum being present, the motion shall have the effect

of confining further debate and consideration to those amendments included within the motion, and thereafter the chair will accept no more amendments to the proposition to which the motion is applied.

(c) The motion to limit amendments, if adopted, shall not in any way cut off or limit debate or other parliamentary maneuvers on the pending proposition or propositions or amendment or amendments included within the motion. The sole function of the motion is to prevent the chair from accepting further amendments to the proposition to which the motion is applied.

(d) Except as otherwise provided, the motion to limit amendments shall have no effect on the parliamentary situation to which the motion is applied, and the matter to which the motion is applied shall continue to be considered by the house in all other respects as though the motion had not been made.

(e) The amendments that are included within the motion to limit amendments shall each be subject to amendment, if otherwise permitted under the rules.

Section 11. Motion to Table a Motion to Limit Amendments — The motion to limit amendments is not subject to a motion to table.

Section 12. Order of Voting on Amendments — When an amendment is offered, followed by an amendment to that amendment, and then a substitute for the amendment to the amendment, these questions shall be voted on in the reverse order of their offering.

Section 13. Certification of Adoption of Amendments — When an amendment is adopted, such action shall be certified by the chief clerk on the amendment, and the official copy of the amendment shall then be securely attached to the bill or resolution which it amends.

ADDITIONAL NOTES ON AMENDMENTS

HOUSE PRECEDENTS

1. AMENDMENTS SHOULD BE CLEAR IN DIRECTIONS AND MEANING. — The house was considering a house resolution, and the following amendment was offered: "Amend the resolution by eliminating the condemnation of the building just erected at Tyler from this resolution."

Mr. Johnson of Dimmit raised a point of order on further consideration of the amendment on the ground that it was indefinite.

The speaker, Mr. Barron, sustained the point of order. 41 H.J. 4 C.S. 52 (1929).

This type of amendment is encountered frequently. Amendments should be drawn carefully and made definite. An amendment accurately written cannot be questioned as to meaning. It is often difficult for clerks to determine the meaning of amendments, and frequently the time of the house has to be taken to correct some vaguely written amendment. Sometimes a whole law has to be re-enacted to correct some part made indefinite or meaningless by a poorly drawn amendment.

2. AN AMENDMENT LOST ON A SECOND READING OF A BILL IS IN ORDER ON A THIRD READING. — An amendment that had been

voted down on the second reading of a bill was offered while the bill was on third reading.

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

The chair overruled the point of order, stating that as this is a different stage in the progress of the bill, the amendment was in order. 28 H.J. Reg. 212 (1903).

3. AN AMENDMENT RULED OUT OF ORDER AT A CERTAIN STAGE OF THE PROCEEDINGS MIGHT BE IN ORDER AT ANOTHER TIME. — Mr. Jennings' substitute was not germane to Mr. Ray's amendment to the bank bill but was germane to the original bill.

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

Overruled. 31 H.J. Reg. 555 (1909).

4. IF AN AMENDMENT IS LOST OR TABLED, ANOTHER ONE OF THE SAME IMPORT IS NOT IN ORDER ON THE SAME READING OR STAGE OF THE BILL. — Mr. Shropshire offered the following amendment to an amendment:

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

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

Sustained. 26 H.J. Reg. 1193 (1899).

5. THE CHAIR DOES NOT RULE ON THE EFFECT OR CONSISTENCY OF AMENDMENTS. — The house was considering H.J.R. 10 when Mr. Jones of Wise offered an amendment.

Mr. McKee raised a point of order against consideration of the amendment on the ground that it was in direct conflict with an amendment previously adopted.

The speaker, Mr. Calvert, overruled the point of order, stating that it was not the duty of the chair to construe the effect or determine the consistency of amendments. 45 H.J. Reg. 1899 (1937).

6. CASE WHERE AN AMENDMENT AND ACTION THEREON WAS RULED OUT BECAUSE THE AMENDMENT HAD BEEN CHANGED AFTER BEING READ TO THE HOUSE AND WITHOUT ITS KNOWLEDGE. — The house was considering H.B. 136. An amendment was offered, was read to the house, and then adopted. Mr. Westbrook then raised the point of order that the words "and snuff" were added to the amendment by its author after it was read to the house and without its knowledge and that such action was sufficient reason for the speaker to declare the amendment and the action of the house thereon null and void.

The speaker, Mr. Daniel, sustained the point of order, stating that the house could not be held to action taken on an amendment that had been changed without its knowledge. 48 H.J. Reg. 1024 (1943).

CONGRESSIONAL PRECEDENTS ON AMENDMENTS

A proposed amendment may not be accepted by the member in charge of the pending measure but can be agreed to only by the house. 5 H.P. 5756, 5757. It is not in order to offer more than one motion to amend at a time. 5 H.P. 5755. A motion to strike out certain words being disagreed to, it is in order to strike out a portion of those words. 5 H.P. 5769. To a motion to insert words in a bill, a motion to strike out certain words of the bill may not be offered as a substitute. 5 H.P. 5790. If a portion of a proposed amendment be out of order, the whole of it must be ruled out. 5 H.P. 5784. When it is proposed to amend by inserting a paragraph, it should be perfected by amendment before the question is put on inserting. 5 H.P. 5758. A negative vote on a motion to strike out and insert does not prevent the offering of another similar motion or a simple motion to strike out. 5 H.P. 5758. It is in order to insert by way of amendment a paragraph similar (if not actually identical) to one already stricken out by amendment. 5 H.P. 5760. After a vote to insert a new section in a bill, it is too late to perfect the section by amendment. 5 H.P. 5761, 5762. Words inserted by amendment may not afterwards be changed, except that portion of the original paragraph including the words so inserted may be stricken out if, in effect, it presents a new proposition, and a new coherence may also be inserted in place of that stricken out. 5 H.P. 5758. It is not in order to amend an amendment that has been agreed to, but the amendment, with other words of the original paragraph, may be stricken out in order to insert a new text of a different meaning. 5 H.P. 5763. It is not in order to offer an amendment identical with one previously disagreed to. 8 C.P. 2834. If a proposed amendment is not susceptible to any other interpretation than that which might reasonably be given an amendment previously rejected, it is not admissible. 8 C.P. 2835. While not in order to insert by way of an amendment a paragraph similar to one already stricken out, an amendment will not be ruled out for that reason unless practically identical. 8 C.P. 2839. It is in order to offer as an amendment a proposition similar, but not substantially identical, with one previously rejected. 8 C.P. 2838. A motion to strike out certain words being disagreed to, it is in order to strike out a portion of those words. 8 C.P. 2858. While it is not in order to strike out a portion of an amendment once agreed to, words may be added to the amendment. 5 H.P. 5764, 5765. A motion may be withdrawn in the house although an amendment to it may have been offered and be pending. 5 H.P. 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. 2 H.P. 1327. A new bill may be engrafted by way of amendment on the words “Be it enacted,” etc. 5 H.P. 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. 5 H.P. 5797.

Rule 12. Printing

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Rule 12
Printing

Section 1. Printings of Bills and Joint Resolutions — (a) Except as otherwise provided in this rule, all bills and joint resolutions shall be printed and a copy provided to each member at each of the following stages in the parliamentary progress of the bill or joint resolution:

(1) at the time of the committee report on the bill or joint resolution, which shall be known as "First Printing" and which shall consist of:

(A) a complete text of the bill or joint resolution as reported from committee;

(B) a complete copy of the bill analysis, a complete copy of the summary of committee action, and a complete copy of the witness list;

(C) the text of the committee report;

(D) the record vote by which the measure was reported from committee, including the vote of individual members;

(E) a copy of the latest fiscal note; and

(F) a copy of each impact statement received by the committee;

(2) at the time the bill or joint resolution, if amended, finally passes the senate, senate amendments and house engrossment text will be printed, which shall be known as "Second Printing"; and

(3) at the time the conference committee, if any, makes its report on the bill or joint resolution, which shall be known as "Third Printing."

(b) In any section of the first printing of a bill or joint resolution that proposes to amend an existing statute or constitutional provision, language sought to be deleted must be bracketed and stricken through, and language sought to be added must be underlined. This requirement does not apply to:

(1) an appropriations bill;

(2) a local bill;

(3) a game bill;

(4) a recodification bill;

(5) a redistricting bill;

(6) a section of a bill or joint resolution not purporting to amend an existing statute or constitutional provision;

(7) a section of a bill or joint resolution that revises the entire text of an existing statute or constitutional provision, to the extent that it would confuse rather than clarify to show deletions and additions; and

(8) a section of a bill or joint resolution providing for severability, nonseverability, emergency, or repeal of an existing statute or constitutional provision.

(c) The speaker may overrule a point of order raised as to a violation of Subsection (b) of this section if the violation is typographical or minor and does not tend to deceive or mislead.

(d) The requirement to provide a copy of a printing to each member may be accomplished by making a copy of the printing available in an electronic

format for viewing by the member and, when the electronic format copy of the appropriate printing becomes available, sending notice of that fact to a Capitol e-mail address designated by the member. If a member informs the chief clerk that the member also desires to receive a paper copy of printings at first, second, or third printing, the chief clerk shall place paper copies of those printings designated by the member in the newspaper box of the member as soon as practicable after the electronic copies of the printings are made available for viewing.

(e) The provisions of Subsection (d) of this section authorizing delivery of a printing by electronic means also apply to any fiscal note, impact statement, analysis, or other item required by these rules to be delivered or made available to each member as an attachment to or in connection with the applicable printing.

EXPLANATORY NOTES

Sec. 1 ensures that each house member will receive a copy of the official printing of a bill or joint resolution in advance of each stage at which the measure will be considered by the house. Rule 8, Sec. 14 (second reading), and Rule 13, Secs. 5 (senate amendments) and 10 (conference committee reports), prescribe the applicable layout periods for each printing. Sec. 1(d) of this rule authorizes the copies to be provided to the members electronically in lieu of the traditional distribution of paper copies. The electronic delivery option permits the house to take advantage of advances in technology to distribute bills and resolutions to members more effectively and efficiently. Electronic copies can be distributed instantly and are accessible to the members remotely without having to be physically retrieved from the clerk's office and without the possibility of being mislaid. The rule allows any member to request a paper copy of each printing in addition to the electronic copy for the member's convenience.

Sec. 1(d) does not require that printings be distributed electronically. The requirement of Sec. 1(a) that a copy be provided to each member may be met by traditional delivery of paper copies, which could be used if, for example, the electronic delivery method is unavailable or inappropriate for a particular measure.

Section 2. Local Bills — Local bills shall not be reprinted after the first printing except when ordered printed by a majority vote of the house.

Section 3. Concurrent Resolutions — A concurrent resolution shall be printed only if the resolution:

(1) grants permission to sue the state;

(2) memorializes Congress to take or to refrain from taking certain action;

(3) sets legislative policy or declares legislative intent;

(4) makes corrective changes in any bill, joint resolution, or conference committee report;

(5) establishes or interprets policy for a state agency, department, or political subdivision;

(6) establishes, modifies, or changes internal procedures or

administration of the legislature or any component part thereof;

(7) proposes an amendment to the Joint Rules of the Senate and the House of Representatives; or

(8) is ordered printed by a majority vote of the house.

Section 4. House Resolutions — A house resolution shall be printed only if the resolution:

(1) proposes an amendment to the rules of the house;

(2) establishes, modifies, or changes the internal procedures and administration of the house;

(3) establishes legislative policy or interprets legislative intent; or

(4) is ordered printed by a majority of the house.

EXPLANATORY NOTES

If house and concurrent resolutions are required to be printed, the printing stages would be the same as those provided in Sec. 1 of this rule.

Section 5. Acceptable Standards of Compliance With Printing Requirements — Except for matter to be printed in the journal, all requirements contained in the rules with respect to the printing of bills, resolutions, reports, and other matters shall be considered complied with if the material is adequately and properly reproduced by any acceptable means of reproduction.

Rule 13. Interactions With the Governor and Senate

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Rule 13
Interactions With the Governor and Senate

Chapter A. Messages

Section 1. Messages From the Governor — Messages and communications from the governor shall be received when announced, and shall be read on the calendar day received.

Section 2. Messages From the Senate — (a) All messages from the senate shall be received when announced. Senate bills announced as passed shall be read for the first time and referred to the appropriate committee as soon as practicable.

(b) Messages from the senate announcing amendments to house bills and resolutions, nonconcurrence in house amendments to senate bills and resolutions, requests for conference committees, reports of conference committees, and all other matters of disagreement, amendments, and requests between the two houses, shall go to the speaker's desk in their regular order, but may be called up for action by the house at any time as a privileged matter, yielding only to a motion to adjourn.

EXPLANATORY NOTES

1. A motion to reconsider the vote on a privileged motion, such as those described in Subsec. (b) of this section, has the same high priority as the original motion.
2. In view of the high priority given conference reports in the above rule Speaker W. O. Reed held, in the 50th Legislature, that a conference report on a house bill could properly be considered on a senate bill day.

Chapter B. Senate Amendments

Section 3. House Action on Senate Amendments — When a bill, resolution, or other matter is returned to the house with senate amendments, the house may:

(1) agree to the amendments; or

(2) disagree to all of the amendments and ask for a conference committee; or

(3) agree to one or more of the amendments and disagree as to the remainder and request a conference committee to consider those in disagreement; or

(4) agree to one or more and disagree as to the remainder; or

(5) disagree to all amendments.

EXPLANATORY NOTES

1. The chief clerk should notify members when their bills are returned to the house with senate amendments.
2. The mover of a main motion to concur in senate amendments or not to concur and request a conference committee, or a variation of

these motions, is allowed the usual twenty minutes to open and close debate on the motion if he so desires. Additional time may be allowed by the house as described in Rule 5, Sec. 28.

3. In recent practice, the chair has closely reviewed the germaneness of senate amendments to house bills. There is nothing in the rules that could possibly prevent a member from raising a point of order against a clear violation of Sec. 30 of Art. III of the constitution and having it sustained. If a point of order is sustained against a nongermane senate amendment, the bill is returned to the senate with a message to that effect.

The speaker may refuse to recognize a member for the motion to concur in senate amendments if the speaker considers an amendment to be not germane.

4. Since direct negatives as substitutes are not in order, if a motion "to concur" in senate amendments is pending, a substitute "not to concur" is not in order because a refusal to adopt the first motion would gain the same end. A motion not to concur and ask for a conference would be in order, however, because it contains other matter which keeps it from being a direct negative.

5. A senate committee substitute for a house bill reported out of a senate committee and then amended on the senate floor and finally passed is, so far as the motions to concur or not concur and request a conference in the house are concerned, a single senate amendment. It is not divisible.

HOUSE PRECEDENTS

1. HELD THAT MAKING MOTION TO CONCUR IS NOT EXCLUSIVELY THE RIGHT OF THE AUTHOR. — In the 54th Legislature the speaker, Mr. Lindsey, ruled that making the motion "to concur" or "not to concur" is not exclusively the right of the author (or member in charge) of a bill, same being the right of any member. However, he pointed out that custom and propriety dictated that the author or member in charge of a bill should be given full opportunity to determine upon the course of action and that he would refuse to recognize any other member until it became evident that the author, or member in charge, would refuse to act.

2. IN ORDER TO POSTPONE A PRIVILEGED MATTER, AND WHEN POSTPONED THE PRIVILEGED NATURE IS RETAINED. — The house was considering a conference committee report. Mr. Hartzog moved to postpone the report to a time certain. Mr. Morris raised the point of order that the motion was out of order because the report was privileged matter under Sec. 2(b) of this rule. The speaker, Mr. Homer Leonard, overruled the point of order, stating that privileged matters could be postponed or laid on the table subject to call by a majority vote, and that when the time came for their consideration they would retain their privileged nature. 47 H.J. Reg. 3710 (1941).

3. CASE WHERE THE SPEAKER RULED OUT A SENATE AMENDMENT TO A HOUSE BILL, WHICH AMENDMENT CLEARLY CHANGED THE PURPOSE OF THE HOUSE BILL IN A MAJOR DEGREE. — Mr. Celaya moved to concur in senate amendments to H.B. 1116. Mr. Wood raised a point of order on consideration of the motion to concur on the ground that the amendments were put on the

bill in violation of Sec. 30 of Art. III of the constitution which provides that "no bill shall be so amended in its passage through either house, as to change its original purpose."

The speaker, Mr. Calvert, in sustaining the point of order pointed out that the original house bill as passed and sent to the senate was a local fishing license law for McLennan County, and that the senate, by amendments striking out all below and above the enacting clause, had substituted an entirely new bill which was a general fishing license law for the entire state, such a change in the purpose of the original bill being clearly a violation of the constitution. 45 H.J. Reg. 2592 (1937).

4. CASE WHERE BILL WAS DECLARED PASSED WHEN THE SENATE RECEDED FROM ITS AMENDMENTS. — H.B. 373 passed the house and then passed the senate with amendments. The house refused to concur in the senate amendments and asked for the appointment of a conference committee. This request was granted, and, while the lieutenant governor was considering naming of the conference committee on the part of the senate, a resolution was offered and adopted in the senate receding from the amendments to which the house had disagreed originally. The house was duly notified of the passage of the resolution. Mr. Harris of Dallas raised a point of order that when the house disagreed on the amendments and the matter had moved to the status just described that the senate could not recede.

The speaker, Mr. Homer Leonard, overruled the point of order and called the attention of the house, first to the fact that the bill and amendments had not been turned over to a conference committee because none existed as yet, the lieutenant governor not having named the senate conferees. He pointed next to the fact that when the senate receded from its position there were, in fact, no differences between the two houses, both having passed the bill in identical form, and, in support of this position he discussed congressional precedents which upheld the idea that whenever by receding or by other parliamentary method the two houses are brought together on the text of a bill then the bill is considered passed. 47 H.J. Reg. 3003 (1941).

Section 4. Adoption of Senate Amendments for Bills With Immediate Effect — If a bill is to go into immediate effect, senate amendments thereto must be adopted by a vote of two-thirds of the elected membership of the house.

Section 5. Printing Senate Amendments — (a) Senate amendments to house bills and resolutions must be printed and copies provided to the members at least 24 hours before any action can be taken thereon by the house during a regular or special session.

(b) When a house bill or joint resolution, other than the general appropriations bill, with senate amendments is returned to the house, the chief clerk shall request the Legislative Budget Board to prepare a fiscal note outlining the fiscal implications and probable cost of the measure as impacted by the senate amendments. A copy of the fiscal note shall be distributed with the senate amendments on their printing before any action can be taken on the senate amendments by the house.

(c) When a house bill or joint resolution, other than the general appropriations bill, with senate amendments is returned to the house, the chief clerk shall request the Texas Legislative Council to prepare an analysis that describes the substantive changes made to the house version of the bill by the senate amendments. A copy of the council's analysis of senate amendments shall be provided to the members electronically or as a printed copy at least 12 hours before action is taken on the senate amendments by the house. The Texas Legislative Council shall make all reasonable efforts to timely provide the analysis in as accurate a form as time allows. However, an unavoidable inability to provide the analysis or an inadvertent error in the analysis is not a sustainable question of order.

(d) When a house bill or joint resolution for which a tax equity note was required under Rule 4, Section 34(b)(5), is returned to the house with senate amendments, the chief clerk shall request the Legislative Budget Board to prepare a tax equity note estimating the general effects of the senate amendments on the distribution of tax and fee burdens among individuals and businesses. A copy of the updated tax equity note shall be made available to each member, in some format, before any vote on the floor can be taken on the senate amendments by the house.

Section 5A. Return of Nongermane Senate Amendments by Speaker — When a house bill or joint resolution, other than the general appropriations bill, with senate amendments is returned to the house, the speaker, with the permission of the primary author of the bill or resolution, may return the bill or resolution to the senate if the speaker determines that the senate amendments are not germane to the house version of the bill or resolution. The speaker may act under this section without regard to whether the bill or resolution is eligible for consideration by the house. If the speaker returns a bill or resolution to the senate under this section, the speaker shall attach to the bill or resolution a statement of the speaker's action that includes an explanation of the speaker's determination, and shall enter the statement in the journal as soon as practicable.

EXPLANATORY NOTES

The motion "to suspend the rules for the purpose of concurring in senate amendments" to a bill or resolution is in order. The motion requires a two-thirds vote of the membership if the bill is to go into immediate effect. The endorsement of the chief clerk regarding affirmative action on a motion of this sort should be as follows: "Rules suspended and senate amendments adopted by the following vote: Yeas , Nays ." Whenever a motion to suspend this particular rule is made and carried, even before senate amendments are distributed to the members, the amendments are nevertheless printed in the journal if adopted.

Chapter C. Conference Committees

Section 6. Membership and Operation — (a) In all conferences between the senate and the house by committee, the number of committee

members from each house shall be five. All votes on matters of difference shall be taken by each committee separately. A majority of each committee shall be required to determine the matter in dispute. Reports by conference committees must be signed by a majority of each committee of the conference.

(b) A copy of the report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

EXPLANATORY NOTES

1. The names of house conferees should accompany a request to the senate for a conference, not be sent later.
2. Six official copies of conference committee reports are signed by the conferees, three going to each house, usually in keeping of the chairmen who file the copies with the appropriate clerks. When a conference committee report on a house bill is laid before the house one copy of the report goes immediately to the journal clerk. If adopted, the chief clerk so endorses the other two copies, sending one by messenger to the senate, and holds the other copy awaiting action on the report by the senate. If the senate adopts the report, an officially endorsed copy will be sent to the house, and the chief clerk causes the conference committee report to be enrolled showing action thereon by both houses and it is printed in the journal.
3. See Sec. 10(b) of this rule, regarding the form and submission of conference committee reports.

Section 7. Meetings — (a) House conferees when meeting with senate conferees to adjust differences shall meet in public and shall give a reasonable amount of notice of the meeting in the place designated for giving notice of meetings of house standing committees. Any such meeting shall be open to the news media. Any conference committee report adopted in private shall not be considered by the house.

(b) At a meeting of the conferees to adjust differences on the general appropriations bill, the chair of the house conferees may request the assistance of any house member who serves on the appropriations committee.

EXPLANATORY NOTES

It has long been held that the rules do not require a meeting of conferees to act on a conference committee report. Rather, the signatures of three of the five members are considered adequate to report the measure without regard to whether a meeting has been held.

Section 8. Instructions — Instructions to a conference committee shall be made after the conference is ordered and before the conferees are appointed by the speaker, and not thereafter.

Section 9. Limitations on Jurisdiction — (a) Conference committees shall limit their discussions and their actions solely to the matters in disagreement between the two houses. A conference committee shall have no authority with respect to any bill or resolution:

(1) to change, alter, or amend text which is not in disagreement;

(2) to omit text which is not in disagreement;

(3) to add text on any matter which is not in disagreement;

(4) to add text on any matter which is not included in either the house or senate version of the bill or resolution.

This rule shall be strictly construed by the presiding officer in each house to achieve these purposes.

(b) Conference committees on appropriations bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two houses. In addition to the limitations contained elsewhere in the rules, a conference committee on appropriations bills shall be strictly limited in its authority as follows:

(1) If an item of appropriation appears in both house and senate versions of the bill, the item must be included in the conference committee report.

(2) If an item of appropriation appears in both house and senate versions of the bill, and in identical amounts, no change can be made in the item or the amount.

(3) If an item of appropriation appears in both house and senate versions of the bill but in different amounts, no change can be made in the item, but the amount shall be at the discretion of the conference committee, provided that the amount shall not exceed the larger version and shall not be less than the smaller version.

(4) If an item of appropriation appears in one version of the bill and not in the other, the item can be included or omitted at the discretion of the conference committee. If the item is included, the amount shall not exceed the sum specified in the version containing the item.

(5) If an item of appropriation appears in neither the house nor the senate version of the bill, the item must not be included in the conference committee report. However, the conference committee report may include appropriations for purposes or programs authorized by bills that have been passed and sent to the governor and may include contingent appropriations for purposes or programs authorized by bills that have been passed by at least one house.

This rule shall be strictly construed by the presiding officer in each house to achieve these purposes.

(c) Conference committees on tax bills, like other conference committees, shall limit their discussions and their actions solely to the matters in

disagreement between the two houses. In addition to the limitations contained elsewhere in the rules, a conference committee on a tax bill shall be strictly limited in its authority as follows:

(1) If a tax item appears in both house and senate versions of the bill, the item must be included in the conference committee report.

(2) If a tax item appears in both house and senate versions of the bill, and in identical form and with identical rates, no change can be made in the item or the rate provided.

(3) If a tax item appears in both house and senate versions of the bill but at differing rates, no change can be made in the item, but the rate shall be at the discretion of the conference committee, provided that the rate shall not exceed the higher version and shall not be less than the lower version.

(4) If a tax item appears in one version of the bill and not in the other, the item can be included or omitted at the discretion of the conference committee. If the item is included, the rate shall not exceed the rate specified in the version containing the item.

(5) If a tax item appears in neither the house nor the senate version of the bill, the item must not be included in the conference committee report.

This rule shall be strictly construed by the presiding officer in each house to achieve these purposes.

(d) Conference committees on reapportionment bills, to the extent possible, shall limit their discussions and their actions to the matters in disagreement between the two houses. Since the adjustment of one district in a reapportionment bill will inevitably affect other districts, the strict rule of construction imposed on other conference committees must be relaxed somewhat when reapportionment bills are involved. Accordingly, the following authority and limitations shall apply only to conference committees on reapportionment bills:

(1) If the matters in disagreement affect only certain districts, and other districts are identical in both house and senate versions of the bill, the conference committee shall make adjustments only in those districts whose rearrangement is essential to the effective resolving of the matters in disagreement. All other districts shall remain unchanged.

(2) If the matters in disagreement permeate the entire bill and affect most, if not all, of the districts, the conference committee shall have wide discretion in rearranging the districts to the extent necessary to resolve all differences between the two houses.

(3) Insofar as the actual structure of the districts is concerned, and only to that extent, the provisions of Subsection (a) of this section shall not apply to conference committees on reapportionment bills.

(e) Conference committees on recodification bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two houses. The comprehensive and complicated nature of recodification bills makes necessary the relaxing of the strict rule of construction imposed on other conference committees only to the following extent:

(1) If it develops in conference committee that material has been inadvertently included in both house and senate versions which properly has no place in the recodification, that material may be omitted from the conference committee report, if by that omission the existing statute is not repealed, altered, or amended.

(2) If it develops in conference committee that material has been inadvertently omitted from both the house and senate versions which properly should be included if the recodification is to achieve its purpose of being all-inclusive of the statutes being recodified, that material may be added to the conference committee report, if by the addition the existing statute is merely restated without substantive change in existing law.

(f) Limitations imposed on certain conference committees by the provisions of this section may be suspended in part by permission of the house to allow consideration of and action on a specific matter or matters which otherwise would be prohibited. Permission shall be granted only by resolution passed by majority vote of the house. All such resolutions shall be privileged in nature and need not be referred to a committee. The introduction of such a resolution shall be announced from the house floor and the resolution shall be eligible for consideration by the house:

(1) three hours after a copy of the resolution has been distributed to each member; or

(2) for a resolution suspending limitations on a conference committee considering the general appropriations bill, 48 hours in a regular session and 24 hours in a special session after a copy of the resolution has been distributed to each member.

(g) The time at which the copies of such a resolution are distributed to the members shall be time-stamped on the originals of the resolution. The resolution shall specify in detail:

(1) the exact language of the matter or matters proposed to be considered;

(2) the specific limitation or limitations to be suspended;

(3) the specific action contemplated by the conference committee;

(4) except for a resolution suspending the limitations on the conferees for the general appropriations bill, the reasons that suspension of the limitations is being requested; and

(5) a fiscal note distributed with the resolution outlining the fiscal implications and probable cost of the items to be included in the conference committee report that would otherwise be prohibited but for the passage of the resolution.

(h) In the application of Subsection (g) of this section to appropriations bills, the resolution:

(1) need not include changes in amounts resulting from a proposed salary plan or changes in format that do not affect the amount of an appropriation or the method of finance of an appropriation, but shall include a general statement describing the salary plan or format change;

(2) need not include differences in language which do not affect the

substance of the bill;

(3) if suspending a limitation imposed by Subsection (b)(2), (3), (4), or (5) of this section, must specify the amount by which the appropriation in the conference committee report is less than or greater than the amount permitted for that item of appropriation under Subsection (b) of this section; and

(4) shall be available in its entirety on the electronic legislative information system that is accessible by the general public.

(i) Permission granted by a resolution under Subsection (f) of this section shall suspend the limitations only for the matter or matters clearly specified in the resolution, and the action of the conference committee shall be in conformity with the resolution.

Section 10. Printing and Distribution of Reports — (a) All conference committee reports must be printed and a copy furnished to each member as provided by Rule 12, Section 1, at least 24 hours before action can be taken on the report by the house during a regular or special session.

(b) Three original copies of a conference committee report shall be submitted to the chief clerk for printing. Each original conference committee report shall contain the following:

(1) the signatures of the house conferees and senate conferees who voted to adopt the conference committee report;

(2) the text of the bill or resolution as adopted by the conference committee; and

(3) an analysis of the conference committee report as required by Section 11 of this rule.

(c) Before action can be taken by the house on a conference committee report on a bill or joint resolution, other than the general appropriations bill, a fiscal note outlining the fiscal implications and probable cost of the conference committee report shall be submitted to the chief clerk, and a copy of the fiscal note shall be distributed with the conference committee report on its printing.

(d) Before a vote on the floor can be taken by the house on a conference committee report on a bill or joint resolution for which a tax equity note was required under Rule 4, Section 34(b)(5), a tax equity note estimating the general effects of the conference committee report on the distribution of tax and fee burdens among individuals and businesses shall be submitted to the chief clerk, and a copy of the tax equity note shall be made available to each member.

EXPLANATORY NOTES

1. See also the annotation following Sec. 6 of this rule, regarding the disposition of the official copies of conference committee reports.

2. Frequently, usually to avoid the time lapses required in the above section, the motion "To suspend the rules for the purpose of adopting the conference report" on a particular bill is made. Basically, such a motion requires only a two-thirds vote (of the members present and voting) for adoption. If the motion is adopted, the speaker declares the rules suspended and the report adopted. However, such motion must be adopted by a record vote, and receive at least one hundred (two-thirds of the membership) affirmative votes if the bill covered by

the conference report is to go into immediate effect. The endorsement by the chief clerk regarding affirmative action on a motion of this sort should be as follows: "Rules suspended and Conference Report adopted by the following vote: Yeas , Nays ."

3. If it is not desired to put a bill into immediate effect, but for reasons it is desired to suspend the rules to obtain a vote on the conference report, a non-record vote should be taken. If it becomes evident that a record vote is to be demanded (by 3 members or more), then two separate motions could be utilized. The first motion should be, "To suspend the rules for the purpose of making the motion to adopt the conference report on ." The second should be, "To adopt the conference report on ." Of course, if a record vote is demanded on the latter motion, and it receives 100 affirmative votes, in so far as the house is concerned the bill would go into immediate effect. This situation is unlikely. A better route would be not to put an "immediate effect" clause in the bill reported by the conference.

Section 11. Analysis of Reports — (a) All reports of conference committees shall include an analysis showing wherein the report differs from the house and senate versions of the bill, resolution, or other matter in disagreement. The analysis of appropriations bills shall show in dollar amounts the differences between the conference committee report and the house and senate versions. No conference committee report shall be considered by the house unless such an analysis has been prepared and distributed to each member.

(b) The analysis shall to the extent practical indicate any instance wherein the conference committee in its report appears to have exceeded the limitations imposed on its jurisdiction by Section 9 of this rule. An analysis and the conference committee report in which the analysis is included are not subject to a point of order due to a failure to comply with this subsection or due to a mistake made in complying with this subsection.

EXPLANATORY NOTES

Note that Rule 12.10, Senate Rules, expressly requires a "section-by-section analysis" showing disagreements "in parallel columns." In practice, "side by side" analyses tend to identify those sections that are not in disagreement in addition to the sections that are in disagreement.

Section 12. Consideration of Reports — A conference committee report is not subject to amendment, but must be accepted or rejected in its entirety. While a conference committee report is pending, a motion to deal with individual amendments in disagreement is not in order.

Section 13. When Reports Not Acceptable — When a conference committee report is not acceptable to the house for any reason, it may be recommitted to the same committee with the request for further consideration, and the house may or may not give any specific instructions on the report to the conference committee; or the house may request the appointment by the senate of a new conference committee and then proceed to empower the speaker to name new conferees for the house.

NOTES AND PRECEDENTS ON CONFERENCES

EXPLANATORY NOTES

1. A number of rulings have made it clear that conference committee reports could not be changed by concurrent resolutions after adoption. Such resolutions have sought to "amend" such reports or to direct the appropriate engrossing and enrolling clerk to make specified changes. However, from time to time concurrent resolutions have been adopted which instructed an engrossing and enrolling clerk to make corrections in typographical errors, punctuation, section numbering, accidental omissions due to stenographic errors, and the like, all of which were changes to which there was little or no objection and all of which were designed to perfect the final legislative product.

2. In the case of conference committee reports on biennial appropriation bills, for a number of years it has been the practice, because of the size and nature of the bills, to admit concurrent resolutions to correct accidental omissions, wording, titles, totals, typographical errors and the like. Often these were admitted under protest that such changes could not be made in such a manner. Admitting the question of procedural legality in general, presiding officers went along with the procedure as the best for all practical purposes. However, in the 55th Legislature, Regular Session, Speaker Waggoner Carr ruled in order a supplement to the original conference committee report which contained all needed corrections, holding this type of procedure was preferable to a concurrent resolution. The report was adopted.

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

4. A conference report must receive a two-thirds vote of each house in order to put the measure into immediate effect, except in case of the general appropriations act. The same is true regarding concurrence in senate amendments. The mere concurrence in senate amendments by a two-thirds vote does not put a measure into immediate effect unless final passage in each house was obtained by a two-thirds vote.

5. A slight deviation from the conference report rule just stated is recognized, because in a decision handed down on June 27, 1931, Judge Morrow, presiding judge of the Court of Criminal Appeals, said: "It seems enough to say that a reasonable and logical interpretation of the controlling provision of the Constitution of this State confers upon the Legislature both the power (by a record vote of two-thirds vote of the Members of each House) to change the time within which an act of the Legislature may ordinarily become effective, and requires that they exercise such authority and power at the time when they become aware of the terms of the law as finally agreed upon. Previous action upon a bill in its initial stages, before material and radical changes have been made, would not control." In the light of this decision, it would be reasonable to assume that if a bill did not receive the necessary two-thirds record vote on final passage in both houses

and was not subjected to "material and radical changes" in conference, the adoption of the conference report by the necessary two-thirds record vote in both houses would not put the bill into immediate effect. On the other hand, if such changes had been made in conference and the necessary two-thirds record vote obtained on the adoption of the conference report, then the bill would go into immediate effect.

6. See annotation following Rule 9, Sec. 1, on vote required to concur in senate amendments to a house joint resolution and to adopt a conference committee report on a joint resolution.

HOUSE PRECEDENTS

1. CAN NOT INSTRUCT CONFERENCE COMMITTEE WHEN TO REPORT IF THE COMMITTEE HAS ALREADY BEEN APPOINTED. — Mr. Alsup moved to instruct the conference committee on House Bill No. 1 to bring in a conference report within a certain time.

Mr. Van Zandt raised a point of order on the ground that a conference committee can not be instructed when to report after they have already been appointed.

The speaker, Mr. Stevenson, sustained the point of order. 43 H.J. 3 C.S. 294 (1933).

Also, any action the house could take would only affect the house conferees, and they alone could not, of course, bring back any report for adoption.

2. NOT IN ORDER TO INSTRUCT A CONFERENCE COMMITTEE TO INCLUDE IN ITS REPORT, IN VIOLATION OF THE RULES, MATTER NOT IN DISAGREEMENT BETWEEN THE TWO HOUSES. — The house had just refused to concur in the senate amendments to H.B. 5. Mr. Morse moved that the conference committee be instructed to include certain matter in its report.

Mr. Jones of Wise raised a point of order against the motion on the ground that it sought, in violation of the rules, to have the committee include matter which was not in disagreement between the houses.

The speaker, Mr. Calvert, sustained the point of order. 45 H.J. Reg. 3056 (1937).

The senate amendments to H.B. 5 were of minor importance in form and content, so far as the bill was concerned, and affected only parts of the bill, so they did not bring the disagreement situation under the exceptions set out in the then Sec. 8.

3. FURTHER POINT REGARDING INSTRUCTIONS TO CONFEREES ON INCLUSION IN THEIR REPORT OF MATTER NOT IN DISAGREEMENT BETWEEN THE TWO HOUSES. — Mr. Sewell moved that the house conferees on H.B. 285 be instructed as follows: That the provisions of H.B. 669 as same passed the house be included in H.B. 285.

Mr. Murphy raised the point of order that the inclusion of H.B. 669 in H.B. 285 is not a matter of disagreement between the two houses, and that any attempt to instruct the house conferees to include same as a part of H.B. 285 would be out of order.

The speaker, Mr. Senterfitt, sustained the point of order. 52 H.J. Reg. 2578 (1951).

Had the substance of H.B. 669 become a part of H.B. 285 in its passage through either house, resulting in a matter of difference, then

instructions relating thereto would have unquestionably been in order, but such was not the case.

4. HOUSE HAS NO RIGHT TO DISCHARGE ITS CONFEREES ON A SENATE BILL WHILE BILL IS STILL IN CONFERENCE. — Mr. Love moved that the conferees on S.B. 167 be discharged and that a new conference committee be appointed on the part of the house and that the senate be requested to appoint a new committee to adjust the differences between the two houses. Mr. Cato raised a point of order on further consideration of the motion on the ground that such a motion as Mr. Love's must originate in the house where the bill originated while the bill is still in conference. The speaker, Mr. Gilmer, sustained the point of order. 49 H.J. Reg. 2758 (1945).

CONGRESSIONAL PRECEDENTS

SENATE AMENDMENTS. — Revenue bills must originate in the house, but the senate may concur with amendments. 2 H.P. 1480. Instances wherein the senate has acquiesced in the constitutional requirement as to revenue bills, while holding to a broad power of amendment. 2 H.P. 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. 2 H.P. 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. 5 H.P. 6316, 6318. The majority of the managers of a conference should represent the attitude of a majority of the house on the disagreements. 5 H.P. 6336. In a conference the managers of the two houses vote separately. 5 H.P. 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. 5 H.P. 6379-6382. The motion to instruct conferees may be amended unless the previous question has been ordered. 5 H.P. 6525. While it is unusual to instruct conferees before a conference is had, it is in order to move instructions for a first conference as for any subsequent conference. 8 C.P. 3230. A conference may be had on only a portion of the amendments in disagreement, leaving the differences as to the remainder to be settled by the action of the two houses themselves. 5 H.P. 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. 5 H.P. 5664. Conferees do not usually admit persons to make arguments before them. 5 H.P. 6263. The motion to agree or concur should be put in the affirmative and not in the negative form. 5 H.P. 6166. A conference report being presented, the question on agreeing to it is regarded as pending. 5 H.P. 6517. The motion to agree is the pending question to a conference report, and the motion to disagree is not admitted. 2 H.P. 1473. Although a conference report may be in disregard of the instructions given the managers, yet it may not be ruled out on a point of order. 5 H.P. 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. 5 H.P. 6323. A conference report is not subject to amendment,

but must be considered and disposed of as a whole. 8 C.P. 3306. The rejection of a conference report leaves the matter in the position it occupied before the conference was asked. 5 H.P. 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. 5 H.P. 6288-6291. Where a conference report is ruled out of order, the bill and amendments are again before the house as when first presented, and motions relating to amendments and conference are again in order. 8 C.P. 3257. The speaker may rule a conference report out of order if it is shown that the conferees have exceeded their authority. 8 C.P. 3256. Exceeding authority does not mean violating instructions given conferees. Action on a conference report by either house discharges the committee of conference and precludes a motion to recommit, but until one house has acted on the report the motion to recommit to the conferees, with or without instructions, is in order. 8 C.P. 3241. The failure of a conference does not prevent either house taking such independent action as may be necessary to pass a bill. 5 H.P. 6320.

Rule 14. General Provisions

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Rule 14
General Provisions

Section 1. When Rules Are Silent — If the rules are silent or inexplicit on any question of order or parliamentary practice, the Rules of the House of Representatives of the United States Congress, and its practice as reflected in published precedents, and Mason's Manual of Legislative Procedure shall be considered as authority.

Section 2. Amendments to the Rules — (a) Amendments to the rules of the house shall be proposed by house resolutions which shall be referred at once, without debate, to the Committee on Rules and Resolutions for study and recommendation.

(b) A resolution proposing an amendment to the rules shall not be considered by the house until a printed copy of the resolution has been provided to each member of the house at least 48 hours before consideration.

(c) Amendments to the rules shall require a majority vote of the house for adoption.

Section 3. Motion to Suspend the Rules — A motion to suspend the rules shall be in order at any time, except when motions to adjourn or recess are pending, even when the house is operating under the previous question. A motion to "suspend all rules" shall be sufficient to suspend every rule under which the house is operating for a particular purpose except the provisions of the constitution and the joint rules of the two houses. If the rules have been suspended on a main motion for a given purpose, no other motion to suspend the rules on a main motion shall be in order until the original purpose has been accomplished.

EXPLANATORY NOTES

1. The wording "at any time," as used in the above paragraph, does not, however, give such a motion priority over the motions to adjourn or recess. In the 53rd Legislature the speaker, Mr. Senterfitt, held that those motions can be made and entertained when a motion "to suspend the rules" is pending.

2. Under the above rule it has been the practice for many years for a member, having in mind "a particular purpose," to move a suspension of the rules for that purpose. Members have a wide latitude — practically unlimited — in describing such purpose. A single vote, if carried by the required two-thirds, is sufficient to obtain the desired result. For example, in the house journal of the 50th Legislature there is recorded certain action on H.B. 44. The bill was ruled illegally introduced because three identical copies had not been filed with the chief clerk. Then "Mr. Sadler moved that Sec. 1 of Rule XVIII (now revised as Rule 8, Sec. 9) be suspended in order to consider H.B. 44 in the same status as before the point of order by Mr. Fly . . . ."

This motion was passed, 100 yeas to 38 nays. Thus a suspension occurred "for a particular purpose." The notion that some motions to suspend the rules "for the purpose of" are "double motions" is entirely

erroneous. The above section gives full and specific authority for a member to define the "purpose" as he wishes. See the congressional precedents following.

3. If a resolution contains a provision which, if adopted, would be equivalent to a suspension of the rules it would require a two-thirds vote for adoption.

4. There is nothing in the above section or elsewhere in these rules requiring a record vote for a suspension of the rules.

HOUSE PRECEDENTS

1. MOTION TO SUSPEND THE RULES IS IN ORDER ANY TIME, EVEN WHEN THE HOUSE IS OPERATING UNDER THE PREVIOUS QUESTION. — 44 H.J. Reg. 479 (1935).

2. ONE SUSPENSION IN ORDER AT A TIME. — In the 51st Legislature, the speaker, Mr. Manford, ruled that the purpose for which a suspension of the rules was voted must be accomplished before another suspension of the rules is in order.

3. MOTION TO RECONSIDER A SUCCESSFUL SUSPENSION OF THE RULES VOTE IN ORDER UNDER CERTAIN CONDITIONS. — A motion to refer a bill having been ruled out because the routine motion period had been passed, Mr. Favors moved a suspension of the rules so the house could consider his motion. This motion prevailed. Mr. Harris of Dallas moved to reconsider the vote on suspension of the rules and Mr. Lucas raised the point of order that this motion was out of order.

The speaker, Mr. Homer Leonard, overruled the point of order, stating that such a motion was in order and could be adopted by a majority vote, unless action following the rules suspension had moved the matter to a new stage, such as the actual reading of a bill the first, second or third time. (Obviously a reading of a bill could not be undone. Under such conditions the matter could be disposed of by several other motions.) 47 H.J. Reg. 2257 (1941).

4. MAY SUSPEND THE RULES FOR THE PURPOSE OF RECONSIDERING A VOTE, EVEN THOUGH THE TIME FOR MAKING THE MOTION TO RECONSIDER HAS PASSED. — Mr. Russell moved to suspend Rule XIII, Section 7 (now Rule 7, Sec. 34) so as to make a motion to reconsider the vote by which the "Heart Balm Bill" failed to pass.

Mr. Alsup raised a point of order on the motion to suspend the rules so as to move to reconsider the vote on the failure of the bill, on the ground such motion to reconsider would violate Section 34, Article 3 of the constitution relative to passage of a defeated measure.

The speaker, Mr. Stevenson, overruled the point of order, on the grounds that the house may, by a two-thirds vote, suspend the rule and then vote to revive the bill. 44 H.J. Reg. 1995 (1935).

CONGRESSIONAL PRECEDENTS

MOTION TO SUSPEND THE RULES. — The motion may not be amended, 5 H.P. 5322, 5405, 6858, postponed, 5 H.P. 5322, or laid on the table. 5 H.P. 5405.

A motion to suspend the rules applies to the parliamentary law of Jefferson's Manual as well as to the rules of the house. 5 H.P. 6796. When the rules are suspended to enable a matter to be considered,

another motion to suspend the rules may not be made during that consideration. 5 H.P. 6836, 6837. A motion to suspend the rules may be entertained, although the previous question has been ordered. 5 H.P. 6827. Adoption of a motion to "suspend the rules" suspends all rules, including the unwritten law and practice of the house. 8 C.P. 3406.

Section 4. Notice of Pending Motion to Suspend the Rules — It shall not be in order to move to suspend the rules or the regular order of business to take up a measure out of its regular order, and the speaker shall not recognize anyone for either purpose, unless the speaker has announced to the house in session that the speaker would recognize a member for that purpose at least one hour before the member is so recognized to make the motion. In making the announcement to the house, the speaker shall advise the house of the member's name and the bill number, and this information, together with the time that the announcement was made, shall be entered in the journal. This rule may be suspended only by unanimous consent.

Section 5. Vote Requirements for Suspension — A standing rule of the house may be suspended by an affirmative vote of two-thirds of the members present. However, if a rule contains a specific provision showing the vote by which that rule may be suspended, that vote shall be required for the suspension of the rule. The specific provision may not be suspended under the provisions of this section.

Section 6. Disposal of Measures Taken Up Under Suspension — Any measure taken up under suspension and not disposed of on the same day shall go over as pending or unfinished business to the next day that the house is in session, and shall be considered thereafter from day to day (except the days used for the consideration of senate bills) until disposed of.

EXPLANATORY NOTES

1. See annotation differentiating between "pending business" and "unfinished business" following the order of business in Rule 6, Sec. 1.

2. A suspension of the regular order of business, as distinguished from a suspension of the rules, is a suspension of that order of business on the speaker's table as described in the 11th item of Rule 6, Sec. 1(a). As directed in the rules, the chair holds to the regular order of business unless the house directs otherwise by a suspension of the rules.

3. The order of recognition to suspend rules is determined entirely by the speaker. While the speaker is guided somewhat by the order in which he receives suspension requests from the members, there is neither rule nor precedent which requires him to adhere to such an order for recognition. In fact, to adhere strictly to a request order would prevent a speaker from recognizing members to bring up matters of major importance such as public and party demands, emergency measures, etc. Also, if a strict request order is followed (and the order is generally known) it is possible for abuses to occur which are not to the best interests of the membership.

HOUSE PRECEDENTS

1. NOT IN ORDER TO RECONSIDER VOTE BY WHICH A BILL IS TAKEN UP ON SUSPENSION OF THE REGULAR ORDER; IN ORDER IF VOTE TO TAKE UP FAILED. — On a Monday the house was considering a bill taken up on a suspension of the regular order of business. It had been read the second time and debate was proceeding. The motion to reconsider the vote by which the bill was taken up and made and, on a point of order that such could not be done, the speaker, Mr. Homer Leonard, sustained the point of order. He held that other disposition must be made of the bill if the house did not wish to continue its consideration since to permit the reconsideration motion would have the effect of wiping out the second reading and proceedings following. 47 H.J. Reg. (1941).

2. RECONSIDERATION OF MOTION TO SUSPEND. — In the 52nd Legislature the speaker, Mr. Senterfitt, admitted a motion to reconsider the vote by which a motion to suspend the regular order of business had failed. This motion should not be confused with a suspension of the rules motion.

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

EXPLANATORY NOTES

Rule 14, Sec. 7, prohibits a member of a house committee from offering, conferring, or agreeing to confer to a fellow committee member one or more gifts with a total value of more than $75 per year.

Section 8. Explanation of the Final Ruling of a Point of Order — The speaker shall instruct the parliamentarian to provide to each member a written explanation of the final ruling on a point of order, including providing the citation of any house or congressional precedents used in determining the ruling. The explanation shall be provided to each member through the electronic legislative information system not later than 24 hours after the final ruling was announced before the house.

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House Vote Requirements

Question	Rule or Constitutional Provision	Vote
Adoption of senate amendments for bills with immediate effect	Rule 13 § 4	2/3 membership
Amend bill on third reading	Rule 11 § 5	2/3 present
Appropriation in excess of constitutional spending limit	Art. 8 § 22, Tx. Const.	"Record vote of a majority of the members"
Appropriation notwithstanding comptroller's failure to certify	Art. 3 § 49a, Tx. Const.	4/5 membership (120)
Appropriation of rainy-day fund for any other purpose	Art. 3 § 49-g(m), Tx. Const.	2/3 present
Appropriation of rainy-day fund for current biennium for same purposes as previous appropriation	Art. 3 § 49-g(k), Tx. Const.	3/5 present
Appropriation of rainy-day fund to cover revenue estimate shortfall for succeeding biennium	Art. 3 § 49-g(l), Tx. Const.	3/5 present
Committee meeting while in session	Rule 4 § 9	Majority vote
Committee on Calendars rule for floor consideration of bills/resolutions eligible for daily house calendar	Rule 6 § 16 (f)	2/3 present and voting unless for tax, appropriations, or redistricting bills (then majority present and voting)
Consideration during first 60 days (suspend constitutional order of business)	Art. 3 § 5c, Tx. Const. (usually suspended for duration of session)	4/5 membership (120)
Correcting referral of proposed legislation to committees	Rule 1 § 4	Majority vote
Dispense with verification	Rule 5 § 55	2/3 vote
Dividing the question	Rule 5 § 43	Majority vote, a quorum being present
Expulsion of house member	Art. 3 § 11, Tx. Const.	"Consent of two-thirds"
House Rules amendment	Rule 14 § 2(c)	Majority vote
House Rules suspension to take up measure out of regular order	Rule 14 § 4	Unanimous, following one hour's notice
House Rules suspension unless otherwise specified	Rule 14 § 5	2/3 present
Immediate effect date	Rule 8 § 19; Art. 3 § 39, Tx. Const.	2/3 membership
Introduction after first 60 days	Rule 8 § 8(a)	4/5 members present and voting (senate Rule 7.07 requires 4/5 membership)

House Vote Requirements

Question	Rule or Constitutional Provision	Vote
Joint resolution amending constitution; final passage	Rule 9 § 1(c); Art. 17 § 1, Tx. Const.	2/3 membership; may be adopted on any reading after 1st reading, so long as it receives a 2/3 vote of membership
Joint resolution; printing on minority report	Rule 4 § 29	"2/3 vote of the house"
Minority report filing	Rule 4 § 28	Fixed number of signatures depending on committee size
Order bill (not local) not printed	Rule 8 § 14(c)	2/3 vote
Override line-item veto	Art. 4 § 14, Tx. Const.	2/3 present
Override veto of house bill	Art. 4 § 14, Tx. Const.	2/3 present
Override veto of senate bill	Art. 4 § 14, Tx. Const.	2/3 membership
Previous question	Rule 7 § 21	Majority voting, quorum present, with 25 seconds
Quorum	Rule 5 § 1; Art. 3 § 10, Tx. Const.	2/3 membership
Recommit a second time	Rule 7 § 20	2/3 present
Recommit bill without minority report filed according to rules	Rule 4 § 30	Majority vote
Reconsider (before next day's calendar)	Rule 7 § 39	Majority vote (even if original question requires 2/3)
Rereferral	Rule 7 § 46	First 76 calendar days: 2/3 vote; after first 76 calendar days: majority vote
Second extension of time	Rule 5 § 28	Unanimous
Set periods for consideration of congratulatory and memorial calendars	Rule 6 § 11	2/3 vote
Set periods for consideration of Local, Consent, & Resolutions calendar	Rule 6 § 13	2/3 vote
Special order	Rule 6 § 2	2/3 present
Special order postponement	Rule 6 § 3	2/3 present
Special order, permit more than one at same time	Rule 6 § 2	3/4 present
Suspend 48-hour layout of Local, Consent, & Resolutions calendar	Rule 6 § 13	Unanimous
Suspend three-reading rule	Rule 8 § 15; Art. 3 § 32, Tx. Const.	4/5 members present and voting, a quorum being present

This information is provided as a practical summary of some house vote requirements and is not an interpretation of the house rules.

84th Legislature, Regular Session

Deadlines for Action Under House and Senate Rules

This deadlines calendar is intended to be a practical summary guide to the end-of-session deadlines. It is not intended as an interpretation of the rules of the house or senate.

In reviewing this calendar, all members should consider, in addition to the stated deadline, the time needed for the preparation of any ancillary documents related to the bill, any printing time, and any applicable layout rule.

Note 1: The house rules do not contain an express deadline for committees to report measures, but technically, this is the last day for a house committee to report a measure in order for the measure to have any chance of being placed on a house calendar. ***However***, this deadline ***does not*** take into consideration the time required to: (1) prepare the bill analysis; (2) obtain an updated fiscal note or impact statement; (3) prepare any other paperwork required for a committee report; or (4) prepare the committee report for distribution to the members of the house as required by the rules. ***Realistically***, it normally takes a full day ***or more*** for a bill to reach the Calendars Committee after the bill has been reported from committee.

Note 2: The house rules do not have an express deadline for distributing calendars on the 120th, 121st, 128th, 132nd, and 133rd days.

Note 3: The senate deadline for passing all bills and joint resolutions ***does not*** take into consideration the house deadline for passing senate bills and joint resolutions. ***Realistically***, to be eligible for consideration by the house under its end-of-session deadlines, senate bills and joint resolutions must be passed by the senate and received by the house ***before*** the 130th day.

Note 4: Both Senate and House rules require a 48-hour layout for a resolution suspending limitations on a conference committee considering the general appropriations bill, if such a resolution is necessary. Neither rule has an express deadline for considering that resolution, which should occur before consideration of the general appropriations bill.

MAY 2015

84th Legislature, Regular Session

Deadlines for Action Under House and Senate Rules

This deadlines calendar is intended to be a practical summary guide to the end-of-session deadlines. It is not intended as an interpretation of the rules of the house or senate.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
118th day 10	**119th day** 11 last day for House committees to report HBs/HJRs **(see Note 1)**	**120th day** 12 by 10 p.m.—last House Daily Calendar with HBs/HJRs must be distributed (36-hour layout) **(see Note 2)**	**121st day** 13 by 9 a.m.—last House Local & Consent Calendar with **consent** HBs must be distributed (48-hour layout)	**122nd day** 14 last day for House to consider 2nd reading HBs/HJRs on Daily or Supplemental Calendar	**123rd day** 15 last day for House to consider **consent** HBs on 2nd & 3rd reading and **ALL** 3rd reading HBs/HJRs on Supplemental Calendar	**124th day** 16
125th day 17	**126th day** 18	**127th day** 19	**128th day** 20 by 9 a.m.—last House Local & Consent Calendar with **local** HBs must be distributed (48-hour layout)	**129th day** 21	**130th day** 22 last day for House to consider **local** HBs on 2nd & 3rd reading *first day Senate can consider bills and resolutions the first day they are posted on the Intent Calendar*	**131st day** 23 last day for House committees to report SBs/SJRs
132nd day 24 by 10 p.m.—last House Daily Calendar with SBs/SJRs must be distributed (36-hour layout)	**133rd day** 25 by 9 a.m.—last House Local & Consent Calendar with SBs must be distributed (48-hour layout)	**134th day** 26 last day for House to consider 2nd reading SBs/SJRs on Daily or Supplemental Calendar	**135th day** 27 last day for House to consider **local and consent** SBs on 2nd & 3rd reading and **ALL** 3rd reading SBs/SJRs on Supplemental Calendar *last day for Senate to consider **ALL** bills & JRs on 2nd or 3rd reading* **(see Note 3)**	**136th day** 28 **before** midnight—Senate Amendments must be distributed in the House (24-hour layout)	**137th day** 29 last day for House to act on Senate Amendments ***before** midnight—**Senate** copies of Conference Committee Reports (CCRs) on tax, general appropriations, and reapportionment bills must be printed and distributed (48-hour layout)* **(see Note 4)**	**138th day** 30 **before** midnight—**House** copies of **ALL** CCRs must be distributed (24-hour layout) ***before** midnight—**Senate** copies of CCRs on bills other than tax, general appropriations, and reapportionment bills must be printed and distributed (24-hour layout)*
139th day 31 last day for House to adopt CCRs or discharge House conferees and concur in Senate Amendments *last day for Senate to concur in House Amendments or adopt CCRs*	**140th day** June 1 Corrections only in House and Senate last day of session (sine die)					

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Note 4: Both Senate and House rules require a 48-hour layout for a resolution suspending limitations on a conference committee considering the general appropriations bill, if such a resolution is necessary. Neither rule has an express deadline for considering that resolution, which should occur before consideration of the general appropriations bill.

Point of Order Explanations

83rd Legislature

Texas House of Representatives

Point of Order Explanations

This compilation contains the chair's explanations of final rulings on points of order from the 83rd Legislature. Each explanation was initially provided to members in writing in compliance with House Rule 14, Section 8, and each was also printed in the House Journal.

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83 H.J. Reg. 1093 (Isaac 3/26/13)

Amendment No. 110 - Point of Order

Representative Isaac raised a point of order against further consideration of Amendment No. 110, as amended, under Article I, Section 3a of the Texas Constitution.

The chair overruled the point of order and submitted the following statement:

Representative Isaac raised a point of order against further consideration of Amendment No. 110 to **CSHB 5**, asserting that Amendment No. 110 violates Article I, Section 3a of the Texas Constitution. Specifically, Representative Isaac asserts that the amendment violates the equal rights of students and is discriminatory. The point of order is overruled because this assertion constitutes a substantive constitutional challenge to the amendment requiring resolution of whether the pending measure violates the state or federal constitution, rather than a challenge to the house's procedures allowed by the house rules or the constitution by which a bill or amendment is being considered. The chair continues its long-standing practice of respectfully declining to rule on this point. *See* 82 H.J. Reg. 956 (2011), (explaining that a substantive point of order is precisely the type of constitutional point "traditionally not ruled on"); 62 H.J. Reg. 2845 (1971), (declining, based on house precedent, to entertain a point of order that raised a substantive constitutional challenge).

Committee Meetings (Rule 4, Sections 8-17)

Meeting While House in Session (Rule 4, Section 9)

Posting Notice (Rule 4, Section 11)

83 H.J. 1st C.S. 1091 (S. Thompson 6/23/13)

CSSB 5 - POINT OF ORDER

Representative S. Thompson raised a point of order against further consideration of **CSSB 5** under Rule 4, Section 9 and Rule 4, Section 11(b) of the House Rules on the grounds that the committee met while the house was in session without getting permission to meet.

The chair overruled the point of order and submitted the following statement:

Representative S. Thompson raised a point of order against further consideration of **CSSB 5** under Rule 4, Section 9 and Rule 4, Section 11(b) of the House Rules, asserting that the Committee on State Affairs did not have permission to meet while the house was in session and did not properly post the time of its meeting. The point of order is respectfully overruled.

The Committee on State Affairs met while the house was in recess. It posted to meet at 1 p.m. on the day of its meeting, but actually convened at 1:16 p.m. Because the house was in recess, the committee did not need permission to meet

while the house was in session, and, therefore, did not violate Rule 4, Section 9. Further, because the committee met after the time for which it had posted its meeting, it did not contravene Rule 4, Section 11.

83 H.J. Reg. 2659 (Miles 5/7/13)

CSHB 500 - POINT OF ORDER

Representative Miles raised a point of order against further consideration of CSHB 500 under Rule 4, Section 9 of the House Rules on the grounds that the Committee on Ways and Means met while the house was in session without being given permission to meet.

The chair overruled the point of order and submitted the following statement:

Representative Miles raised a point of order against further consideration of **CSHB 500** under Rule 4, Section 9 of the House Rules, asserting that the Committee on Ways and Means, which considered **CSHB 500** in a formal meeting while the house was in session, did not have permission to meet while the house was in session. Representative Miles acknowledges that all committees that had posted for their meetings were permitted to meet during session, but asserts that the Committee on Ways and Means did not post its meeting. The point of order is respectfully overruled.

The house journal reflects that an announcement for the Committee on Ways and Means's formal meeting was filed with the journal clerk and read by the reading clerk while the house was in session, in compliance with Rule 4, Section 11(b)'s posting requirements for formal meetings. Therefore, the blanket permission for all committees to meet while the house was in session, pursuant to their committee postings, applied to the Committee on Ways and Means's formal meeting to consider **CSHB 500**.

Posting Notice (Rule 4, Section 11)—5-Day Posting Rule
83 H.J. Reg. 1144-45 (Taylor 3/27/13)

CSHB 4 - POINT OF ORDER

Representative Taylor raised a point of order against further consideration of **CSHB 4** under Rule 4, Section 11 of the House Rules on the grounds that proper notice of the committee meeting was not given.

(Speaker pro tempore in the chair)

The chair overruled the point of order and submitted the following statement:

Representative Taylor raised a point of order against further consideration of **CSHB 4** under Rule 4, Section 11(a) of the House Rules, specifically arguing that the notice of a public hearing on **CSHB 4**, posted at 4:28 p.m. February 14, 2013 (five calendar days—the 14th, 15th, 16th, 17th, and 18th of February—before the date of the hearing at 7:30 a.m. February 19, 2013) was insufficient to comply

with the Rule 4, Section 11(a) requirement that a posting for a public hearing during a regular session, absent a rules suspension, must be posted "at least five calendar days in advance of the hearing." The point of order is overruled.

In this case, Rule 4, Section 11(a) of the House Rules was complied with. The proponent's argument on the point of order is that Rule 4, Section 11(a)'s five-calendar-day requirement really means that 120 hours' notice (5 days x 24 hours) of the posting is required, rather than a requirement that the posting must be available for five consecutive days. However, the terms "calendar day" and "day of 24 hours" are not synonymous. *See* Tex. Atty. Gen. Op. No. WW-372 (1958). Nor is the phrase "calendar day" unique and indefinite in meaning requiring reference back to a dictionary definition. It is used on over 38 separate occasions in state law and it appears in 21 sections of the House Rules. Further, the House Rules reflect the house is able to express when it wishes to base the passage of time by the measurement of hours. *E.g.*, Rule 4, Section 11(a) of the House Rules, (requiring public hearings in special sessions to be posted "at least 24 hours in advance of the hearing").

Witnesses—Resource Witness
83 H.J. Reg. 3011-12 (Gutierrez 5/9/13)

CSHB 1882 - POINT OF ORDER

Representative Gutierrez raised a point of order against further consideration of **CSHB 1882** under Rule 4, Section 10 and Rule 4, Section 11 of the House Rules on the grounds that proper notice of the committee meeting was not given.

The chair overruled the point of order and submitted the following statement:

Representative Gutierrez raised a point of order against further consideration of CSHB 1882 under Rule 4, Section 10 and Rule 4, Section 11 of the House Rules arguing that the testimony of Ann Bishop, the executive director of the Employees Retirement System of Texas, as a resource witness at a formal meeting on April 15, 2013, of the Committee on Pensions was in error. Specifically, he argues that the explanatory notes of the House Rules provide that "a resource witness is a person who is employed by an agency of the legislative branch of government." Representative Gutierrez's written materials argue that since the Employees Retirement System of Texas is not a legislative agency, Ms. Bishop could not be a resource witness who would be allowed to testify at a formal meeting. The point of order is respectfully overruled.

Interestingly, the explanatory note on Rule 4, Section 10 of the House Rules has an additional provision, immediately following Representative Gutierrez's quoted provision, that directly addresses and resolves the matter. A resource witness may also offer testimony "in very limited circumstances, by an agency of the executive branch of government . . . when providing a committee . . . with background information or technical information on a particular bill or resolution

but may not testify for or against the measure." In this case, Ms. Bishop, who testified neutrally and provided the committee with background or technical information on **CSHB 1882**, was a proper resource witness who properly provided testimony to the Committee on Pensions.

Committee Documents (Rule 4, Sections 18-35)

Witness Affirmation Form—Completeness
83 H.J. Reg. 1881-82 (M. González 4/25/13)

CSHB 611 - POINT OF ORDER

Representative M. González raised a point of order against further consideration of **CSHB 611** under Rule 4, Section 20(b) of the House Rules on the grounds that the sworn statement of witnesses is incomplete.

The speaker overruled the point of order and submitted the following statement:

Representative M. González raised a point of order against further consideration of **CSHB 611** under Rule 4, Section 20(b) of the House Rules. Representative González explains that two witnesses testified in Spanish against the bill with the use of an interpreter. She further observes that the interpreter who translated the conversation between these witnesses and the committee members completed a witness form stating that the interpreter was testifying "on" the bill and that the interpreter was representing herself. Representative González urges that the interpreter should instead have listed herself as testifying against the bill and as representing the two witnesses for whom she was translating. Alternately, she suggests that the interpreter should not have completed a witness form. The point of order is respectfully overruled.

In this case, the interpreter was recognized to address the committee as a translator for the witnesses and the members of the committee without expressing an independent position on the bill. The chair concludes that the purpose of Rule 4, Section 20, which is to gather contact information and to administer an oath to the person wishing to be recognized to address the committee regarding a particular matter, has been complied with. *See* Rule 4, Section 20(a) and Rule 4, Section 20(d) of the House Rules. Over the past several sessions, the house has relied on interpreters to communicate with witnesses who speak foreign languages and who are hearing or visually impaired, and this may be a topic that invites further development of the rules.

83 H.J. Reg. 1890 (Walle 4/25/13)

CSHB 148 - POINT OF ORDER

Representative Walle raised a point of order against further consideration of **CSHB 148** under Rule 4, Section 18 and Rule 4, Section 20 of the House Rules on the grounds that the committee minutes are incomplete and the sworn statement of witnesses is incomplete.

The chair overruled the point of order and submitted the following statement:

Representative Walle raised a point of order against further consideration of **CSHB 148** under Rule 4, Section 18 and Rule 4, Section 20 of the House Rules. Specifically, he asserts that the witness list is impermissibly inconsistent with the witness affirmation report because the witness list shows that a particular witness was testifying "on" **CSHB 148** but the affirmation report shows that witness as not intending to testify. The point of order is overruled.

Representative Walle is correct that the witness list shows the witness as "on" the bill and that the affirmation report shows that the witness responded to the intent to testify field by marking "no." However, these two responses are not inconsistent. In the box on the affirmation form indicating the witness's position on the bill, the witness marked "on," which is consistent with the witness list reflecting that the witness testified "on" the bill. As for the witness marking "no" as his intent to testify, the chair notes that although the witness did end up testifying on the bill, this is not inconsistent with his intention, at the time he filled out the witness form, to not testify. The witness's intent not to testify does not have to be updated if, contrary to the intent stated on the form, he ultimately testifies. *See* 78 H.J. Reg. 2645 (2003), (noting that the purpose of the witness affirmation form is to swear the witnesses and provide information that would permit contacting the witness). In this case, the affirmation report showed that the witness was recognized by the chairman to have testified "on" the bill. This similar information is reflected on the witness list.

Committee Report—Date of Committee Meeting
83 H.J. 2nd C.S. 20-21 (Martinez Fischer 7/9/13)

HB 2 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **HB 2** under Rule 4, Section 32(b)(4) and Rule 4, Section 18 of the House Rules on the grounds that the committee report is incorrect and the committee minutes are incomplete.

The chair overruled the point of order and submitted the following statement:

During the consideration of **HB 2**, Representative Martinez Fischer raised a point of order under Rule 4, Section 32(b)(4) of the House Rules. That provision requires that a committee report must be in writing and shall contain "the date the

committee made its recommendation." Representative Martinez Fischer argues that the record vote in committee on **HB 2** occurred on the morning of July 3, 2013, and, therefore, that the date on the committee report of July 2, 2013, the date the hearing commenced, is in error and requires that the bill be returned to committee. The point of order is respectfully overruled.

The situation of a house committee beginning deliberation of a bill or hearing on one day and continuing to the next is not unique. The limited dates that a legislature may convene often require house committee hearings to straddle two calendar days. Since at least 2001, house committees appear to have used as "the date the committee made its recommendation" (the requirement set out in Rule 4, Section 32(b)(4)) the date the committee hearing began rather than the date the record vote on a matter was taken (the position advanced by Representative Martinez Fischer). *See, e.g.*, **HB 1374**, 77th Legislature (March 13, 2001, committee report dated on date committee hearing began and not on date of record vote in committee); **HB 2378**, 77th Legislature (April 4, 2001, committee report date on date committee hearing began and not on date of record vote in committee); **HB 3108**, 77th Legislature (April 17, 2001, committee report date on date committee hearing began and not on date of record vote in committee); **HB 1321**, 78th Legislature (March 26, 2003, committee report date on date committee hearing began and not on date of record vote in committee); **HB 770**, 78th Legislature (April 30, 2003, committee report date on date committee hearing began and not on date of record vote in committee); **HB 1557**, 80th Legislature (April 12, 2007, committee report date on date committee hearing began and not on date of record vote in committee); **HB 4471**, 81st Legislature (March 31, 2009, committee report date on date committee hearing began and not on date of record vote in committee); **SB 1581**, 82nd Legislature (May 20, 2011, committee report date on date committee hearing began and not on date of record vote in committee).

In considering these issues, it is the chair's opinion that the purpose of Rule 4, Section 32(b)(4) of the House Rules has been fulfilled. By using the date the committee hearing began as the date the committee made its recommendation, house committees, over the course of three speakers and an extended period of time, have allowed house staff and members of the public methods to link and review the information in committee reports, postings, and committee minutes. While this issue has never been raised before, members of the house are certainly free to amend the requirements of Rule 4, Section 32(b)(4) of the House Rules to allow any other explicit date to be placed in the committee reports, including the date of the record vote as suggested by Representative Martinez Fischer. Representative Martinez Fischer desires to appeal the ruling of the chair on this matter.

(Geren in the chair)

83 H.J. 2nd C.S. 21

HB 2 - APPEAL OF POINT OF ORDER RULING

Pursuant to Rule 1, Section 9 of the House Rules, an appeal was made to the chair's ruling of the above point of order by the following 10 members: Representatives Martinez Fischer, S. Turner, Dutton, Dukes, Rose, J. Rodriguez, Canales, Miles, S. Thompson, and Walle. The question on whether the chair's ruling should be sustained was before the house.

The chair's ruling was sustained by (Record 9): 91 Yeas, 53 Nays, 2 Present, not voting.

See infra on **Appeal of Point of Order Ruling** for further commentary on the appeal of the ruling.

Minutes—Temporary Absence of Committee Member
83 H.J. Reg. 2448-49 (Walle 5/4/13)

CSHB 972 - POINT OF ORDER

Representative Walle raised a point of order against further consideration of **CSHB 972** under Rule 4, Section 18 of the House Rules on the grounds that the committee minutes are incomplete.

The speaker overruled the point of order and submitted the following statement:

Representative Walle raised a point of order against further consideration of **CSHB 972** under Rule 4, Section 18 of the House Rules. The point of order is respectfully overruled.

Representative Walle observes that the minutes for the hearing at which **CSHB 972** was considered show that at 2:29 p.m., the committee reconvened. Roll was called, and Representative Cortez was shown as present. After showing that a quorum was present and before the committee considered any bills, the minutes show "Representative Cortez now present." Representative Walle asserts that showing Representative Cortez as now present meant that either Representative Cortez had not initially been in attendance, such that the record of the roll call was inaccurate, or that the notation that he was now present was inaccurate because he had been present the entire time.

The chair notes that committee minutes do not reflect the precise moment when a committee member has left a hearing. Indeed, after the roll was called, the committee considered eight bills for which Representative Cortez was present and voting on the bills. Then, on the votes for the ninth bill and tenth bill, which was **CSHB 972**, Representative Cortez is shown as absent. This notation regarding his absence during votes is one of the few instances following a roll call when a committee member that has left is shown in the minutes. In any event, the notation that Representative Cortez was "now present" following a roll call

in which he was also shown as present did not necessarily reflect an error in the roll call, but instead may have reflected either that Representative Cortez briefly left the room or that he was redundantly, but nonetheless accurately, recorded as being present.

Minutes & Summary of Committee Actions—Bills Left Pending
83 H.J. Reg. 2442 (E. Rodriguez 5/4/13)

CSHB 972 - POINT OF ORDER

Representative E. Rodriguez raised a point of order against further consideration of CSHB 972 under Rule 4, Section 18 and Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The speaker overruled the point of order and submitted the following statement:

Representative E. Rodriguez raised a point of order against further consideration of **CSHB 972** under Rule 4, Sections 18 and 32 of the House Rules. Specifically, Representative E. Rodriguez argues that the committee minutes and the summary of committee action of the March 14, 2013, committee meeting are incorrect. Representative E. Rodriguez points out that the summary of committee action for that meeting states that **CSHB 972** was left pending in committee. Representative E. Rodriguez also offered one page (page 4) of the March 14, 2013, committee minutes which stated: "**HB 972**. The chair laid out **HB 972**. The chair recognized Representative Fletcher to explain **HB 972**."

Representative E. Rodriguez argues that the failure to include in the minutes an express statement that the bill was left pending is error. In fact, if this were the complete state of the record, the point of order would not have been sustained. An examination of the committee minutes for the March 14, 2013, meeting and the next meeting in which this bill was dealt with makes it clear that **CSHB 972** was left pending at the end of the March 14, 2013, meeting. Further, whether an item is left pending is not among the list of items required to be captured in Rule 4, Section 18 of the House Rules, although a committee chair may certainly properly record it.

More importantly, the chair has reviewed, in addition to the single page offered by Representative E. Rodriguez, the complete committee minutes of the March 14, 2013, meeting. On page 6 of those minutes, the committee reports: "Testimony taken/registration recorded for **HB 972**, **HB 1313**, **HB 1078**, and **HB 706**. (See attached witness list.) . . . The chair recognized Representative Fletcher to close on HB 972. HB 972 was left pending without objection."

There was no violation of any rule, and the point of order is overruled.

Bill Analysis—Background & Purpose
83 H.J. Reg. 2441 (Canales 5/4/13)

CSHB 972 - POINT OF ORDER

Representative Canales raised a point of order against further consideration of **CSHB 972** under Rule 4, Section 32(c)(1) of the House Rules on the grounds that the committee report is incorrect.

The speaker overruled the point of order and submitted the following statement:

Representative Canales raised a point of order against further consideration of **CSHB 972** under Rule 4, Section 32(c)(1) of the House Rules. That provision requires that each bill analysis must include "background information on the proposal and information on what the bill or resolution proposes to do." Specifically, Representative Canales argued that the statement in the background information in the bill analysis relating to a statement of current law regarding carrying concealed handguns on the premises of a school or institution of higher education is misleading.

The chair has reviewed the sections cited by Representative Canales and has reviewed the entire bill analysis, including the analysis, rulemaking, and comparison of the original to the substitute sections. The chair finds, taken together, the bill analysis accurately complies with the provisions of Rule 4, Section 32 of the House Rules. *See also* 81 H.J. Reg. 4138-39 (2009), (finding references may be clarified or expanded on in other sections of bill analysis).

Bill Analysis—Background & Purpose
83 H.J. Reg. 4056 (M. González 5/21/13)

SB 11 - POINT OF ORDER

Representative M. González raised a point of order against further consideration of **SB 11** under Rule 4, Section 32(c)(1) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order and submitted the following statement:

Representative M. González raised a point of order against further consideration of **SB 11** under Rule 4, Section 32(c)(1) of the House Rules, asserting that the bill analysis is incomplete because the background and purpose section of the analysis does not describe Section 31.0321(m) of the Family Code, which contains reporting requirements relating to failed drug tests. Representative M. González asserts that the key elements of the bill must be described both in the background and purpose as well as in the body of the analysis, and that the omission of a section from the background and purpose is particularly egregious where the background and purpose does mention the part of the bill that requires

drug testing as a prerequisite for receiving Temporary Assistance for Needy Families money. The point of order is respectfully overruled.

Having carefully reviewed the bill and the analysis, the chair determines that the background and purpose provides sufficient "background information on the proposal and information on what the bill . . . proposes to do" to satisfy Rule 4, Section 32(c)(1) of the House Rules.

[Note: This point was probably intended to refer to § 31.0321(m) of the Human Resources Code, but the point submitted cited the Family Code.]

Bill Analysis—Omits a Section
83 H.J. 2nd C.S. 23 (Reynolds 7/9/13)

HB 2 - POINT OF ORDER

Representative Reynolds raised a point of order against further consideration of **HB 2** under Rule 4, Section 32(c) of the House Rules.

The chair overruled the point of order and submitted the following statement:

Representative Reynolds raised a point of order against further consideration of **HB 2** under Rule 4, Section 32(c) of the House Rules, asserting that the bill analysis omits Section 1 of the bill. The point of order is respectfully overruled.

Section 1(a) of the bill contains legislative findings related to unborn children and the state's interest in protecting them, and Section 1(b) contains a severability clause. The bill analysis states that the bill "provides for the construction, enforcement, and severability of its provisions." Having reviewed the bill analysis and the bill, the chair concludes that this statement summarizes the contents of Section 1 and complies with the requirements of Rule 4, Section 32(c) of the House Rules. *See* 83 H.J. 1st C.S. 1092 (2013).

Bill Analysis—Omits a Section
83 H.J. Reg. 2322-23 (C. Turner 5/3/13)

CSHB 2748 - POINT OF ORDER

Representative C. Turner raised a point of order against further consideration of **CSHB 2748** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order and submitted the following statement:

Representative C. Turner raised a point of order against further consideration of **CSHB 2748** under Rule 4, Section 32(c) of the House Rules, asserting that the bill analysis did not contain an adequate "summary or section-by-section" analysis. The point of order is overruled.

Representative C. Turner observes that the bill analysis does not explain Section 3 of the bill, which provides that the changes made by the bill "relating to a permit to operate a pipeline apply only to a permit the application for which is filed . . . on or after the effective date of this Act," but a "permit the application

for which was filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose." Representative C. Turner's point of order contends that failing to discuss Section 3 created a misleading impression that the bill applies to all pending matters because there exists a legal presumption that the bill's provisions apply to pending matters, absent a savings clause such as Section 3. The point bases its contention on case law decided at least a decade prior to the enactment of Section 311.022 of the Government Code, which, surprisingly, was omitted from the point's analysis.

Contrary to the contention raised by the point of order, Section 311.022 of the Government Code states, "A statute is presumed to be prospective in its operation unless expressly made retrospective." Because Section 3 merely restates the legal presumption that the bill is prospective in nature, omitting a discussion of Section 3 in the bill analysis did not render the analysis misleading. *Compare* 82 H.J. Reg. 3710 (2011), (sustaining a point of order where the bill analysis omitted mention of the provision that the section added by the bill "applies according to its terms in relation to travel vouchers that have not been released before the effective date of this Act").

Bill Analysis—Omits a Subchapter
83 H.J. 1st C.S. 1091 (Y. Davis 6/23/13)

CSSB 5 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **CSSB 5** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order and submitted the following statement:

Representative Y. Davis raised a point of order against further consideration of **CSSB 5** under Rule 4, Section 32 of the House Rules, asserting that the bill analysis omitted Subchapter D from its analysis. The chair has reviewed Subchapter D and the bill analysis and determines that page three of the bill analysis properly addresses Subchapter D under Rule 4, Section 32. Therefore, the point of order is respectfully overruled.

Bill Analysis—Omits a Subsection; Incorrect Definition; Omits Necessary Reference
83 H.J. 1st C.S. 1082-83 (C. Turner 6/23/13)

CSHB 16 - POINT OF ORDER

Representative C. Turner raised a point of order against further consideration of **CSHB 16** under Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker overruled the point of order and submitted the following statement:

Representative C. Turner raised three points of order against further consideration of **CSHB 16** under Rule 4, Section 32(c) of the House Rules. The points of order are respectfully overruled.

Representative C. Turner first asserts that the bill analysis omits Subsections (a) and (b) of Section 1 of the bill. Section 1(a) of the bill states that the bill may be cited as the Preborn Pain Act. Section 1(b) contains legislative findings related to unborn children and the state's interest in protecting them. The bill analysis states that the bill "provides for the construction, [and] enforcement . . . of its provisions." Having reviewed the bill analysis and the bill, the chair concludes that this statement summarizes the contents of Section 1(a) and (b).

In his second point of order, Representative C. Turner asserts that the bill analysis's statement that "severe fetal abnormality" is "defined as a life-threatening physical condition that, in reasonable medical judgment, is incompatible with life outside the womb regardless of the provision of lifesaving medical treatment" is incomplete because it does not include a definition of "reasonable medical judgment." The bill adopts the definition of "severe fetal abnormality" from Section 285.202 of the Health and Safety Code, which provides a separate definition of "reasonable medical judgment." Having reviewed the bill, the chair concludes that the analysis complied with Rule 4, Section 32(c) and was not required to include the definition of the term "reasonable medical judgment."

In his third point of order, Representative C. Turner asserts that the bill analysis failed to mention in its second through seventh paragraphs that the bill amends the Health and Safety Code. Having reviewed the entire bill and bill analysis, the chair determines that the bill analysis complied with Rule 4, Section 32(c) and is not subject to a point of order for failing to expressly mention the Health and Safety Code in paragraphs two through seven.

Bill Analysis—Inadequate Explanation
83 H.J. Reg. 2983 (Dutton 5/9/13)

CSHB 34 - POINT OF ORDER

Representative Dutton raised a point of order against further consideration of **CSHB 34** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order and submitted the following statement:

Representative Dutton raised a point of order against further consideration of **CSHB 34** under Rule 4, Section 32(c) of the House Rules arguing that Chapter 81 of the Alcoholic Beverage Code is not adequately described in the bill analysis. The point of order is respectfully overruled.

Chapter 81 of the Alcoholic Beverage Code addresses use of permitted premises in a manner constituting a common nuisance. The bill analysis states that the bill "specifies that statutory provisions relating to a common nuisance apply to a permit issued under these provisions." Having examined the complete bill analysis and the bill, the chair finds that the bill analysis complies with Rule 4, Section 32(c) of the House Rules.

Bill Analysis—Inadequate Explanation
83 H.J. 1st C.S. 1092 (Y. Davis 6/23/13)

CSSB 5 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **CSSB 5** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order and submitted the following statement:

Representative Y. Davis raised a point of order against further consideration of **CSSB 5** under Rule 4, Section 32 of the House Rules, asserting that the bill analysis does not adequately detail Section 2 of the bill. The point of order is respectfully overruled.

Section 2 of the bill provides that a physician who performs an abortion must provide the patient with a telephone number where she "may reach the physician, or other health care personnel employed by the physician or by the facility at which the abortion was performed with access to the woman's relevant medical records, 24 hours a day to request assistance for any complications that arise from the performance of the abortion or ask health-related questions regarding the abortion." The bill analysis states that the physician must provide the patient with "certain contact information for potential medical assistance needed after the abortion." Having reviewed the bill analysis and the bill, the chair determines that the bill analysis for Section 2 complies with the requirements of Rule 4, Section 32. *See* 83 H.J. Reg. 3450 (2013).

Bill Analysis—Statement of Repeal; Omits Analysis of Changed Wording
83 H.J. Reg. 4026 (Burnam 5/21/13)

SB 347 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **SB 347** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order and submitted the following statement:

Representative Burnam raised a point of order against further consideration of **SB 347** under Rule 4, Section 32(c) of the House Rules. The point of order is respectfully overruled.

Representative Burnam alleges two deficiencies in the bill analysis. First, he asserts the bill analysis fails to include a separate statement listing Subsection (b) of Section 401.251 of the Health and Safety Code (which is deleted by the bill) as a repealed statute. The bill strikes the language of Subsection (b) and adds new language in its place. Because the bill struck and substituted new language into the subsection, rather than expressly repealing a statute, Rule 4, Section 32(c)(2) did not require the bill analysis to include a statement listing this subsection as a repealed statute.

Second, Representative Burnam asserts that the bill analysis omits a reference to changes made to Subsection (c) of Section 401.251 of the Health and Safety Code. Subsection (c) states:

> (c) Money in the <u>low-level radioactive waste disposal compact commission</u> account may be <u>used</u> [appropriated] only to support the operations of the Texas Low-Level Radioactive Waste Disposal Compact Commission.

The changes made to Subsection (c) do not change the substance of the law. The "account" referenced in Subsection (c) of the existing statute was the low-level radioactive waste disposal compact commission account, so the addition of this modifying language adds nothing. The shift in language from "appropriated" to "used" was intended to clarify that the money from the account was to be used to support the operations of the commission but was not money "appropriated" by the legislature. Considering the bill and the entire bill analysis, the chair determines that the analysis complied with Rule 4, Section 32(c) of the House Rules.

Bill Analysis—Statement of Repeal; Misleading/Inadequate Explanation of a Definition
83 H.J. Reg. 4027-28 (Canales 5/21/13)

SB 549 - POINT OF ORDER

Representative Canales raised a point of order against further consideration of **SB 549** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order and submitted the following statement:

Representative Canales raised a point of order against further consideration of **SB 549** under Rule 4, Section 32(c) of the House Rules. The point of order is overruled.

Representative Canales asserts that the bill analysis violates Rule 4, Section 32(c) of the House Rules in two ways. First, he asserts that the bill analysis's description that "the bill broadens the definition of 'criminal street gang' for purposes of statutory provisions regarding the offense of directing activities of criminal street gangs" is deceptive and misleading. The bill relates to criminal street gangs, which are defined in Section 71.01 of the Penal Code. Section 71.01 is not amended by the bill. However, Section 71.023(c) of the statute added further requirements for a criminal street gang to be considered a criminal street gang for the purposes of Section 71.023. **SB 549** deleted this different definition by striking Subsection (c) of 71.023. As such, the definition of criminal street gang reverted to the broader definition contained in Section 71.01. Having carefully reviewed the bill and the analysis, the chair determines that this portion of the bill analysis complied with Rule 4, Section 32(c) of the House Rules.

Second, Representative Canales asserts that the bill analysis failed to describe in a separate statement the deletion of the definition of criminal street gang as the repeal of a statute. The chair concludes that Rule 4, Section 32(c)(2) of the House Rules did not require separately listing the deletion of this definition as the repeal of a statute.

Bill Analysis—Side-by-Side Comparison Is Inaccurate—Sustained
83 H.J. Reg. 4044 (Walle 5/21/13)

CSSB 1718 - POINT OF ORDER

Representative Walle raised a point of order against further consideration of **CSSB 1718** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The chair sustained the point of order and submitted the following statement:

Representative Walle raised a point of order against further consideration of **CSSB 1718** under Rule 4, Section 32(c) of the House Rules asserting that the side-by-side comparison in the bill analysis is inaccurate and misleading. The point of order is sustained.

The side-by-side comparison accurately shows that Section 11.408 of the engrossed bill pertained to expenditures for support of students enrolled in an achievement school district. It then states that Section 11.408 of the house committee substitute is "substantially the same as engrossed version." However, Section 11.408 of the substitute is not substantially the same as Section 11.408 of the engrossment. As a result, the side-by-side does not accurately compare the engrossed bill to the committee substitute.

CSSB 1718 was returned to the Committee on Public Education.

Bill Analysis—Insufficient Detail
83 H.J. Reg. 4045 (Martinez Fischer 5/21/13)

CSSB 21 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSSB 21** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order and submitted the following statement:

Representative Martinez Fischer raised a point of order against further consideration of **CSSB 21** under Rule 4, Section 32(c) of the House Rules asserting the bill analysis failed to provide a sufficiently detailed analysis of the bill's provision regarding notice to an individual who fails a drug test. The point of order is respectfully overruled.

The bill analysis explains, among other things, that the Texas Workforce Commission is required to provide "initial notice to an individual who fails a required drug test for an appeal under statutory provisions relating to disputing a resolution and for the retaking of a drug test failed by an individual under the bill's provisions. The bill sets out the items those procedures are required to provide." Determining whether a bill analysis complies with Rule 4, Section 32 of the House Rules requires examining the particular bill and analysis in question and comparing them to the mandates of the rule. *See* 83 H.J. Reg. 3450-3451 (2013). Having carefully reviewed the bill and the analysis, the chair determines that the bill analysis complies with Rule 4, Section 32(c) of the House Rules.

Bill Analysis—Insufficient Detail
83 H.J. Reg. 4045-46 (Miles, M. González 5/21/13)

CSSB 21 - POINT OF ORDER

Representatives Miles and M. González raised a point of order against further consideration of **CSSB 21** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order and submitted the following statement:

Representative Miles and Representative M. González raised a point of order against further consideration of **CSSB 21** under Rule 4, Section 32(c) of the House Rules. The point of order is respectfully overruled.

Representatives Miles and M. González contend the bill analysis failed to contain a sufficiently detailed analysis because it did not acknowledge that the language "subject to Section 207.021(a)(4)" was added to the bill in committee. In the absence of this added language, the bill would appear to have created an exception to eligibility requirements such that a person not available for work, but who was participating in a drug abuse treatment program, could receive unemployment compensation benefits. Determining whether a bill analysis

complies with Rule 4, Section 32 of the House Rules requires examining the particular bill and analysis in question and comparing them to the mandates of the rule. *See* 83 H.J. Reg. 3450-3451 (2013). Having carefully reviewed the bill, the analysis, and Section 207.021(a)(4) of the Labor Code, the chair determines that the bill analysis accurately describes the bill's provisions, in compliance with Rule 4, Section 32(c) of the House Rules.

Bill Analysis—Insufficient Detail—Sustained
83 H.J. Reg. 2323-24 (Y. Davis 5/3/13)

CSHB 2748 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **CSHB 2748** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The chair sustained the point of order and submitted the following statement:

Representative Y. Davis raised a point of order against further consideration of **CSHB 2748** under Rule 4, Section 32(c) of the House Rules. The point of order is sustained.

Representative Y. Davis observes that the bill creates Section 111.043(b) of the Natural Resources Code, which sets forth in detail six requirements that an applicant must include in its notice of the application for common-carrier status. She asserts that the bill analysis inadequately addresses Section 111.043(b)'s requirements by stating, without further elaboration, "[t]he bill sets out the required contents of the notice of application."

Determining whether a bill analysis complies with Rule 4, Section 32 of the House Rules requires examining the particular bill and analysis in question and comparing them to the mandates of Rule 4, Section 32 of the House Rules. In this case, after careful review, the chair determines that a detailed analysis of the bill's subject matter has not been provided, the chair is compelled to sustain the point of order. Having reviewed the bill and the analysis in light of the requirements of the rule, the chair concludes that in this case, the bill analysis accompanying **CSHB 2748** does not satisfy Rule 4, Section 32's detailed analysis requirement.

CSHB 2748 was returned to the Committee on Judiciary and Civil Jurisprudence.

Bill Analysis—Insufficient Independent Analysis
83 H.J. Reg. 4060 (M. González 5/21/13)

SB 11 - POINT OF ORDER

Representative M. González raised a point of order against further consideration of **SB 11** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order and submitted the following statement:

Representative M. González raised a point of order against further consideration of **SB 11** under Rule 4, Section 32 of the House Rules, asserting that the bill analysis is so similar to the text of the bill that it provides no independent analysis. The point of order is respectfully overruled.

Rule 4, Section 32 of the House Rules requires, "in summary or section-by-section form, a detailed analysis of the subject matter of the bill," including, in Rule 4, Section 32(c)(2) of the House Rules, an analysis of the content of the bill or resolution. Determining whether a bill analysis complies with Rule 4, Section 32 of the House Rules requires examining the particular bill and analysis in question and comparing them to the mandates of the rule. *See* 83 H.J. Reg. 3450-3451 (2013). Having carefully reviewed the bill and the analysis, which consists of both a detailed summary analysis and a side-by-side comparison, the chair determines that the bill analysis satisfies Rule 4, Section 32(c) of the House Rules.

Bill Analysis—Insufficient Detail; Misleading Explanation of a Provision
83 H.J. Reg. 3450-51 (Y. Davis 5/16/13)

CSSB 2 - POINTS OF ORDER

Representative Y. Davis raised a point of order against further consideration of **CSSB 2** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

Representative Y. Davis raised a point of order against further consideration of **CSSB 2** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

Representative Y. Davis raised a point of order against further consideration of **CSSB 2** under Rule 11, Section 2 and Rule 4, Section 41 of the House Rules on the grounds that the committee substitute is not germane to the bill.

The chair overruled the three points of order and submitted the following statement:

Representative Y. Davis raised three points of order against further consideration of **CSSB 2**. Her first two points assert that the bill analysis fails to satisfy Rule 4, Section 32(c) of the House Rules. Her third point asserts that the committee substitute to **CSSB 2** is not germane to the original bill, thereby violating Rule 11, Section 2 of the House Rules, and invoking Rule 4, Section 41 of the House Rules. These points of order are respectfully overruled.

In her first point of order, Representative Y. Davis alleges the bill analysis inadequately addresses three conditions that must be satisfied before a charter holder may establish a new open-enrollment charter school campus because, rather than listing the conditions, the analysis explains that the campus may be established "if certain conditions are met."

In her second point, Representative Y. Davis asserts the bill analysis's statement regarding a campus or program's ability to challenge an "adverse academic or financial accountability rating" is misleading because the bill refers to Subchapter (F) of Chapter 39 of the Education Code, which permits an open-enrollment charter school to challenge an agency decision that relates to "an academic or financial accountability rating that affects the district or school" without using the term "adverse." Determining whether a bill analysis complies with Rule 4, Section 32 of the House Rules requires examining the particular bill and analysis in question and comparing them to the mandates of Rule 4, Section 32. *See* 83 H.J. Reg. 2323-24 (2013). Having carefully reviewed the bill, the analysis, and the requirements of Subchapter (F) of Chapter 39 of the Education Code, the chair determines that the bill analysis complies with Rule 4, Section 32(c) of the House Rules.

In her third point of order, Representative Y. Davis challenges the germaneness of the committee substitute to **SB 2**, contending the section in the substitute that requires the University Interscholastic League (UIL) to allow participation by the high schools of open-enrollment charter schools is not germane to the senate engrossment. The senate engrossment is a comprehensive charter schools bill; it sets out requirements for multiple entities (such as the State Board of Education, the Commissioner of Education, employees of the Texas Education Agency, boards of trustees of school districts, independent school districts, and open-enrollment charter schools) to act in relation to charter schools. The chair determines that the portion of the substitute relating to participation by charter high schools in UIL activities is germane to the original bill.

Bill Analysis—Conforming Change
83 H.J. Reg. 2443-44 (Walle 5/4/13)

CSHB 972 - POINT OF ORDER

Representative Walle raised a point of order against further consideration of **CSHB 972** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker overruled the point of order and submitted the following statement:

Representative Walle raised a point of order against further consideration of **CSHB 972** under Rule 4, Section 32(c) of the House Rules. Specifically, Representative Walle asserts that the bill analysis is misleading because it fails to reflect a change in the bill—the addition of the word "school" in one section—that he contends would expand state law to allow persons with written permission from a preschool, elementary school, or secondary school to carry certain weapons on campus. The point of order is respectfully overruled.

Rather than changing current law, the addition of the word "school" to Section 3(a)(1)(A) of the bill was a conforming change that did not effect a change in the law. Whereas the current statute applies to "schools or educational

institutions," **CSHB 972** amends the statute to refer to schools and institutions of higher education. As a result, the bill required conforming changes to the language in order to ensure that the bill now refers to both schools, which have always been subject to this provision under the Penal Code, and institutions of higher education, which **CSHB 972** would add. Therefore, the bill analysis, which sufficiently described the changes made by the bill, was not misleading.

Bill Analysis—Omits Statement That Bill Is Defining a Key Term
83 H.J. Reg. 2815-16 (Schaefer 5/8/13)

CSHB 75 - POINT OF ORDER

Representative Schaefer raised a point of order against further consideration of **CSHB 75** under Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis is incorrect.

(Ashby in the chair)

The chair overruled the point of order and submitted the following statement:

Representative Schaefer raised a point of order against further consideration of **CSHB 75** under Rule 4, Section 32(c)(2) of the House Rules contending the bill analysis does not adequately reflect the content of the bill. Specifically, he asserted the bill analysis should have explained that the bill created definitions of key terms used in the bill: "[c]amera systems company" and "[c]losed circuit television or still camera system." He further noted that the bill analysis acknowledged the bill's changing of the definition of a different term and concludes that if the analysis reflected a mere change in a definition, it should have also reflected that the bill created definitions of key terms. The point of order is respectfully overruled.

The chair has reviewed the sections cited by Representative Schaefer and has reviewed the entire bill analysis, including the analysis, rulemaking, and comparison of the original to the substitute sections. The chair finds, taken together, the bill analysis complies with the provisions of Rule 4, Section 32 of the House Rules. *See* 81 H.J. Reg. 4138-39 (2009); 83 H.J. Reg. 1900 (2013).

Bill Analysis—Omits Statement That Bill Is Defining a Key Term
83 H.J. Reg. 3005-06 (Martinez Fischer 5/9/13)

CSHB 3316 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 3316** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order and submitted the following statement:

Representative Martinez Fischer raised two points of order against further consideration of **CSHB 3316** under Rule 4, Section 32(c) of the House Rules. In his first point, he argued that the bill analysis should have defined "construction

trust fund account" and explained more thoroughly the provisions on page 5 of the bill. Although the bill defines "construction trust fund account," the bill analysis does not state that the bill is defining this key term. As noted by the chair's previous rulings and the ruling issued yesterday, May 8, 2013, regarding the same point of order raised by Representative Schaefer against **HB 75**, this is not a fatal flaw. Regarding the provisions on page 5 of the bill, the chair has reviewed the bill and the bill analysis and has found these provisions to be adequately explained on page 2 of the bill analysis. Therefore, this point of order is respectfully overruled.

Bill Analysis—Misleading/Inadequate Explanation of a Definition—Sustained
83 H.J. Reg. 3005-06 (Martinez Fischer 5/9/13)

CSHB 3316 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 3316** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The chair sustained the point of order and submitted the following statement:

In his second point, Representative Martinez Fischer challenges the bill analysis's explanation of the definition of "retainage" as materially and substantially misleading. The background and purpose of the bill analysis states that under certain provisions, "an owner is required to hold a specified percentage of the amount paid for such labor or materials during the project's progress until after the entire project is completed. This unpaid portion of the bill is known as retainage." The bill, however, defines retainage as "an amount or agreed percentage of money in a construction contract between an owner and a contractor that is withheld from a payment and not due to be paid until completion of the contract or on an agreed date." The bill analysis failed to explain the difference between these definitions. Therefore, the point of order that the definition was materially and substantially misleading was sustained.

Bill Analysis—Incorrect and Misleading Analysis
83 H.J. Reg. 2449-50 (Walle 5/4/13)

HB 1009 - POINT OF ORDER

Representative Walle raised a point of order against further consideration of **HB 1009** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

…

HB 1009 - (consideration continued)

POINT OF ORDER DISPOSITION

The chair overruled the point of order and submitted the following statement:

Representative Walle raised a point of order against further consideration of **HB 1009** under Rule 4, Section 32(c) of the House Rules. Specifically, Representative Walle asserts that the bill's provision that a person may renew the school marshal license by completing a renewal course that "will not exceed 16 hours combined of classroom and simulation training" is inconsistent with the bill analysis's statement that the bill "sets out minimum training and aptitude requirements" for school marshal license renewal. Representative Walle emphasizes that a 16-hour limit on classroom training is inconsistent with the description of minimum standards. The point of order is respectfully overruled.

Representative Walle is correct that the bill requires a renewal course that may not exceed 16 hours of classroom and simulation training. In addition, the bill also requires persons seeking renewal of a school marshal license to demonstrate knowledge on a written exam, demonstrate handgun proficiency, and demonstrate psychological fitness. These four requirements together, which are listed together in Subsection (h) of Section 1701.260, Occupations Code, which is added by the bill, constitute the minimum training and aptitude requirements to which the bill analysis refers.

Bill Analysis—Incorrect and Misleading Analysis—Sustained
83 H.J. Reg. 2462-63 (McClendon 5/4/13)

CSHB 2665 - POINT OF ORDER

Representative McClendon raised a point of order against further consideration of **CSHB 2665** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The chair sustained the point of order and submitted the following statement:

Representative McClendon raised a point of order against further consideration of **CSHB 2665** under Rule 4, Section 32(c) of the House Rules, asserting that the bill analysis is inaccurate. The point of order is sustained.

As the author of the bill forthrightly acknowledged, the bill contains a reference to Section 411.205 of the Transportation Code, which does not exist. The author had intended to cite to Section 411.205 of the Government Code. The bill analysis, rather than recognizing that the bill cites a nonexistent code, seems to analyze the bill as though it had in fact referenced the Government Code, stating that the "bill's provisions expressly do not affect the requirement to display both a concealed handgun license and a driver's license or personal identification certificate on request by a peace officer or magistrate or affect the types of identification required under federal law to access airport premises or pass through airport security." Because the bill's provisions did not actually address the appropriate Government Code provision and instead referred to a nonexistent section of a statute, this statement in the bill analysis was incorrect and misleading. *See* Rule 4, Section 32(c)(2) of the House Rules (requiring an analysis of the content of the bill).

CSHB 2665 was returned to the Committee on Homeland Security and Public Safety.

Bill Analysis; Committee Meeting Minutes—Summary of Committee Hearing Inconsistent With Meeting Minutes—Sustained
83 H.J. Reg. 2308-09 (Martinez Fischer 5/3/13)

CSHB 14 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 14** under Rule 4, Section 18 and Rule 4, Section 32 of the House Rules on the grounds that the committee minutes are incomplete and the committee report is incorrect.

The chair sustained the point of order and submitted the following statement:

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 14** under Rule 4, Section 18 and Rule 4, Section 32 of the House Rules. The point of order is sustained.

Rule 4, Section 18 of the House Rules directs the chair of a committee to keep minutes of the proceedings. Rule 4, Section 32(b)(9) of the House Rules requires that the committee report on a bill include a summary of the committee hearing on the bill or resolution. In this instance, **HB 14** was referred by the chair of the Committee on Appropriations to the Subcommittee on Budget Transparency and Reform. The summary of the committee actions reflects that, after being considered by the subcommittee, the bill was "[r]ecalled from subcommittee" on April 11, 2013. The minutes for the committee, however, do not reflect that the bill was recalled from the subcommittee. Accordingly, either the minutes are not complete because they omit a reference to the bill having been recalled from committee, or the summary of the committee hearing is incorrect. Because either this omission in the minutes or an error in the summary violates the House Rules, **CSHB 14** is out of order.

CSHB 14 was returned to the Committee on Appropriations.

Bill Analysis—Caption Change
83 H.J. Reg. 2323 (Y. Davis 5/3/13)

CSHB 2748 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of CSHB 2748 under Rule 4, Section 32(c)(4) of the House Rules on the grounds that the committee report is incorrect.

The chair overruled the point of order and submitted the following statement:

Representative Y. Davis raised a point of order against further consideration of **CSHB 2748** under Rule 4, Section 32(c)(4) of the House Rules on the grounds that the bill analysis did not mention the change to the bill's caption in the committee substitute. The point of order is respectfully overruled.

The committee substitute authorized a fee that was not mentioned in the introduced version of the bill. Accordingly, to comply with Rule 8, Section 1(b) of the House Rules the caption of **CSHB 2748** was amended to reflect that the substituted bill authorized a fee. Although the bill analysis does not specify that a change was made to the caption, it does reflect that the committee substitute authorizes a fee and the side-by-side analysis shows that this provision did not exist in the original bill. Accordingly, the requirements of Rule 4, Section 32(c)(4) of the House Rules were satisfied.

Bill Analysis—Misleading
83 H.J. Reg. 1900 (M. González 4/25/13)

CSHB 611 - POINT OF ORDER

Representative M. González raised a point of order against further consideration of **CSHB 611** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order and submitted the following statement:

Representative M. González raised a point of order against further consideration of **CSHB 611** under Rule 4, Section 32(c) of the House Rules, asserting that the bill analysis is misleading. The chair has reviewed the bill analysis and the bill and finds that the bill analysis complies with the cited rule and is not misleading in the context of the bill. The point of order is respectfully overruled.

Bill Analysis—Rulemaking—Sustained
83 H.J. Reg. 4053 (Cortez 5/21/13)

SB 14 - POINT OF ORDER

Representative Cortez raised a point of order against further consideration of **SB 14** under Rule 4, Section 32(c)(3) of the House Rules on the grounds that the bill analysis is incorrect.

The chair sustained the point of order and submitted the following statement:

Representative Cortez raised a point of order against further consideration of **SB 14** under Rule 4, Section 32(c)(3) of the House Rules, asserting that the rulemaking portion of the bill analysis is incorrect. The point of order is sustained.

The bill analysis states that Section 24 of the bill expressly grants rulemaking authority to the Texas Commission on Environmental Quality. Although Section 24 provides a deadline by which rules must be adopted, Section 24 does not actually delegate any new rulemaking authority; the rulemaking authority referenced in Section 24 is expressly delegated in Section 22 of the bill. Therefore, the bill analysis did not comply with Rule 4, Section 32(c)(3) of the House Rules. *See* 83 H.J. Reg. 3848-3849 (2013); 83 H.J. Reg. 3831 (2013); 83 H.J. Reg. 3001 (2013); 83 H.J. Reg. 2651 (2013); 83 H.J. Reg. 874-875 (2013).

SB 14 was returned to the Committee on Appropriations.

Bill Analysis—Rulemaking—Sustained
83 H.J. Reg. 4053-54 (Schaefer 5/21/13)

SB 1079 - POINT OF ORDER

Representative Schaefer raised a point of order against further consideration of **SB 1079** under Rule 4, Section 32(c)(3) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker sustained the point of order and submitted the following statement:

Representative Schaefer raised a point of order against further consideration of **SB 1079** under Rule 4, Section 32(c)(3) of the House Rules, contending the rulemaking portion of the bill analysis is incorrect. The point of order is sustained.

The bill analysis states that Sections 3 and 4 of the bill expressly grant rulemaking authority to the Texas Medical Board. Section 4 of the bill provides a deadline by which rules necessary to administer Chapter 207 of the Occupations Code must be adopted. It does not contain an express, independent grant of new rulemaking authority. The authority for adopting rules to administer Chapter 207 is delegated in Section 3 of the bill. Therefore, the bill analysis was inaccurate. *See* 83 H.J. Reg. 3848-3849 (2013); 83 H.J. Reg. 3831 (2013); 83 H.J. Reg. 3001 (2013).

Representative Schaefer further argued that Section 2 of the bill should have been identified in the bill analysis as expressly delegating rulemaking authority. Section 2 assigned certain duties to the executive commissioner of the Health and Human Services Commission that had previously been assigned to the board, but did not create new rulemaking authority. Any rulemaking authority existing in that portion of the statute was not delegated by the bill. *See* 83 H.J. Reg. 2651 (2013); 83 H.J. Reg. 874-875 (2013).

Bill Analysis—Rulemaking—Sustained
83 H.J. Reg. 3831 (Burnam 5/20/13)

CSSB 791 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **CSSB 791** under Rule 4, Section 32(c)(3) of the House Rules on the grounds that the bill analysis is incorrect.

The chair sustained the point of order and submitted the following statement:

Representative Burnam raised a point of order against further consideration of **CSSB 791** under Rule 4, Section 32(c)(3) of the House Rules asserting that bill analysis incorrectly states whether the bill contains an express delegation of rulemaking authority. The point of order is sustained.

The bill analysis states that three sections of the bill create rulemaking authority: Sections 4, 7, and 14. The chair agrees that Sections 4 and 7 contain

express grants of independent rulemaking authority. For example, Section 4 of the bill conditions acceptance of nonparty waste for disposal at certain facilities on whether the waste has been volume-reduced by a factor of three. It also contains new language stating that "The commission by rule shall establish requirements for ensuring that low-level radioactive waste has been volume-reduced in a manner consistent with this subchapter." Thus, it contains an express grant of new rulemaking authority. Section 14 requires the Texas Commission on Environmental Quality to adopt rules to implement certain provisions of the bill "as soon as practicable." Rather than granting new authority, Section 14 merely references other sections of the bill that independently create or refer to existing rulemaking authority. Because Section 14 is not an express grant of new rulemaking authority to the TCEQ, the bill analysis was incorrect. *See* 83 H.J. Reg. 3001 (2013); 83 H.J. Reg. 874-875 (2013).

CSSB 791 was returned to the Committee on Environmental Regulation.

Bill Analysis—Rulemaking—Sustained
83 H.J. Reg. 3848-49 (McClendon 5/20/13)

SB 190 - POINT OF ORDER

Representative McClendon raised a point of order against further consideration of **SB 190** under Rule 4, Section 32(c)(3) of the House Rules on the grounds that the bill analysis is incorrect.

The chair sustained the point of order and submitted the following statement:

Representative McClendon raised a point of order against further consideration of **SB 190** under Rule 4, Section 32(c)(3) of the House Rules asserting the bill analysis incorrectly states whether the bill contains an express delegation of rulemaking authority. The point of order is sustained.

The bill analysis states that rulemaking authority is expressly granted in Sections 5, 11, and 12 of the bill. Representative McClendon asserts that Sections 5 and 11 do not expressly grant new rulemaking authority. Having reviewed the bill, the chair determines that the grants of rulemaking authority quoted in Sections 5 and 11 are not express grants of new rulemaking authority. *See* 83 H.J. Reg. 3001 (2013); 83 H.J. Reg. 874-875 (2013).

SB 190 was returned to the Committee on Public Health.

Bill Analysis—Rulemaking—Sustained
83 H.J. Reg. 3001 (Morrison 5/9/13)

CSHB 2996 - POINT OF ORDER

Representative Morrison raised a point of order against further consideration of **CSHB 2996** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The chair sustained the point of order and submitted the following statement:

Representative Morrison's second point of order is that under Rule 4, Section 32 of the House Rules the rulemaking authority portion of the bill analysis is incorrect. The chair sustains this point of order.

Rule 4, Section 32(c)(3) of the House Rules says that a bill analysis must contain "a statement indicating whether or not any rulemaking authority is expressly delegated to" certain state officers or institutions. This is a (1) new, and (2) express delegation of authority. It is not an expansion of an existing delegation of authority (as it is in this case). Usually, such delegations are easily able to be spotted by the use of the phrase, "The state agency shall adopt rules." In this case, the bill analysis states that rulemaking authority was expressly granted to the TCEQ. The chair examined the bill and found that no new authority was expressly granted to the TCEQ.

Bill Analysis—Rulemaking
83 H.J. Reg. 2651 (Miles 5/7/13)

CSHB 500 - POINT OF ORDER

Representative Miles raised a point of order against further consideration of **CSHB 500** under Rule 4, Section 32(c)(3) of the House Rules on the grounds that the committee report is incorrect.

The chair overruled the point of order and submitted the following statement:

Representative Miles raised a point of order against further consideration of **CSHB 500** under Rule 4, Section 32(c)(3) of the House Rules on the grounds that the committee report is incorrect. Specifically, Representative Miles asserts the bill analysis fails to show that rulemaking authority is delegated in Sections 3, 5, and 6 of **CSHB 500**. The point of order is respectfully overruled.

Sections 3, 5, and 6 of the bill amend sections of the Tax Code that currently contain subsections requiring or allowing the comptroller to adopt rules to implement the other subsections within those sections of the code. Representative Miles contends changing any subsections of sections of code for which the comptroller already possesses rulemaking authority constitutes a change in rulemaking authority such that it should be stated in the bill analysis. However, Sections 3, 5, and 6 of the bill do not involve the express delegation of any rulemaking authority. Instead, the delegation of rulemaking authority was enacted in a previous measure. Accordingly, Rule 4, Section 32(c)(3) of the House Rules does not apply because the sections referenced do not independently grant rulemaking authority. *See* Rule 4, Section 32(c)(3) of the House Rules (requiring the bill analysis to identify the sections of the measure in which rulemaking authority is delegated); 83 H.J. Reg. 874-75 (2013); 78 H.J. Reg. 1920 (2003).

Bill Analysis—Rulemaking
83 H.J. Reg. 874-75 (Y. Davis 3/20/13)

HB 1600 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **HB 1600** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker overruled the point of order and submitted the following statement:

Representative Y. Davis raised a point of order against further consideration of **HB 1600** under Rule 4, Section 32(c)(3) of the House Rules on the grounds that the committee report is incorrect. Specifically, Representative Davis asserts the bill analysis fails to show that rulemaking authority is delegated in Section 2.01, Subsection (5) of **HB 1600**. The point of order is respectfully overruled.

The sole change made by Section 2.01 of the bill is to remove the Texas Commission on Environmental Quality's jurisdiction over the administration of the state's water rate program under Chapter 13 of the Water Code. This provision does not involve the express delegation "to a state officer, department, agency, or institution" of any rulemaking authority. Therefore, Rule 4, Section 32(c)(3) does not apply because the section referenced is not an independent grant of rulemaking authority. *See* Rule 4, Section 32(c)(3) of the House Rules; 78 H.J. Reg. 1920 (2003); 79 H.J. Reg. 2934 (2005), ("The purpose of [Rule 4, Section 32(c)(3)] is to enable members to make informed decisions about the types of powers that they are authorizing agencies to exercise").

Calendars (Rule 6)

System of Calendars (Rule 6, Section 7)
Order of Bills Placed on Calendar (Rule 6, Sections 16, 17, & 25)
83 H.J. Reg. 2018 (Y. Davis 4/29/13)

CSHB 11 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **CSHB 11** under Rule 6, Section 7 and Rule 6, Section 17 of the House Rules on the grounds that further action was taken on the bill after it had been placed on the calendar.

The chair overruled the point of order and submitted the following statement:

Representative Y. Davis raised a point of order against further consideration of **CSHB 11** under Rule 6, Section 7 and Rule 6, Section 17 of the House Rules, asserting that the Committee on Calendars lacked authority to move the bill from the General State Calendar to the Major State Calendar. The point of order is respectfully overruled.

Representative Y. Davis notes that **CSHB 11** was initially placed on the General State Calendar. Two days later, the Committee on Calendars reconsidered the vote by which the bill was placed on the calendar, then voted to place CSHB 11 on the Major State Calendar. Representative Y. Davis asserts that after placing the bill on the General State Calendar, the Committee on Calendars lacked authority to take any further action on the bill without first moving to recommit the bill to the committee.

The sections of Rule 6 on which Representative Y. Davis relies do not prohibit the Committee on Calendars from reconsidering its vote to place a bill on a calendar and moving that bill to a different appropriate calendar. Rule 6, Section 7 of the House Rules lists the calendars that compose the system of calendars. Rule 6, Section 17 of the House Rules provides that once a bill is placed on its appropriate calendar, the bill retains its position relative to other bills on the calendar such that any bills added later must be added later on the calendar. Section 17 further provides that if a bill is recommitted or withdrawn from the calendar, it relinquishes its position on the calendar and is removed from the calendar. Although recommittal and withdrawal of a bill would result in the bill losing its place on the calendar, recommittal and withdrawal are not the only conditions for moving a bill from the calendar. Further, it is clear that the Committee on Calendars may continue to act on a bill after it has been set on a calendar. *See* Rule 6, Section 16(f) of the House Rules (Committee on Calendars may adopt and publish a calendar rule to a bill already set on the calendar).

It is also clear the Committee on Calendars may correct or revise calendars. The Committee on Calendars may likewise exercise its wide discretion to move bills from one type of calendar to another. *E.g.*, **HB 10**, (83rd R.S., 2013); **SB 650,** (82nd R.S., 2011); **HB 21, HB 102, HB 298, HB 1327, HB 1437, HB 1453, HB 1477, HB 1659, HB 1759, HB 1800, HB 2103, HB 2169, HB 2270, HB 2324, HB 2356, HB 2436, HB 2474, HB 2481, HB 2571, HB 2633, HB 2635, HB 2705, HB 2887, HB 2909, HB 2913, HB 3019, HB 3054, HB 3059, HB 3075, HB 3339, HB 3428, HB 3471, HB 3512, HB 3544, HB 3575, HB 3576,** (75th R.S., 1997); *see* Rule 6, Section 25 of the House Rules (stating the intent "of the calendar system to give the Committee on Calendars wide discretion to insure adequate consideration by the house of important legislation").

System of Calendars (Rule 6, Section 7)
Daily Calendars, Supplemental Calendars, and Items Eligible (Rule 6, Section 16)
83 H.J. 1st C.S. 1096 (Martinez Fischer 6/23/13)

POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of the calendar under Rule 6, Section 7 and Rule 6, Section 16 of the House Rules.

The speaker overruled the point of order and submitted the following statement:

Representative Martinez Fischer raised a point of order against further consideration of the calendar for June 23, 2013, under Rule 6, Section 7 and Rule 6, Section 16 of the House Rules. The point of order is respectfully overruled.

Representative Martinez Fischer observes that **SCR 2** is listed on the supplemental calendar under the heading "concurrent resolutions calendar." He asserts that, under Rule 6, **SCR 2** could only have been listed on either a local and consent calendar or on a resolutions calendar, but not under a calendar entitled "concurrent resolutions calendar." Earlier this session, and at least five times in the previous session, the house had before it a calendar consisting exclusively of one or more concurrent resolutions. In these instances, the calendar was entitled "concurrent resolutions calendar," rather than the more general term "resolutions calendar." Because this calendar was appropriately treated as a resolutions calendar in its placement in the order of business and in its consideration before the house, the chair concludes that adding the descriptor "concurrent" did not violate Rule 6, Sections 7 and 16.

System of Calendars (Rule 6, Section 7)
83 H.J. Reg. 3999-4000 (Martinez Fischer 5/21/13)

CSSB 1718 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSSB 1718** under Rule 6, Section 7(a)(2) of the House Rules on the grounds that the bill is mistakenly on the Major State Calendar.

The chair overruled the point of order and submitted the following statement:

Representative Martinez Fischer raised a point of order against further consideration of **CSSB 1718** under Rule 6, Section 7 of the House Rules, asserting that **CSSB 1718** does not have statewide effect and, therefore, should not have been placed on the Major State Calendar. Rule 6, Section 7(a)(2) of the House Rules provides that "bills of statewide effect, not emergency in nature, which establish or change state policy in a major field of governmental activity and which will have a major impact in application throughout the state without regard to class, area, or other limiting factors" shall appear on the Major State Calendar. **CSSB 1718** provides for transfer of low-performing school campuses into "achievement school districts." A campus is eligible for transfer if the district from which it is to be transferred has at least 20,000 students enrolled at the time the campus is to be transferred. Although not every school district in the state would be eligible to transfer a campus to an achievement school district, the bill would apply to school districts throughout the state and have a statewide effect.

It should also be noted that pursuant to Rule 6, Section 25 of the House Rules, the Committee on Calendars "shall have full authority to make placements on

calendars in whatever order is necessary and desirable under the circumstances then existing . . . .” Further, the rule notes that it “is the intent of the calendar system to give the Committee on Calendars wide discretion to insure adequate consideration by the house of important legislation.” In light of the Committee on Calendars’ broad discretion and in light of a review of items placed on the Major State Calendar over the last 30 years, the chair is of the opinion that the committee had the authority to place that bill on that calendar. Therefore, the point of order is respectfully overruled.

Order of Bills Placed on Calendar (Rule 6, Sections 16, 17, & 25)
83 H.J. Reg. 4054-55 (Miles 5/21/13)

SB 11 - POINT OF ORDER

Representative Miles raised a point of order against further consideration of **SB 11** under Rule 6, Section 16 and Rule 6, Section 17 of the House Rules.

The speaker overruled the point of order and submitted the following statement:

Representative Miles raised a point of order against further consideration of **SB 11** under Rule 6, Section 16 and Rule 6, Section 17 of the House Rules, asserting that the calendar for May 21, 2013, is out of order.

Representative Miles observes that the Committee on Calendars’ meeting minutes from May 19, 2013, reflect that a motion was made for several bills, which were listed in numerical order from the lowest to highest bill number in the minutes, to be placed on the calendar for May 21, 2013. At the same meeting, a second motion was made to place **SB 11** on the calendar. He argues that the order in which these bills are listed in the committee minutes must correspond to the order in which the bills are placed on the calendar, and, further, that the second motion at the same meeting (to place **SB 11** on the same calendar) necessitated placing SB 11 on the calendar after the measures subject to the first motion to place bills on the calendar.

Representative Miles correctly observes that the bills voted to be placed on the calendar were not, in fact, placed on the calendar in the order listed in the minutes; they were not listed numerically, and some of the bills subject to the first vote appeared on the calendar after **SB 11**. Representative Miles urges that Rule 6, Section 16 and Rule 6, Section 17 of the House Rules prohibit this placement on the calendar, and he further argues that a “historical review of the minutes of the calendars process indicates that in the last 10 years calendars motions to place bills on a calendar directly overwhelmingly correspond to the placement of those bills on a calendar.”

Since 2009, the meeting minutes for the Committee on Calendars has listed in numerical order the bills the committee has voted to be placed on the calendar. The bills were nonetheless then placed on the calendar in varying orders. From

2001 until 2007, the Calendars Committee generally listed in their minutes the bills for placement on the calendar in the order on which those bills were later placed on the calendar, but this practice did not create a rule or practice that could bind future Committees on Calendars. Prior to 2001, Calendars meeting minutes listed groups of bills to be placed on the calendar in various orders that do not appear to have been related to the order in which the individual bills were actually placed on the calendar; as such, there is no long-standing practice of listing the bills in the Committee on Calendars minutes in the order in which they are to appear on the calendar. Moreover, the rules do not specify or suggest that listing bills that are the subject of a motion to place on a calendar in committee minutes precludes the committee from then carrying out the placement of bills voted out at each meeting on the calendar "in whatever order is necessary and desirable under the circumstances then existing." Rule 6, Section 25.

Recommittal
83 H.J. Reg. 2784-85 (E. Rodriguez 5/8/13)

CSHB 2767 - POINT OF ORDER

Representative E. Rodriguez raised a point of order against further consideration of **CSHB 2767** under Rule 2, Section 1; Rule 6, Section 17; and Rule 4, Section 38 of the House Rules.

The speaker overruled the point of order and submitted the following statement:

Representative E. Rodriguez raised a point of order against further consideration of **CSHB 2767** on the grounds that it violates Rule 2, Section 1; Rule 6, Section 17; and Rule 4, Section 38 of the House Rules. Representative Herrero argues it also violates Rule 4, Section 13 and Rule 7, Section 37 of the House Rules.

CSHB 2767 followed an interesting route to the calendar. The committee report was distributed to the Committee on Calendars on April 30, 2013. Sometime after April 30, 2013, and before the May 1, 2013 recommittal of **CSHB 2767**, two things occurred. First, the committee clerk for the Committee on Calendars printed and distributed an informal document to be used by the Committee on Calendars at their May 1 meeting. The informal document indicates that there was originally a Calendars meeting planned for May 1, 2013. However, as correctly noted by Representative E. Rodriguez, the actual committee hearing was held on May 2, 2013. This informal list properly reflected that, at that moment in time, the bill was in the Committee on Calendars.

However, subsequent events rendered the informal list inaccurate. On May 1, 2013, Representative Keffer, informed of a defect in the committee paperwork, received house approval to recommit the bill to the Committee on Energy Resources. The effect of the recommittal was twofold—it divested the Committee on Calendars of any jurisdiction over the bill and it cleansed the bill of its prior defects and allowed it to start in its substantive committee as a new proposition,

in accordance with Rule 8, Section 11(b) of the House Rules. *Id*. ("After a bill has been recommitted, it shall be considered by the committee as a new subject."; *e.g*., Committee on Criminal Jurisprudence minutes, 83rd Leg. R.S. (April 29, 2013) (reporting **CSHB 1790** favorably without reconsidering the vote by which the bill was reported prior to recommittal); Committee on Calendars minutes, 83rd Leg. R.S. (May 3, 2013) (placing **CSHB 1790** on the general state calendar without first reconsidering the vote by which the bill was placed on the calendar before recommittal); *cf*. Rule 8, Section 21 of the House Rules, explanatory note 2 (explaining that recommittal to conference would reopen the entire subject matter of a bill); Rule 11, Section 5 of the House Rules (explaining that a bill recommitted to a committee and later reported to the house with amendments shall again take the course of a bill at its second reading).

The rule that recommitted bills are a "new subject" has existed as part of the House Rules since 1941. *See* House Rules of the 47th Leg. R.S. 173 (1941). The same concept has existed in house precedent since at least 1917 when the house adopted the principle that "when a bill is recommitted to the committee which returned it, the whole question is before the committee anew as if it had not been before considered. When a resolution is recommitted the committee must take up the subject anew, the final action being of no further account." The chair further explained: "We must hold that where a bill or resolution is recommitteed [sic] without instructions, the committee has a right to review the whole subject matter and report such amendments as they desire, and were it not for our house rules to the contrary, the chair would hold that the original joint resolution has been stripped of all amendments." House Rules of the 35th Leg. R.S. 116. Under this longstanding principle, the Committee on Calendars could not act on the bill after recommittal without the bill first having been favorably reported from the Committee on Energy Resources, as with any other bill that remains pending in its substantive committee.

The Committee on Calendars, however, failed to be informed or act on the notice of the recommittal. In fact, the Committee on Calendars purported to set the bill at the 3:30 p.m. Calendars meeting on May 2, 2013 (despite not having possession of the bill). Although the Committee on Calendars was unaware of the recommittal, the chief clerk was. Under Rule 6, Section 17, the house chief clerk removed the bill from the May 4 calendar because the bill had been recommitted.

In the meantime, almost five hours after the 3:30 p.m. May 2, 2013 meeting, the recommitted **CSHB 2767** was distributed to the Committee on Calendars. It is at this point that Representative E. Rodriguez says that error occurred. Representative E. Rodriguez argues that even though the recommitted bill (by virtue of the recommittal) was a "new subject," before the committee anew as though it had not been before considered, error has occurred because there was no motion to reconsider the original vote by which **CSHB 2767** was set. Representative E. Rodriguez does not explain how there can be any motion for reconsideration made since, at the time the vote was taken, the Committee on Calendars did not have jurisdiction or control over the bill. The chair declines to

hold that any motion for reconsideration is needed because Calendars was without jurisdiction to add the item to the calendar. Once the bill was recommitted and the Committee on Calendars placed the bill on the calendar, the chief clerk had no choice but to mechanically apply the rule regarding recommitted bills and removed the bill from the May 4 calendar.

When **CSHB 2767** (the recommitted version) was printed and distributed to the Committee on Calendars on May 3, 2013, and was considered the same day and placed on the May 6, 2013 calendar, it was done properly. Bills placed on the calendar following recommittal do not lose their relative position in the calendar because their removal from the calendar is specifically contemplated by Rule 6, Section 17 of the House Rules. Any error in setting the original bill is cured by the recommittal and a recommitted bill does not require a motion to reconsider before resetting the new recommitted measure.

Motion to Reconsider (Rule 7, Section 37)

Motion to Reconsider—Reconsideration in Committee

83 H.J. Reg. 2979-81 (C. Turner 5/9/13)

HB 3005 - POINT OF ORDER

Representative C. Turner raised a point of order against further consideration of **HB 3005** under Rule 7, Section 37 of the House Rules on the grounds that the motion to reconsider by the standing committee was not properly made.

The chair overruled the point of order and submitted the following statement:

Representative C. Turner raised a point of order against further consideration of **HB 3005** under Rule 7, Section 37 of the House Rules. He argues that the method by which the motion to reconsider HB 3005 was handled by the bill's standing committee was incorrect under the House Rules and that Rule 7, Section 37 requires that when "a question has been decided by the house and the yeas and nays have been called for and recorded, any member voting with the prevailing side may, on the same legislative day, or on the next legislative day, move a reconsideration." The text of Rule 7, Section 37 of the House Rules reads as follows:

> Section 37. Motion to Reconsider a Vote. (a) When a question has been decided by the house and the yeas and nays have been called for and recorded, any member voting with the prevailing side may, on the same legislative day, or on the next legislative day, move a reconsideration; however, if a reconsideration is moved on the next legislative day, it must be done before the order of the day, as designated in the 10th item of Rule 6, Section 1(a) is taken up. If the house refuses to reconsider, or on reconsideration, affirms its decision, no further action to reconsider shall be in order.
>
> (b) Where the yeas and nays have not been called for and recorded, any member, regardless of whether he or she voted on the

prevailing side or not, may make the motion to reconsider; however, even when the yeas and nays have not been recorded, the following shall not be eligible to make a motion to reconsider:

(1) a member who was absent;

(2) a member who was paired and, therefore, did not vote; and

(3) a member who was recorded in the journal as having voted on the losing side.

(c) A motion to reconsider the vote by which a bill, joint resolution, or concurrent resolution was defeated is not in order unless a member has previously provided at least one hour's notice of intent to make the motion by addressing the house when the house is in session and stating that a member intends to make a motion to reconsider the vote by which the bill or resolution was defeated. It is not necessary for the member providing the notice to be eligible to make or to be the member who subsequently makes the motion to reconsider. If notice of intent to make a motion to reconsider is given within the period that the motion to reconsider may be made under Subsection (a) of this section and that period expires during the one-hour period required by this subsection, then the period within which the motion may be made under Subsection (a) is extended by the amount of time, not to exceed one hour during which the house is in session, necessary to satisfy the one-hour notice required by this subsection. For purposes of this subsection, a motion to reconsider includes a motion to reconsider and table and a motion to reconsider and spread on the journal.

The point of order is respectfully overruled. As admitted by Representative C. Turner and reflected in the committee minutes, no member of the committee objected to the motion to reconsideration. Therefore, any objection was waived. Second, even if an objection had been raised in committee, it does not survive to the house floor provided the bill was eventually voted out by a majority vote for favorable report and with a quorum present. *See* Rule 4, Section 14 of the House Rules, explanatory notes and house precedents. Third, it is unclear how or even if Rule 7, Section 37 of the House Rules could be applied to committee process. It is hard to tell how one would graft this rule to a committee process. For instance, Rule 7, Section 37 of the House Rules requires that if a reconsideration is moved on the next legislative day, it must be done before the order of the day, as designated in the 10th item of Rule 6, Section 1(a) of the House Rules. Does this mean the committee must meet before the end of the next routine motion period of the house? What is the "next legislative day" in a committee? Do different committees have a different number of legislative days? Fourth, below is a graph of the number of motions to reconsider votes by house committees from 1989 forward:

Regular Session	House Bills	Senate Bills	All Bills
83rd	199	23	222
82nd	83	24	107
81st	83	28	111
80th	60	104	164
79th	59	13	72
78th	61	43	104
77th	43	22	65
76th	45	25	70
75th	49	26	75
74th	30	3	33
73rd	8	14	22
72nd	24	7	31
71st	108	40	148

While there are ebbs and flows in the total number raised, it is clear from the review of the over 1,200 motions in that time period that the membership has the information to determine if additional regulation of those motions in committees is warranted. Because the House Rules and established house practice address the issue, if the body desires to restrict the time, place, and manner of raising motions for reconsideration in committee, we are certain that it should be done by rule.

Bill Captions (Rule 8, Section 1)

Captions—Reasonable Notice of Bill's Subject (Rule 8, Section 1(a)(1); Article III, Section 35(b))
83 H.J. Reg. 4059 (Dutton 5/21/13)

SB 11 - POINT OF ORDER

Representative Dutton raised a point of order against further consideration of **SB 11**.

The chair overruled the point of order and submitted the following statement:

Representative Dutton raised a point of order against further consideration of **SB 11**, asserting that the senate's amendment of the bill's caption violated the House Rules. The point of order is respectfully overruled.

Rule 8, Section 1(a)(1) of the House Rules requires that the bill contain a caption "that gives the legislature and the public reasonable notice of the subject of the proposed measure." **SB 11**'s caption reads: "relating to the drug testing of certain persons seeking financial assistance benefits." Having reviewed the bill, the chair concludes that the caption complies with Rule 8, Section 1(a)(1) of the House Rules. *Compare* 74 H.J. Reg. 2186 (1995) (sustaining a point of order where a narrow bill had an overly broad caption).

Captions—Tax, Assessment, Surcharge, or Fee
83 H.J. Reg. 1615-16 (Simpson 4/17/13)

CSHB 63 - POINT OF ORDER

Representative Simpson raised a point of order against further consideration of **CSHB 63** under Rule 8, Section 1(b) of the House Rules on the grounds that the caption does not indicate the general effect of the bill on the tax, assessment, surcharge, or fee.

The speaker overruled the point of order and submitted the following statement:

Representative Simpson raises a point of order that **CSHB 63** violates Rule 8, Section 1(b) of the House Rules. Specifically, Representative Simpson argues that **CSHB 63** violates Rule 8, Section 1(b) of the House Rules because the caption of the bill does not contain a statement that the bill contains an imposition of a charge in a tax, assessment, surcharge, or fee. Representative Simpson argued that the fine imposed by the bill is in fact a fee, citing Black's Law Dictionary's definition of fee. The point of order is respectfully overruled.

As noted, **CSHB 63** does not impose, authorize, increase, or charge the rate or amount of a tax, assessment, surcharge, or fee. Therefore, Rule 8, Section 1(b) cannot apply to **CSHB 63**. The purpose of the rule is to provide clear notice to house members and the public concerning the effect of a house bill on taxes, assessments, surcharges, and fees. By operation of Rule 9, Section 1(a), the new caption rule also applies to house joint resolutions proposing constitutional amendments.

In general, the rule applies to bills that expressly (within the four corners of the bill) impose, authorize, or change the rate or amount of a tax, assessment, surcharge, or fee, as well as to bills that have an equivalent purpose, such as a bill whose primary purpose is to repeal a tax or to extend a temporary fee. However, the rule does not apply to bills that indirectly affect the payment or application of an existing tax, assessment, surcharge, or fee, such as a bill changing a due date, repealing or otherwise eliminating a program or agency that includes fee or assessment authority, modifying or adopting a tax exemption, or modifying a class of persons or transactions subject to an existing tax or fee. Application of the rule to such bills would require subjective judgment and render the rule far less useful due to the large number of bills that would be affected.

The key exception to the general rule that the bill must expressly refer to a tax, assessment, surcharge, or fee to fall within the new caption requirement is a bill that creates a special purpose district with authority to impose a tax, assessment, surcharge, or fee through a reference to other law or to the authority of other special districts or local governments. The rule applies to such a bill to ensure that the tax, assessment, surcharge, or fee authority created by the bill is apparent to the members of the house and to the public, regardless of whether the

bill expressly refers to a tax, assessment, surcharge, or fee. The intent of the rule would be thwarted if new special districts with taxing or fee authority could be enacted without notice of that authority stated in the caption. For these bills, to minimize the risk of technical omissions, a caption is sufficient if it states that the bill authorizes "taxes, assessments, surcharges, or fees" or "taxes, assessments, or fees" as long as at least one of those items is authorized by the bill. While the rule requires notice for any bill that directly imposes or authorizes the imposition of taxes, assessments, surcharges, and fees by state or local governmental entities, bills affecting monetary transfers between governmental bodies and charges imposed by private sector entities, even if nominally referred to as a tax, assessment, surcharge, or fee, do not require the prescribed caption notice. Application of the rule to such matters could mislead the reader into assuming that the bill provides for a fee or assessment to be imposed by government and reduce the usefulness of the rule for its intended purpose.

To avoid hiding the explanation of the bill's effect on a tax, assessment, surcharge, or fee within a caption, the new rule requires the explanatory statement to appear "at the end" of the caption. However, the rule does not require that a separate redundant statement be added to the end of a brief caption that already provides the intended information. A caption complies with the rule if it is reasonably short and clearly states any direct effect of the bill on a tax, assessment, surcharge, or fee. For example, a caption that reads "relating to authorizing increases in the license fees applicable to dentists" is sufficient to comply with the rule without the addition of a redundant statement at the end such as "authorizing fee increases."

Bills affecting charges other than those specifically referred to as taxes, assessments, surcharges, and fees are not covered by the rule. Application of the rule to these other types of payments, such as civil or criminal penalties or interest on late payments, would water the rule down by covering too many bills that don't have the same impact as a bill authorizing or otherwise affecting a tax or fee imposed on a general class of persons.

Captions—Tax, Assessment, Surcharge, or Fee
83 H.J. Reg. 3000 (Morrison 5/9/13)

CSHB 2996 - POINT OF ORDER

Representative Morrison raised a point of order against further consideration of **CSHB 2996** under Rule 8, Section 1 of the House Rules on the grounds that the caption does not reflect that the bill imposes a new fee.

The chair overruled the point of order and submitted the following statement:

Representative Morrison raised a point of order against further consideration of **CSHB 2996** under Rule 8, Section 1 of the House Rules. Specifically, Representative Morrison argues that under Rule 8, Section 1 of the House

Rules, the bill imposed a new fee that should have been reflected in the caption. Consistent with the previous ruling, 83 H.J. Reg. 1615-16 (2013), the chair determines that no new fee was imposed, authorized, increased, or changed. That point of order is overruled.

One-Subject Rule (Rule 8, Section 3; Art. III, Section 35)

83 H.J. Reg. 5150-51 (Taylor 5/26/13)

HB 3793 - POINT OF ORDER

Representative Taylor raised a point of order against further consideration of **HB 3793** under Rule 8, Section 3 and Rule 11, Section 2 of the House Rules and under Article III, Section 30 of the Texas Constitution.

The chair overruled the point of order and submitted the following statement:

Representative Taylor raises a point of order against further consideration of the conference committee report on **HB 3793** under Rule 8, Section 3 and Rule 11, Section 2 of the House Rules and under Article III, Section 30 of the Texas Constitution. The point of order is respectfully overruled. The chair finds, after examining the conference committee report and all other documents that the conference committee neither violated the one-subject rule or any concepts of germaneness because the elements of the conference committee report embraced a single unifying subject—the powers, duties, and services of entities serving counties and county residents.

83 H.J. Reg. 4180 (Burnam 5/22/13)

SB 347 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **SB 347** under Article III, Section 35 of the Texas Constitution on the grounds that it violates the one-subject rule.

The speaker overruled the point of order and submitted the following statement:

Representative Burnam raised a point of order against further consideration of **SB 347** on third reading under Article III, Section 35 of the Texas Constitution, alleging that the bill violates the one-subject requirement as a result of the adoption of Amendment No. 1. The point of order is respectfully overruled.

SB 347 revises the funding mechanism for the operation of the Texas Low-Level Radioactive Waste Disposal Compact Commission ("Compact Commission"). Amendment No. 1 provides additional funding mechanisms and adds conditions for those funding mechanisms. Thus, the amendment is consistent with the bill's subject of funding the operation of the Compact Commission. *See* 83 H.J. Reg. 2008-09 (2013).

83 H.J. Reg. 3866 (M. González, Collier 5/20/13)
Amendment No. 26 - Point of Order

Representatives M. González and Collier raised a point of order against further consideration of Amendment No. 26 under Rule 8, Section 3 of the House Rules on the grounds that it violates the one-subject rule.

The chair overruled the point of order and submitted the following statement:

Representative M. González and Representative Collier raised a point of order that the addition of Amendment No. 26 would cause the bill to violate Rule 8, Section 3's one-subject requirement. These points of order are respectfully overruled.

CSSB 7 relates to delivery and quality of long-term and Acute Care Medicaid services. Because Amendment No. 26 addresses who is eligible to receive the long-term and Acute Care Medicaid services addressed by the bill, the chair determines that the amendment is germane to **CSSB 7** and would not add a second subject to the bill.

One-Subject Rule—Sustained
83 H.J. Reg. 1724-25 (Miles 4/22/13)

CSHB 947 - POINT OF ORDER

Representative Miles raised a point of order against further consideration of **CSHB 947** under Rule 8, Section 3 of the House Rules on the grounds that it violates the one-subject rule.

The chair sustained the point of order and submitted the following statement:

Representative Miles raised a point of order against further consideration of **HB 947** under Rule 8, Section 3 of the House Rules, asserting that the bill does not "contain only one subject." The point of order is sustained.

HB 947 consists of two sections, each a separate subject, the first of which provides that both the Office of the Inspector General of the Health and Human Services Commission and the Office of the Attorney General (OAG) will review how the inspector general works with the OAG to (1) investigate fraud, waste, and abuse in the provision of health and human services, and (2) enforce state laws relating to those services. It also requires the two agencies to report recommendations regarding these issues to the legislature. The second section requires a second actor—only the Office of the Inspector General—to develop strategies to address fraud, waste, and abuse in the administration of a different program, the Supplemental Nutrition Assistance Program (SNAP) and the provision of benefits thereunder.

As such, these sections of the bill require different sets of entities to act on different programs, which gives rise to a one-subject problem under Rule 8, Section 3 of the House Rules.

CSHB 947 was returned to the Committee on Public Health.

Joint Authors (Rule 8, Section 5)

Joint Authors—Names on Official Printings

83 H.J. Reg. 2660-62 (Y. Davis 5/7/13)

CSHB 500 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **CSHB 500** under Rule 8, Section 5(c) of the House Rules on the grounds that the names of all joint authors are not properly shown on all the official printings of the bill.

The chair overruled the point of order and submitted the following statement:

Representative Y. Davis raised a point of order under Rule 8, Section 5(c) and Rule 12, Section 1(a)(1) of the House Rules. Specifically, Representative Y. Davis argued that Representative Button "signed on" as a joint author on **CSHB 500** on April 19, 2013, and, as such, should have been reflected as a joint author on the first printing of the bill (the May 2, 2013, 8:03 a.m. recommitted printing) and on each of the four calendars on which CSHB 500 appears (generated May 2, 7:00 p.m.; May 3, 5:20 p.m.; May 4, 12:33 p.m.; and May 5, 7:12 p.m.). The point of order is respectfully overruled.

Representative Y. Davis also states that the "actions of the Committee on Ways and Means are grossly and egregiously contrary and disrespectful to the rules of the house, 83rd Legislature." For the reasons set out below, the chair believes that the Committee on Ways and Means had no impact on the point of order raised.

A person becomes a co- or joint author if the person is designated as a co- or joint author by the primary author on the appropriate form (Rule 8, Section 5(c) of the House Rules). A copy of the forms are set out as attachment "A". The proposed co- or joint author must sign the form and, importantly, "the signatures of all the coauthors or joint authors shall appear in appropriate forms in the chief clerk's office." *See* Rule 8, Section 5(a) of the House Rules. The reason for having the forms housed with the chief clerk is important because the chief clerk is responsible for "hav[ing] printed and distributed correct copies of all legislative documents." *See* Rule 2, Section 1(a)(7) of the House Rules. The chief clerk enters the forms into a database, and the documents, including the official printings, the calendars, and the electronic legislative information system, all draw on the information in the clerk's database.

The mystery of Representative Button's appearing to "sign on" to the bill on April 19, 2013, is explained by Representative Hilderbran's behavior in gathering joint and coauthors for this bill. The chief clerk's office will provide members with sheets to gather names of joint and coauthors. There is no requirement in the rules that the signatures be reported immediately to the chief clerk. Any house member or member of the public watching from the gallery would recognize the curious behavior of members who circle the floor looking for a potential co- or

joint author, who sidle up to a fellow member in idle conversation, and who pull from a folder a yellow or white sheet and a pen, presenting the member with the opportunity to sign onto a bill in the same manner as a penguin offers a pebble to a potential mate. Members may circle for hours or days until satisfied that they have collected an impressive number of signatures. Then they appear in the chief clerk's office to disgorge these names on the forms to the chief clerk for entry into the chief clerk's database, which allows the information to be added to the official printings, the calendars, and the electronic legislative information system.

Representative Hilderbran filed the original bill on April 8, 2013. He appeared in the chief clerk's office with forms designating eight coauthors over a period of time between April 29, 2013, at 5:32 p.m. and May 2, 2013, at 12:14 p.m. We know this statement is accurate because the chief clerk has a bill authors audit system built into his computer system. The bill authors audit system logs when the author of a bill returns a form and a co- or joint author is added to a bill (see attached audit report for **CSHB 500**). Further, we know most of the coauthors who signed Representative Hilderbran's bill (all but Representative Villalba) were added into the system before the recommitted house committee report was printed at 8:03 a.m. on May 2, 2013. We know this because the recommitted committee report and each of the four calendars distributed with the bill between May 2 and May 5 show Representative Hilderbran's name and the indication "et al.," which indicates the presence of coauthors on a bill. The audit log also indicates that Representative Hilderbran disgorged a large number of names of co- and joint authors back to the chief clerk's office on May 6, between 4:28 p.m. and 5:48 p.m., including the names of the four joint authors (Representatives Button, Creighton, E. S. Turner, and S. Thompson). The chief clerk also recorded faithfully (because the staff of the house does not modify the writings of a member) the date Representative Button indicated that she joined as a joint author. Because the item was not signed or witnessed by the clerk, the clerk can only faithfully reproduce the information on the sheet. However, Representative Button was not added to the legislative database as a joint author until May 6, 2013, at 4:28 p.m. After each of the four joint authors was added, each of their names appeared on the very next calendar printing at 8:16 p.m. that same evening.

Perhaps Representative Hilderbran should have been forced to present his co- or joint author names as he collected them or to collect signatures only under the watchful eye of the chief clerk or his staff, with the staff time-stamping and immediately entering each action. However, the members have not seen fit to shackle themselves to these types of rules. In fact, the members and the rules appear to have adopted the practice of allowing signatures to be harvested on the floor, be retained by the primary author, and be recorded later in the chief clerk's office, with the knowledge that the records of the chief clerk—which solely govern the official printings, calendars, and electronic legislative data systems—cannot be updated until the forms are returned. In this case, the chief

clerk complied with rules to the full extent that the members allowed him to do. The chief clerk accurately reported the information available to him, which was timely and correctly displayed on the recommitted committee report and the first four calendars. When the information changed, and the chief clerk received the information regarding Representative Button and the other joint authors, the clerk's reporting of the changed information produced an accurate revised calendar, listing all four joint authors. Because each of these printings is a snapshot in time, each printing is correct if, at the time of the printing or other act, the information accurately reflected the information in the hands of the house official charged with the act.

Accordingly, no violation of Rule 8 or Rule 12 of the House Rules was involved. The clerk can only report and print the information members provide to him. However, in light of this issue the house may wish to consider a different method, including an electronic method, to allow faster, more timely, and a more controlled entry of information to the chief clerk's office on co- and joint author matters. Members may wish to visit with the chief clerk's office about such a system.

Joint Authors—Names on Official Printings
83 H.J. Reg. 2441-42 (M. González 5/4/13)

CSHB 972 - POINT OF ORDER

Representative M. González raised a point of order against further consideration of **CSHB 972** under Rule 8, Section 5 of the House Rules on the grounds that the names of all joint authors are not properly shown on all the official printings of the bill.

The speaker overruled the point of order and submitted the following statement:

Representative M. González raises a point of order against further consideration of **CSHB 972** under Rule 8, Section 5 of the House Rules. Specifically, Representative M. González argues that an appendix to the House Journal in the referral of the **CSHB 972** failed to print all joint authors' names immediately following the primary author's name. Representative M. González stated she was unaware of any other error in the reporting of joint author names in the official printing of all measures, on all house calendars, and in the electronic legislative information system. A review of the official printing of all measures, all house calendars, and the electronic legislative information system indicates that the joint authors' names were printed immediately following the primary author's name. The point of order is respectfully overruled.

The purpose of the rule is to ensure that members are aware of joint authors at the time that the matter is being considered. In this case, the purpose of the rule was fulfilled when the information could be ascertained from either the official

printing, the house calendar, the journal, or the electronic legislative information system. The rule also reaches only to the journal itself, not to the appendix to the journal. For instance, messages from the senate, committee reports, and other items printed in the appendix often do not contain any author information. Finally, even if the rule reached to the printing of names in the appendix items, the point of order raised would not reach to the consideration of the bill itself, as the improper listing on a bill of a joint author who in fact had not signed a joint author form, *see* 79 H.J. Reg. 2939 (2005), but rather the compliance with the rule would be that the journal would be instructed to accurately reflect the information required.

Local Bills

Local Bill Bracket—Limitation by Artificial Device—Sustained
83 H.J. Reg. 2828 (Dutton 5/8/13)
Amendment No. 3 - Point of Order

Representative Dutton raised a point of order against further consideration of Amendment No. 3 under Rule 8, Section 10 of the House Rules on the grounds that the bill is limited to one or more subdivisions by means of artificial devices.

The chair sustained the point of order and submitted the following statement:

Representative Dutton raised a point of order against further consideration of Amendment No. 3 to **CSHB 1790** under Rule 8, Section 10 of the House Rules alleging the amendment's "application is limited to one or more political subdivisions by means of population brackets or other artificial devices in lieu of identifying the political subdivision or subdivisions by name." The prohibition against such measures does not apply if the proposed classification "bears a reasonable relation to the purpose of the proposed legislation. . . ." Rule 8, Section 10(b) of the House Rules.

In this case, the proposed amendment would have limited the availability of certain modification procedures for defendants who successfully complete a period of state jail felony community supervision to only a county or a municipality in a county that (1) borders the United Mexican States, and (2) has a population of at least 400,000, and (3) is within 200 miles of the Gulf of Mexico.

For the sake of argument, even if the bracket of the bill was determined not to be an artificial bracket, the limitation proposed in the amendment would fail under the rule because the proposed classification bears no reasonable relation to the purpose of the proposed legislation. Because no argument was advanced on a reasonable relationship between the proposed bracket and the purpose of the bill, the chair finds that whether a county or municipality is "within 200 miles of the Gulf of Mexico" bears no relationship to limiting the availability of certain modification procedures for defendants who successfully complete a period of state jail felony community supervision as outlined in this bill. Accordingly, the point of order is sustained.

Local Bill Bracket—Limitation by Artificial Device
83 H.J. Reg. 2065 (Stickland 4/30/13)

HB 127 - POINT OF ORDER

Representative Stickland raised a point of order against further consideration of **HB 127** under Rule 8, Section 10 of the House Rules and Article III, Section 56 and Article III, Section 57 of the Texas Constitution on the grounds that the bill is limited to one or more subdivisions by means of artificial devices.

The chair overruled the point of order and submitted the following statement:

Representative Stickland raised a point of order against further consideration of **HB 127** under Article III, Section 56 and Article III, Section 57 of the Texas Constitution and Rule 8, Section 10 of the House Rules. Representative Stickland asserts that because the bill's provisions limit its application to one county by means of an artificial device, a population bracket, it is an impermissible bracket bill that functions as a local bill in violation of the Texas Constitution and House Rules. The point of order is respectfully overruled.

The chair in reviewing the bill finds that this classification scheme applies uniformly, is broad enough to include a substantial class or geographic area and that the membership of the class may expand or contract over time, and is based on characteristics that legitimately distinguish, in relation to the public purpose to be served, the class or area from other classes or areas. Therefore, the bill complies with the requirements of the Texas Constitution and Rule 8, Section 10 of the House Rules.

Bills Involving State Funds
Consideration of Bills Involving State Funds (Rule 8, Section 21)
83 H.J. Reg. 5112-13 (Simpson 5/26/13)

HB 1025 - POINT OF ORDER

Representative Simpson raised a point of order against further consideration of **HB 1025** under Rule 8, Section 21(b) of the House Rules on the grounds that the general appropriations bill has not yet been certified by the comptroller.

The speaker overruled the point of order and submitted the following statement:

Representative Simpson raises a point of order against further consideration of **HB 1025** under Rule 8, Section 21(b) of the House Rules. Rule 8, Section 21(b) of the House Rules states: (b) In order to assure compliance with the limitation on appropriations of state tax revenue not dedicated by the constitution as provided by Article VIII, Section 22 of the Texas Constitution, it is not in order for the speaker to lay before the house, prior to the time that the general appropriations bill has been finally passed and sent to the comptroller, any bill that appropriates funds from the state treasury that are not dedicated by the constitution. The point of order is overruled. **HB 1025** (Like **HB 10** and **SB 1**) is a general appropriations

bill. Under the terms of Rule 8, Section 21(b) of the House Rules, the rule does not apply to a general appropriations bill.

Consideration of Bills Involving State Funds
(Rule 8, Section 21)—Sustained
83 H.J. Reg. 2019 (S. Turner 4/29/13)

CSHB 11 - POINT OF ORDER

Representative S. Turner raised a point of order against further consideration of **CSHB 11** under Rule 8, Section 21 of the House Rules on the grounds that the general appropriations bill has not yet been certified by the comptroller.

The speaker sustained the point of order and submitted the following statement:

Representative S. Turner raised a point of order against further consideration of **CSHB 11** and the amendment under consideration pursuant to Rule 8, Section 21 of the House Rules. The point of order is sustained.

Representative S. Turner has directed the chair to house precedent in which a point of order under Rule 8, Section 21(a) of the House Rules was sustained. The chair also reviewed house precedent in which a point of order under Rule 8, Section 21(a) of the House Rules was overruled. *See* 80 H.J. Reg. 1475-76 (2007). Having reviewed the specific facts surrounding this bill and amendment and the rule, the chair agrees that the point of order should be sustained and **CSHB 11** should be returned to the Committee on Appropriations.

Germaneness/One-Subject of Appropriations Bill (Article III, Section 35(a))
83 H.J. Reg. 2008-09 (S. Turner 4/29/13)
Amendment No. 1 - Point of Order

Representative S. Turner raised a point of order against further consideration of Amendment No. 1 under Rule 8, Section 3 of the House Rules on the grounds that Amendment No. 1 violates the one-subject rule.

The chair overruled the point of order and submitted the following statement:

Representative S. Turner raised a point of order against further consideration of Amendment No. 1 to **CSHB 11** under Rule 8, Section 3 of the House Rules. Because Representative Turner's complaint goes not to the bill, but rather to the amendment offered, it is presumed that he was also arguing under Rule 11, Section 2 of the House Rules. Representative S. Turner argued that **CSHB 11** is a narrow one-subject bill that appropriates money from the economic stabilization fund to fund water. Because the bill has a single subject, the point of order under Rule 8, Section 3 of the House Rules is overruled. He asserts that Amendment No. 1 violates Rule 8, Section 3 and Rule 11, Section 2 of the House Rules by allowing an option to fund water using general revenue. That point of order is also respectfully overruled.

The amendment's provision that water could be funded from general revenue on the condition that the bill did not receive the requisite votes to use economic stabilization funds was incidental to carrying out **CSHB 11**'s purpose of funding water. Because the amendment was consistent with this single subject and did not impermissibly expand the bill by providing an alternative funding source, other than the economic stabilization fund, that was incidental to the main proposition of the bill, it would not have introduced a distinct subject into the bill and, therefore, was not out of order. *See* 45 H.J. Reg. 458 (1937).

From the 4/29/13 Supplement, p. S68; relating to 83 H.J. Reg. 2008-09 (S. Turner 4/29/13)

S. TURNER: Representative Creighton, is **HB 11** an appropriations bill? Do you know?

CREIGHTON: If **HB 11** enables rainy day fund money to be used---

S. TURNER: No, not my question. Is **HB 11** an appropriations bill?

CREIGHTON: I was headed there, but yes.

S. TURNER: Mr. Speaker, point of inquiry.

CHAIR (Speaker pro tempore in the chair): Please state your inquiry.

S. TURNER: Is **HB 11** an appropriations bill?

CHAIR: Yes, sir.

S. TURNER: Is **HB 11** limited to one subject?

CHAIR: Yes, sir.

S. TURNER: Is **HB 11** specifically related to water, with one funding mechanism only?

CHAIR: Yes, it is related only to water.

S. TURNER: I would call a point of order based on Rule 8, Section 4.

[The chair overruled the point of order.]

CSHB 11 was returned to the Committee on Appropriations.

Calendar Rule—Take-and-Put Provision
83 H.J. Reg. 1256 (Y. Davis 4/4/13)
Amendment No. 21 - Point of Order

Representative Y. Davis raised a point of order against further consideration of Amendment No. 21 on the grounds that the amendment violates the Committee on Calendars rule.

The chair sustained the point of order and submitted the following statement:

Representative Y. Davis raised a point of order against further consideration of Amendment No. 21 to **CSSB 1**, asserting that Amendment No. 21 violates the take-and-put provision of the calendar rule adopted for consideration of the bill. The point of order is sustained. The amendment purported to strike Strategy A.1.4., Film and Marketing, from the bill and then provide over $13 million to Strategy D.2.3, the Texas Women's Health Program. However, Strategy A.1.4 only had about $4.2 million available that could be shifted to another program. Because the amendment attempted to increase an item of appropriation without correspondingly reducing one or more items of appropriation in the bill from the fund or funds against which the appropriation was to be certified, the amendment violated the calendar rule and was out of order. *See* 83 H.J. Reg. 969 (2013) (containing the text of the calendar rule).

[Note: *See* Rule 6, Section 16(f) regarding adoption of proposed rules for floor consideration. The effect of a rules adopted for floor consideration can be similar to a rule on germaneness; it is possible under Section 16(f) that rules for floor consideration could apply to bills other than appropriations bills.]

Appropriations Bill May Not Change General Law (Rule 8, Section 4)
83 H.J. Reg. 1351-52 (Cortez 4/4/13)
Amendment No. 158 - Point of Order

Representative Cortez raised a point of order against further consideration of Amendment No. 158 under Rule 8, Section 4 of the House Rules on the grounds that the amendment would change general law.

The chair sustained the point of order and submitted the following statement:

Representative Cortez raised a point of order against further consideration of Amendment No. 158 under Rule 8, Section 4 of the House Rules on the grounds that the amendment would change general law. The point of order is sustained. The amendment would have required a state agency, when purchasing any goods or services, to give first preference to individuals or entities that use the E-verify program, which verifies the work authorization status of a newly hired employee. However, provisions of existing law already specify factors that governmental agencies must consider in awarding contracts. *See*, *e.g.*, Tex. Gov't. Code § 2156.125 (stating that a "state agency shall make a written award of a contract to the offeror whose proposal offers the best value for the state, considering price, past vendor performance, vendor experience or demonstrated capability, and the evaluation factors in the request for proposals"). Requiring state agencies to give a "first preference" to those using the E-verify program instead of or in addition to considering the factors provided by existing law would have impermissibly effected a change in general law. Therefore, the amendment was out of order. *See* Rule 8, Section 4 of the House Rules ("A general law may not be changed by the provisions in an appropriations bill"); 43 H.J. Reg. 1090 (1933) (sustaining a point of order because the amendment attempted to amend a statute through an appropriations bill).

Appropriations Bill May Not Change General Law (Rule 8, Section 4)—Sustained
83 H.J. Reg. 1360-61 (C. Turner 4/4/13)
Amendment No. 175 - Point of Order

Representative C. Turner raised a point of order against further consideration of Amendment No. 175 under Rule 8, Section 4 of the House Rules on the grounds that the amendment would change general law.

The speaker sustained the point of order and submitted the following statement:

Representative C. Turner raised a point of order against further consideration of Amendment No. 175 under Rule 8, Section 4 of the House Rules on the grounds that the amendment would change general law. The point of order is sustained. The amendment by Representative Perry provided for a study on unfunded liabilities by the state auditor's office (SAO), and required the SAO to determine the unfunded retirement obligations of several retirement systems, including the Texas Municipal Retirement System and the Texas County and District Retirement System. Because the SAO currently lacks the authority to audit these two retirement systems, *see* Tex. Gov't. Code § 321.013 (listing powers and duties of the state auditor), the amendment would have impermissibly effected a change in general law. *See* Rule 8, Section 4 of the House Rules ("A general law may not be changed by the provisions in an appropriations bill"); 43 H.J. Reg. 1090 (1933) (sustaining a point of order because the amendment attempted to amend a statute through an appropriations bill). Representative Perry noted that he had an amendment to the amendment which would have cured the defect, but because the point of order was raised before the defect was cured, the point of order was sustained. *See* Rule 1, Section 9(c) (prohibiting further consideration of any matter that is the subject of a question of order or any other matter while the question of order is pending).

Germaneness (Rule 11, Section 2; Rule 4, Section 41)

***See also* Bills Involving State Funds for germaneness of amendments to appropriations bills**
Germaneness of Committee Substitute
83 H.J. Reg. 3450-51 (Y. Davis 5/16/13)

CSSB 2 - POINTS OF ORDER

Representative Y. Davis raised a point of order against further consideration of **CSSB 2** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

Representative Y. Davis raised a point of order against further consideration of **CSSB 2** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

Representative Y. Davis raised a point of order against further consideration of **CSSB 2** under Rule 11, Section 2 and Rule 4, Section 41 of the House Rules on the grounds that the committee substitute is not germane to the bill.

The chair overruled the three points of order and submitted the following statement:

Representative Y. Davis raised three points of order against further consideration of **CSSB 2**. Her first two points assert that the bill analysis fails to satisfy Rule 4, Section 32(c) of the House Rules. Her third point asserts that the committee substitute to **CSSB 2** is not germane to the original bill, thereby violating Rule 11, Section 2 of the House Rules, and invoking Rule 4, Section 41 of the House Rules. These points of order are respectfully overruled.

In her first point of order, Representative Y. Davis alleges the bill analysis inadequately addresses three conditions that must be satisfied before a charter holder may establish a new open-enrollment charter school campus because, rather than listing the conditions, the analysis explains that the campus may be established "if certain conditions are met."

In her second point, Representative Y. Davis asserts the bill analysis's statement regarding a campus or program's ability to challenge an "adverse academic or financial accountability rating" is misleading because the bill refers to Subchapter (F) of Chapter 39 of the Education Code, which permits an open-enrollment charter school to challenge an agency decision that relates to "an academic or financial accountability rating that affects the district or school" without using the term "adverse." Determining whether a bill analysis complies with Rule 4, Section 32 of the House Rules requires examining the particular bill and analysis in question and comparing them to the mandates of Rule 4, Section 32. 83 H.J. Reg. 2323-24 (2013). Having carefully reviewed the bill, the analysis, and the requirements of Subchapter (F) of Chapter 39 of the Education Code, the chair determines that the bill analysis complies with Rule 4, Section 32(c) of the House Rules.

In her third point of order, Representative Y. Davis challenges the germaneness of the committee substitute to **SB 2**, contending the section in the substitute that requires the University Interscholastic League (UIL) to allow participation by the high schools of open-enrollment charter schools is not germane to the senate engrossment. The senate engrossment is a comprehensive charter schools bill; it sets out requirements for multiple entities (such as the State Board of Education, the Commissioner of Education, employees of the Texas Education Agency, boards of trustees of school districts, independent school districts, and open-enrollment charter schools) to act in relation to charter schools. The chair determines that the portion of the substitute relating to participation by charter high schools in UIL activities is germane to the original bill.

Germaneness of Committee Substitute
83 H.J. Reg. 2984 (Dutton 5/9/13)

CSHB 34 - POINT OF ORDER

Representative Dutton raised a point of order against further consideration of **CSHB 34** under Rule 4, Section 41 and Rule 11, Section 2 of the House Rules on the grounds that the committee substitute is not germane to the bill.

The chair overruled the point of order and submitted the following statement:

Representative Dutton raised a point of order against further consideration of **CSHB 34** under Rule 4, Section 41 and Rule 11, Section 2 of the House Rules claiming that the original bill and the substitute are not germane to each other. Specifically, Representative Dutton asserts that the regulatory scheme and criminal penalty added by the committee substitute are not germane to the original bill. The point of order is respectfully overruled.

The original bill required operators of certain commercial establishments to obtain permits allowing for the consumption of alcoholic beverages on the permitted premises. The provisions of which Representative Dutton complains in the committee substitute are those that added regulatory provisions detailing who would issue the permit; the grounds for which the permit could be refused, canceled, or suspended; a requirement for a surety bond for the permit application; and a provision that applied the existing criminal penalty under Section 46.02(c), Penal Code, to persons who intentionally, knowingly, or recklessly carry a handgun onto premises for which a permit was obtained under the provisions of the bill. The regulatory scheme for how the permits required by the original bill could be obtained and application of the criminal penalty that already applies to other types of premises requiring permits under the Alcoholic Beverage Code are all related to regulating consumption of alcohol on certain premises. Accordingly, the chair, after reviewing both versions, holds that the original bill and the substitute comply with Rule 4, Section 41 and Rule 11, Section 2 of the House Rules.

Germaneness of Amendment—Condition on Effective Date
83 H.J. 2nd C.S. 39 (Simpson 7/9/13)
Amendment No. 22 - Point of Order

Representative Simpson raised a point of order against further consideration of Amendment No. 22 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The speaker overruled the point of order and submitted the following statement:

Representative Simpson raised a point of order against further consideration of Amendment No. 22 to **HB 2** under Rule 11, Sections 2 and 3 of the House Rules. The point of order is respectfully overruled.

Representative Simpson asserts that the amendment was not germane to the bill and would impermissibly change the purpose of the bill because the amendment affects Texas's death penalty, but the bill does not relate to the death penalty. The amendment provides that Sections 2 through 10 of the bill would not take effect until "60 days after publication in the Texas Register of a finding of fact . . . that the state has abolished the use of the death penalty . . . ." Because the amendment merely places a condition on when the bill's provisions take effect, without separately compelling any action, it does not violate Rule 11's requirements that amendments be germane and consistent with a bill's original purpose. *See* Rule 11, Sections 2 and 3; *see also* **HB 866**, 83rd Legislature (taking effect "on any date not later than September 1, 2015, on which the commissioner of education obtains a specified waiver from the application of federal law or regulation or receives written notification that a waiver is not required"); **SB 1386**, 83rd Legislature (failing to take effect because certain other legislation failed to pass); **HB 1112**, 82nd Legislature ("Section 13 has no effect if the attorney general issues an opinion prohibiting a member of the governing body of a municipality from serving as a director of an authority."); **SB 1436**, 80th Legislature (transferring responsibilities to an agency contingent upon legislation appropriating $6.1 million to that agency).

Germaneness of Amendment
83 H.J. 1st C.S. 1051-52 (Moody 6/21/13)
Amendment No. 3 - Point of Order

Representative Moody raised a point of order against further consideration of Amendment No. 3 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair overruled the point of order and submitted the following statement:

Representative Moody raised a point of order against further consideration of Amendment No. 3 to **SB 23** under Rule 11, Section 2 of the House Rules. The point of order is respectfully overruled.

SB 23 provided for the option of a sentence of life with parole for offenders under the age of 18 who are convicted of a capital felony. Amendment No. 3 would have made **SB 23**'s sentencing provisions inapplicable to certain persons under 18 by prohibiting them from being charged with a capital felony if the capital felony in question was committed by a conspirator. Because the amendment relates to the punishments applicable to juveniles who commit a capital felony, it was germane to **SB 23**.

Germaneness of Amendment
83 H.J. Reg. 4018-19 (Burnam 5/21/13)
Amendment No. 1 - Point of Order

Representative Burnam raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2 and Rule 11, Section 3 of the

House Rules on the grounds that the amendment is not germane to the bill and would change the original purpose of the bill.

The chair overruled the point of order and submitted the following statement:

Representative Burnam raised a point of order against further consideration of Amendment No. 1 to **SB 347** under Rule 11, Section 2 and Rule 11, Section 3 of the House Rules. The point of order is respectfully overruled.

SB 347 revises the funding mechanism for the operation of the Texas Low-Level Radioactive Waste Disposal Compact Commission ("Compact Commission"). Amendment No. 1 provides additional funding mechanisms and adds conditions for those funding mechanisms. Because the amendment relates to funding for the operations of the Compact Commission, the amendment is germane and achieves the same purpose of funding the Compact Commission as the original bill. Thus, the amendment does not violate the germaneness requirement of Rule 11, Section 2, nor the requirement of Rule 11, Section 3, which prohibits amending a bill so as to change its original purpose. *See* Rule 11, Sections 2, 3, explanatory notes and house precedents.

Germaneness of Amendment
83 H.J. Reg. 3866 (Burnam 5/20/13)
Amendment No. 26 - Point of Order

Representative Burnam raised a point of order against further consideration of Amendment No. 26 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair overruled the point of order and submitted the following statement:

Representative Burnam raised a point of order against further consideration of Amendment No. 26 to **CSSB 7** asserting the amendment was not germane. *See* Rule 11, Section 2. **CSSB 7** relates to delivery and quality of long-term and Acute Care Medicaid services. Because Amendment No. 26 addresses who is eligible to receive the long-term and Acute Care Medicaid services addressed by the bill, the chair determines that the amendment is germane to **CSSB 7**.

Germaneness of Amendment—Sustained
83 H.J. Reg. 3626-27 (Taylor 5/17/13)
Amendment No. 2 - Point of Order

Representative Taylor raised a point of order against further consideration of Amendment No. 2 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair sustained the point of order and submitted the following statement:

Representative Taylor raised a point of order against further consideration of Amendment No. 2 to **SB 1729** under Rule 11, Section 2 of the House Rules, asserting that the amendment is not germane to the bill. The point of order is sustained.

SB 1729 creates a pilot program in "not more than three counties" meeting certain criteria. The pilot program relates to providing renewal and duplicate driver's licenses and other identification certificates. Amendment No. 2 would have provided for issuance of Texas resident driver's permits statewide to persons meeting certain requirements. Because statewide issuance of resident driver's permits is not germane to a limited pilot program for issuance of duplicate driver's licenses or other identification certificates, the amendment was out of order.

The ruling precluded further consideration of Amendment No. 2.

Germaneness of Amendment—Sustained
83 H.J. Reg. 3435-36 (Taylor 5/16/13)
Amendment No. 1 - Point of Order

Representative Taylor raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The speaker sustained the point of order and submitted the following statement:

Representative Taylor raised a point of order against further consideration of Amendment No. 1 to **SB 1156** under Rule 11, Section 2, asserting that the amendment is not germane to the bill. The point of order is sustained.

SB 1156 regulates land reclamation projects using scrap tires. Amendment No. 1 requires a person to store scrap tires in a secure manner if they are either stored outdoors or if the person is a scrap or used tire generator who stores the tires outdoors on its business premises. Because storage of used or scrap tires on the business premises of a scrap or used tire generator is not germane to the regulation of land reclamation projects using scrap tires, the amendment was out of order.

The ruling precluded further consideration of Amendment No. 1.

Germaneness of Amendment—Sunset
83 H.J. Reg. 3345 (S. Thompson, Miles 5/15/13)
Amendment No. 31 - Point of Order

Representatives S. Thompson and Miles raised a point of order against further consideration of Amendment No. 31 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair overruled the point of order and submitted the following statement:

Representatives S. Thompson and Miles raised a point of order against further consideration of Amendment No. 31 to **SB 215**, asserting that the amendment is not germane to the bill. The point of order is respectfully overruled.

The bill relates to the continuation and functions of the Higher Education Coordinating Board under the Texas Sunset Act. Amendment No. 31 directs the

board to work with governing boards, system administrations, and institutions to "ensure that each institution does not implement a policy or otherwise engage in a practice that requires a student organization, including a religious student organization, to accept for membership in the organization [certain students]." By conferring this additional duty on the board, the amendment affects the board's organization, powers, regulation, and management, and is therefore germane to the bill. *See* Rule 11, Section 2.

Comments by Rep. S. Thompson regarding this point of order (pp. 3345-46)

STATEMENT BY REPRESENTATIVE S. THOMPSON

The amendment by Mr. Krause is not germane because it does not relate to the "organization, powers, regulation, and management" of the Texas Higher Education Coordinating Board, but instead relates to the "organization, powers, regulation, and management" of individual institutions of higher education and to the relationship of institutions of higher education with student organizations on those campuses.

In the 82nd Legislature, the speaker ruled out as not germane an amendment to the Texas Housing and Community Affairs Department sunset bill that would make auditors' opinions and IRS determinations related to an organization's operations as prima facie evidence of those facts for purposes of complying with a statutory provision requiring the department to oversee an exempt entity's compliance with the Tax Code's requirements, including abiding by the department's rules and submitting an annual audit to the department because the amendment was not related to the "organization, powers, regulation, and management" of the department.

Similarly, in the 73rd Legislature, the speaker ruled out as not germane an amendment to the State Board of Medical Examiners sunset bill that dealt with the right of health care consumers to choose therapies, products, or services that the consumer considered of benefit for the consumer's health or physical condition because the amendment was not related to the "organization, powers, regulation, and management" of the department.

Finally, in the 78th Legislature, the speaker ruled out as not germane an amendment to an omnibus bill related to the administration and functions of the Department of Human Services an amendment that would require persons receiving financial assistance under a program administered by the department to execute personal responsibility agreements and subjecting those persons to sanctions for failure to comply with the agreement's terms because the amendment addressed the conduct of persons and not the agency.

Here, the amendment in Subsections (1)-(2) and (b) seeks to regulate the relationship between the individual institutions and their students, not between the board and the institutions, and also seeks to regulate the relationship between student organizations and individual students. The amendment does not relate to

the "organization, powers, regulation, and management" of the board, but to the "organization, powers, regulation, and management" of individual institutions of higher education, registered student organizations, and individual students.

Germaneness of Amendment
83 H.J. Reg. 2710-11 (Herrero 5/7/13)
Amendment No. 2 - Point of Order

Representative Herrero raised a point of order against further consideration of Amendment No. 2 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair overruled the point of order and submitted the following statement:

Representative Herrero raises a point of order under Rule 11, Section 2 of the House Rules, contending the P. King amendment to **CSHB 3153** is not germane. Representative P. King's amendment, which was later withdrawn, related to the jurisdiction of the Travis County district attorney, including the transfer of a portion of that district attorney's jurisdiction under certain conditions. Representative Herrero argues that the amendment is not germane because **CSHB 3153** does not deal with the jurisdiction of any district attorney. The point of order is respectfully overruled.

CSHB 3153, in Article 1 of the bill entitled "ARTICLE 1. DISTRICT COURTS AND DISTRICT ATTORNEYS," creates or amends the jurisdiction of several district attorneys. For instance, as noted in the bill analysis, the bill provides for the election of a district attorney by the voters of the 452nd Judicial District and includes the district attorney for the 452nd Judicial District among the state prosecutors who are subject to statutory provisions governing professional prosecutors. In addition, the change in the jurisdiction of the 216th, 198th, and 452nd Judicial District Courts also affected the jurisdiction of the district attorneys for each of those courts. *See* Tex. Gov't Code § 43.166 (District Attorney for the 216th District); Tex. Gov't Code § 43.165 (District Attorney for the 198th District); Tex. Gov't Code § 43.184 (District Attorney for the 452nd District as added by **CSHB 3153**).

In addition to these changes, the bill expands the authority of the Travis County district attorney. In Section 1.04 of **CSHB 3153**, the bill specifically created the 450th Judicial District Court. The section states:

> "Sec. 24.594. 450TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a) The 450th Judicial District is composed of Travis County.
>
> (b) The 450th District Court shall give preference to criminal matters."

Under Government Code Section 43.132(a), the voters of Travis County elect the Travis County district attorney, who "[i]n addition to performing the other duties provided by law for district attorneys, . . . represents the state in all

criminal cases before all the district courts of Travis County." This would include the newly created 450th Judicial District Court.

In this case, not only did the bill create, modify, or change the jurisdictions and duties of a number of district attorneys, including limiting or expanding their jurisdictions and awarding benefits to them under the Professional Prosecutors Act, but it also specifically expanded the jurisdiction of the Travis County district attorney by creating the 450th District Court to hear criminal matters and expanding the jurisdiction of the Travis County district attorney to prosecute criminal matters.

Germaneness of Amendment—Sustained
83 H.J. Reg. 2438 (Pickett 5/4/13)
Amendment No. 4 - Point of Order

Representative Pickett raised a point of order against further consideration of Amendment No. 4 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair sustained the point of order and submitted the following statement:

Representative Pickett raised a point of order against further consideration of Amendment No. 4 to **CSHB 485** under Rule 11, Section 2 of the House Rules on the ground that the amendment is not germane to the bill. The point of order is sustained.

CSHB 485 provides for a discounted fee to be charged to veterans and certain peace officers who apply for, renew, or modify a concealed handgun license. The amendment would have capped, at a different rate than the fees outlined in **CSHB 485**, the fees that can be charged to all applicants for renewal and application for a concealed handgun license. Because the amendment sought to establish a different type of discount than the original bill to a broader class of persons than that to which the original bill applied, the amendment was not germane. *See* Rule 11, Section 2.

Germaneness of Amendment
83 H.J. Reg. 2126 (S. Turner 5/1/13)
Amendment No. 7 - Point of Order

Representative S. Turner raised a point of order against further consideration of Amendment No. 7 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair overruled the point of order and submitted the following statement:

Representative S. Turner raised a point of order against further consideration of Amendment No. 7 to **HB 7** under Rule 11, Section 2 of the House Rules. The point of order is respectfully overruled.

HB 7 directs the Legislative Budget Board to develop recommendations to reduce state government reliance on dedicated revenue for the purpose of

budget certification. The bill further directs the board to incorporate into its recommendations measures to reduce state government reliance on dedicated revenue for the purpose of budget certification. Amendment No. 7 provides, for the purpose of reducing reliance on dedicated revenue for budget certification, that the board shall not set the rate of growth of appropriation above the lesser of three alternate caps and provides direction on how to calculate those caps. Because the amendment relates to the board's development of measures to reduce reliance on dedicated revenue to certify the budget, the amendment is germane. *See* Rule 11, Section 2.

Germaneness of Amendment—Sustained
83 H.J. Reg. 1162 (Geren 3/27/13)
Amendment No. 36 - Point of Order

Representative Geren raised a point of order against further consideration of Amendment No. 36 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The speaker sustained the point of order and submitted the following statement:

Representative Geren raised a point of order under Rule 11, Section 2 of the House Rules that Amendment No. 36, offered by Representative Taylor, was not germane to the proposition under consideration (**CSHB 4**). The point of order is sustained. In this case, the amendment, which would have increased the size of the governing body of the Texas Water Development Board and created an additional governance structure within the board, was not germane to CSHB 4, which dealt with funding of certain water projects and did not deal with the Texas Water Development Board's size or governance structure. *See* Rule 11, Section 2 of the House Rules, explanatory notes and house precedents note 3.

Germaneness of Amendment
83 H.J. Reg. 1164 (Martinez Fischer 3/27/13)
Amendment No. 38 - Point of Order

Representative Martinez Fischer raised a point of order against further consideration of Amendment No. 38 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair overruled the point of order and submitted the following statement:

Representative Martinez Fischer raised a point of order under Rule 11, Section 2 of the House Rules that Amendment No. 38 was not germane to **CSHB 4** because it amends the Local Government Code and does not mention the state water implementation fund for Texas or the state water implementation revenue fund for Texas. The point of order is respectfully overruled.

The amendment, which allows the Texas Water Development Board (TWDB) to provide funds to certain entities for certain water-related projects, is germane

to the bill, which relates to TWDB's funding of those and other water-related projects. *See* Rule 11, Section 2, explanatory notes and house precedents.

Germaneness of Conference Committee Report—Appropriations
83 H.J. Reg. 5113 (Simpson 5/26/13)

HB 1025 - POINT OF ORDER

Representative Simpson raised a point of order against further consideration of **HB 1025** under Rule 11, Section 2 of the House Rules.

The speaker overruled the point of order and submitted the following statement:

Representative Simpson raises a point of order against further consideration of **HB 1025** under Rule 11, Section 2 of the House Rules or under the Texas Constitution. Specifically, Representative Simpson argues that the changes made in the conference committee report were either not germane or violated the one-subject rule. Representative Simpson argues that **HB 1025**, a supplemental general appropriations bill, was limited to appropriations for the 2012-13 biennium and that subsequently it was amended to appropriate funds in another biennium. This point of order is respectfully overruled.

As noted in the chair's previous ruling under Rule 11, Section 3, in its house, senate, and conference committee report version, **HB 1025** was, at all times, a general appropriations bill (along with **HB 10**). In the house engrossed version, **HB 1025** had various references to appropriations for the "two-year period beginning on the effective date of this Act." The two-year period of this act will clearly be beyond the current biennium ending August 31, 2013, and any subsequent senate amendments or other changes were germane to the same purpose of the bill. Accordingly, neither the provisions of Rule 11, Section 3 of the House Rules, nor the Texas Constitution were violated.

[*See* 83 H.J. Reg. 5112 (Simpson 5/26/13) under Original Purpose]

Germaneness of Conference Committee Report—Subject of Amendments
83 H.J. Reg. 5150-51 (Taylor 5/26/13)

HB 3793 - POINT OF ORDER

Representative Taylor raised a point of order against further consideration of **HB 3793** under Rule 8, Section 3 and Rule 11, Section 2 of the House Rules and under Article III, Section 30 of the Texas Constitution.

The chair overruled the point of order and submitted the following statement:

Representative Taylor raises a point of order against further consideration of the conference committee report on **HB 3793** under Rule 8, Section 3 and Rule 11, Section 2 of the House Rules and under Article III, Section 30 of the Texas Constitution. The point of order is respectfully overruled. The chair finds, after

examining the conference committee report and all other documents, that the conference committee neither violated the one-subject rule or any concepts of germaneness because the elements of the conference committee report embraced a single unifying subject—the powers, duties, and services of entities serving counties and county residents.

Original Purpose (Rule 11, Section 3; Art. III, Sec. 30)

Original Purpose—Appropriations
83 H.J. Reg. 5112 (Simpson 5/26/13)

HB 1025 - POINT OF ORDER

Representative Simpson raised a point of order against further consideration of **HB 1025** under Rule 11, Section 3 of the House Rules.

The speaker overruled the point of order and submitted the following statement:

Representative Simpson raises a point of order against further consideration of **HB 1025**. He argues that the conference committee report changed the original purpose of the bill and thus violates Rule 11, Section 3 of the House Rules. Specifically, Representative Simpson argues that it was represented that the bill would only expend funds in the current biennium and that it spends funds in two different bienniums and therefore must violate the original purpose rule. The point of order is overruled.

In its house, senate, and conference committee report versions, **HB 1025** was, at all times, a general appropriations bill (along with **HB 10**) for the current biennium and appropriated funds in the current biennium. Accordingly, there was no change in purpose and the provisions of Rule 11, Section 3 of the House Rules were not violated.

[*See* 83 H.J. Reg. 5113 (Simpson 5/26/13) under Germaneness of Conference Committee Report]

Original Purpose
83 H.J. Reg. 5150-51 (Taylor 5/26/13)

HB 3793 - POINT OF ORDER

Representative Taylor raised a point of order against further consideration of HB 3793 under Rule 8, Section 3 and Rule 11, Section 2 of the House Rules and under Article III, Section 30 of the Texas Constitution.

The chair overruled the point of order and submitted the following statement:

Representative Taylor raises a point of order against further consideration of the conference committee report on **HB 3793** under Rule 8, Section 3 and Rule 11, Section 2 of the House Rules and under Article III, Section 30 of the Texas Constitution. The point of order is respectfully overruled. The chair finds, after examining the conference committee report and all other documents, that the

conference committee neither violated the one-subject rule or any concepts of germaneness because the elements of the conference committee report embraced a single unifying subject—the powers, duties, and services of entities serving counties and county residents.

Original Purpose
83 H.J. Reg. 4018-19 (Burnam 5/21/13)
Amendment No. 1 - Point of Order

Representative Burnam raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2 and Rule 11, Section 3 of the House Rules on the grounds that the amendment is not germane to the bill and would change the original purpose of the bill.

The chair overruled the point of order and submitted the following statement:

Representative Burnam raised a point of order against further consideration of Amendment No. 1 to **SB 347** under Rule 11, Section 2 and Rule 11, Section 3 of the House Rules. The point of order is respectfully overruled.

SB 347 revises the funding mechanism for the operation of the Texas Low-Level Radioactive Waste Disposal Compact Commission ("Compact Commission"). Amendment No. 1 provides additional funding mechanisms and adds conditions for those funding mechanisms. Because the amendment relates to funding for the operations of the Compact Commission, the amendment is germane and achieves the same purpose of funding the Compact Commission as the original bill. Thus, the amendment does not violate the germaneness requirement of Rule 11, Section 2, nor the requirement of Rule 11, Section 3, which prohibits amending a bill so as to change its original purpose. *See* Rule 11, Section 2, explanatory notes and house precedents; Rule 11, Section 3 of the House Rules, explanatory notes and house precedents.

Original Purpose—Senate Amendments
83 H.J. Reg. 3109-10 (Stickland 5/13/13)

SB 346 - POINT OF ORDER

Representative Stickland raised a point of order against further consideration of **SB 346** under Article III, Section 30 of the Texas Constitution on the grounds that the bill, as amended in its passage through either house, changes its original purpose.

The speaker overruled the point of order and submitted the following statement:

Representative Stickland raised a point of order against further consideration of **SB 346** on the ground that the bill violates Article III, Section 30 of the Texas Constitution, which prohibits a bill from being "amended in its passage through either house, as to change its original purpose." The point of order is respectfully overruled.

The chair notes, as Representative Stickland acknowledged, that **SB 346** has not changed since reaching the house. As a result, the point of order invites the chair to construe the intended purpose of a senate bill and determine whether the senate's amendments to its own bill impermissibly changed the bill's purpose prior to its arrival in the house. The chair believes that this function is best left to the senate's presiding officer, its members, and its parliamentarian.

Having reviewed house precedents, the chair has not identified an instance where it has sustained a point of order on a similar basis. *See* 76 H.J. Reg. 3229-30 (1999) (discussing the engrossed bill rule and overruling a point of order under Article III, Section 30 of the Texas Constitution, noting that any change in the bill's purpose, if it occurred, happened "in the senate between introduction and engrossment" such that "the house committee substitute did not change the purpose as evidenced by the senate engrossment"). In the spirit of comity, the chair would decline the invitation to review changes in purpose between introduced and engrossed senate bills so long as the senate extended to the house the same courtesy. On this basis alone, the point of order would be respectfully overruled. Moreover, even if the chair were to evaluate the changes between the introduced bill and the senate engrossment, the chair would find that, in this case, the purpose has not changed within the meaning of Article III, Section 30 of the Texas Constitution. *See* 83 H.J. Reg. 2829 (2013) (point of order by Representative Nevárez on **HB 1790**). Because both versions of the bill would have achieved the same purpose of requiring organizations engaged in political campaign activities to provide disclosures, the engrossment did not run afoul of Article III, Section 30.

Original Purpose—Narrower Scope With Same Purpose
83 H.J. Reg. 2829 (Nevárez 5/8/13)
Amendment No. 4 - Point of Order

Representative Nevárez raised a point of order against further consideration of Amendment No. 4 under Rule 11, Section 3 of the House Rules on the grounds that the amendment would change the original purpose of the bill.

The speaker overruled the point of order and submitted the following statement:

Representative Nevárez raised a point of order against further consideration of Amendment No. 4 to **CSHB 1790** under Rule 11, Section 3 of the House Rules, asserting that the amendment would narrow the scope of the bill to the point of impermissibly changing the bill's original purpose, which was to ameliorate overcrowding of prisons and integrate lower-level offenders back into communities. The point of order is respectfully overruled.

CSHB 1790 provides for a procedure whereby defendants could modify the record of conviction for most state jail felonies under certain circumstances. Amendment No. 4 would have made the bill apply only to the state jail felony for credit card or debit card abuse under Section 32.31 of the Penal Code, and it

would have caused the provisions added by **CSHB 1790** to expire on September 1, 2014. Although Representative Nevárez is correct that the amendment would have narrowed the bill's scope, the amendment would nonetheless have been aimed at achieving the same purpose of ameliorating overcrowding and reintegrating certain offenders, albeit on a smaller scale. Thus, the amendment would not have changed the bill's original purpose. *See* Rule 11, Section 3 of the House Rules; *compare* 75 H.J. Reg. 3773 (1997) (sustaining a point of order where an amendment would have changed a bill establishing a process by which municipal acts could have been validated into a bill establishing a process by which municipal acts could be invalidated); 52 H.J. Reg. 519 (1951) (sustaining a point of order where an amendment sought to permit what the bill sought to prohibit).

Original Purpose
83 H.J. Reg. 2442-43 (Walle 5/4/13)

CSHB 972 - POINT OF ORDER

Representative Walle raised a point of order against further consideration of **CSHB 972** under Rule 11, Section 3 of the House Rules.

The speaker overruled the point of order and submitted the following statement:

Representative Walle raised a point of order against further consideration of **CSHB 972** under Rule 11, Section 3 of the House Rules and argued that the original purpose of the bill has been changed from its introduction in the house through its passage in committee. Specifically, Representative Walle argued that a provision in the introduced bill stated that an institution of higher education "may not" adopt regulations prohibiting license holders from carrying handguns on campus but the committee substitute would allow campuses to adopt the regulations. Representative Walle argues that the change from "may not" to "may" constitutes a change in the original purpose. The point of order is respectfully overruled.

The chair has examined both the introduced version of the bill and the substitute. The section in the introduced version of the bill, which Representative Walle argued barred the institution from adopting regulations, is set out below:

> (c) Except as provided by Subsection (d) or (e), an institution of higher education or private or independent institution of higher education in this state may not adopt any rule, regulation, or other provision prohibiting license holders from carrying handguns on the campus of the institution.
>
> (d) An institution of higher education or private or independent institution of higher education in this state may establish rules, regulations, or other provisions concerning the storage of handguns in dormitories or other residential facilities that are owned or leased

and operated by the institution and located on the campus of the institution.

(e) A private or independent institution of higher education in this state, after consulting with students, staff, and faculty of the institution, may establish rules, regulations, or other provisions prohibiting license holders from carrying handguns on premises that are owned or leased and operated by the institution and located on the campus of the institution.

The provisions cited by Representative Walle in the introduced version of the bill did not completely restrict institutions of higher education from adopting rules relating to prohibiting license holders from carrying handguns; rather, the provisions in Subsections (d) and (e) expressly allowed the institutions to adopt similar rules—a position also adopted in the committee substitute. *See* Section 1 of **CSHB 972** ("An institution of higher education in this state, after consulting with students, staff, and faculty of the institution, may adopt written rules or regulations prohibiting license holders from carrying handguns on premises . . . .").

Original Purpose—Appropriations
83 H.J. Reg. 2019 (Giddings 4/29/13)
Amendment No. 1 - Point of Order

Representative Giddings raised a point of order against further consideration of Amendment No. 1 under Article III, Section 30 of the Texas Constitution on the grounds that the amendment would change the original purpose of the bill.

The speaker overruled the point of order and submitted the following statement:

Representative Giddings raised a point of order against further consideration of **CSHB 11** pursuant to Article III, Section 30 of the Texas Constitution, asserting that adding Amendment No. 1 to the bill would change its original purpose. The point of order is respectfully overruled.

CSHB 11 appropriates money from the economic stabilization fund to fund water. Amendment No. 1 would fund water using general revenue if the bill did not receive the requisite votes to use money from the economic stabilization fund. The chair notes that Amendment No. 1 had not been adopted at the time when Representative Giddings raised her point of order. However, assuming the point had been raised after adoption of the amendment, the chair finds that Amendment No. 1's provision of an alternate method to fund water would not have constituted a change in purpose in violation of Article III, Section 30. Instead, this alternate funding was consistent with the bill's purpose of funding the state water implementation fund for Texas.

Conference Committee Reports (Rule 13)

Outside-the-Bounds Resolution—Availability of Fiscal Note
83 H.J. Reg. 5116 (Simpson 5/26/13)

HR 2700 - POINT OF ORDER

Representative Simpson raised a point of order against further consideration of **HR 2700** under Rule 13, Section 9(g)(5) of the House Rules.

The speaker overruled the point of order and submitted the following statement:

Representative Simpson raised a point of order against further consideration of **HR 2700** under Rule 13, Section 9(g)(5) of the House Rules, which requires "a fiscal note distributed with the resolution" to suspend limitations imposed on conference committee reports. The point of order is respectfully overruled.

Representative Simpson urges that the fiscal-note requirement was violated because the fiscal note was not attached to the resolution itself and was instead distributed as a separate document. As such, he contends the fiscal note was not distributed "with" the resolution. Fiscal notes, which are prepared by the Legislative Budget Board, are uploaded online by the LBB and automatically made available to members through the Floor Amendment System; this is how the requirement for distributing fiscal notes with resolutions under Rule 13, Section 9(g)(5) of the House Rules, has been satisfied since the addition of this requirement in 2007. In this instance, the chief clerk's records show that the fiscal note was available in the Floor Amendment System as of May 24, 2013 at 8:41 a.m., two days before the resolution was laid before the house. Under the circumstances, the chair concludes that distribution of the fiscal note through the Floor Amendment System satisfied the distribution requirement under Rule 13, Section 9(g)(5) of the House Rules.

Outside-the-Bounds Resolution—Availability of Fiscal Note
83 H.J. Reg. 5116-17 (Simpson 5/26/13)

HR 2700 - POINT OF ORDER

Representative Simpson raised a point of order against further consideration of **HR 2700** under Rule 13, Section 9(h)(4) of the House Rules.

The speaker overruled the point of order and submitted the following statement:

Representative Simpson raised a point of order against further consideration of **HR 2700** under Rule 13, Section 9(h)(4) of the House Rules which requires that, for an appropriations bill, the accompanying resolution to suspend limitations imposed on conference committee reports must "be available in its entirety on the electronic legislative information system that is accessible by the general public." The point of order is respectfully overruled.

Representative Simpson asserts that because a fiscal note must be distributed along with this resolution pursuant to Rule 13, Section 9(g)(5) of the House Rules, the fiscal note must necessarily be available online to the public in order for the resolution to be available "in its entirety" under Section 9(h)(4). Although four of the five requirements for resolutions under Section 9(g)(5) pertain to the content of the resolution itself, the fifth requirement calls for distribution of a fiscal note with the resolution, rather than as part of the resolution. Because the fiscal note is not one of the items that composes the resolution, failure to post the fiscal note to the electronic legislative information system that is accessible by the general public does not contravene Section 9(h)(4).

Conference Committee Report—Text in Disagreement
83 H.J. Reg. 5117 (Y. Davis 5/26/13)

HR 2700 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **HR 2700** under Rule 13, Section 9 of the House Rules on the grounds that text of the bill that was not in disagreement between the two houses was changed.

The speaker overruled the point of order and submitted the following statement:

Representative Y. Davis raised a point of order against further consideration of **HR 2700**, asserting "multiple defects with the mandates found in various parts" of Rule 13, Section 9 of the House Rules. Representative Y. Davis specifically alleges that "all of the text contained with the resolution is in both the final House and Senate versions of **SB 1**," and concludes that, therefore, "the only rule available for **HR 2700** to suspend is Rule 13, Section 9, Subsection (b), Subdivision 3." She further appears to assert that not all of the provisions of Rule 13, Section 9(h)(3) of the House Rules were properly satisfied. Having reviewed Representative Y. Davis's written point of order and reviewed **HR 2700** and relevant portions of **SB 1**, the chair respectfully overrules the point of order.

Analysis of Conference Committee Reports (Rule 13, Section 11)
83 H.J. Reg. 5378-79 (Miles, Y. Davis 5/26/13)

HB 500 - POINT OF ORDER

Representative Miles raised a point of order against further consideration of **HB 500** under Rule 13, Section 11(a) of the House Rules.

The speaker overruled the point of order and submitted the following statement:

Representative Miles raised a point of order against further consideration of **HB 500** under Rule 13, Section 11(a) of the House Rules, asserting that Section 7 of the analysis accompanying the conference committee report fails to provide the text that will be contained within the final conference committee report. The point of order is respectfully overruled.

The analysis of Section 7 shows three columns. The first column shows the house version of the bill, the middle shows the senate version, and the last column shows the differences, either by noting where it is "same as" the house or senate versions or by showing the text that is not identical to either the house or senate version of the bill. Having reviewed Section 7 of the section-by-section analysis and the conference committee report, the chair determines that the analysis accurately reflects the content of Section 7 of the conference committee report. Shortly after this point of order was overruled, Representative Y. Davis raised this same point of order again. It is respectfully overruled for the same reasons.

HB 500 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **HB 500**.

The speaker overruled the point of order.

Technical Correction Resolutions (Rule 10, Section 8)

Technical Correction Resolutions (Rule 10, Section 8)—Sustained
83 H.J. Reg. 5430-31 (Simpson 5/27/13)

SCR 48 - POINT OF ORDER

Representative Simpson raised a point of order against further consideration of **SCR 48** under Rule 8, Section 13(f) and Rule 10, Section 8 of the House Rules.

…

SCR 48 - (consideration continued)

SCR 48 - POINT OF ORDER DISPOSITION

The chair sustained the point of order and submitted the following statement:

Representative Simpson raised a point of order against further consideration of **SCR 48** under Rule 8, Section 13(f) and Rule 10, Section 8 of the House Rules. Representative Simpson asserts that the resolution is not a corrective resolution because it would add substantive provisions to **SB 1678** and is, therefore, not in order. The point of order is sustained.

SB 1678 contains provisions governing events and expenses related to the Major Events Trust Fund; it does not contain provisions that alter the definition of a "site selection organization." **SCR 48** provides for the addition of a new section of text in the bill that would add "ESPN or an affiliate" and "the National Association for Stock Car Auto Racing (NASCAR)" to the definition of a "site selection organization." Rule 8, Section 13(f) of the House Rules provides: "No vote shall be taken upon the passage of any bill or resolution within 24 hours of the final adjournment of a regular session unless it be to reconsider the bill or resolution to make corrections, or to adopt a corrective resolution." The corrections permitted by this provision, and referenced in Rule 10, Section 8 of the House Rules, include corrections such as remedying accidental deletion of

text or typographical errors usually caused by the rush of activity that occurs as drafters and others are meeting end of session deadlines.

Although these technical corrections can sometimes impact the substance of a bill, the rule does not permit the wholesale addition of a new section of text that was never in disagreement, unless it is uncontroverted that the addition of such text is essential to the purpose of the bill. Representative Simpson argues that the addition of this text is not essential to the bill's purpose of changing the requirements for eligible events to be funded, prohibiting certain disbursements, and providing for the comptroller to gather information about funded events. The chair notes that the changes proposed in the corrective resolution did not appear in any version of the bill, from the time it was filed on March 8 through when it was adopted. Nor did anyone introduce an amendment in committee or on the floor of either chamber to add the language proposed by the resolution. Then, when the bill was sent to conference committee, the conferees, who were appointed in the senate on May 22 and in the house on May 23, did not seek to add the text proposed by the resolution, and instead, the conferees were discharged on May 25, and the bill was adopted without evidence that adding ESPN and NASCAR to the definition of a site selection organization was vital to the purpose of the bill. Thus, the proponents of **SCR 48** did not take advantage of prior opportunities to remedy the omission of the amendment the resolution proposes. Because **SCR 48** sought to add an entirely new substantive provision to the bill, it was not a technical correction within the meaning of Rule 8, Section 13(f) and Rule 10, Section 8 of the House Rules, and was, therefore, out of order.

The ruling precluded further consideration of **SCR 48**.

83 H.J. Reg. 5432 (Herrero 5/27/13)

HCR 224 - POINT OF ORDER

Representative Herrero raised a point of order against further consideration of HCR 224 under Rule 10, Section 8 of the House Rules.

The speaker overruled the point of order and submitted the following statement:

Representative Herrero raised a point of order against further consideration of **HCR 224** under Rule 10, Section 8 of the House Rules, asserting that the amendments proposed by the corrective resolution are not technical corrections. (*See also* Rule 8, Section 13(f) of the House Rules, prohibiting consideration of measures other than for the purpose of making corrections.) Specifically, Representative Herrero argues that the addition of Subsection (f) in Section 77 of the bill is a substantive addition to **HB 5** rather than a correction. The point of order is respectfully overruled.

HCR 224 rewrites Subsection (f), which, in the bill, provided that "a student described by Subsection (a) may enroll in not more than three courses each school year offered as provided by this section." Rather than referring to Subsection (a), the rewrite provided in **HCR 224** describes the students eligible for enrollment

and includes an exception allowing that a student enrolled at an early college high school can enroll in more than three courses to the extent approved by the commissioner of education. These changes clarify the meaning and intent of Subsection (f) without changing its purpose. Accordingly, the resolution does not violate Rule 10, Section 8 or Rule 8, Section 13(f) of the House Rules.

Scope of Call for a Special Session (Article III, Section 40)

83 H.J. 1st C.S. 1050 (Dutton 6/21/13)

Amendment No. 1 - Point of Order

Representative Dutton raised a point of order against further consideration of Amendment No. 1 under Article III, Section 40 of the Texas Constitution on the grounds that the subject is not designated in the proclamation by the governor.

The chair overruled the point of order and submitted the following statement:

Representative Dutton raised a point of order against further consideration of Amendment No. 1, as amended by Amendment No. 2, to **SB 23** asserting that it violates Article III, Section 40 of the Texas Constitution because it is outside the scope of the governor's call. The point of order is respectfully overruled.

The call adds "legislation relating to establishing a mandatory sentence of life with parole for a capital felony committed by a 17-year-old offender." Currently, Texas law provides that 17-year-olds who commit a capital felony may be sentenced to the death penalty or to life without parole. **SB 23** provides that 17-year-olds who commit a capital felony will receive a sentence of life with the possibility of parole. The amendment at issue retains the existing sentence of life without parole as an option for punishing these offenders in addition to **SB 23**'s new option of life with parole. Because the amendment relates to establishing a mandatory sentence of life without parole for 17-year-olds who commit a capital felony, it does not violate Article III, Section 40. *See* pp. 146-149 of the House Rules (containing explanatory notes and house precedents regarding legislation that may be considered in a special session.)

Appeal of Point of Order (Rule 1, Section 9)

83 H.J. 2nd C.S. 21

HB 2 - APPEAL OF POINT OF ORDER RULING

Pursuant to Rule 1, Section 9 of the House Rules, an appeal was made to the chair's ruling of the above point of order [**83 H.J. 2nd C.S. 20-21 (Martinez Fischer 7/9/13)**] by the following 10 members: Representatives Martinez Fischer, S. Turner, Dutton, Dukes, Rose, J. Rodriguez, Canales, Miles, S. Thompson, and Walle. The question on whether the chair's ruling should be sustained was before the house.

The chair's ruling was sustained by (Record 9): 91 Yeas, 53 Nays, 2 Present, not voting.

[Representative Martinez Fischer raised a point of order against further consideration of **HB 2** under Rule 4, Section 32(b)(4) and Rule 4, Section 18. The chair overruled the point of order.]

CHAIR: Mr. Martinez Fischer raises a point of order. The point of order is respectfully overruled. Mr. Martinez Fischer indicates that he wishes to appeal the ruling, on this point of order, of the chair. There must be 10 seconds, and Representative Martinez Fischer will give us the names of the 10 seconds at a later time.

CHAIR (Geren in the chair): At the end of the three minutes pro and three minutes con, the question will be whether to sustain the ruling of the chair.

MARTINEZ FISCHER: I'll be brief and quick. This is an unusual procedure, but this is an unusual debate, and what it boils down to is the Committee on State Affairs met on July 2nd and they took testimony. The testimony went past midnight. Our paperwork, our official governmental documents of this house are important. Not only are they governmental records, it is also history. The vote was taken on July 3rd, but yet the paperwork reflects that the vote was taken on July 2nd. Now that may not mean a lot to many of you who are going to take this vote, but for those of you that believe in doing things right, for those of you who believe about having a process that's transparent and a process that's fair—today it's this debate on abortion and fetal pain. Tomorrow it could be something else that you care about and the shoe could be on the other foot. All I'm saying is there is a right way to do things, a wrong way to do things, you can win with grace—I'm under no illusion that there is not a mathematical majority to pass this bill, but it should be done right.

And if we're going to cut off people from speaking, when it comes to a committee hearing, that's one thing. When it comes to a committee hearing that won't include members who have the courtesy to ask questions that weren't given an opportunity to because they were not on the Committee on State Affairs, that's another thing. But when you limit our debate and stop us because you want to change the rules when they're convenient, I think that that's wrong. It's a fair objection that I've raised. It puts a 24-hour delay on this bill. It could be back by tomorrow afternoon, but you have to pass it the right way. And so, with that I'll be gaveled out in a minute and half. Representative Turner, who was actually a witness and bore witness to the committee actions, can tell you why this is the right thing to do.

S. TURNER: Let me just say, I was there. This hearing started on July 2nd, we finished on July 3rd, and the minutes should reflect that. Rules are important. Rules have meaning. We tell our children, rules are important. You don't have to like them, but rules are important. Earlier today, Speaker Geren told the people in the gallery: you will abide by the rules of this house. He told our constituents: you

will abide by the ruling in this house. I will say to the members: if the rules are good for the people in blue and orange, the rules ought to be good for the people who sit on this floor.

P. KING: Members, I appreciate the point of order that was raised. We all know what a big deal it is to move to overturn a decision of the chair. I would suggest to you that the reason we have had this practice in place is basically, that date serves as an index date. At least since 2001, for 12 years, the practice has been to put the date, a single date on, so that someone can come back later and look in the archives a month later, or years later. “What hearing are you referring to?” “Well, it was the hearing on June 2nd.” And that date lets everything be under—that occurred that date for that committee, will be listed under that date. Otherwise you would have difficulty determining—because we know how many hearings go after midnight, and actions are taken in those committees before midnight and after midnight. And it would create a very difficult situation for records maintenance and for people to be able to research and find out what occurred—the public, as well as us. That’s why that practice was put in place at least 12 years ago. Over all the years, and we know how many times committees have hearings, they’ll take action in a committee before midnight, they’ll take action in a committee after midnight and never before has this issue been raised. It is clearly a practice of the house.

However, even if it were not a practice, because the ruling decision was not announced, even if it were not a practice issue, we passed something by a large majority at the beginning of this session and it was called substantial compliance, and it was specifically intended for things of this purpose. And it says, “Rule 1, Section 9(d). A point of order raised as to a violation of a section of the rules governing committee reports,”—which is what this is—”minutes, or accompanying documentation may be overruled if the purpose of that section of the rules has been substantially fulfilled”—and it certainly has—”and the violation does not deceive or mislead.” Well, it certainly does not do that, either. I would also mention, in terms of rules, we have a rule that would allow us to move past and consider this substantial compliance, but even if we go with it being a practice of the house, three speakers, republican and democrat, have had this practice in place. It has been never been raised as a point of order. Frankly, it is the only way we can do business. And with that, I respectfully ask that we support the decision of the chair.

[The ruling of the chair was sustained by Record Vote No. 9.]

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RULES OF THE SENATE
OF THE 84TH TEXAS LEGISLATURE

STATEMENT OF AUTHORIZATION AND PRECEDENCE

Pursuant to and under the authority of Article III, Section 11, of the Constitution of 1876, as amended, and notwithstanding any other provision of statute, the Senate adopts the following rules to govern its operations and procedures. The provisions of these rules and of the Constitution shall be deemed the only requirements binding on the Senate, notwithstanding any other requirements expressed elsewhere in statute.

ARTICLE I
SENATE OFFICERS AND ELECTIONS

PRESIDING OFFICER OF THE SENATE

Rule 1.01. The Lieutenant Governor of the State of Texas shall by virtue of office be President of the Senate (Constitution, Article IV, Section 16) and decide all questions of order subject to appeal by any member. The President shall have control of such parts of the Capitol as have been or may be set apart for the use of the Senate and its officers. The President shall have the right to name a member to perform the duties of the chair, but such substitution shall not extend beyond such time as a majority of the Senators present vote to elect another member to preside, and if a majority of the Senators present so vote, the member called to the chair by the Lieutenant Governor or by the President Pro Tempore of the Senate shall vacate the chair, and the member elected by a majority shall preside until the Lieutenant Governor or President Pro Tempore shall take the gavel and preside.

PRESIDENT PRO TEMPORE

Rule 1.02. The Senate shall, at the beginning and close of each session, and at such other times as may be necessary, elect one of its members President Pro Tempore, who shall perform the duties of Lieutenant Governor in any case of absence or disability of the Lieutenant Governor. (Constitution, Article III, Section 9)

VACANCY IN THE OFFICE OF LIEUTENANT GOVERNOR

Rule 1.03. If the office of Lieutenant Governor becomes vacant, the President Pro Tempore of the Senate shall convene the Committee of the Whole Senate within 30 days after the vacancy occurs. The Committee of the Whole Senate shall elect one of its members to perform the duties of the Lieutenant Governor in addition to the duties of Senator until the next general election. If the Senator so elected ceases to be a Senator before the election of a new Lieutenant Governor, another Senator shall be elected in the same manner to perform the duties of the Lieutenant Governor until the next general election. Until the Committee of the Whole Senate elects one of its members for this purpose, the President Pro Tempore shall perform the duties of the Lieutenant Governor. (Constitution, Article III, Section 9)

Editorial Note

In the absence of both the Lieutenant Governor and President Pro Tempore for a short period of time, either of them may designate in writing a Senator to occupy the chair, but in case the President Pro Tempore is compelled, for any reason, to be absent for an extended or indefinite period, the Senate elects another President Pro Tempore. For the form of the designation by the Lieutenant Governor or President Pro Tempore, see 49 S.J. Reg. 515 (1945).

OFFICERS OF THE SENATE

Rule 1.04. A Secretary, Journal Clerk, Calendar Clerk, Enrolling Clerk, Sergeant-at-Arms, Doorkeeper, Chaplain, and such other officers as a majority vote may determine to be necessary shall be elected at the opening of the session of the Legislature to continue in office until discharged by the Senate and shall perform such duties as may be incumbent upon them in their respective offices,

under the direction of the Senate. Such officers may not be related to any current member of the Texas Legislature nor may any employee of the Senate be related to any current member of the Texas Legislature. The Secretary of the Senate shall, in addition to other duties, be responsible for the coordination of the other offices and divisions of the Senate.

Editorial Note

This rule is not binding unless and until it is adopted by the Senate at its biennial session. The Senate may, of course, omit the adoption of the rule as written and provide by a simple resolution for the election of such officers as it sees fit.

ELECTION OF OFFICERS

Rule 1.05. In all elections of the Senate, the vote shall be given viva voce, except in the election of officers of the Senate (Constitution, Article III, Section 41). A majority of the whole number of votes cast shall be necessary for a choice in all elections by the Senate.

Editorial Note

The officers of the Senate for the purposes of Article III, Section 41, Texas Constitution, include the President Pro Tempore and a Senator elected under Rule 1.03 to perform the duties of the Lieutenant Governor. See *In re The Texas Senate and The Honorable Rodney Ellis*, 36 S.W.3d 119 (Tex. 2000); and *The Constitution of the State of Texas, An Annotated and Comparative Analysis*, Vol. 1, pp. 185-186.

ARTICLE II
ADMISSION TO SENATE CHAMBER

ACCESS TO SENATE FLOOR

Rule 2.01. (a) The doors of the Senate shall be kept open, except when there is an executive session. (Constitution, Article III, Section 16)

Editorial Note

When the Senate is in session, the entrances to the main floor of the Senate Chamber are closed, but the galleries are always open to the public except when Senate is in executive session.

(b) It shall be the duty of the Sergeant-at-Arms and assistants to clear the Senate Chamber of all persons not entitled to the privilege thereof 30 minutes before the hour of the meeting of the Senate and for 30 minutes after each meeting of the Senate.

RESTRICTIONS ON ADMISSION

Rule 2.02. (a) While the Senate is in session, only the following persons shall be admitted to the floor of the Senate inside the brass rail:

(1) the Lieutenant Governor and the Lieutenant Governor's family;

(2) members of the Senate and their families;

(3) the Secretary of the Senate and the Secretary's family;

(4) Sergeants-at-Arms of the Senate and officers of the Senate;

(5) members of the House of Representatives; and

(6) the Governor and the Governor's family.

(b) While the Senate is in session, the following persons shall be admitted to the floor of the Senate but are required to remain behind the brass rail:

(1) employees of the Senate and the House of Representatives when on official business;

(2) the Governor's executive staff;

(3) the President and Vice-President of the United States;

(4) United States Senators and members of Congress;

(5) Governors of other states;

(6) Justices of the Supreme Court and Judges of the Court of Criminal Appeals;

(7) the Secretary of State; and

(8) duly accredited newspaper reporters and correspondents, radio commentators, and television camera operators and commentators who have complied with Rule 2.04.

(c) It is the special duty of the President to see that officers and employees remain on the floor of the Senate only when actually engaged in the performance of their official duties.

(d) Only the Lieutenant Governor and members of the Senate may work for or against any proposition before the Senate while on the floor.

PERSONS LOBBYING NOT ADMITTED

Rule 2.03. (a) No newspaper reporter, or other person whosoever, whether a State officer or not, who is lobbying or working for or against any pending or prospective legislative measure, shall in any event be permitted upon the floor of the Senate when the Senate is in session.

(b) All officers and employees of the Senate are prohibited from lobbying in favor of or against any measure or proposition pending before the Senate, and should any officer or employee violate this rule, the same shall be cause for dismissal from the service of the Senate by the President.

Editorial Note

Section 305.023, Title 3, Government Code, provides: "A person who is registered or required to be registered under this chapter may not go on the floor of either house of the legislature while that house is in session unless invited by that house."

PRESS CORRESPONDENTS

Rule 2.04. While the Senate is in session, no person shall be admitted to the floor of the Senate or allowed its privileges as a press correspondent or radio commentator or television camera operator and commentator, unless said person is a regularly employed, salaried staff correspondent or reporter in the employ of a newspaper publishing general news, a press association serving newspapers, or a publication requiring telegraphic coverage or the person is a regularly employed, salaried employee of a duly licensed radio or television station.

Every newspaper reporter and correspondent and radio commentator and television camera operator and commentator, before being admitted to the Senate during its session, shall file with the Committee on Administration a written statement showing the paper or papers represented and certifying that no part of the person's salary or compensation is paid by any person, firm, corporation, or association except the paper or papers or radio station or television station represented.

FORFEITURE OF ADMISSION PRIVILEGE

Rule 2.05. If any person admitted to the Senate under this article shall lobby or work for or against any pending or prospective legislation or shall violate any of the other rules of the Senate, the privileges extended to said person under this article shall be suspended by a majority of the Committee on Administration. The action of the committee shall be reviewable by the Senate only if two members of the committee request an appeal from the decision of the committee, which appeal shall be in the form of a minority report, and shall be subject to the same rules that are applicable to minority reports on bills.

EXCEPTIONS

Rule 2.06. (a) Upon request by any member, the President may permit special guests on the floor of the Senate for the purpose of a recognition or resolution. No member may be granted an exception under this subsection more than three times per session.

(b) This article shall not apply to any person who is invited to address the Senate when in session or to any person who desires to appear before any committee while going to or returning from the session of said committee or to the Governor while delivering an official message. This article shall not apply

during the inauguration of the Governor and other public ceremonies provided for by resolution of the Senate.

SUSPENSION OF ADMISSION RULE

Rule 2.07. It shall be in order for the President to entertain a request, motion, or resolution for the suspension of the Admission Rules or to present from the chair the request of any member for unanimous consent to suspend the Admission Rules.

Editorial Note

The rule relating to admission to the floor of the Senate, as written prior to 1939, provided that the rule could not be suspended.

ARTICLE III
SENATE DECORUM

PERSONS MUST BE PROPERLY ATTIRED IN SENATE CHAMBER

Rule 3.01. While the Senate is actually in session, no male Senator or Representative or any other male person shall come on the floor of the Senate without wearing a coat and tie. The Sergeant-at-Arms and doorkeepers are instructed to strictly enforce this rule, and only the President of the Senate may suspend the rule as to any person or to all persons, and that action to be taken in writing to the Sergeant-at-Arms.

NO EATING OR DRINKING IN SENATE CHAMBER

Rule 3.02. No employee, Senator, Representative, or other person shall be allowed to eat or drink in the Senate Chamber proper at any time. The Sergeant-at-Arms shall strictly enforce this rule.

MESSAGES TO MEMBERS

Rule 3.03. Messages or call slips shall not be delivered to members of the Senate when a roll call is in progress. Individuals desiring to pass a message to members of the Senate must sign their names to that message.

POSTERS, PLACARDS, BANNERS, AND SIGNS

Rule 3.04. No poster, placard, banner, sign, or other similar material shall be carried into the Senate by any person, and no person shall attach or affix any poster, placard, banner, sign, or other similar material to the walls, rails, seats, or bannisters of the Senate Chamber. This rule shall be strictly enforced.

APPLAUSE, OUTBURSTS, OR DEMONSTRATIONS

Rule 3.05. No applause, outburst, or other demonstration by any spectator shall be permitted during a session of the Senate. This rule shall be strictly enforced.

Note of Ruling

After repeated warnings to persons in the gallery to refrain from demonstrating, the chair may direct the Sergeant-at-Arms to clear the gallery and lock the doors leading to the Senate Chamber (55 S.J. Reg. 1117 (1957)).

PUNISHMENT FOR OBSTRUCTING PROCEEDINGS

Rule 3.06. The Senate, during its sessions, may imprison for 48 hours any person, not a member, for violation of the Senate rules, for disrespectful and disorderly conduct in its presence, or for obstructing any Senate proceeding. (Constitution, Article III, Section 15)

ARTICLE IV
DECORUM AND DEBATE OF MEMBERS OF THE SENATE

MEMBERS TO ADDRESS PRESIDENT

Rule 4.01. When a Senator is about to speak in debate or to communicate any matter to the Senate, the member shall rise in his or her place and address the President of the Senate.

Editorial Note

A member who desires to speak on a pending question should address the chair and, having obtained recognition, may speak, in an orderly and parliamentary way, and subject to the rules of the Senate, as long as he desires.

Notes of Rulings

When a member has been recognized and is speaking on a motion to re-refer a bill, he must stand upright at his desk and may not lean thereon (61 S.J. Reg. 1760, 1762 (1969)).

When a member has the floor and is speaking on a bill or resolution, he must stand upright at his desk and may not lean or sit on his desk or chair (61 S.J. Reg. 1059 (1969)).

When speaking on a bill, a Senator may not stand at another Senator's desk or use another Senator's desk for any purpose (73 S.J. Reg. 1079 (1993)).

INTERRUPTION OF PRESIDENT

Rule 4.02. The President of the Senate shall not be interrupted while putting the question or addressing the Senate.

INTERRUPTION OF MEMBER SPEAKING

Rule 4.03. No member shall interrupt another Senator who has the floor or otherwise interrupt the business of the Senate, except for the purpose of making a point of order, calling the member having the floor to order, moving the

previous question, demanding that a point of order under discussion or consideration be immediately decided, or making a motion to adjourn or recess. Though another member has the floor, any member shall be recognized by the presiding officer in order to call to order the member, to make a point of order, to move the previous question, or to demand that a point of order be immediately decided. A member who has the floor must yield to permit the Senate to receive messages from the Governor and from the House of Representatives and shall not lose the floor. A member who has the floor may yield for questions from other members and shall not lose the floor. In the event a member is interrupted because of a motion to adjourn or recess and the motion fails, the floor shall be immediately returned to the interrupted member. In the event the interrupted member was speaking under the previous question and a motion to adjourn or recess prevails, the member shall resume the floor and finish speaking when the bill is next considered by the Senate.

Editorial Notes

It is the custom of the President to request a member to yield for a message.

Although there is no Senate rule by which a member can be taken from the floor for pursuing "dilatory tactics" (40 S.J. Reg. 882 (1927)), a Senator who has been repeatedly called to order for not confining his debate to the question before the Senate may be required by the Senate to discontinue his address.

A point of order against further debate of a question by a Senator on the ground that his remarks are not germane to the question before the Senate is often disposed of by the chair with a warning to the Senator who has the floor to confine his remarks to the pending question.

When speaking, a member must confine himself to the subject under debate. In discussing an amendment, the debate must be confined to the amendment and not include the general merits of the bill or other proposition.

The point of order having been raised for the third time that a Senator who had the floor was filibustering and not

confining his remarks to the bill before the Senate, the chair requested the Senate to vote on the point of order. It was sustained and the Senator speaking yielded the floor (44 S.J. Reg. 1780 (1935)).

The withdrawal of a pending motion by its maker is a privilege that may be exercised at any time, even while a member is addressing the Senate (46 S.J. Reg. 1931, 2112-2113 (1939); 50 S.J. Reg. 1237 (1947)).

For an instance when the chair delayed the vote on a motion to put the previous question, see 38 S.J. Reg. 1169 (1923).

Notes of Rulings

By raising a point of order, the speaker loses his right to resume speaking if the previous question has been ordered (42 S.J. Reg. 1683 (1931)).

The motion for the previous question may be made at any time, even when another member has the floor (42 S.J. 2 C.S. 236 (1931)).

A member may not take the floor on a point of personal privilege while another member is addressing the Senate (43 S.J. Reg. 1430 (1933)).

A parliamentary inquiry is a privileged matter (43 S.J. Reg. 1430 (1933)).

A speaker yielding the floor for the reception of a message from the House does not lose his right to resume the floor immediately after message received (46 S.J. Reg. 1873 (1939)).

Remarks not in the nature of an inquiry are not in order by a member to whom a Senator has yielded for a question (48 S.J. Reg. 519 (1943)).

A digression by a Senator in his speech on a pending amendment to another subject does not ban his resuming and continuing a germane discussion of the amendment (50 S.J. Reg. 417 (1947)).

A second digression by a Senator on the floor from a discussion of the pending amendment does not necessarily prevent his resuming and continuing a germane discussion of the amendment (50 S.J. Reg. 418 (1947)).

Raising of a third point of order against further debate by a Senator on the floor who has digressed for a third time from a discussion of the pending amendment, after having been twice requested to confine his debate to the amendment, justifies the presiding officer in calling for a vote by the Senate on the question of whether or not he shall be permitted to resume and continue his remarks (50 S.J. Reg. 418 (1947)).

A Senator addressing the Senate may not yield the floor temporarily except by unanimous consent to allow an address by another Senator on a point of personal privilege (50 S.J. Reg. 483 (1947)).

When a member has been recognized and is speaking on a bill or resolution, he may make a parliamentary inquiry but not raise a point of order without yielding the floor (61 S.J. Reg. 1057 (1969); 67 S.J. Reg. 1483-1484 (1981)).

A member speaking on a bill or resolution must confine his remarks to the subject of the bill or resolution (61 S.J. Reg. 1517 (1969)).

When a member has been recognized and is speaking on an amendment to a bill or resolution, he must confine his remarks to the subject of the amendment pending before the Senate (61 S.J. Reg. 856-857 (1969)).

When a member has been recognized and is speaking on a bill or resolution, he must confine his remarks to the subject of the bill and speak audibly (62 S.J. Reg. 778 (1971)).

No rule of the Senate prohibits repetitious remarks by a Senator if the remarks are germane to the matter under consideration (73 S.J. Reg. 3920 (1993)).

A point of order having been raised and sustained for the third time that a Senator was in violation of the rules of debate, the chair announced that the Senator had yielded the floor (83 S.J. 1 C.S. 306 (2013)).

RECOGNITION OF MEMBERS IN DEBATE

Rule 4.04. When two or more members rise at once, the presiding officer shall decide which one shall speak first, but from the presiding officer's decision an appeal without debate may be taken to the Senate by any member.

Editorial Note

When a bill or other measure is before the Senate, the President first recognizes, for motions for its disposition, the author or sponsor of the bill, who is entitled at all stages to prior recognition for motions that are in order which are intended to expedite the passage of the bill. In recognition for general debate, the President alternates between those favoring and those opposing a measure.

Note of Ruling

If the sponsor of a bill does not seek recognition to debate the question of its passage and another member obtains the floor to debate it, the member so obtaining the floor should be permitted to finish his remarks on the bill before the sponsor is allowed to discuss it (46 S.J. Reg. 1869 (1939)).

SPEAKING MORE THAN ONCE IN SINGLE DEBATE

Rule 4.05. No member shall speak more than once in any one debate until every member desiring to do so shall have spoken and no member shall speak more than twice in any one debate without leave of the Senate.

Note of Ruling

A Senator who yields the floor for an unsuccessful motion to adjourn without having concluded his address does not have to await the debate of all other Senators desiring to be heard on the question being considered before being recognized to resume and conclude his address (51 S.J. Reg. 181 (1949)).

MEMBER CALLED TO ORDER

Rule 4.06. When a member shall be called to order by the President or by a Senator, the member shall sit down and not be allowed to speak, except to the point of order, until the question of order is decided. If the decision be in the member's favor, the member shall be at liberty to proceed; if otherwise, the member shall not proceed without leave of the Senate.

Editorial Note

In 1925, Senator Fairchild obtained the floor to discuss a point of order which he had raised. Pending his remarks, Senator Wood raised the point of order that Senator Fairchild was not discussing the point of order but another matter. Lieutenant Governor Barry Miller sustained the point of order and submitted to the Senate the question of whether or not Senator Fairchild would be permitted to continue his discussion. The Senate refused to permit Senator Fairchild to continue the discussion by a vote of yeas 15, nays 16 (39 S.J. Reg. 1110 (1925)).

REFUSAL OF MEMBER CALLED TO ORDER TO BE SEATED

Rule 4.07. Whenever a member is called to order by the President of the Senate or by the presiding officer then in the chair in accordance with Rule 4.06 and such member fails to sit down and be in order but continues disorderly, it shall be the duty of the Sergeant-at-Arms and/or the Sergeant's assistants upon the direction of the presiding officer to require such recalcitrant member to take his or her seat and be in order. Any member who persists in disorderly conduct after being warned by the presiding officer may, by motion duly made and carried by three-fifths vote of the members present, be required to purge himself or

herself of such misconduct. Until such member has purged himself or herself of such misconduct, the member shall not be entitled to the privileges of the floor.

REMOVAL OF SENATOR FROM CHAIR

Rule 4.08. If any Senator, other than the regularly elected President Pro Tempore, be presiding and fails or refuses to recognize any Senator to make a motion that is in order or raise a point of order that it is in order to raise, to entertain an appeal from his or her decision, to put such question to the Senate, to recognize any Senator to demand that a point of order under discussion be immediately decided, or to put the question, if seconded by 10 Senators, "Shall the point of order be now decided?" such Senator so offending shall be deemed guilty of violating the high privileges of the Senate. Until such offending Senator shall purge himself or herself of such contempt and be excused by the Senate, the member shall not again be called to the chair during the session. If such Senator so presiding shall refuse to recognize any Senator when addressed in proper order or to entertain the motion, the point of order, or appeal of any Senator or to pass upon the same or to recognize a Senator to make the demand when seconded by 10 Senators that a point of order under discussion be immediately decided, then the Senator seeking recognition may rise in his or her seat and without recognition read a written demand upon the Senator presiding, provided the same is signed by a majority of the Senators present, and if the Senator presiding persists in refusal, then any number of Senators constituting a majority of the Senators present may present such written demand to the Sergeant-at-Arms or an Assistant Sergeant-at-Arms, and such written demand shall be a full and sufficient warrant for arrest, empowering such officer or assistant to arrest the Senator so presiding, eject him or her from the chair, and retain him or her under arrest until released by order of the Senate.

Should the Sergeant-at-Arms or the Assistant Sergeants-at-Arms fail or refuse to act and carry out such demand, they shall be removed from office on a majority vote of the Senate.

When such Senator is removed as aforesaid and the chair remains vacant, the Secretary shall call the Senate to order, and a President Pro Tempore ad interim shall be elected to preside until the Lieutenant Governor or a regularly elected President Pro Tempore shall appear and take the gavel.

As soon as order is restored, the chair shall cause a record of the fact of removal to be made.

Editorial Note

This rule is one of several first adopted in 1911 to prevent the Lieutenant Governor or any Senator occupying the chair temporarily and the Senators opposing a measure from killing it by dilatory tactics.

PUNISHMENT FOR MISCONDUCT

Rule 4.09. The Senate may punish any member for disorderly conduct and, with the consent of two-thirds of the elected members, may expel a member, but not a second time for the same offense. (Constitution, Article III, Section 11)

A member who is absent without sufficient excuse for more than 72 hours under a call of the Senate under Rule 5.04 shall lose all privileges of accrued seniority established by Senate tradition. A member shall immediately lose the privileges of accrued seniority if the member is absent without sufficient excuse under a call of the Senate within seven calendar days of final adjournment of a regular session of the Legislature or under a call of the Senate during a special session of the Legislature.

BRIBERY

Rule 4.10. Any member who shall receive or offer a bribe or who shall suffer his or her vote to be influenced by promise or preferment of reward shall on conviction be expelled. (Also see Section 36.02, Texas Penal Code.)

ARTICLE V
SENATE PROCEDURAL RULES
(ORDER OF BUSINESS)

PRESIDING OFFICER TO ASSUME CHAIR

Rule 5.01. The presiding officer shall take the chair at the hour to which the Senate last adjourned.

QUORUM

Rule 5.02. Two-thirds of all the Senators elected shall constitute a quorum, but a smaller number may adjourn or recess from day to day and compel the attendance of absent members (Constitution, Article III, Section 10). In case a less number shall convene, the members present may send the Sergeant-at-Arms or any other person or persons for any or all absent members.

Editorial Note

The exact text of Section 10 of Article III of the State Constitution is as follows:

"Two-thirds of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each House may provide."

Notes of Rulings

Twenty members of the Senate constitute a quorum when only 30 members have qualified (35 S.J. 2 C.S. 23, 32 (1917)).

The attendance of absentees may be enforced only on order of Senators present (48 S.J. Reg. 355 (1943)).

The attendance of absentees may be enforced although a quorum is present (48 S.J. Reg. 508 (1943)).

A point of order that no quorum is present does not deter continued transaction of business by Senate if in fact a quorum is known by the presiding officer to be present and he so announces (50 S.J. Reg. 417 (1947)).

The raising of a point of order that no quorum is present justifies an order by the presiding officer that the roll be called to ascertain the presence or absence of a quorum (50 S.J. Reg. 417 (1947)).

Under Senate Rule No. 5.02 . . . a motion to recess (or adjourn) until a later time on the same day is a proper motion (61 S.J. Reg. 945 (1969)).

A quorum of the Senate is present when 21 members answer the roll call (61 S.J. Reg. 954 (1969)).

There is a quorum of the Senate present when the last roll call taken by the Secretary shows that a quorum was present (61 S.J. Reg. 1926 (1969); 66 S.J. Reg. 514, 664 (1979); 67 S.J. Reg. 1483 (1981)).

ABSENCES

Rule 5.03. The Senate determines that a member has a duty under his or her oath or affirmation of office and an obligation under the constitution and laws of this state to attend the sessions of the Senate, and a member shall not absent himself or herself from the sessions of the Senate without leave unless the member be sick or unable to attend.

Editorial Note

Rule 16.07, Subdivision (2), provides that a vote of three-fifths of the members present shall be required "to excuse absentees." The main effect of granting leave to an absent member is that he is recorded "absent-excused" on all votes taken instead of "absent."

CALL OF THE SENATE

Rule 5.04. It shall be in order to move a call of the Senate at any time to secure, to maintain, or to secure and maintain a quorum for the following purposes:

(1) for the consideration of a specific bill, resolution, or other measure;

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

When a call of the Senate is moved for one of the above purposes and seconded by five members and ordered by a majority of those present, the Doorkeeper shall close the main entrance to the floor of the Senate. All other doors leading from the floor of the Senate shall be locked and no member shall be permitted to leave the Senate without written permission of the presiding officer until after the subject matter upon which the call was ordered has been disposed of. The Secretary shall call the roll of members and note the absentees. Those for whom no sufficient excuse is made, by order of the majority of those present, may be sent for and arrested wherever they may be found and their attendance secured and retained by the Sergeant-at-Arms or officers appointed by the Sergeant for that purpose. The President of the Senate shall request a writ of mandamus from the Supreme Court of Texas compelling their return. Any service of notice or process made or required in connection with the mandamus or an order compelling the member's return adopted under this rule may be served upon the member's Capitol office and placed upon the member's desk by the Sergeant-at-Arms in lieu of personal service. The Senate shall determine upon what conditions they shall be discharged. Members who voluntarily appear shall, unless the Senate otherwise directs, be immediately admitted to the floor of the Senate, and they shall report their names to the Secretary to be entered upon the journal as present. Until a quorum appears, should the roll call fail to show one present, no business shall be done except to compel the attendance of absent members or to adjourn.

When a quorum is shown to be present, the Senate may proceed with the matters upon which the call was ordered or may enforce and await the attendance of as many of the absentees as it desires to have present. If the Senate decides to proceed, the Sergeant-at-Arms shall not be required to bring in other absentees unless so ordered by a majority vote of the Senate.

Editorial Notes

After a call has been ordered and a quorum has been announced present, it is then proper for the Senate to resume the transaction of business, or, on the adoption of a motion to do so, to secure the attendance of one or more of the members still absent before resuming consideration of any business.

It is, no doubt, within the province of the Senate to adopt a rule authorizing the presiding officer of the Senate during a call of the Senate to issue to any absentee a written

demand that the absentee attend the Senate's session and giving to the Sergeant-at-Arms or his deputies authority to serve and to enforce the demand by whatever means necessary.

Notes of Rulings

The disclosure of the presence of a quorum during a call to secure and maintain a quorum does not automatically dissolve the call (32 S.J. Reg. 1274 (1911)).

A motion for a call of the Senate may not include a further provision to grant leaves of absence to certain members (43 S.J. Reg. 1654 (1933)).

A call of the Senate may not be ordered to maintain a quorum "until the final disposition" of a particular bill unless that bill is "pending before the Senate" (44 S.J. 1 C.S. 262 (1935)).

When under a call, the Senate may compel and await the attendance of all or any number of the absentees before proceeding to transaction of business (48 S.J. Reg. 355, 508 (1943)).

A roll call, following a point of "no quorum," which reveals the absence of a quorum, prevents further consideration of a bill that is being considered on passage to third reading until a quorum is present and permits a motion to be made that a call of the Senate be ordered for the purpose of securing and maintaining a quorum until the disposition of the bill (50 S.J. Reg. 1137, 1181 (1947)).

A motion for a call of the Senate is not debatable (61 S.J. Reg. 1759 (1969)).

ROLL CALL

Rule 5.05. Upon every roll call the names of the members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the county shall be added.

PRAYER BY CHAPLAIN

Rule 5.06. When there is a quorum present, prayer shall be offered by the Chaplain or other person designated by the President of the Senate.

READING OF JOURNAL

Rule 5.07. After the prayer, the journal of the preceding day shall be read and corrected, if necessary.

MORNING CALL

Rule 5.08. The President then shall call:

(1) for Senate bills and resolutions and House bills and resolutions on first reading and referral to committee;

(2) for the introduction and consideration of resolutions;

(3) for messages and executive communications;

(4) for motions to print on minority reports;

(5) for other motions not provided herein, including but not limited to motions to set a bill for special order, to reconsider, to print and not print bills, to rerefer bills, to concur in House amendments to Senate bills, to not concur in House amendments to Senate bills, to request the appointment of conference committees, and to adopt conference committee reports.

This concludes the morning call, which the President shall announce to the Senate.

It shall not be in order, during the morning call, to move to take up a bill or resolution out of its regular order, and the presiding officer shall not recognize any Senator for the purpose of making any such motion or making a motion to suspend this rule.

Editorial Note

A motion to set a bill for a special order may be made under Item (5) of this rule, and motions to reconsider, to print or not print bills, and to re-refer bills may properly be made under Item (5) of the morning call.

ORDER OF CONSIDERING BILLS AND RESOLUTIONS

Rule 5.09. At the conclusion of the morning call, the Senate shall proceed to consider business on the President's table, which shall be disposed of in the following order:

(1) special orders;

(2) unfinished business;

(3) Senate Joint Resolutions;

(4) Senate Resolutions;

(5) Senate Concurrent Resolutions;

(6) Senate bills on third reading;

(7) Senate bills on second reading;

(8) House Joint Resolutions;

(9) House bills on third reading;

(10) House bills on second reading;

(11) House Concurrent Resolutions.

The above order is for Senate bill days, except as modified by any Joint Rules.

Notes of Rulings

A House bill laid before the Senate as an unfinished special order should be disposed of before any other House bill which has been set for a special order is taken up for consideration (46 S.J. Reg. 1853 (1939)).

A motion to suspend the regular order of business is not in order while other business is pending under a rule suspension (46 S.J. Reg. 1886 (1939)).

The bill next on calendar is not to be passed over, due to author's absence (47 S.J. Reg. 397 (1941)).

A motion to suspend the regular order of business is not a debatable motion (61 S.J. Reg. 1101 (1969)).

HOUSE BILL DAYS

Rule 5.10. On calendar Wednesday and calendar Thursday of each week, House Joint Resolutions and House bills on special order and on third and second readings, respectively, and House Concurrent Resolutions shall be taken up and considered until disposed of; provided in case one should be pending at adjournment on Thursday, it shall go over until the succeeding calendar Wednesday as unfinished business.

Notes of Rulings

When the Senate adjourns on Thursday of any week with a House bill pending, the bill then pending, whether it is a special order or not, may not be further considered until Wednesday of the next succeeding week unless the Senate suspends the rules to consider it further prior to that day (46 S.J. Reg. 1704 (1939)).

House bills may be considered in Senate under a suspension of the regular order of business on days other than calendar Wednesday and calendar Thursday (48 S.J. Reg. 1051 (1943)).

When a member is discussing a Senate bill on calendar Monday or calendar Tuesday (which are considered Senate bill days in the Senate) and 12:01 o'clock a.m. Wednesday arrives (which is considered a House bill day in the Senate), no further discussion may be had on the Senate bill (61 S.J. Reg. 956 (1969)).

Consideration of a Senate bill taken up out of order on a Senate bill day may not be continued when a House bill day arrives (66 S.J. Reg. 1355 (1979)).

A House Concurrent Resolution taken up in its calendar order on a House bill day may not be further considered when a Senate bill day arrives (71 S.J. 1 C.S. 73 (1989)).

When rules have been suspended to permit consideration of a Senate bill on a House bill day, an additional suspension is not required to permit consideration to continue when a Senate bill day arrives (73 S.J. Reg. 1082 (1993)).

A House bill may be heard on calendar Tuesday without a suspension of the rules if there are no other bills before the Senate (78 S.J. 3 C.S. 37 (2003)).

SPECIAL ORDERS

Rule 5.11. (a) Any bill, resolution, or other measure may on any day be made a special order for a future time of the session by an affirmative vote of three-fifths of the members present.

(b) A special order shall be considered at the time for which it is set and considered from day to day until disposed of, unless at the time so fixed there is pending business under a special order, but such pending business may be suspended by a three-fifths vote of all the members present. If a special order is not reached or considered at the time fixed, it shall not lose its place as a special order. All special orders shall be subject to any Joint Rules and Rule 5.10.

(c) Upon the affirmative vote of four-fifths of the members present, a special order may be reset to an earlier time than previously scheduled.

Editorial Notes

A bill once set as a special order does not lose its place on the calendar of special orders if not taken up at the hour for which it is set.

A special order, the hour for the consideration of which has arrived, takes precedence of the unfinished business unless the unfinished business is itself a special order.

Notes of Rulings

A bill being considered as a special order that is laid on the table subject to call is no longer a special order (43 S.J. Reg. 980 (1933)).

Refusal of Senate to set bill as special order for a certain hour does not prevent a motion being made and adopted immediately thereafter to set the bill as a special order for a different specified hour (45 S.J. Reg. 860 (1937)).

The motion to set a bill for a special order is not a proper substitute for a motion to suspend the regular order of business and take up a bill for immediate consideration (50 S.J. Reg. 1055 (1947)).

When the business before the Senate is a special order, the order of business may be suspended in order to consider other business (61 S.J. Reg. 2034 (1969)).

A motion to set a bill for special order may be made when the Senate is not in morning call (67 S.J. Reg. 1430 (1981)).

When the time set for consideration of a special order arrives, the special order displaces pending business (67 S.J. Reg. 1449 (1981)).

A motion to suspend the regular order of business is not in order when the time set for consideration of a special order has arrived (67 S.J. Reg. 1558 (1981)).

REGULAR ORDER OF BUSINESS

Rule 5.12. (a) Bills and resolutions shall be considered on second reading and shall be listed on the daily calendar of bills and resolutions on the President's table for second reading in the order in which the committee reports on them are received by the Senate. Upon the filing of a committee report on a bill or resolution as provided by Rule 11.12, the Secretary of the Senate shall note the date and time the report was filed. The Journal Clerk shall record the order in which the committee report was received in the Senate Journal for the day on which the Senate next convenes.

(b) Bills and resolutions shall be considered on third reading in the order in which they were passed on second reading.

Editorial Notes

On the very important matter of the order of considering each of the several bills reported from committees, the rules of the Senate were silent until Senate Rule 5.12 was amended on June 6, 1947, to provide that bills be placed on the calendars of Senate and House bills on the President's table in the order in which the committee reports on the bills are submitted by the respective chairmen from the floor. Bills are listed for consideration on third reading in the order in which they have been passed by the Senate to engrossment or to third reading.

The Senate Agenda is prepared daily and lists the bills in their order of consideration.

Notes of Rulings

A bill may not be considered by the Senate which has not been reported from a committee (44 S.J. Reg. 713 (1935)).

A report of a committee on a bill may be received only, and the question of its adoption is not voted on by the Senate (42 S.J. 1 C.S. 748 (1931)).

SUSPENSION OF THE REGULAR ORDER OF BUSINESS

Rule 5.13. No bill, joint resolution, or resolution affecting state policy may be considered out of its regular calendar order unless the regular order is suspended by a vote of three-fifths of the members present.

Notes of Rulings

By suspending the regular order of business, the Senate may take up a bill before the day to which it previously was postponed (67 S.J. Reg. 1057 (1981)).

A motion to suspend the regular order of business is not in order when the time set for consideration of a special order has arrived (67 S.J. Reg. 1558 (1981)).

INTENT CALENDAR

Rule 5.14. (a) During a regular session of the Legislature, any member who desires to suspend the regular order of business and take up a bill, joint resolution, or resolution out of its regular order shall give notice of such intent to the Secretary of the Senate, in a manner specified by the Secretary, not later than 3:00 p.m. on the last preceding calendar day that the Senate was in session. Unless the printing rule has been previously suspended, no bill, joint resolution, or resolution shall be eligible to be placed on the Intent Calendar unless at the time that the notice is given to the Secretary of the Senate the bill, joint resolution, or resolution has been printed and furnished to each member of the Senate. Notice must be given from day to day. No member may give notice on more than three bills or resolutions prior to April 15 or on more than five bills or resolutions on or after April 15.

(b) Before the 130th calendar day of the regular session, the Senate may not suspend the regular order of business and take up a bill, joint resolution, or resolution until the second day the bill, joint resolution, or resolution has been posted on the Intent Calendar.

(c) The Secretary shall prepare a list of all legislation for which notice has been given. The list must be made available to each member of the Senate and to the press no later than 6:30 p.m. on the day the notice is filed.

(d) No provision of this rule may be suspended except by vote of four-fifths of the members present.

RULINGS BY PRESIDENT

Rule 5.15. Every question of order shall in the first instance be decided by the President, from whose decision any member may appeal to the Senate. Rulings which set or alter precedent shall be printed as an annotation to the rules.

Editorial Notes

The President of the Senate may refuse to rule on a point of order relating to the constitutionality of the substance of a proposition or on one that does not relate to any question of procedure or practice.

For an instance of when the chair refused to sustain a point of order challenging compliance with a constitutionally required procedure because the Constitution, laws, rules of the Senate, and official records of the Senate did not provide a basis on which to determine compliance, see 74 S.J. Reg. 2458-2461 (1995).

For an instance of when the chair submitted a point of order directly to the Senate for its determination, see 71 S.J. 2 C.S. 554 (1989).

Notes of Rulings

The constitutionality of a bill or resolution should not be ruled on by the presiding officer of the Senate (61 S.J. Reg. 2034 (1969)).

For an instance of when the chair refused to rule on whether a bill authorizes suspension of laws in violation of the Constitution, see 68 S.J. Reg. 835 (1983).

A member called to the chair pending an appeal may entertain a motion to table the motion to appeal the ruling of the chair (83 S.J. 1 C.S. 306 (2013)).

ARTICLE VI
MOTIONS

MOTIONS AND THEIR PRECEDENCE

Rule 6.01. (a) When a question is under consideration by the Senate, no motion shall be made except:

(1) to fix the day to which the Senate shall adjourn or recess;

(2) to adjourn or recess;

(3) to proceed to the transaction of executive business;

(4) the previous question;

(5) to lay on the table;

(6) to lay on the table subject to call;

(7) to postpone to a time certain;

(8) to commit;

(9) to amend;

(10) to postpone indefinitely.

These several motions have precedence in the order named. It shall be in order to make any number of the above motions before any vote is taken, but the votes shall be taken on all such motions made in the order of the precedence above stated.

(b) Upon compliance with pertinent Senate Rules, motions addressing House amendments to Senate bills, resolutions suspending the constitutional limitation on spending, resolutions suspending conference committee limitations, appointment of conference committees, and conference committee reports are privileged and may be taken up at any time when no other matter is pending before the Senate.

Editorial Notes

Rule 6.01 apparently prevents a motion to suspend a pending question for the purpose of taking up another, but the Senate's presiding officers have recently interpreted Subdivision (9) of Rule 16.07 to mean that any rule of the Senate may be suspended or rescinded at any time and that a motion to suspend Rule 6.01 and any other interfering rule in order to take up for immediate consideration a question different from the one pending is in order. However, an undebatable privileged question that is pending or a question that is itself under consideration as the result of a rule suspension should be disposed of by the Senate before another question is taken up under a suspension of the rules. No rule suspension, of course, is in order during the morning call.

There are several kinds of motions to amend, which motions have precedence in the order named below:

1. Committee amendments and amendments by the author or Senator in charge of the bill offered from the floor to the body of the bill.

2. Other amendments offered from the floor to the body of the bill.

3. Amendments to the caption of the bill.

4. Amendments to strike out the enacting clause of a bill.

If a bill is considered section by section, an amendment is not in order except to the section under consideration. After all of the sections have been considered separately, the whole bill is open for amendment.

Notes of Rulings

Adjourn

(See also Rules 6.21 and 6.22.)

After a motion to adjourn has been made no business may precede a vote on the motion except by unanimous consent (43 S.J. Reg. 906 (1933)).

Table

A motion to table report of conference committee is not in order (47 S.J. Reg. 1128 (1941)).

Table Subject to Call

A motion to table a bill subject to call is not a proper substitute motion for a motion to set a bill as special order (45 S.J. Reg. 1426 (1937)).

A motion to call from the table a bill tabled subject to call is not in order while joint resolution on passage to third reading is pending (49 S.J. Reg. 820 (1945)).

The motion to table subject to call is not debatable (51 S.J. Reg. 1336 (1949)).

Postpone

When the hour to which a bill postponed to a time certain arrives, the postponed measure does not immediately displace a special order (or other matter) already under consideration by the Senate (45 S.J. Reg. 1854 (1937)).

Commit

A motion to recommit a bill permits discussion of the merits of the bill (42 S.J. Reg. 496 (1931)).

Rule 6.01

Amend

[For rulings relating to germaneness of amendments, see under Rule 7.15.]

An amendment directly contrary to and including the same subject matter as an amendment previously adopted is not in order (42 S.J. Reg. 242 (1931)).

An amendment defeated at a particular stage of a bill may not be again submitted at the same stage of the bill (42 S.J. 1 C.S. 647 (1931)).

Amendment having the same effect as an amendment which has been defeated is not in order (42 S.J. 2 C.S. 95 (1931)).

A single substitute for both an amendment and an amendment to an amendment is in order (43 S.J. Reg. 1367 (1933); 44 S.J. 2 C.S. 24 (1935)).

An amendment that has been tabled may not be offered again at the same stage of the bill (44 S.J. Reg. 156 (1935)).

A substitute for a substitute is not in order (44 S.J. Reg. 613 (1935)).

Matter identical with that stricken from a bill by amendment may not be re-inserted at the same stage by further amendment (44 S.J. Reg. 867 (1935)).

An amendment accomplishing same result as defeated amendment but different in text and inserted in bill at different place is in order (45 S.J. Reg. 622 (1937)).

An amendment containing only one of several provisions contained in a defeated amendment is in order (45 S.J. Reg. 1348 (1937)).

An amendment, defeated at one stage of a bill, is again in order when the bill has reached another stage (45 S.J. Reg. 1642 (1937)).

An amendment changing only load limit in bill relating to weight of trucks is a proper substitute for amendment striking out all after enacting clause and inserting new text (47 S.J. Reg. 475 (1941)).

An amendment inserted in a bill by an amendment is not subject to change at same stage of bill (48 S.J. Reg. 841 (1943)).

A substitute for an amendment is not in order if the substitute relates to a different subject matter (49 S.J. Reg. 436 (1945)).

An amendment to a joint resolution, defeated when the resolution is on passage to engrossment, may be offered again when resolution is on final passage (49 S.J. Reg. 444 (1945)).

A point of order that a line and word reference in a proposed amendment is incorrect does not deter consideration of the amendment containing the reference (50 S.J. Reg. 422 (1947)).

An amendment making it mandatory that the salaries of certain county officers be raised is not in order, after the adoption (at the same stage of the bill) of an amendment that makes the raising of those salaries permissive instead of mandatory (50 S.J. Reg. 826 (1947)).

An amendment that has been tabled may not be again considered at the same stage of the bill, even though it is resubmitted as only one of two distinct propositions in another amendment (51 S.J. Reg. 183 (1949)).

An amendment substantially different in any particular from one defeated would not be out of order because of its similarity to the defeated amendment (51 S.J. Reg. 628 (1949)).

An amendment that does not indicate the portion of a bill it seeks to change is not in order (51 S.J. 1 C.S. 95 (1950)).

LIMITATION OF DEBATE ON MOTIONS

Rule 6.02. No debate shall be allowed on a motion to lay on the table, for the previous question, or to adjourn or recess; provided, however, that the author of a measure or whichever one of the several authors of the same may be by them selected so to do shall have the right, when a motion to lay on the table shall have been made, to close the debate, which privilege the member may yield to any other Senator subject to all of the Rules of the Senate.

Editorial Note

If the member having the right to close after a motion to table yields his right to another Senator, he is not permitted himself to debate the question any further.

Notes of Rulings

The substance of a bill may be stated under a motion to suspend the order of business to take up for consideration (35 S.J. Reg. 1149 (1917)).

The motion to reconsider is debatable unless the proposition upon which the motion to reconsider is made is not debatable (44 S.J. Reg. 368-369 (1935)).

The motion to table subject to call is not debatable (46 S.J. Reg. 479 (1939)).

A resolution to fix date of sine die adjournment is debatable (47 S.J. Reg. 1902 (1941)).

When an amendment to a bill is pending, all debate must relate to the amendment (49 S.J. Reg. 1019 (1945)).

The motion to suspend the regular order of business is not debatable, but a limited explanation of the bill to which any such motion applies is permitted (50 S.J. Reg. 1349 (1947)).

The author of a bill who has moved to suspend a rule so that the bill might be introduced may explain it briefly (51 S.J. Reg. 502 (1949)).

A motion for a Call of the Senate is not debatable (61 S.J. Reg. 1759 (1969)).

A congratulatory resolution when offered is not debatable and therefore may be considered immediately or referred to a committee by the presiding officer (61 S.J. 1 C.S. 124 (1969)).

No debate is allowed on the motion to table (67 S.J. Reg. 1483 (1981)).

A motion to suspend the three-day rule is not debatable (68 S.J. Reg. 1922 (1983)).

WRITTEN MOTIONS

Rule 6.03. All motions shall be reduced to writing and read by the Secretary, if desired by the presiding officer or any Senator present.

Note of Ruling

After the commencement of a roll call on the question of agreeing to a motion to suspend the regular order of business, a Senator may not interrupt the roll call to demand that the motion be submitted in writing and may not then insist as a matter of right that the motion be reduced to writing (50 S.J. Reg. 602 (1947)).

WITHDRAWAL OF MOTION

Rule 6.04. After a motion has been stated by the President or read by the Secretary, it shall be deemed to be in possession of the Senate, but it may be withdrawn at any time before it has been amended or decided.

Note of Ruling

An amendment may be withdrawn by its author at any time before it has been voted on, even when a Senator is debating it; and its withdrawal cuts off immediately any further discussion of it (50 S.J. Reg. 1237 (1947)).

MOTIONS TO FIX SUM OR STATE TIME

Rule 6.05. On a motion to fix a sum or state a time, the largest sum and the longest time shall have precedence.

DIVISION OF QUESTION

Rule 6.06. Any member may have the question before the Senate divided, if it be susceptible of a division, into distinct questions. On a motion to strike out and insert, it shall not be in order to move for a division of the question, and the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition or prevent a subsequent motion simply to strike out. The rejection of a motion simply to strike out shall not prevent a subsequent motion to strike out and insert.

Note of Ruling

A motion that Senate Rule 5.09 and the regular order of business be suspended and a certain general bill be laid out is not susceptible of division if Senate Rule 5.09, which relates to the order of business, is the only Senate rule banning the laying out of the bill and its immediate consideration by the Senate (50 S.J. Reg. 1239 (1947)).

MOTION TO TABLE

Rule 6.07. A motion to table shall only affect the matter to which it is directed, and a motion to table an amendment shall never have the effect of tabling the entire measure.

MOTIONS TO REFER OR COMMIT

Rule 6.08. Any bill, petition, or resolution may be referred from one committee or subcommittee to another committee or subcommittee if the motion is approved by the chairs of both committees involved and by a three-fifths vote of the members present and voting. Any bill, petition, or resolution may be committed to any committee or subcommittee at any stage of the proceedings on such bill, petition, or resolution by a majority vote of the elected members of the Senate. A bill or joint resolution committed to a committee or subcommittee while on third reading shall be considered as on its second reading if reported favorably back to the Senate.

When several motions shall be made for reference of a subject to a committee, they shall have preference in the following order:

First: To a Committee of the Whole Senate

Second: To a standing committee

Third: To a standing subcommittee

Fourth: To a special committee.

PREVIOUS QUESTION

Rule 6.09. Pending the consideration of any question before the Senate, any Senator may call for the previous question, and if seconded by five Senators, the presiding officer shall submit the question: "Shall the main question be now put?" If a majority of the members present and voting are in favor of it, the main question shall be ordered, the effect of which shall be to cut off all further amendments and debate and bring the Senate to a direct vote--first upon pending amendments and motions, if there be any, then upon the main proposition. The previous question may be ordered on any pending amendment or motion before the Senate as a separate proposition and be decided by a vote upon said amendment or motion.

Editorial Notes

After the previous question has been ordered, no motions are in order until the question or questions on which it

is ordered have been voted upon, except the motions to adjourn, for a call of the Senate and to reconsider the vote by which the previous question was ordered, and the motion to reconsider can be made only once.

It has also been held that a motion may be withdrawn after the previous question has been ordered on it. (See 46 S.J. Reg. 2112-2113 (1939); 50 S.J. Reg. 1237 (1947).)

Notes of Rulings

The previous question may not be ordered on final passage of bill prior to its being placed on third reading (35 S.J. Reg. 1063 (1917)).

When the main question has been ordered but not voted on, a member is not entitled to speak on a question of personal privilege (42 S.J. Reg. 1203; 42 S.J. 1 C.S. 675 (1931)).

The previous question may not be moved to include the votes to be taken on a bill or on any subsidiary motions applied to it at a more advanced stage (42 S.J. 1 C.S. 675 (1931)).

It is not in order to speak to a question of personal privilege after the previous question has been ordered (43 S.J. Reg. 691 (1933)).

A motion may be made (even by a Senator not voting on the prevailing side) to rescind the "action and vote of the Senate" in ordering the previous question (45 S.J. Reg. 432 (1937)).

The vote by which the main question is ordered on series of questions may be reconsidered after vote has been taken on one or more of the questions (45 S.J. 2 C.S. 82 (1937)).

The motion for the previous question on a bill may be made and voted on after the previous question has been ordered

on a proposed amendment to the bill and before a vote has been taken on the amendment (46 S.J. Reg. 2041 (1939)).

A motion for previous question is not in order immediately after defeat of same motion (47 S.J. Reg. 1743 (1941)).

The constitutional rule (Section 32 of Article III) calling for "free discussion" on a bill does not prevent the making of a motion for the previous question on the passage of a bill or prevent the Senate's ordering the main question on the bill as provided for in its own rule relating to the previous question. The Senate determines by its vote on the motion for the previous question whether or not the constitutional rule has been complied with (50 S.J. Reg. 1174 (1947)).

A motion for the previous question may be put at the same time on a motion to re-refer a bill from one committee to another committee and also a substitute motion that the same bill be referred from the original committee to still another committee (61 S.J. Reg. 1762 (1969)).

RECONSIDERATION

Rule 6.10. (a) After a question shall have been decided, either in the affirmative or negative, any member voting with the prevailing side may, at any time on the same legislative day in which the vote was taken or on the next legislative day, move the reconsideration thereof. If the motion to reconsider is successful, the question shall immediately recur on the question reconsidered.

(b) When a bill, resolution, report, amendment, order, or message upon which a vote was taken shall have gone out of the possession of the Senate and have been delivered to the House of Representatives or to the Governor, the motion to reconsider shall be preceded by a motion to request the House or the Governor to return same, which if determined in the negative shall be a final disposition of the motion to reconsider. If the motion to request the House or the Governor to return same is successful, the motion to reconsider shall be acted upon after the return of the bill, resolution, report, amendment, order, or message to the possession of the Senate.

Editorial Notes

If a vote on a Senate bill is reconsidered on House bill day, the bill itself may not be considered in the Senate until the arrival of a Senate bill day.

Under Senate Rule 6.10, recalling is made the first requirement for further considering a bill passed by the Senate and sent to the House. Hence, a motion or resolution to recall the bill is privileged.

A motion to reconsider the vote by which the previous question has been ordered may be made by any Senator voting to order it; and in case the vote is not a "yea and nay" recorded vote, it may be made by any Senator who was present for that vote.

Notes of Rulings

Reconsideration of a vote recommitting a bill has the immediate effect of placing the bill back to its status before the motion to recommit prevailed (34 S.J. Reg. 250 (1915)).

Reconsideration of vote by which a bill passed to engrossment places the bill back before the Senate just as it was before the vote on its engrossment was taken (37 S.J. Reg. 578 (1921)).

A motion to reconsider a vote may be made on the first day after the vote is taken on which there is a quorum of the Senate present (38 S.J. Reg. 619 (1923)).

Vote on adoption of amendment, adopted on second reading of a bill that is later ordered engrossed, may not be reconsidered until vote on passage of bill to engrossment has been reconsidered (40 S.J. Reg. 388 (1927)).

The motion to reconsider a vote is not debatable when the motion on which the vote was taken is not debatable (40 S.J. Reg. 415 (1927)).

Upon reconsideration of the vote on a House bill, it automatically takes its place on the calendar of House bills on the President's table for consideration by the Senate (42 S.J. Reg. 608 (1931)).

A motion to adopt a conference committee report on joint resolution is in order at any time, and without a reconsideration of a previous adverse vote on the report (44 S.J. Reg. 1812 (1935)).

A motion to reconsider a vote is not debatable if at the time the vote was taken the previous question on the proposition voted on had been ordered (44 S.J. 1 C.S. 219 (1935)).

The motion to reconsider the vote on the passage of a bill must be made on the same day the bill was passed to engrossment or on the next succeeding legislative day (46 S.J. Reg. 1129 (1939)).

A bill may be recalled from the House before motion is made to reconsider vote on its passage (46 S.J. Reg. 1209 (1939)).

The vote by which a conference report has been adopted by the Senate may be reconsidered by the Senate (on a bill recalled from the Governor) although the bill has been enrolled, signed by the presiding officers of each House, and presented to the Governor (46 S.J. Reg. 1437 (1939)).

Debate of motion to reconsider vote by which main question ordered is not in order (47 S.J. Reg. 2258 (1941)).

A motion to reconsider a vote must be made on the same day the vote is taken or on the next legislative day (49 S.J. Reg. 807 (1945)).

The motion to reconsider a vote may not be made by a member who is not recorded as having voted on the prevailing

side if the vote was a "yea and nay" recorded vote (49 S.J. Reg. 1019, 1214 (1945)).

A concurrent resolution to recall for further consideration a bill passed by the Senate is in accord with Senate Rule 6.10 and is privileged (51 S.J. 1 C.S. 120 (1950)). (See also Hinds' Precedents, 5, 5669-5671.)

SPREADING MOTION TO RECONSIDER ON JOURNAL

Rule 6.11. At any time before the expiration of the next legislative day following that on which the vote was taken, a motion to reconsider a vote may be made by any Senator who is permitted by Rule 6.10 to make it, and the maker of the motion may accompany it with a request that it be spread on the journal to be called up and acted on at a later time, which request shall be granted unless another Senator demands immediate action thereon. In case a motion to reconsider that has been spread upon the journal is not called up to be acted on by the Senate within five legislative days after it has been made, it shall not thereafter be called up or acted upon. Any such motion that has been made during the last six days of the session that has not been called up before the final 24 hours of the session shall not thereafter be called up or acted upon by the Senate. In all cases, a motion to reconsider shall be decided by a majority vote.

DEMAND FOR IMMEDIATE RULING

Rule 6.12. Pending the consideration or discussion of any point of order before the presiding officer and the Senate, or either, any Senator may demand that the point of order be immediately decided, and if seconded by 10 Senators, the presiding officer shall submit the question: "Shall the point of order be now decided?" If a majority vote in favor of it, the point of order shall immediately be decided by the presiding officer, and if an appeal from the presiding officer's decision is taken, the appeal shall be immediately decided by the Senate without debate.

Editorial Note

The President of the Senate is required by the Rules of the Senate to decide questions of order, but he is not required to rule on the constitutionality of the substance or content of any proposed law, resolution, or amendment. He usually decides

questions as to the constitutionality of a certain procedure or as to the Senate's constitutional jurisdiction, but he usually submits to the Senate for its decision questions as to the constitutionality of the substances or content of any proposal. (See also Rule 5.15 and notes following it.)

DISPENSE WITH READING OF PAPERS

Rule 6.13. When the reading of a paper is called for and the same is objected to by any member, it shall be determined by a majority vote of the Senate and without debate.

Notes of Rulings

The Senate may determine whether a Senator who is explaining a bill prior to a vote on a motion to permit its introduction may read the bill in full (51 S.J. Reg. 502 (1949)).

Although the Senate on a previous occasion has ordered the full reading of a certain bill dispensed with, a full reading may be called for when the bill is again before the Senate for consideration and may be dispensed with only on order of the Senate (51 S.J. Reg. 503 (1949)).

A Senator addressing the Senate on the question of whether or not the Senate shall concur in the House amendments to a bill may read in full a legal opinion relating to the subject matter of the amendments unless the Senate orders its reading discontinued (51 S.J. Reg. 603-604 (1949)).

A second reading of an amendment in full may be dispensed with by order of the Senate (51 S.J. Reg. 625, 628 (1949)).

MODE OF STATING AND VOTING UPON QUESTIONS

Rule 6.14. All questions shall be distinctly put by the President and the members shall signify their assent or dissent by answering "yea" or "nay."

Note of Ruling

After a roll call has been ordered and before the calling of the roll has commenced, it is not in order for a member to address the Senate (44 S.J. 2 C.S. 83 (1935)).

WHEN RECORD VOTE REQUIRED; CALLS FOR YEAS AND NAYS

Rule 6.15. (a)(1) A vote on final passage of a bill, a resolution proposing or ratifying a constitutional amendment, or a resolution other than a resolution of a purely ceremonial or honorary nature, shall be by record vote, with the vote of each member entered in the journal.

(2) A vote on all motions to suspend or comply with a constitutional procedure, all questions requiring a vote of two-thirds of the members elected, all motions on whether to concur in House amendments to Senate bills, and all motions on whether to adopt a conference committee report shall be by record vote, with the vote of each member entered in the journal.

(3) Upon all other questions, the presiding officer shall determine if there is objection and, if so, call for the yeas and nays, but they shall not be entered into the journal unless required under Subsection (b) of this rule. If no objection is made, the journal entry shall reflect a unanimous consent vote of the members present without necessity of a roll call of yeas and nays.

(b) On any other question, at the desire of any three members present, the yeas and nays shall be entered on the journal, and the names of the members present and not voting shall be recorded immediately after those voting in the affirmative and negative, and such members shall be counted in determining the presence of a quorum. (Constitution, Article III, Section 12)

(c)(1) Any nonprocedural motion adopted by voice vote, without objection, or with unanimous consent shall be reflected in the journal by showing members present as "yea", unless a member registers otherwise with the Secretary of the Senate.

(2) The following statement shall be entered in the journal after each vote taken as provided in Subdivision (1) of this subsection:

"All members are deemed to have voted 'Yea' except as follows:

Nays:
PNV:
Absent-Excused:
Absent:"

(d) A member must be on the floor of the Senate or in an adjacent room or hallway on the same level as the Senate floor or gallery in order to vote; but a member who is out of the Senate when a record vote is taken and who wishes to be recorded shall be permitted to do so provided:

(1) the member was out of the Senate temporarily, having been recorded earlier as present;

(2) the vote is submitted to the Secretary of the Senate prior to adjournment or recess to another calendar day; and

(3) the recording of the member's vote does not change the result as announced by the chair.

(e) Once begun, a roll call may not be interrupted for any reason.

Editorial Note

Verification of a "yea and nay" vote is not provided for by any rule, but when a vote is close, it has been the practice for the presiding officer to order a verification when requested by any member to do so.

MEMBERS REFUSING TO ANSWER RECORDED PRESENT

Rule 6.16. Upon a roll call of the Senate, should any member who is on the floor of the Senate fail or refuse to answer the call of the roll, the Secretary of the Senate shall, under the direction of the President of the Senate, record such member as present.

PAIRED VOTES

Rule 6.17. If a member who is absent desires to be recorded on a pending question, the member may cast a paired vote by signing a pair slip which indicates the member's "yea" or "nay" vote with a member who is present and casting an opposite vote, if the member who is present so desires. Pair slips must be signed by both the absent and present member and filed with the Secretary of the Senate before the vote. The paired votes of the present and absent members shall be recorded as an expression of opinion on the matter considered but shall not be counted in the total of votes for or against the measure or motion. However, the member present shall be counted to make a quorum.

LIEUTENANT GOVERNOR TO GIVE CASTING VOTE

Rule 6.18. If the Senate be equally divided on any question, the Lieutenant Governor, if present, shall give the casting vote. (Constitution, Article IV, Section 16)

Editorial Note

A vote on a motion to refer a resolution was yeas 15, nays 15. Lieutenant Governor A. B. Davidson voted "nay" and declared the motion lost. A second vote was taken on a motion to refer to another committee and resulted in a tie. Lieutenant Governor Davidson voted "nay" and declared the motion lost (32 S.J. Reg. 938-939 (1911)).

EFFECT OF TIE VOTE WHEN LIEUTENANT GOVERNOR ABSENT

Rule 6.19. If the Senate is equally divided on any question when the Lieutenant Governor is not present, such question or motion shall be lost.

VETOED BILLS

Rule 6.20. A vote of two-thirds of all members elected to the Senate shall be required for the passage of House bills that have been returned by the Governor with his objections, and a vote of two-thirds of the members of the Senate present shall be required for the passage of Senate bills that have been

returned by the Governor with his objections. (Constitution, Article IV, Section 14)

Editorial Note

A specific case in which the vote of yeas and nays did not pass the bill over the Governor's veto is found at 47 S.J. Reg. 2478 (1941).

ADJOURNMENT

Rule 6.21. A motion to adjourn or recess shall always be in order and shall be decided without debate, and the Senate may adjourn or recess while operating under the previous question.

Editorial Note

The motion to recess or adjourn is not debatable, and the maker of either motion may not hold the floor to the exclusion of other Senators who might want to move to adjourn or recess to a different hour. After a series of such motions has been made, the motions must be voted on immediately.

Notes of Rulings

A concurrent resolution containing a provision that "no date for adjournment be fixed until the appropriation bills have been passed and all important measures upon the calendar have been disposed of" was held out of order by Lieutenant Governor Lynch Davidson, because it sought "to deny the Legislature its constitutional right to adjourn at any time it desires" (37 S.J. Reg. 392 (1921)).

The Legislature may repeal or set aside a resolution setting a future date and hour for sine die adjournment, and a resolution setting a new time for sine die adjournment is in order, and only a majority vote is required to adopt it (42 S.J. Reg. 1656, 1682 (1931)).

The Legislature may repeal or set aside a resolution setting a date for sine die adjournment (42 S.J. Reg. 1656 (1931)).

A resolution setting a new time for sine die adjournment is in order and requires only a majority vote to adopt it (42 S.J. 2 C.S. 189 (1931)).

A motion to adjourn may not be made immediately after the defeat of a series of motions to adjourn and recess (51 S.J. Reg. 577 (1949)).

Under Senate Rule 5.02 which states that "two-thirds of all of the Senators elected shall constitute a quorum but a smaller number may adjourn (or recess) from day to day," a motion to recess (or adjourn) until a later time on the same day is a proper motion (61 S.J. Reg. 945 (1969)).

A motion to adjourn or recess is not a proper motion where further business has not been transacted by the Senate since a previous motion to adjourn or recess had been made and defeated (61 S.J. Reg. 1059 (1969)).

ADJOURNMENT OF SENATE FOR MORE THAN THREE DAYS

Rule 6.22. The Senate shall not adjourn or recess for more than three days or to any other place than that in which it may be sitting, without the concurrence of the House of Representatives. (Constitution, Article III, Section 17)

Note of Ruling

An adjournment from Thursday to Monday is not for more than three days, and consent of the House to such an adjournment by the Senate is not needed (49 S.J. Reg. 640 (1945)).

ARTICLE VII
INTRODUCTION AND PASSAGE OF BILLS

CUSTODIAN OF BILLS AND RESOLUTIONS

Rule 7.01. The Calendar Clerk shall be the official custodian of the bills and resolutions pending in the Senate, and the same may not be withdrawn from the custody of such clerk without the consent of the Senate.

CAPTION RULE

Rule 7.02. Each bill must include a caption beginning with the words "A Bill to be Entitled an Act" to be followed by a brief statement that gives the Legislature and the public reasonable notice of the subject of the proposed measure. (Constitution, Article III, Sections 29 and 35)

Note of Ruling

> A bill which enacts, amends, or repeals general law may contain an appropriation necessary to accomplish the main object of the bill and does not violate the single-subject limitation of Article III, Section 35, Texas Constitution (71 S.J. 2 C.S. 43-44 (1989)).

ANNOUNCEMENT OF STAGE OF BILL

Rule 7.03. The President shall, at each reading, announce whether the bill originated in the Senate or House of Representatives and whether it be the first, second, or third reading.

FILING BILLS

Rule 7.04. (a) Beginning the first Monday after the general election preceding the next regular legislative session or within 30 days prior to any special session, it shall be in order to prefile with the Secretary of the Senate bills for introduction in that session.

(b) During the session bills may be filed for introduction with the Secretary at any time.

(c) Upon receipt of the bills the Secretary of the Senate shall number them and make them a matter of public record, available for distribution. Once a bill has been filed it may not be recalled.

Notes of Rulings

The Senate may not grant by vote or by unanimous consent permission to a member to introduce a bill not within Governor's call (43 S.J. 1 C.S. 24 (1933)).

A point of order, made and sustained at a special session, that a bill (which has been read second time) is not within the Governor's call prevents any further consideration of it at that session (43 S.J. 2 C.S. 27 (1934)).

A bill making an appropriation for the activation of an agency to distribute surplus commodities to state hospitals and special schools and for certain other related purposes is within the call of the Governor for a special session "to make and to finance such appropriations as the Legislature may deem necessary for State hospitals and special schools. . . ." (51 S.J. 1 C.S. 161 (1950)).

INTRODUCTION AND FIRST READING OF BILLS

Rule 7.05. (a) Senate bills shall be considered introduced when first read in the presence of the Senate.

(b) Senate bills filed for introduction, and House bills received by the Senate, shall be read on first reading at the appropriate point in the morning call.

REFERRAL OF BILLS

Rule 7.06. (a) The President shall refer each bill to a proper committee or standing subcommittee and shall cause such referral to be announced when the bill is first read. A sunset bill must be referred to a committee with appropriate subject-matter jurisdiction.

(b) No action shall be taken on a bill accepting, rejecting, or amending it until the bill has been reported on by a committee.

Editorial Notes

This rule clearly forbids tabling a bill that has not been reported from a committee. The practice of tabling a bill not properly before the Senate for consideration is not in accordance with good parliamentary practice, since the practice deprives the sponsors of a fair opportunity of protecting the life of the bill.

Lieutenant Governor Barry Miller declined to refer a bill that had been presented for introduction at a called session, holding that it was not covered by the call of the Governor (41 S.J. 5 C.S. 9, 14 (1930)). (See also Appendix under heading Jurisdiction -- Special Sessions.)

Note of Ruling

A motion to re-refer a bill is in order at any time there is not another question already before the Senate for immediate consideration (51 S.J. Reg. 755-756 (1949)).

LIMITATIONS ON INTRODUCTION

Rule 7.07. (a) A bill filed for introduction during the first 60 calendar days of the regular session may be thereafter referred to the proper committee and disposed of under the rules of the Senate.

(b) Except as provided in Subsection (a) and in Rule 7.08, no bill shall be introduced after the first 60 calendar days of the session. This provision may only be suspended by an affirmative vote of four-fifths of the members of the Senate.

(c) It shall not be in order to introduce a local bill as defined by Rule 9.01 unless notice of publication, as provided by law, is attached.

Note of Ruling

Refusal of the Senate to suspend the foregoing rule to permit the introduction of a bill does not prevent its being offered again for introduction later (43 S.J. Reg. 1656 (1933)).

CONSIDERATION OF EMERGENCY MATTERS

Rule 7.08. At any time during the session, resolutions, emergency appropriations, emergency matters specifically submitted by the Governor in special messages to the Legislature, and local bills (as defined in Rule 9.01) may be filed with the Secretary of the Senate, introduced and referred to the proper committee, and disposed of under the rules of the Senate.

ANALYSIS OF FISCAL AND OTHER IMPLICATIONS OF BILL OR RESOLUTION

Rule 7.09. (a) It is the intent of this rule that all members of the Senate be timely informed to the impact of proposed legislation on the state or other units of government.

Fiscal Notes

(b) Prior to a final vote by a committee to report any bill or joint resolution, except the general appropriations bill, there shall be attached a fiscal note signed by the director of the Legislative Budget Board.

(c) If a bill or joint resolution is amended by a committee, the committee chair shall obtain an updated fiscal note. The chair may require that the updated fiscal note be distributed to the committee members prior to the final vote to report the measure.

(d) Prior to a motion to concur in House amendments, an updated fiscal note shall be distributed to all members if the director of the Legislative Budget Board determines that a House floor amendment has altered the policy implications of the bill or resolution, except the general appropriations bill.

(e) An updated fiscal note shall be distributed to all members prior to a motion to adopt a conference committee report on any bill or joint resolution, other than the general appropriations bill; provided that an updated fiscal note is

not required on a conference committee report if the text of the report is the engrossed text of either the House or Senate version and the report has attached a fiscal note outlining the fiscal implications of that version of the measure.

(f) A fiscal note for a bill or joint resolution which authorizes or requires the expenditure or diversion of any state funds for any purpose shall estimate the fiscal implications and probable cost of the measure each year for the first five years after the implementation of its provisions and state whether there will be a cost involved thereafter. The fiscal note shall include the number of additional employees considered in arriving at the probable cost.

(g) A fiscal note for any bill or joint resolution which imposes, increases, decreases, or repeals any state tax or fee shall estimate the fiscal implications of the measure for the first five years after the implementation of its provisions and state whether there will be fiscal implications thereafter. The committee chair to which the bill or resolution was referred may request the director of the Legislative Budget Board to include with the fiscal note a tax equity note estimating the general effects of the proposal on the distribution of tax and fee burdens among individuals and businesses.

(h) A fiscal note for any bill or joint resolution which has impact on units of local government of the same type or class shall estimate the fiscal implications and probable cost of the measure to the affected unit or units of local government each year for the first five years after the implementation of its provisions and state whether there will be a cost involved thereafter. As used in this rule, "unit of local government" means county, city, town, school district, conservation district, hospital district, or any other political subdivision or special district.

Impact Statements

(i) If the director of the Legislative Budget Board determines that a bill or joint resolution proposes to change benefits or participation in benefits of a public retirement system or would otherwise change the financial obligations of a public retirement system, the director shall prepare and forward to the chair of the committee to which the measure is referred an actuarial impact statement; provided that an actuarial impact statement is not required for the general appropriations bill, a measure that would change the financial obligations of a retirement system only by modifying the compensation of members of the system or by modifying the administrative duties of the system, or a measure that would

change the financial obligations of a retirement system only by imposing an expense on the system in the same manner that the expense is imposed on other agencies or units of government.

In this rule, "public retirement system" means a continuing, organized program of service retirement, disability retirement, or death benefits for officers or employees of the state or a political subdivision, but does not include a program for which benefits are administered by a life insurance company, a program providing only workers' compensation benefits, or a program administered by the federal government.

An actuarial impact statement shall:

(1) summarize the actuarial analysis that has been prepared for the bill or resolution;

(2) identify and comment on the reasonableness of each actuarial assumption used in that actuarial analysis; and

(3) show the economic effect of the proposed bill or resolution on the public retirement system, including a projection of the actuarial cost or liability imposed by the proposal on the system, the effect of the legislation on the amortization schedule for liabilities of the system, and the estimated dollar change in the unfunded liability of the system.

(j) If the director of the Legislative Budget Board determines that a bill or resolution authorizes or requires a change in the sanctions applicable to: (1) adults convicted of felony crimes, or (2) juveniles who have been adjudicated for a misdemeanor or felony conduct; the director shall prepare and forward to the chair of the committee to which the measure is referred a criminal justice policy impact statement. The statement shall estimate the impact of the proposed policy changes on the programs and workload of state corrections agencies and on the demand for resources and services of those agencies. In this section, "sanctions" includes sentences and dispositions, as well as adjustments to sentences and dispositions such as probation, parole, and mandatory supervision, including changes in policy or statutes related to eligibility, revocation, and good time credits as well as requirements and conditions of probation.

(k) If the director of the Legislative Budget Board determines that a bill or joint resolution authorizes or requires a change in the public school finance

system, the director shall prepare and forward to the chair of the committee to which the measure is referred an equalized education funding impact statement. The statement shall estimate the impact of the proposed policy changes on state equalized funding requirements and policies.

(l) If the director of the Legislative Budget Board determines that a bill or joint resolution authorizes or requires a change in the classification, mission, or governance structure of an institution of higher education or would establish such an institution, the director shall, after consultation with the Higher Education Coordinating Board, prepare and forward to the chair of the committee to which the measure is referred a higher education impact statement. The statement shall estimate the need for the new or expanded institution, including information on geographic access to existing institutions, student demand for the institution and programs, the possible duplication of programs with other institutions in the geographical region, and the long-term costs to the state for the institution, including any facilities construction and maintenance. If the measure proposes change in the governance of an institution, the statement shall estimate the programmatic and economic impacts of the change to the state and the affected institutions and systems.

(m) If the director of the Legislative Budget Board determines that a bill or joint resolution expressly or impliedly amends the open records law, the open meetings law, or other law in a manner that may reduce public access to government information or to the transaction of public business, the director shall prepare and forward to the chair of the committee to which the measure is referred an open government impact statement. The statement shall estimate the impact of the proposed policy changes on public access to government information or to the transaction of public business. The provisions of this subsection do not apply if the author or sponsor certifies in writing to the chairman of the committee to which the bill was referred that the bill does not reduce public access to government information or to the transaction of public business.

(n) If the director of the Legislative Budget Board has determined that an impact statement is required, pursuant to Subsection (i), (j), (k), (l), or (m) of this rule, for any bill or joint resolution, except the general appropriations bill, the impact statement shall be attached to the measure prior to a final vote by a committee to report the measure.

(o) If a bill or joint resolution is amended by a committee other than a conference committee, the committee chair shall obtain an updated impact statement, which shall be attached to the committee report. The chair may require that the updated impact statement be distributed to the committee members prior to the final vote to report the measure.

(p) The director of the Legislative Budget Board may prepare an updated impact statement to reflect House amendments to a Senate bill or joint resolution or a conference committee report. Such statement shall be forwarded to the Secretary of the Senate, who shall have the impact statement printed and distributed to the members.

General Provisions

(q) In preparing a fiscal note or an impact statement, the director of the Legislative Budget Board may use information or data supplied by any person, agency, organization, or governmental unit that the director deems reliable. The director shall state the sources of information or data used and may state the extent to which the director relied on the information or data in preparing the fiscal note or impact statement. If the director is unable to acquire or develop sufficient information to prepare a fiscal note within 15 days after receiving a bill or joint resolution, the director shall prepare the fiscal note stating that fact, and the fiscal note shall be in full compliance with the rules. If the director determines that the fiscal or other implications of a bill or joint resolution cannot be ascertained, the director shall prepare the fiscal note stating that fact, and the fiscal note shall be in full compliance with the rules.

(r) The director of the Legislative Budget Board shall forward a copy of each fiscal note or impact statement to the author or sponsor of the affected bill or joint resolution.

(s) All fiscal notes and impact statements shall be signed by the director of the Legislative Budget Board and shall remain with the measure throughout the entire legislative process, including submission to the Governor.

(t) For any statement or analysis required by this rule, the Senate Committee on Administration may adopt such necessary forms and procedures as are required to ensure that all members of the Senate are informed as to the impact of proposed legislation on the state or other unit of government. The committee may authorize the director of the Legislative Budget Board to develop

the format for fiscal notes and impact statements and submit the suggested forms to the committee for its approval.

Notes of Rulings

For an instance when the chair refused to go behind a fiscal note to determine whether it was accurate or adequate, see 67 S.J. Reg. 1297 (1981).

Consideration of a bill amended in committee so as to alter its fiscal implications is out of order in the absence of an updated fiscal note (73 S.J. Reg. 2037 (1993)).

FORMAT OF BILLS AND RESOLUTIONS REPORTED BY COMMITTEES

Rule 7.10. (a) A committee may not report a bill or resolution to the Senate unless the bill or resolution complies with Subsection (b) of this rule.

(b) In any section of a bill or joint resolution that proposes to amend an existing statute or constitutional provision, language sought to be deleted must be bracketed and stricken through, and language sought to be added must be underlined. This requirement does not apply to:

(1) an appropriation bill;

(2) a local bill;

(3) a recodification bill;

(4) a redistricting bill;

(5) a section of a bill or joint resolution not purporting to amend an existing statute or constitutional provision;

(6) a section of a bill or joint resolution that revises the entire text of an existing statute or constitutional provision, to the extent that it would confuse rather than clarify to show deletions and additions; and

(7) a section of a bill or joint resolution providing for severability, nonseverability, or repeal of an existing statute or constitutional provision.

(c) The President may overrule a point of order raised as to a violation of Subsection (b) of this rule if the violation is typographical or minor and does not tend to deceive or mislead.

(d) The Senate Enrolling Clerk may make certain technical corrections in bills and resolutions to conform the language to requirements of Subsection (b) of this rule and of the Texas Constitution. This subsection applies to misspelled words, mistakes in citations and internal references, numbering and reprinting errors, bracketing and underlining errors, mistakes in grammar and punctuation, and insufficient captions.

COMMITTEE SUBSTITUTE BILLS

Rule 7.11. (a) A committee may adopt and report a complete germane committee substitute containing the caption, enacting clause, and text of a bill or resolution in lieu of the original, in which event the complete substitute bill or resolution shall be laid before the Senate and shall be the matter before the Senate for its consideration instead of the original. If the substitute is defeated at any legislative stage, the bill or resolution is considered not passed.

(b) If a point of order is raised and sustained that a committee substitute bill is not germane or contains provisions not germane to the original bill, the bill shall be returned for further consideration to the committee from which it was reported. If the committee desires to hear additional testimony, the bill shall be posted for public hearing according to the rules of the Senate and is subject to Rule 11.19.

PRINTING OF BILLS

Rule 7.12. (a) Every favorable committee report on a general bill made by a Senate committee shall be printed, unless the Senate on the same day it is reported or on the next legislative day shall order it not printed. Each committee report on a local bill shall be printed, unless the committee making the report recommends that it not be printed, in which case the committee's recommendations shall be effective as an order of the Senate that the report be not printed. A list of all bills on committee report ordered not printed by the

Senate or ordered not printed by committee recommendation shall be listed by number, author, and caption and distributed to each member at the close of each day's business. Copies of all committee reports printed shall be furnished to each member of the Senate on the same day the printed copies are delivered by the printer. No bill except local bills and bills ordered not printed by the Senate shall be considered by the Senate until a printed committee report has been available to each member of the Senate for at least 24 hours and is on the desk of each Senator.

(b) Every committee report printing on a bill or resolution shall include:

(1) a copy of the committee report form showing the record vote by which the measure was reported, whether the measure was reported favorably or unfavorably, with amendment or with a substitute;

(2) a copy of the original bill or resolution, unless the committee reports a substitute measure;

(3) a copy of any substitute bill or resolution;

(4) a copy of each amendment adopted to the bill or resolution;

(5) any fiscal note on the bill or resolution, including any updated fiscal note required by Rule 7.09;

(6) any criminal justice impact statement, including any updated statement required by Rule 7.09;

(7) any equalized education funding impact statement, including any updated statement required by Rule 7.09;

(8) any higher education impact statement, including any updated statement required by Rule 7.09;

(9) any actuarial analysis, including any updated analysis required by Rule 7.09;

(10) a bill analysis, including any updated analysis to reflect any change made by amendment or substitute; and

(11) a list of witnesses testifying in favor, against, or on the bill or resolution.

Editorial Note

The rules governing the printing of bills also apply to the printing of concurrent and joint resolutions.

Notes of Rulings

Setting a bill that has not been printed as a special order permits its consideration at the time for which it is set even though it has not been printed (43 S.J. 2 C.S. 96 (1934)).

A motion to recommit a bill is a proper substitute motion for a motion to not print a bill (55 S.J. Reg. 1546 (1957)).

Consideration of a bill is out of order if a copy is not on the members' desks, even though the Senate, by unanimous consent, has suspended the regular order of business to consider it (68 S.J. Reg. 1512 (1983)).

Suspension of "all necessary rules" to consider a bill out of its regular order suspends the printing rule (70 S.J. 2 C.S. 118 (1987)).

SUSPENSION OF RULE LIMITING CONSIDERATION OF BILLS

Rule 7.13. Except as otherwise provided in Rule 7.08, bills shall not be taken up, considered, or acted upon by the Senate during the first 60 calendar days of the session, unless this rule be suspended by the affirmative vote of four-fifths of the members of the Senate.

Note of Ruling

A motion to suspend Section 5 of Article III of the Constitution to consider a bill during the first 60 days of a Regular Session requires a vote of four-fifths of the members of

the Senate (25) not four-fifths of the members present (59 S.J. Reg. 144 (1965)).

CONSIDERATION OF HOUSE BILL IN LIEU OF SENATE BILL ON SAME SUBJECT

Rule 7.14. When any Senate bill shall be reached on the calendar or shall be before the Senate for consideration, it shall be the duty of the President to give the place of such bill on the calendar to any House bill which has been referred to and reported from a committee of the Senate containing the same subject or to lay such House bill before the Senate to be considered in lieu of such Senate bill.

Editorial Notes

The purpose of this rule is to save the time and labor of the Legislature by disposing of the most advanced legislation first. The House bill is not substituted for the Senate bill, but simply is considered instead of the Senate bill, which is displaced on the calendar by the House bill.

It is not necessary that the bills be identical if generally they cover the same subject and are directed to the same end.

Note of Ruling

A House bill that has been reported favorably and relates to the same subject as a Senate bill that has been reached on the calendar should be considered by the Senate in lieu of the Senate bill if said House bill is "of the same general tenor" (38 S.J. Reg. 470 (1923)).

GERMANENESS

Rule 7.15. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or as a substitute for the motion or proposition under debate. (Constitution, Article III, Section 30)

Notes of Rulings

An amendment that repeals the authority of the highway commission to promulgate speed limits is not germane to a bill that only modifies the effect of a conviction for violating a speed limit promulgated by the commission (65 S.J. Reg. 305 (1977)).

An amendment that authorizes the board of public welfare to employ a security force and commission peace officers is not germane to a bill that only designates county park patrol and security officers as peace officers (65 S.J. Reg. 505 (1977)).

An amendment requiring affiliation with a political party in order to vote in a primary election is not germane to a bill that deals only with voter registration procedures (65 S.J. Reg. 953 (1977)).

An amendment that grants a surface owner of property a prior right of purchase if the mineral interest in the property when property taxes are delinquent is not germane to a bill that prescribes the method of valuation of certain mineral interests for tax purposes (65 S.J. Reg. 1024 (1977)).

An amendment granting general ordinance making authority to counties is not germane to a bill that only authorizes counties to enact ordinances prohibiting nudist colonies (65 S.J. Reg. 1320 (1977)).

An amendment that authorizes insurance reimbursement of the services of an optometrist is not germane to a bill that authorizes such reimbursement for the services of a psychologist (65 S.J. Reg. 1617 (1977)).

An amendment requiring affiliation with a political party in order to vote in a primary election is not germane to a bill consolidating the voter registration and election duties of county clerks and tax assessor-collectors (65 S.J. Reg. 2211 (1977)).

An amendment providing for the expiration of an act relating to tuition grants is not germane to a bill that only modifies eligibility requirements for such a grant (66 S.J. Reg. 435 (1979)).

An amendment that requires the public utility commission to redetermine electric utility rates and specifies a method for such determination is not germane to a bill that grants the commission exclusive jurisdiction over such rates (66 S.J. Reg. 1132 (1979)).

An amendment authorizing disannexation and municipal incorporation of territory under certain circumstances is not germane to a bill limiting the municipal boundaries of coastal cities (67 S.J. Reg. 1674 (1981)).

An amendment prohibiting certain psychiatric or psychological examinations of students is not germane to a bill that only specifies methods of funding skills tests in public schools (67 S.J. Reg. 1900 (1981)).

An amendment requiring continuation of health insurance coverage of dependents is not germane to a bill that relates to the filing and approval requirements for insurance policies, contracts, and forms (69 S.J. Reg. 1381 (1985)).

An amendment that establishes a state employee grievance procedure is not germane to a bill that establishes a state employee incentive program (69 S.J. Reg. 2127 (1985)).

An amendment to change an election date prescribed in one joint resolution is not germane to a different resolution (70 S.J. Reg. 2436 (1987)).

An amendment to exempt certain corporations from the franchise tax is not germane to a bill that specifies methods for calculating franchise tax liability (70 S.J. Reg. 2486 (1987)).

An amendment granting the banking commissioner regulatory authority over perpetual care cemeteries is not

germane to a bill exempting certain nonprofit cemetery associations from capital stock requirements applicable to perpetual care cemeteries (71 S.J. Reg. 2046 (1989)).

An amendment requesting the Congress to propose a constitutional amendment providing for an elected federal judiciary is not germane to a resolution requesting the Congress to propose a constitutional amendment relating to flag desecration (71 S.J. 1 C.S. 240 (1989)).

An amendment providing for a state ethics commission is not germane to a joint resolution relating to compensation of members of the Legislature (71 S.J. 6 C.S. 84 (1990)).

An amendment restricting the county of residence of a parolee is not germane to a bill prohibiting the interstate transfer of parolees convicted of certain offenses (72 S.J. Reg. 1575 (1991)).

An amendment that applies to a class of governmental entities limited by population criteria is not germane to a bill that relates to a class of governmental entities limited by different population criteria (72 S.J. Reg. 1979 (1991)).

An amendment that specifies the salary and benefits of certain deputy sheriffs is not germane to a bill that relates only to the frequency of salary payments of certain county officers (72 S.J. Reg. 2036 (1991)).

An amendment relating to registration requirements and permissible locations of family residential child care facilities is not germane to a bill relating to child care services provided only to state employees (72 S.J. Reg. 2472 (1991)).

An amendment requiring annual registration of motor vehicle repair facilities that generate hazardous waste is not germane to a bill relating to the fees imposed on producers of industrial solid waste and hazardous waste and operators of hazardous waste management facilities (72 S.J. Reg. 2732 (1991)).

An amendment that would prohibit a personal income tax during a period in which a state lottery is authorized is not germane to a joint resolution proposing a constitutional amendment authorizing a state lottery (72 S.J. 1 C.S. 653 (1991)).

An amendment that classifies mountain lions as game animals and specifies conditions under which they may be killed is not germane to a bill that changes the category of animals that are permitted to be killed for bounty (73 S.J. Reg. 915 (1993)).

An amendment which imposes liability on a county for the county's costs of certain enforcement actions is not germane to a bill which specifies powers and duties of a commissioners court (73 S.J. Reg. 2962 (1993)).

An amendment that authorizes maintenance payments to a divorcing spouse who lacks means of self-support is germane to a bill relating to public assistance and programs to assist needy individuals in becoming self-dependent (74 S.J. Reg. 1265 (1995)).

AMENDMENTS TO TAX BILLS OR SUNSET BILLS

Rule 7.16. No amendment shall be considered to any tax bill or sunset bill on second reading unless the subject matter it entails has been discussed at a Senate committee meeting at which the bill was heard.

Editorial Note

If an amendment is challenged under Rule 7.16, the burden of proving compliance with the rule lies with the member offering the amendment.

MOTION TO PASS A BILL TO SECOND READING IS NOT NECESSARY

Rule 7.17. No motion is necessary to pass a bill to its second reading. The main question on the second reading of the bill shall be, if a Senate bill,

"Shall this bill be engrossed and passed to a third reading?" and if it be a House bill, "Shall this bill pass to a third reading?"

Note of Ruling

A motion to pass to third reading a bill not pending before the Senate is not in order (45 S.J. Reg. 1231 (1937)).

READING OF BILL ON THREE SEVERAL DAYS

Rule 7.18. No bill shall have the force of a law until it has been read on three several days in each House and free discussion allowed thereon; four-fifths of the House in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension and entered upon the journals. (Constitution, Article III, Section 32)

Editorial Notes

"Four-fifths of the Senate" means four-fifths of the members present and voting, provided a quorum is present.

"Four-fifths of the House in which the bill may be pending" has been interpreted repeatedly to mean four-fifths of all of the Senators present and voting, a quorum being present.

Notes of Rulings

Only four-fifths of those present are required to suspend constitutional rule requiring bills to be read on three several days (42 S.J. Reg. 253 (1931)).

A motion to suspend the constitutional rule and Senate Rule 7.18 requiring bills to be read on three several days may be made although the same motion has been made and defeated on the same bill on the same legislative day (55 S.J. Reg. 1561 (1957)).

A motion to suspend the three-day rule is not debatable (68 S.J. Reg. 1922 (1983)).

ADOPTION OF AMENDMENT ON THIRD READING

Rule 7.19. No amendment shall be adopted at the third reading of a bill without the consent of two-thirds of the members present.

LIMITATIONS ON APPROPRIATIONS BILLS

Rule 7.20. Unless within the authority of a resolution or resolutions adopted pursuant to Article VIII, Section 22(b), of the Constitution, it is not in order for the Senate to consider for final passage on third reading, on motion to concur in House amendments, or on motion to adopt a conference committee report a bill appropriating funds from the State Treasury in an amount that, when added to amounts previously appropriated by bills finally passed by both Houses and sent to the comptroller or due to be sent to the comptroller, would exceed the limit on appropriations established under Subchapter A, Chapter 316, Government Code.

HOUSE AMENDMENTS TO SENATE BILLS

Rule 7.21. If a Senate bill is returned with House amendments, all House amendments must be printed and a copy furnished to each member at least 48 hours prior to a motion to concur prior to the last 72 hours of a regular session, and 24 hours prior to a motion to concur during a called session or the last 72 hours of a regular session.

Notes of Rulings

A point of order raised by Senator Caldwell against a report of conference committee on the ground that the House amendments to the bill (S.B. 147) constituted a complete substitute bill and should therefore take the course of a newly received House bill in the Senate was overruled (36 S.J. Reg. 1023 (1919)).

House amendments to a Senate bill are not required to have been printed and laid on Senators' desks for 24 hours prior to a motion to not concur and request appointment of a conference committee (67 S.J. Reg. 2032 (1981); 71 S.J. Reg. 2558 (1989)).

DEFEATED BILL

Rule 7.22. After a bill has been considered and defeated by either branch of the Legislature, no bill containing the same substance shall be passed into a law during the same session. (Constitution, Article III, Section 34)

Editorial Note

For an exhaustive ruling by Lieutenant Governor Stevenson on the effect on other bills on the same subject of the defeat of one bill on that subject, see 46 S.J. Reg. 666-671 (1939).

Notes of Rulings

Defeat of an amendment containing same substance as a bill does not prevent consideration of the bill (35 S.J. Reg. 915 (1917)).

A joint resolution containing same substance as one that fails to pass in the House may be considered and passed by Senate (35 S.J. Reg. 1140-1148 (1917)).

Defeat of a House bill in the House does not necessarily make an amendment having the same effect as the bill out of order in the Senate (42 S.J. Reg. 1565 (1931)).

Consideration of a bill to create a textbook committee is not in order after the House has defeated a bill containing same substance (48 S.J. Reg. 873 (1943)).

SIGNING OF BILLS AND RESOLUTIONS BY PRESIDING OFFICER

Rule 7.23. The President of the Senate or the presiding officer shall, in the presence of the Senate, sign all bills and joint resolutions passed by the Legislature. The titles of all such bills and resolutions shall be publicly read, and the fact of the signing shall be entered on the journal. (Constitution, Article III, Section 38)

DEADLINE FOR REPORT

Rule 7.24. (a) No bill shall be considered, unless it has been first referred to a committee and reported thereon, and no bill shall be passed which has not been presented and referred to and reported from a committee at least three days before the final adjournment of the Legislature. (Constitution, Article III, Section 37)

(b) No bill shall be passed which has not been presented and referred to and reported from a Senate committee at least three days before the final adjournment of the Legislature. It shall require a vote of four-fifths of the members present to suspend this rule.

LIMITATION ON VOTE

Rule 7.25. No vote shall be taken upon the passage of any bill on its third reading after the 135th calendar day of a regular session, nor for any purpose within the last 24 hours of the session unless it be to correct an error therein. It shall require a vote of four-fifths of members present to suspend this rule.

Note of Ruling

The 24-hour rule that prohibits a vote on a bill during the last 24 hours of a session of the Legislature makes further consideration and debate of the bill out of order when the 24th hour before final adjournment has arrived (44 S.J. Reg. 1819 (1935)).

LIMITATION ON BILLS RAISING REVENUE

Rule 7.26. All bills for raising revenue shall originate in the House of Representatives. (Constitution, Article III, Section 33)

ARTICLE VIII
PETITIONS AND RESOLUTIONS

PROCEDURAL RULES

Rule 8.01. Every resolution that requires the approval of the Governor shall be subject to the rules that govern the proceedings on bills.

Editorial Notes

Due to the special provision in the Constitution excepting resolutions relating to adjournment and to another special provision making it the duty of each House to adopt its own rules of procedure, concurrent resolutions relating to adjournment, and probably those adopting or suspending joint rules or relating to legislative procedure do not require the approval of the Governor.

Joint resolutions proposing amendments to the State Constitution do not require the Governor's approval.

Notes of Rulings

An appropriation cannot be made by resolution (45 S.J. Reg. 570 (1937)).

A resolution attempting to amend a general law is not in order (45 S.J. 1 C.S. 101 (1937)).

REFERRAL TO COMMITTEE

Rule 8.02. Petitions, concurrent and joint resolutions, and resolutions setting or defining legislative or state policy or amending the Senate Rules shall be referred to an appropriate standing committee when introduced and shall not be considered immediately unless the Senate so directs by a three-fifths vote of the members present. The motion to consider such petition or resolution immediately is not debatable.

Editorial Note

A Senate or a concurrent resolution providing for a rule suspension or the carrying out of a particular procedure authorized by the rules is usually regarded as privileged and is considered when introduced without a vote being taken to consider immediately. (See also note of ruling following Rule 6.10.)

Notes of Rulings

Senate resolution that reflects on member of House may not be considered by Senate (35 S.J. 3 C.S. 1002 (1917)).

A Senate resolution which does not require the approval of both Houses may be adopted at a special session, although it relates to a subject not submitted by the Governor (41 S.J. 3 C.S. 15 (1929)).

The only changes that can be made in a bill by resolution are corrections of typographical or clerical errors (43 S.J. Reg. 1946 (1933)). A House concurrent resolution which has been referred to a Senate standing committee during a called session, may, under a suspension of rules, be taken up and considered and adopted although no report on it has ever been submitted by the chairman of the committee to which it was referred. (See procedure had on H.C.R. 5, 51 S.J. 1 C.S. 114 (1950)).

A motion to suspend the regular order of business to consider a resolution immediately is not debatable (54 S.J. Reg. 1433 (1955)).

A motion to take up and consider a resolution is not debatable but a limited explanation of the resolution to which the motion applies is permissible (55 S.J. Reg. 1596 (1957)).

A corrective resolution that seeks to correct a wrong section reference in a bill does not change the language or meaning of the bill (61 S.J. Reg. 1873 (1969)).

A congratulatory resolution when offered is not debatable and therefore may be considered immediately or referred to a committee by the presiding officer of the Senate (61 S.J. 1 C.S. 124 (1969)).

A resolution on which Senate rules have been suspended for consideration thereof does not have to be referred to and considered by a committee (62 S.J. 3 C.S. 125 (1972)).

CONGRATULATORY, MEMORIAL, AND COURTESY RESOLUTIONS

Rule 8.03. (a) Congratulatory and memorial petitions and resolutions, after a brief explanation by the author or sponsor, shall be considered immediately without debate unless otherwise ordered by a majority of the members present.

(b) Upon request by any member, the presiding officer may, at an appropriate time during the proceedings, recognize guests of such member in the gallery.

(c) Any member may request and the Secretary of the Senate shall provide a maximum of five copies of a courtesy recognition certificate for each person or group so recognized by the presiding officer.

(d) The number of times a member may be recognized for a resolution under Subsection (a) of this rule is limited to 10 per session. This limit includes an exception granted under Rule 2.06(a) that involves only a recognition of special guests on the Senate floor.

Note of Ruling

A congratulatory resolution when offered is not debatable and therefore may be considered immediately or referred to a committee by the presiding officer of the Senate (61 S.J. 1 C.S. 124 (1969)).

DEFEATED RESOLUTION

Rule 8.04. After a resolution has been considered and defeated by either branch of the Legislature, no resolution containing the same substance shall be passed into a law during the same session. (Constitution, Article III, Section 34) See note to Rule 7.22.

ARTICLE IX
LOCAL BILLS

DEFINITION OF LOCAL BILL

Rule 9.01. (a) Neither the Senate nor a committee of the Senate may consider a local bill unless notice of intention to apply for the passage of the bill was published as provided by law and evidence of the publication was attached to the bill at the time of introduction.

(b) Except as provided by Subsection (c) of this rule, "local bill" for purposes of this article means:

(1) a bill for which publication of notice is required under Article XVI, Section 59, of the Texas Constitution (water districts, etc.);

(2) a bill for which publication of notice is required under Article IX, Section 9, of the Texas Constitution (hospital districts);

(3) a bill relating to hunting, fishing, or conservation of wildlife resources of a specified locality;

(4) a bill creating or affecting a county court or statutory court or courts of one or more specified counties or municipalities;

(5) a bill creating or affecting the juvenile board or boards of a specified county or counties; or

(6) a bill creating or affecting a road utility district under the authority of Article III, Section 52, of the Texas Constitution.

(c) A bill is not considered to be a local bill under Subsection (b)(3), (4), or (5) of this rule if it affects a sufficient number of localities, counties, or municipalities so as to be of general application or of statewide importance.

INTRODUCTION AND CONSIDERATION OF LOCAL BILLS

Rule 9.02. The constitutional procedure with reference to the introduction, reference to a committee, and the consideration of bills set forth in Article III, Section 5, of the Texas Constitution, shall not apply to local bills herein defined, and the same may be introduced, referred, reported, and acted upon at any time under the general rules and order of business of the Senate.

LOCAL AND UNCONTESTED CALENDAR

Rule 9.03. (a) At times designated by the Senate, the Senate shall meet in session to consider local and uncontested bills and resolutions listed on a calendar certified by the Administration Committee.

(b) The calendar must be furnished to each member of the Senate no later than noon of the day preceding the session at which the legislation on the calendar is to be considered.

(c) A bill or resolution may not be considered if any two or more members of the Senate object in writing before the bill or resolution is laid out for passage on the local calendar or if an amendment is offered other than from the committee reporting the bill or resolution.

(d) The bills and resolutions shall be considered on second and/or third reading in the order in which they are listed on the calendar, and no motion to suspend the regular order of business is required.

REFERRAL TO ADMINISTRATION COMMITTEE

Rule 9.04. (a) All local and uncontested bills and resolutions shall be referred to the Administration Committee for consideration on the Local and Uncontested Calendar.

(b) Rule 11.09, Quorum of Committee, shall not apply to the Administration Committee when it is meeting for the specific and limited purpose of preparing and certifying the local calendar.

(c) The Chair of the Administration Committee may appoint a subcommittee consisting of not less than three members to prepare and certify the Local and Uncontested Calendar.

(d) The Administration Committee may set a time after which application for placement on the Local and Uncontested Calendar may not be accepted.

BILLS AND RESOLUTIONS NOT QUALIFIED FOR CONSIDERATION ON THE LOCAL AND UNCONTESTED CALENDAR

Rule 9.05. The Administration Committee may not consider a bill or resolution for placement on the Local and Uncontested Calendar unless:

(1) the sponsor of the bill or resolution applies for placement on the Local and Uncontested Calendar and submits sufficient copies of the bill or resolution as determined by the Administration Committee; and

(2) the chair of the committee from which the bill or resolution was reported submits a written request for the placement on the Local and Uncontested Calendar.

BILLS AND RESOLUTIONS PROHIBITED FROM PLACEMENT ON THE LOCAL AND UNCONTESTED CALENDAR

Rule 9.06. The Administration Committee may not place a bill or resolution on the Local and Uncontested Calendar if it:

(1) creates a new department or subdivision of a department unless the bill or resolution is purely local in nature and does not require the expenditure of state funds;

(2) contains an appropriation;

(3) is contested; or

(4) is a joint resolution proposing an amendment to the Texas Constitution.

SUSPENSION OF LOCAL CALENDAR RULES

Rule 9.07. No provision of the Local Calendar Rules may be suspended except by the unanimous consent of the members present.

ARTICLE X
AMENDMENTS TO THE CONSTITUTION

JOINT RESOLUTIONS SUBJECT TO RULES GOVERNING BILLS

Rule 10.01. Joint resolutions proposing amendments to the Constitution shall be subject to rules that govern the proceedings on bills. They shall, in all cases, be read on three several days.

VOTES REQUIRED TO AMEND ON THIRD READING AND TO PASS CONSTITUTIONAL AMENDMENTS

Rule 10.02. Amendments on third reading to joint resolutions proposing constitutional amendments shall require an affirmative vote of two-thirds of the members present. Final passage shall require a vote of two-thirds of the members elected to the Senate. (Constitution, Article XVII, Section 1)

Editorial Note

The opinion of Attorney General Cureton, dated May 17, 1913, relative to the validity of an appropriation section in a joint resolution and to the mode and manner of amending the Constitution, holds that Section 1 of Article XVII of the Constitution provides a complete formula for proposal of constitutional amendments and that any rule or resolution attempting to limit, add to, or modify that formula is null and void.

Note of Ruling

A joint resolution that receives a vote of two-thirds of all the members of the Senate on being read second time is not finally passed by the Senate and must take the full course of a bill (44 S.J. Reg. 670 (1935)).

FAILURE OF JOINT RESOLUTION TO BE ADOPTED ON THIRD READING

Rule 10.03. When a joint resolution has failed adoption on third reading, it shall not be considered again during that session.

ARTICLE XI
COMMITTEES

APPOINTMENT OF COMMITTEES

Rule 11.01. All committees and standing subcommittees shall be appointed by the President of the Senate, unless otherwise directed by the Senate.

LIST OF STANDING COMMITTEES AND SUBCOMMITTEES

Rule 11.02. (a) At the beginning of each regular session, the President shall appoint the following standing committees with the number of members indicated:

STANDING COMMITTEES

(1) Committee on Administration (7 members)

(2) Committee on Agriculture, Water, and Rural Affairs (7 members)

(3) Committee on Business and Commerce (9 members)

(4) Committee on Criminal Justice (7 members)

(5) Committee on Education (11 members)

(6) Committee on Finance (15 members)

(7) Committee on Health and Human Services (9 members)

(8) Committee on Higher Education (7 members)

(9) Committee on Intergovernmental Relations (7 members)

(10) Committee on Natural Resources and Economic Development (11 members)

(11) Committee on Nominations (7 members)

(12) Committee on State Affairs (9 members)

(13) Committee on Transportation (9 members)

(14) Committee on Veteran Affairs and Military Installations (7 members)

(b) From the members of the Committee on Veteran Affairs and Military Installations, the President shall appoint a Subcommittee on Border Security consisting of 3 members.

SPECIAL COMMITTEES

Rule 11.03. (a) The President may appoint special committees and may appoint standing subcommittees within committees including subcommittees of the Committee of the Whole Senate. The number of members of these committees and subcommittees shall be determined by the President.

(b) A special committee has the jurisdiction, authority, and duties and exists for the period of time specified in the charge of the President. A special committee has the powers granted by these rules to a standing committee except as limited by the charge of the President.

(c) The President may direct that a subcommittee of the Whole Senate appointed under this rule report directly to the Senate concerning any matter within its jurisdiction.

CHAIR AND VICE-CHAIR OF STANDING COMMITTEES AND STANDING SUBCOMMITTEES

Rule 11.04. The President shall designate the chair and vice-chair of each standing committee and of each standing subcommittee appointed by the President.

APPOINTMENT OF SUBCOMMITTEES WITHIN A STANDING COMMITTEE

Rule 11.05. The chair of a standing committee may appoint subcommittees within a standing committee as the chair deems necessary to accomplish the work of the committee.

RECOMMENDATIONS OF COMMITTEES

Rule 11.06. All reports of standing committees shall be advisory only, except that a recommendation in a report that a bill which is a local bill be not printed shall be effective as an order of the Senate that the bill be not printed. A recommendation in a report that a bill which is a general bill be not printed shall be advisory only, and the bill shall nevertheless be printed unless the Senate on the same day or the next legislative day orders the bill not printed, as provided in Rule 7.12.

Notes of Rulings

A motion to recommit a bill is a proper substitute motion for a motion to not print a bill (55 S.J. Reg. 1546 (1957)).

A motion to instruct a committee to report a bill favorably within a specified time is not in order (65 S.J. Reg. 959 (1977)).

RULES GOVERNING COMMITTEE PROCEDURES

Rule 11.07. (a) At its initial meeting each committee and subcommittee shall adopt permanent rules governing its procedures.

(b) Where applicable the rules of the Senate apply to committee proceedings, and a Senate rule prevails over a conflicting committee rule.

(c) Committee rules must include but are not limited to provisions governing written records of attendance, lack of a quorum, records of meetings, bill referral, bill setting, order of hearing bills, public hearings, subcommittee reports, minority reports, time limits on debate, and provisions for news coverage.

RECORD OF COMMITTEE ATTENDANCE

Rule 11.08. At all meetings of the Senate committees, the chair shall call the roll of the members and cause to be made a record of those present and the absentees, together with the excuses, if any, of such absentees.

QUORUM OF COMMITTEE

Rule 11.09. A majority of any committee shall constitute a quorum, and no action shall be taken upon any bill in the absence of a quorum. At any stated meeting of the committee, if a roll call discloses lack of a quorum, the members present may order the names of the unexcused absentees turned over to the Sergeant-at-Arms of the Senate whose duty it shall be to secure promptly the attendance of such absent members. The Sergeant-at-Arms shall have the same authority conferred on him or her under the rules of the Senate as when the Senate is operating under a call.

PUBLIC NOTICE OF COMMITTEE MEETINGS

Rule 11.10. (a) No committee or subcommittee, except a conference committee, shall meet without at least 24 hours public notice.

(b) Each committee and subcommittee shall meet regularly at an established time and place and shall give public notice at least 24 hours in advance for special meetings.

(c) The chair of each committee and subcommittee shall notify the Secretary of the Senate immediately after the time and place for a committee meeting has been fixed or a meeting has been cancelled. The Secretary shall post notice of the time and place of the meeting on a bulletin board located outside the Secretary of the Senate's office.

Note of Ruling

A motion to suspend "the posting rule" for the purpose of allowing a committee to conduct a public hearing on a bill at a time and place stated in the motion is sufficient for suspension of both Rule 11.10 and Rule 11.18 (74 S.J. Reg. 3029-3032 (1995)).

MINUTES OF COMMITTEE MEETINGS

Rule 11.11. (a) The chair of each committee and subcommittee shall keep or cause to be kept under the chair's direction an accurate record of the proceedings of his or her committee, and the same shall be open for inspection to any member of the Legislature and to the public. Each committee meeting shall be recorded in audio format and in audiovisual format when available.

(b) Each standing committee and subcommittee shall employ a committee clerk and, as determined by the Administration Committee, other staff necessary to coordinate and record the activities of the committee. Such committee clerks, staff, or any employee shall in no way be related to any member of the current Texas Legislature or be related to the person with the power of appointment for that position.

(c) It shall be the duty of the committee clerk, with the assistance of other committee staff members, to keep a permanent, accurate written record of committee proceedings and to transcribe the recordings of committee hearings as ordered by the committee or subcommittee. It shall be the responsibility of the committee clerk to see that one copy of the transcript of proceedings and one copy of the permanent record be kept in the committee files, one copy of each be given to the Secretary of the Senate, and three copies of each be placed in the Legislative Reference Library. Such records shall be a matter of public record.

(d) A copy of the record or minutes of each committee meeting must be filed with the Secretary of the Senate not later than seven days after the day on which the meeting was held.

Notes of Rulings

A report on a bill that was considered at a committee meeting at which a quorum of the committee was not present (as shown by the minutes of the committee) may not be received by the Senate (46 S.J. Reg. 1548 (1939)).

See also fourth note of ruling under Rule 11.12.

COMMITTEE REPORTS

Rule 11.12. (a) The chair of a committee shall sign and file with the Secretary of the Senate a written report showing the committee's final action on bills and resolutions considered by the committee. In the chair's absence the vice-chair shall sign and file the report.

(b) The report must be filed with the Secretary of the Senate within three calendar days after the final action is taken, Sundays and days the Senate is not in session excluded. If the report is not filed within the three-day limit, three members of the committee who were present when the final action was taken may file the report without the signature of the chair or vice-chair.

(c) The Secretary of the Senate shall note the date and time the report was filed and forward the report to be printed in compliance with Rule 7.12.

(d) The committee report and the official committee minutes are sufficient to determine whether the committee report accurately reflects the action of the committee. The President may consider any other documents or information deemed necessary to the determination.

Notes of Rulings

A committee report properly signed, submitted, and received is conclusive as to its contents (42 S.J. 1 C.S. 718 (1931)). (See also note of ruling following Rule 11.13.)

The chair may not go behind a committee report to ascertain if proceedings in the committee were regular (42 S.J. Reg. 1564, 1693 (1931)).

Point of order as to validity of committee's action on bill may be made when bill is not before Senate for immediate consideration (49 S.J. Reg. 347 (1945)).

For an instance when the chair refused to go behind a committee report and official committee minutes to determine whether the committee report accurately reflected the action of the committee, see 73 S.J. Reg. 1073 (1993); 74 S.J. Reg. 2458 (1995).

CONSIDERATION OF BILLS IN COMMITTEES

Rule 11.13. Subject to Rule 7.24 and 7.25, it shall be in order for committees to consider bills and resolutions at any time during the session, make reports thereon, and file the same with the Senate; provided, however, that no Senate committee or conference committee may meet while the Senate is meeting, except by unanimous consent of the members present.

Note of Ruling

In absence of a Senate rule or resolution suspending it, the suspension of Section 5 of Article III relating to consideration of bills in committee requires separate vote for each bill (42 S.J. Reg. 167 (1931)).

CONSIDERATION OF HOUSE BILLS

Rule 11.14. (a) The Senate sponsor of a House measure shall be determined by the chair of the committee, in consultation with the House author of the measure.

(b) It shall be the duty of each committee of the Senate when there has been referred to it or is before it for consideration a Senate bill and a House bill containing the same subject to consider first and report upon the House bill.

VOTES OF COMMITTEE REQUIRED TO REPORT FAVORABLY

Rule 11.15. No bill or resolution shall be reported favorably unless it has received the affirmative vote of a majority of the membership of the committee to which it was referred, except as provided in Rule 11.17.

UNFAVORABLE VOTE OF COMMITTEE

Rule 11.16. When a motion to report a bill or resolution unfavorably receives the affirmative vote of a majority of the members of the committee to which it was referred, except as provided in Rule 11.17, the bill or resolution is dead.

MINORITY REPORTS

Rule 11.17. (a) If a motion to report a bill or resolution unfavorably receives an affirmative vote of a majority of the members of a committee, a favorable minority report may be made. The minority report must be signed by three members of the committee if the committee is composed of less than 11 members or four members if the committee has 11 or more members. The members signing the report must have been present and voted against the motion to report unfavorably.

(b) The minority report must be filed with the Secretary of the Senate within two calendar days after the vote was taken, Sundays and days the Senate is not in session excluded.

(c) The sponsor of a bill or resolution for which a minority report is filed or a member signing the minority report must move to have the bill or resolution placed on the calendar within 10 calendar days after the date on which the committee's vote was taken. An affirmative vote of three-fifths of the members present is required for the motion to carry. If the motion fails or is not made within the time allowed, the bill or resolution is dead and may not be considered again during the session.

Note of Ruling

Bills reported adversely but with a favorable minority report are not to be printed except on an order of the Senate (38 S.J. Reg. 646 (1923)).

PUBLIC HEARINGS

Rule 11.18. (a) No bill may be reported to the Senate before it has been the subject of an open public hearing before a committee or subcommittee. Notice of the hearing on the bill must be posted in a public place at least 24 hours before the hearing is to begin. The chair shall afford reasonable opportunity to interested parties to appear and testify at the hearing.

(b) The chair shall require all parties appearing at the hearing to swear or affirm that the testimony they give to the committee or subcommittee is true and correct.

(c) Any Senator, including one who is not a member of the committee, may question a witness at a hearing. This right shall not be construed to abridge the chair's right to provide others an opportunity to be heard or to entitle any Senator more rights than those afforded a member of the committee.

(d) When possible a person registered as a lobbyist and representing a client's interest at a public hearing shall submit a written statement of his or her presentation to the committee clerk for inclusion in the permanent record of the meeting.

(e) By majority vote a committee may fix the order of appearance and time allotted for each witness at a public hearing.

Notes of Rulings

Consideration of a bill is out of order if it has not been afforded a public hearing in compliance with rules of the Senate (68 S.J. Reg. 1931 (1983)).

A motion to suspend "the posting rule" for the purpose of allowing a committee to conduct a public hearing on a bill at a time and place stated in the motion is sufficient for

suspension of both Rule 11.10 and Rule 11.18 (74 S.J. Reg. 3029-3032 (1995)).

PRIVILEGED NOTICE OF HEARING ON SPECIFIC BILLS (TAG RULE)

Rule 11.19. (a) Except as provided in Subsection (d) of this rule, upon the presentation of a written request to the Secretary of the Senate on a form provided by the Secretary, a Senator shall receive at least 48 hours advance written notice of the time and place set for a public hearing on a specific bill or resolution which has been referred to a Senate committee.

(b) If the bill or resolution is on the agenda of a committee and the committee meeting has already begun to consider matters on the agenda, the request shall be presented to the chair of the committee rather than the Secretary of the Senate, and the chair shall note the time of the receipt of the request on the request form and immediately deliver the form to the Secretary. After receipt of the request by the chair, the bill shall not be laid before the committee until notice is delivered to the Senator in accordance with this rule.

(c) If requests are filed simultaneously by more than one Senator, each Senator is entitled to advance notice in compliance with this rule.

(d) A Senator is not entitled to advance notice of the time and place set for a public hearing on a bill or resolution if:

(1) the time and place for a hearing on the bill has been publicly posted for a period of 72 hours and the Senate has been in session at any time during the first 24 hours of the 72-hour period;

(2) at the request of the chair of the committee or subcommittee to which the bill is referred, the Secretary of the Senate notifies each Senator in writing of the time and place for the hearing on the bill at least 48 hours before the hearing begins;

(3) the bill has been laid before a committee or subcommittee for consideration in a public hearing at which an opportunity to appear and address the subject matter of the bill or resolution was or is afforded to interested parties; or

(4) another Senator has previously presented a similar request to the Secretary or the chair and the bill or resolution has been set for public hearing in compliance with that request.

(e) Upon receipt of written request for advance notice of a hearing, the Secretary of the Senate shall:

(1) immediately inform the chair or in the absence of the chair the vice-chair of the request;

(2) note the time and date of receipt on the request and file a copy of the request for public inspection;

(3) attach a copy of the request to the bill or resolution to which it applies.

(f) The chair of the committee, upon posting a bill or resolution for public hearing in compliance with a request under this rule, shall give written notice to the Secretary of the Senate and the Senator requesting notice of the time and place fixed for the hearing on the bill or resolution.

(g) Notice delivered to the office of the Senator requesting 48 hours advance notice shall constitute official notice to that Senator:

(1) if that notice is delivered by the office of the Secretary of the Senate between the hours of 8:00 a.m. and 5:00 p.m. during days in which the Senate is convened; or

(2) if delivery of the notice to the Senator's office is acknowledged in writing by the Senator or by a member of his or her staff at the time of delivery as to date and hour.

(h) If a Senator withdraws a request for advance notice of a hearing on a bill or resolution, a subsequently filed request by another Senator shall be honored unless a hearing on the bill has already been posted in response to the first request.

(i) The President of the Senate shall ascertain the facts concerning the giving of a notice of a committee hearing on a bill, and the President's ruling as to

the sufficiency of the notice based on the facts as ascertained by the President is the final determination of that point when no appeal from the ruling is made.

(j) If the provisions for requesting 48 hours advance notice before hearing of a Senate bill have been properly fulfilled and a House bill containing the same subject is before the committee, the House bill is considered to require the same 48 hours notice before hearing.

Notes of Rulings

A motion to suspend Senate Rule 11.19 for the purpose of permitting a hearing on a bill without giving a 48-hour notice to a member who has requested it is not debatable (46 S.J. Reg. 1509 (1939)).

The committee's action on a bill at a meeting held without proper 48-hour notice to a member who has properly requested it is in violation of Senate Rule 11.19 [and void]. (Ruling sustained by vote of 13 to 12.) (49 S.J. Reg. 347, 358-359 (1945)).

Re-reference of bill from one committee to another does not vitiate a written request of a member to the chairman of the first committee for a public hearing on the bill and a 48-hour notice of the hearing, and the request goes with the bill to the chairman of the committee to which the bill is re-referred and is binding on him. (Ruling sustained by vote of 13 to 12.) (49 S.J. Reg. 347, 358-359 (1945)).

A Senator who has participated in a committee's action on a bill may not, when the bill is before the Senate, object for the first time that the committee hearing violated Rule 11.19 (tag rule) (70 S.J. Reg. 2167 (1987)).

SUBPOENA AND PROCESS

Rule 11.20. (a) By a record vote of not less than two-thirds of its members, a standing committee of the Senate may issue process to compel the attendance of a witness or to compel a person, agency, or corporation to produce any book, record, document, or other evidence in his, her, or its possession and

control before a proceeding of the committee. The committee chair shall issue the subpoena or other process authorized by this rule in the name of the committee, and the subpoena must contain the following information:

(1) a statement of the reason the committee is requesting the appearance of a person or the reason the committee is requesting the production of documents;

(2) the name, address, and title or position of the person requested to appear;

(3) the specific document or documents being requested; and

(4) the specific time and place that the person is to appear or the specific place and time the documents are to be produced.

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

(c) Except as provided by this rule, the provisions of Sections 301.024, 301.025, 301.026, and 301.027, Government Code, apply to a subpoena or other process issued under this rule.

ARTICLE XII
CONFERENCE COMMITTEES

APPOINTMENT OF CONFERENCE COMMITTEES

Rule 12.01. All conference committees of the Senate shall be selected and appointed by the President or the President Pro Tempore when the latter shall be presiding. The member authoring or sponsoring the bill for which the conference committee is selected shall be appointed chair of the Senate conferees. At least two of the Senate conferees must be from a standing committee which heard the bill.

Notes of Rulings

It is permissible to concur in one House amendment to a Senate bill and to not concur in others and request a conference committee as to those amendments only (63 S.J. Reg. 1657 (1973)).

A conference committee report is out of order if the composition of the conference committee did not comply with Rule 12.01 (66 S.J. Reg. 1873 (1979)).

The composition of a conference committee is within the discretion of the President to the extent that Senate rules do not otherwise provide (71 S.J. 2 C.S. 271-272 (1989)).

INSTRUCTIONS TO CONFERENCE COMMITTEES

Rule 12.02. Immediately after the Senate decides that any matter shall be submitted to a conference committee, the presiding officer shall state "Are there any motions to instruct the conference committee before appointment?" The presiding officer shall thereupon recognize members to make such motions to instruct and the Senate shall proceed to consider all such motions until disposed of or limited under the provisions of Rule 6.09.

Notes of Rulings

Senate conferees may not be instructed by resolution after they have been appointed and have commenced deliberations (43 S.J. Reg. 1684 (1933)).

See also annotations relating to Conference Reports in Appendix.

A conference committee report should not be ruled out on a point of order that instructions have been disobeyed. The members of the Senate decide the question by voting to accept or reject the conference committee report (64 S.J. Reg. 1666 (1975)).

LIMITATIONS ON CONFERENCE COMMITTEE ACTIONS

Rule 12.03. Except as otherwise provided in this article, conference committees shall limit their discussions and their actions solely to the matters in disagreement between the two Houses. A conference committee shall have no authority with respect to any bill or resolution to:

(1) change, alter, or amend text which is not in disagreement;

(2) omit text which is not in disagreement;

(3) add text on any matter which is not in disagreement;

(4) add text on any matter which is not included in either the House or Senate version of the bill or resolution.

This rule shall be strictly construed by the presiding officer in each House to achieve the purposes hereof.

Note of Ruling

Rule 12.03 does not prohibit a conference committee from adding text not in either the Senate or House version of a bill when the text added relates to a matter in disagreement between the two Houses (74 S.J. Reg. 3733-3734, 3740-3741 (1995)).

CONFERENCE COMMITTEES ON APPROPRIATION BILLS

Rule 12.04. Conference committees on appropriation bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two Houses. In addition to the limitations contained elsewhere in these rules, a conference committee on appropriation bills shall be strictly limited in its authority as follows:

(1) If an item of appropriation appears in both House and Senate versions of the bill, such items must be included in the conference report.

(2) If an item of appropriation appears in both House and Senate versions of the bill and in identical amounts, no change can be made in such item or the amount thereof.

(3) If an item of appropriation appears in both House and Senate versions of the bill but in different amounts, no change can be made in the item, but the amount thereof shall be at the discretion of the conference committee, provided that such amount shall not exceed the larger version and shall not be less than the smaller version.

(4) If an item of appropriation appears in one version of the bill and not in the other, such item can be included or omitted at the discretion of the conference committee. If the item is included, the amount thereof shall not exceed the sum specified in the version containing such item.

(5) If an item of appropriation appears in neither the House nor the Senate version of the bill, such item must not be included in the conference report. However, the conference committee report may include appropriations for purposes or programs authorized by bills that have been passed and sent to the Governor and may include contingent appropriations for purposes or programs authorized by bills that have been passed by at least one House.

This rule shall be strictly construed by the presiding officer in each House to achieve the purposes hereof.

CONFERENCE COMMITTEES ON TAX BILLS

Rule 12.05. Conference committees on tax bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two Houses. In addition to the limitations contained elsewhere in these rules, a conference committee on a tax bill shall be strictly limited in its authority as follows:

(1) If a tax item appears in both House and Senate versions of the bill, such item must be included in the conference report.

(2) If a tax item appears in both House and Senate versions of the bill and in identical form and with identical rates, no change can be made in such item or the rate therein provided.

(3) If a tax item appears in both House and Senate versions of the bill but at differing rates, no change can be made in the item, but the rate thereof shall be determined at the discretion of the conference committee, provided that such rate shall not exceed the higher version and shall not be less than the lower version.

(4) If a tax item appears in one version of the bill and not in the other, such item can be included or omitted at the discretion of the conference committee. If the item is included, the rate thereof shall not exceed the rate specified in the version containing such item.

(5) If a tax item appears in neither the House nor the Senate version of the bill, such item must not be included in the conference report.

This rule shall be strictly construed by the presiding officer in each House to achieve the purposes hereof.

CONFERENCE COMMITTEES ON REAPPORTIONMENT BILLS

Rule 12.06. Conference committees on reapportionment bills, to the extent possible, shall limit their discussions and their actions to the matters in disagreement between the two Houses. Since the adjustment of one district in a reapportionment bill will inevitably affect other districts therein, the strict rule of construction imposed on other conference committees must be relaxed somewhat when reapportionment bills are involved. Accordingly, the following authority and limitations shall apply only to conference committees on reapportionment bills:

(1) If the matters in disagreement affect only certain districts and the other districts are identical in both House and Senate versions of the bill, the conference committee shall make adjustments only in those districts whose rearrangement is essential to the effective resolving of the matters in disagreement. All other districts shall remain unchanged.

(2) If the matters in disagreement permeate the entire bill and affect most, if not all, of the districts therein, the conference committee shall have wide discretion in rearranging the districts to the extent necessary to resolve all differences between the two Houses.

(3) Insofar as the actual structure of the districts is concerned and only to that extent, the provisions of Senate Rule 12.03 shall not apply to conference committees on reapportionment bills.

CONFERENCE COMMITTEES ON RECODIFICATION BILLS

Rule 12.07. Conference committees on recodification bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two Houses. The comprehensive and complicated nature of recodification bills makes necessary the relaxing of the strict rule of construction imposed on other conference committees only to the following extent:

(1) If it develops in conference committee that material has been inadvertently included in both House and Senate versions which properly has no place in such recodification, such material may be omitted from the conference report, if by such omission the existing statute thereon is not repealed, altered, or amended.

(2) If it develops in conference committee that material has been inadvertently omitted from both the House and Senate versions which properly should be included if such recodification is to achieve its purposes of being all-inclusive of the statutes being recodified, such material may be added to the conference report, if by such addition the existing statute is merely restated without substantive change in existing law.

SUSPENSION OF CONFERENCE COMMITTEE RULES

Rule 12.08. (a) Limitations imposed on certain conference committees by the provisions of Rules 12.03, 12.04, 12.05, 12.06, and 12.07 may be suspended, in part, by permission of the Senate to enable consideration of and action on a specific matter or matters which otherwise would be in violation thereof. Such permission shall be granted only by resolution passed by majority vote of the Senate, with yeas and nays thereon to be recorded in the journal of the Senate. Such resolution shall specify in detail: (1) the exact nature of the matter or matters proposed to be considered; (2) the specific limitation or limitations to be suspended thereby; (3) the specific action contemplated by the conference committee thereon; and (4) except for a resolution suspending the limitations on

the conferees for the general appropriations bill, the reasons why suspension of such limitations is being requested. In the application of this rule to appropriations bills, the resolution need not include changes in amounts resulting from a proposed salary plan or changes in format that do not affect the amount of an appropriation or the method of finance of an appropriation, but shall include a general statement describing the salary plan or format change. The resolution need not include differences in language which do not affect the substance of the bill. Permission thus granted shall suspend such limitations only for the matter or matters clearly specified in the resolution, and action of the conference committee shall be in conformity therewith.

(b) A copy of a resolution suspending the limitations on the conferees for the general appropriations bill must be furnished to each member at least 48 hours before any action thereon, if convened in regular session, and 24 hours before any action thereon, if convened in called session.

PRINTING AND NOTICE OF CONFERENCE COMMITTEE REPORTS

Rule 12.09. (a) All conference committee reports on the general appropriations bill, tax bills, and reapportionment bills must be reproduced and a copy thereof furnished to each member at least 48 hours before any action thereon, if convened in regular session, and 24 hours, if convened in called session.

(b) All conference committee reports on other bills must be reproduced and a copy thereof furnished to each member at least 48 hours before any action thereon prior to the last 72 hours of a regular session, and 24 hours before any action thereon during a called session or the last 72 hours of a regular session.

SECTION-BY-SECTION ANALYSIS

Rule 12.10. Each conference committee report, regardless of its subject matter, must have attached thereto a section-by-section analysis showing the disagreements which have been resolved by the conference committee. This analysis must show for each and every disagreement in parallel columns: (1) the substance of the House version; (2) the substance of the Senate version; and (3) the substance of the recommendation by the conference committee. No action shall be taken on any conference committee report in the absence of such

analysis, except by an affirmative vote of three-fifths of the members present, with the yeas and nays thereon to be recorded in the journal.

ENFORCEMENT BY PRESIDENT

Rule 12.11. The President of the Senate shall rule out of order any conference committee report which is in violation of any of the provisions and limitations contained in these rules.

Note of Ruling

For an instance when the chair refused to go behind a conference committee report to determine whether the conference committee report accurately reflected the action of the conference committee, see 74 S.J. Reg. 2036 (1995).

ARTICLE XIII
COMMITTEE OF THE WHOLE SENATE

RESOLVE INTO COMMITTEE OF THE WHOLE SENATE

Rule 13.01. It shall be in order for the Senate at any time after bills and resolutions have been called to resolve itself into a Committee of the Whole Senate.

Editorial Note

A motion to resolve the Senate into a Committee of the Whole immediately requires only a majority vote, inasmuch as it is equivalent to a motion to recess (43 S.J. Reg. 1559 (1933)).

CHAIR OF COMMITTEE OF THE WHOLE SENATE

Rule 13.02. In forming a Committee of the Whole Senate, the President shall leave the chair and shall appoint a chair to preside in committee.

RIGHT OF LIEUTENANT GOVERNOR TO DEBATE AND VOTE IN COMMITTEE OF THE WHOLE SENATE

Rule 13.03. When in Committee of the Whole Senate, the President shall have the right to debate and vote on all questions. (Constitution, Article IV, Section 16)

PROCEDURE IN COMMITTEE OF THE WHOLE SENATE

Rule 13.04. The rules of the Senate, as far as applicable, shall be observed in Committee of the Whole Senate.

DEBATE AND AMENDMENTS

Rule 13.05. Upon a matter being referred to a Committee of the Whole Senate or a subcommittee of a Committee of the Whole Senate, the matter shall be read and debated by clauses, leaving the preamble, if any, to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page or line, shall be duly entered by the Secretary of the Senate or the clerk of the subcommittee on a separate sheet of paper as the same shall be agreed to by the committee and so reported to the Senate. After the report, the bill shall again be subject to be debated and amended or committed before a question to engross it be taken.

Editorial Note

No journal is kept by the Journal Clerk of the proceedings of the Senate when in Committee of the Whole.

ARTICLE XIV
NOMINATIONS BY THE GOVERNOR

REFERRAL TO COMMITTEE

Rule 14.01. When nominations shall be sent to the Senate by the Governor, a future day shall be assigned for action thereon, unless the Senate

unanimously directs otherwise. They shall be referred directly to either the Committee on Nominations or the standing committee with jurisdiction over the subject matter involved, which shall hold hearings and report its actions directly back to the Senate.

NOTICE RULE

Rule 14.02. Nominations, having been reported out of the Nominations Committee or other appropriately designated standing committee, shall not be acted upon unless the names of the nominees or individual nominee shall have been printed and a copy thereof furnished to each member 24 hours beforehand.

Note of Ruling

No action can be taken on nominations on same day submitted except by suspending rule requiring nominations to be considered on a "future day" (43 S.J. Reg. 199 (1933)).

EXECUTIVE SESSION OF COMMITTEE

Rule 14.03. Hearings on nominations by the proper committee shall be open meetings, unless an executive session is ordered by a majority vote of the membership of that committee.

Note of Ruling

A motion that the Senate hold an executive session the same day the motion is made is not in order, since Rule 14.01 provides that a future day shall be set for the consideration of Governor's nominations (48 S.J. Reg. 132 (1943)).

REPORT TO GOVERNOR BY SECRETARY OF SENATE

Rule 14.04. All nominations approved or definitely acted on by the Senate shall be returned to the Governor by the Secretary of the Senate from day to day, as such proceedings may occur.

Editorial Note

The Senate of the 43rd Legislature in open session, on a motion made by Senator Woodruff, refused to grant the request of Governor Ferguson to withdraw certain nominations that had been submitted by outgoing Governor Sterling, but not yet acted on by the Senate (43 S.J. Reg. 108 (1933)).

ARTICLE XV
EXECUTIVE SESSIONS

SECRECY OF EXECUTIVE SESSION

Rule 15.01. When the Senate is in executive session, the Senate Chamber and gallery shall be cleared of all persons except the Secretary of the Senate and the Sergeant-at-Arms who shall keep secret proceedings of such session until the injunction of secrecy is removed by unanimous vote of the Senate.

VOTE IN OPEN SESSION

Rule 15.02. Consideration of all information and remarks touching the character and qualifications of nominees for confirmation by the Senate shall be in open session unless an executive session is ordered by a proper motion adopted by a majority vote of the membership of the Senate. Members of the Senate shall vote to confirm or not to confirm in open session of the Senate, and the votes to confirm and not to confirm shall be entered in the journal of the Senate.

Editorial Note

When a report of the nominations committee is before the Senate, and a request is made to sever a nomination to permit the Senate to act on it separately, the request to sever is granted automatically (63 S.J. Reg. 123 (1973)).

SENATOR CAN DISCLOSE OWN VIEWS

Rule 15.03. No member of the Senate shall be prohibited from revealing the member's own view on any matter or the member's vote on any matter pending or having been decided by the Senate.

VIOLATION OF SECRECY

Rule 15.04. Any officer or member convicted of violating any provision of either Rule 15.01 or 15.02 shall be liable, if an officer, to dismissal from the service of the Senate and, if a member, to expulsion.

REPORT OF EXECUTIVE SESSION TO BE RECORDED IN SENATE BOOK

Rule 15.05. The proceedings of the Senate, when in executive session, shall be kept in a separate book. The proceedings of the Senate, when in open session acting upon nominations made by the Governor, shall be entered in the journal of the Senate.

ARTICLE XVI
VOTES REQUIRED TO ADOPT MOTIONS

DEFINITIONS

Rule 16.01. The terms "unanimous consent," "four-fifths of the members of the Senate," "four-fifths of the members present," "two-thirds of the members of the Senate," "two-thirds of the members present," "three-fifths of the members present," "a majority of the members of the Senate," and "a majority of the members present" are defined as follows:

(1) "Unanimous consent" means the consent of all of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(2) "Four-fifths of the members of the Senate" means four-fifths of the 31 elected members of the Senate.

(3) "Four-fifths of the members present" means four-fifths of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(4) "Two-thirds of the members of the Senate" means two-thirds of the 31 elected members of the Senate.

(5) "Two-thirds of the members present" means two-thirds of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(6) "Three-fifths of the members present" means three-fifths of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(7) "A majority of the members of the Senate" means a majority of the 31 elected members of the Senate.

(8) "A majority of the members present" means a majority of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

MATTERS REQUIRING UNANIMOUS CONSENT

Rule 16.02. Unanimous consent of the members present shall be required to:

(1) suspend the Senate floor admission rules; Rule 2.07

(2) suspend the local calendar rules; Rule 9.07

(3) authorize committees or conference committees to meet during a session of the Senate; Rule 11.13

(4) consider a nomination of the Governor without being referred to a committee; Rule 14.01

(5) dispense with secrecy of executive session. Rule 15.01

MATTERS REQUIRING VOTE OF FOUR-FIFTHS OF MEMBERS OF SENATE

Rule 16.03. A vote of four-fifths of the members of the Senate shall be required to:

(1) suspend the constitutional rule prohibiting consideration of a bill during the first 60 days of a regular session; Rule 7.13 (Constitution, Article III, Section 5) See note to Rule 7.13.

(2) suspend the constitutional rule prohibiting introduction of a bill after the first 60 days of a regular session. Rule 7.07 (Constitution, Article III, Section 5) See note to Rule 7.07.

MATTERS REQUIRING VOTE OF FOUR-FIFTHS OF MEMBERS PRESENT

Rule 16.04. A vote of four-fifths of the members present shall be required to:

(1) suspend the constitutional rule requiring bills to be read on three several days; Rule 7.18 (Constitution, Article III, Section 32) See note to Rule 7.18.

(2) suspend the requirement that a bill be reported from a Senate committee at least three days before final adjournment of a regular session; Rule 7.24 (Constitution, Article III, Section 37)

(3) pass a bill on third reading after the 135th calendar day of a regular session; Rule 7.25.

(4) take any action on a bill within the last 24 hours of the session except to correct an error therein; Rule 7.25.

(5) suspend the Intent Calendar rules; Rule 5.14.

(6) reset a special order to earlier time. Rule 5.11.

MATTERS REQUIRING VOTE OF TWO-THIRDS OF MEMBERS OF SENATE

Rule 16.05. A vote of two-thirds of the members of the Senate shall be required for:

(1) final passage of proposed amendment to the Constitution; Rule 10.02 (Constitution, Article XVII, Section 1)

(2) immediate effect of a bill; (Constitution, Article III, Section 39)

(3) the release of payment of taxes in cases of great public calamity; (Constitution, Article VIII, Section 10)

(4) final passage of bills to reduce county to less area than 900 square miles; (Constitution, Article IX, Section 1)

(5) passage of an address to the Governor for the removal of any civil officer; (Constitution, Article XV, Section 8)

(6) expulsion of a member of the Senate; Rule 4.09 (Constitution, Article III, Section 11)

(7) passage of House bills that have been returned by the Governor with objections. Rule 6.20. (Constitution, Article IV, Section 14)

Note of Ruling

A vote of two-thirds of the members is not required for passage of bill to create flood control district and donate portion of taxes collected therein to the district (48 S.J. Reg. 1053 (1943)).

MATTERS REQUIRING VOTE OF TWO-THIRDS OF MEMBERS PRESENT

Rule 16.06. A vote of two-thirds of the members present shall be required to:

(1) impeach any officer; (Constitution, Article XV, Section 3)

(2) pass a Senate bill that has been returned by the Governor with objections; Rule 6.20 (Constitution, Article IV, Section 14) See note to Rule 6.20.

(3) confirm an appointee of the Governor, unless otherwise directed by law; (Constitution, Article IV, Section 12)

(4) adopt an amendment at third reading of a bill or a joint resolution. Rules 7.19 and 10.02.

MATTERS REQUIRING VOTE OF THREE-FIFTHS OF MEMBERS PRESENT

Rule 16.07. A vote of three-fifths of the members present shall be required to:

(1) suspend the floor privileges of a member of the Senate; Rule 4.07

(2) excuse absentees; Rule 5.03

(3) set a matter for special order; Rule 5.11

(4) suspend the regular order of business; Rule 5.13

(5) rerefer a bill to another committee; Rule 6.08

(6) consider immediately petitions, concurrent and joint resolutions, or resolutions setting or defining legislative or state policy; Rule 8.02

(7) place a minority report on the calendar; Rule 11.17

(8) suspend the section-by-section analysis on conference committee reports; Rule 12.10

(9) suspend or rescind any rule of the Senate unless the rules specify a different majority. Rule 22.01.

MATTERS REQUIRING VOTE OF MAJORITY OF MEMBERS OF SENATE

Rule 16.08. A vote of the majority of the members of the Senate is required to:

(1) pass a resolution initially adopting temporary or permanent rules of the Senate; Rule 21.01

(2) adopt, amend, or rescind any Joint Rules of the two Houses; Rules 21.02 and 22.02

(3) adopt resolution to suspend conference committee rules; Rule 12.08

(4) commit or recommit bill, resolution, or petition to a committee; Rule 6.08

(5) hold an executive session; Rule 15.02

(6) pass a resolution amending the Rules of the Senate; Rule 22.01.

MATTERS REQUIRING VOTE OF MAJORITY OF MEMBERS PRESENT

Rule 16.09. A vote of the majority of members present shall be required to:

(1) elect officers; Rule 1.05

(2) elect a member to preside; Rule 1.01

(3) remove a member from the chair; Rule 4.08

(4) pass a bill on second reading; Rule 7.17

(5) pass a bill on third reading, except to give immediate effect to the bill as required by Rule 7.18;

(6) adopt an amendment on second reading;

(7) adopt a motion to reconsider vote; Rules 6.10 and 6.11

(8) dispense with reading of papers; Rule 6.13. See note to Rule 6.13.

(9) debate a congratulatory, memorial, or courtesy resolution; Rule 8.03. See note to Rule 8.03.

(10) adopt a motion for previous question, after five seconds; Rule 6.09. See note to Rule 6.09.

(11) adopt a motion for immediate ruling, after 10 seconds; Rule 6.12. See note to Rule 6.12.

(12) concur in House amendments to Senate bills, except to give immediate effect to the bill as required by Rule 16.05(2);

(13) adopt a Conference Committee Report, except to give immediate effect to the bill as required by Rule 16.05(2).

MATTERS REQUIRING VOTE WHEN LESS THAN A QUORUM IS PRESENT

Rule 16.10. When a quorum is not present, a majority of the members present may:

(1) authorize a call of the Senate; Rule 5.04. See note to Rule 5.04.

(2) authorize a call for absent members; Rule 5.02. See note to Rule 5.02.

(3) adjourn or recess. Rule 5.02.

ARTICLE XVII
SENATE JOURNAL

REASON FOR VOTE

Rule 17.01. Any member shall have the privilege to have spread upon the journal of the Senate a brief statement of the member's reason for any vote he or she may cast. Such statement shall not deal in personalities or contain any personal reflection on any member of the Legislature, the Speaker, the Lieutenant Governor, or the Governor and shall not in any other manner transgress the rules or traditions of the Senate.

Editorial Note

A Senator's privilege of inserting his reasons for a vote is frequently exercised; and in some instances a considerable amount of matter quoted from letters, newspapers, etc., is incorporated in the reasons inserted (40 S.J. Reg. 416-418 (1927); 40 S.J. 1 C.S. 42-43 (1927); 42 S.J. 1 C.S. 24 (1931); 49 S.J. Reg. 582 (1945)).

JOURNAL OF SENATE

Rule 17.02. The proceedings of the Senate, when not in Committee of the Whole Senate or in executive session, shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings. The titles of the bills and such parts thereof only as shall be affected by proposed amendments shall be inserted in the journal. Every report of a committee and vote of the Senate and a brief statement of the contents of each memorial, petition, or paper presented to the Senate shall also be inserted in the journal. Resolutions of a congratulatory nature and resolutions recognizing visitors to the Senate shall not be numbered or printed in the journal, but the names of the sponsor and the persons concerned and the recognition accorded may be listed for each day at the end of the day's proceedings.

Editorial Note

House amendments to any Senate Bill, Senate Joint Resolution, or Concurrent Resolution shall be printed in the

Senate Journal on the day that action is taken by the Senate thereon.

Notes of Rulings

The Senate can take cognizance of an action by House only if officially notified of such action (35 S.J. 2 C.S. 61 (1917)).

It is not out of order for a member to request that the journal show the subjects as well as the numbers of certain bills the recommitment of which has been moved (51 S.J. Reg. 562 (1949)).

A letter relating to supply of natural gas to San Antonio may be inserted in the Senate Journal and the rule relative to contents can be suspended by member requesting same if there is no other matter pending before Senate at that time (62 S.J. 2 C.S. 41 (1972)).

RETURN OF VETOED SENATE BILLS

Rule 17.03. When a bill shall be returned to the Senate by the Governor, with the Governor's objections, it shall be entered at large upon the journal. (Constitution, Article IV, Section 14)

Note of Ruling

Consideration of a motion to override the Governor's veto of a particular bill may be postponed (45 S.J. Reg. 1484 (1937)).

ARTICLE XVIII
MESSAGES TO AND FROM HOUSE

MESSAGES TO THE HOUSE

Rule 18.01. Messages, bills, resolutions, and other papers shall be sent to the House of Representatives by the Secretary of the Senate who shall previously endorse upon them the final determination of the Senate thereon.

MESSAGES FROM THE HOUSE

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Rule 20.01. The President of the Senate shall decide all questions not provided for by the standing Rules of Order of the Senate and Joint Rules of

Rule 20.01

Order of both branches of the Legislature, according to parliamentary practice laid down by approved authors.

Editorial Notes

The rulings of the presiding officers of the Senate as shown in the Texas Legislative Manual, the practice in Congress as shown in Hinds' Precedents and in Cannon's Precedents, the practice in the Texas House of Representatives as shown in the Legislative Manual, and the rules and precedents as set forth in Mason's Manual of Legislative Procedure, Jefferson's Manual, and the Manual of the United States Senate have been resorted to by the presiding officers of the Senate for guidance in deciding questions of order.

For an instance of when the chair submitted a point of order directly to the Senate for its determination, see 71 S.J. 2 C.S. 554 (1989).

Note of Ruling

For an instance of when the chair refused to sustain a point of order challenging compliance with a constitutionally required procedure because the Constitution, laws, rules of the Senate, and official records of the Senate did not provide a basis on which to determine compliance, see 74 S.J. Reg. 2458-2461 (1995).

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Rule 21.01. The Senate shall at the beginning of each Legislative Session adopt temporary or permanent Senate rules by resolution of the Senate. The Senate rules shall be adopted by a majority of the members of the Senate.

JOINT RULES

Rule 21.02. The House and Senate may adopt Joint Rules for the two Houses. Joint Rules may be adopted by a majority of the members of the Senate.

ARTICLE XXII
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SENATE RULES

Rule 22.01. It shall require a vote of three-fifths of the members present to suspend any rule of the Senate, unless the rules specify a different majority. A majority of the members of the Senate may amend the Rules of the Senate by adoption of a Senate Resolution amending the rules, which resolution has been referred to and reported from a committee as otherwise required by these rules. Rules 16.07 and 16.08.

JOINT RULES

Rule 22.02. It shall require a vote of a majority of the members of the Senate to suspend, amend, or rescind any Joint Rules of the two Houses. Rule 16.08

RULES OF THE SENATE--APPENDIX

SENATE PRECEDENTS RELATING TO CONFERENCES

It is immaterial whether a committee to adjust differences be termed a conference committee or a free conference committee, there being no substantial difference between the two (35 S.J. 3 C.S. 670 (1917)).

A motion having been made to adopt a conference report, a motion to reject the report is not in order (42 S.J. 3 C.S. 163 (1932)).

A conference committee may not be instructed after it has commenced its deliberations (43 S.J. Reg. 1684 (1933); 44 S.J. 3 C.S. 250-252 (1936)).

A motion to adopt a conference committee report on a joint resolution is in order at any time and without a reconsideration of the vote by which it has once been lost (44 S.J. Reg. 1812 (1935)).

A motion to discharge a conference committee and request a new conference committee is in order before the original conference committee has submitted its report (45 S.J. 1 C.S. 44 (1937)).

Even after a conference report has been adopted and the bill as recommended in the report has been enrolled, signed, and presented to the Governor, the vote by which report was adopted may be reconsidered, the report rejected, and the differences between the two Houses referred to a new conference committee for adjustment (46 S.J. Reg. 1437 (1939)).

A concurrent resolution to correct a House bill that has been passed by the Senate is in order and requires only a majority vote for adoption (46 S.J. Reg. 1891 (1939)).

Adoption of resolution to recede from Senate amendments to House bill after request made by House for conference committee and request granted but Senate conferees not appointed properly effects an adjustment of differences between two Houses (47 S.J. Reg. 1291 (1941)).

After a bill reaches a stage when the adjustment of the differences between the two Houses on the bill is all that remains to effect its final enactment,

either or both Houses may take any action, separately or jointly, which will adjust those differences (47 S.J. Reg. 1291 (1941)).

A conference report may contain any matter germane to original bill if entire text of bill as passed in the two Houses is different (47 S.J. Reg. 2493 (1941)).

PROCEDURE AND PRACTICE IN CONGRESS RELATIVE TO ADJUSTING DIFFERENCES BETWEEN HOUSES

Steps Preliminary to Conference

The Senate cannot act until in possession of the papers (5, 6322, 6518-6522), and when transmitting papers should ask for or agree to conference (5, 6273).

The papers consist of the original engrossed copy of the bill attested by the Clerk of the House or the Secretary of the Senate, the engrossed amendments, and later the conference report signed by the managers.

The managers on the part of the House asking the conference bring the papers to the conference room. At the close of an effective conference the papers change hands, and the managers on the part of the House agreeing to the conference receive them and take them to their House, which first receives and considers the conference report (5, 6254; 8, 3330).

The motion to not concur yields precedence to the motion to concur (8, 3779).

The stage of disagreement between the two Houses is reached when one informs the other of disagreement (4, 3475; 6, 756, 757). A bill with amendments of the other House is privileged after the stage of disagreement has been reached (4, 3149, 3150; 6, 756; 8, 3185, 3194).

The stage of disagreement having been reached, that motion which tends most quickly to bring the Houses into agreement is preferential, and so a motion to adopt a conference report takes precedence over a motion to recommit it (8, 3204).

A majority of the managers of a conference should represent the attitude of the majority of the House on the disagreement in issue, and on exceptional occasions the Speaker has passed over the ranking member of the committee in the appointment of conferees in order to conform to this practice (8, 3223).

Resignations of conferees are properly addressed to the President, but are acted on by the Senate, and, being accepted, the President appoints successors and directs the Secretary to notify the House (5, 6373-6376; 8, 3224, 3227).

The motion to instruct conferees is not in order after the conferees have been appointed (5, 6379-6382; 8, 3233, 3240, 3256).

The motion to instruct conferees is divisible if it contains more than one substantive proposition (74-2-7945, 7951).

Motions to instruct conferees may not include directions which would be inadmissible if offered as motions during its consideration (8, 3235); may not require conferees to report back amendments outside the subjects in disagreement between the two Houses (8, 3243, 3244).

Conference Reports

When conference results in disagreement, conferees reporting disagreement are thereby discharged (Cannon's Procedure, 4th Ed., 124).

Supplemental reports or minority views may not be filed in connection with conference reports (8, 3302).

Conference reports may not be considered when original bill and accompanying papers are not before the House (8, 3301).

When a conference report is called up only three courses are open: (a) agree, (b) disagree, or (c) recommit (5, 6546).

Conference reports may not be--

Tabled (5, 6538-6544).

Referred to committee (5, 6558).

Amended (5, 6534, 6535), except by concurrent resolution (5, 6536, 6537; 8, 3306-3308).

Recommitted, if House has already agreed (5, 6545-6553, 6609).

When called up for consideration the motion to agree is regarded as pending, and the motion to disagree is not admitted (2, 1473; 5, 6517; 8, 3300).

A conference report must be acted on as a whole and agreed to or disagreed to in entirety (5, 6472-6480; 8, 3304, 3305).

If either House disagrees to conference report the bill returns to position before conference was asked (5, 6526), and amendments in disagreement come up for consideration as originally (2, 1473; 5, 6525).

Clerical errors in conference reports agreed to by the House are corrected by proper enrollment of the bill (Cannon's Procedure, 4th Ed., 127).

The Speaker may rule out a conference report if it is shown that the conferees have exceeded their authority (Sec. 547; 5, 6409, 6410, 6414-6416; 8, 3256, 3264). The Senate amendments are then before the House de novo, and motions to send to conference are again in order (Cannon's Procedure, 4th Ed., 129).

A conference report may be recommitted to the committee of conference if the House has not, by acting on the report, discharged its managers (Sec. 550; 5, 6545-6553, 6609; 8, 3310).

PRECEDENTS ON CONSTITUTIONAL QUESTIONS

Lieutenant Governor T. W. Davidson refused to rule on the constitutionality of an amendment and stated that he would not rule on constitutionality of any amendment unless the particular part of the Constitution alleged to be violated had been carried forward in the rules of the Senate (38 S.J. Reg. 702 (1923)).

A bill which enacts, amends, or repeals general law may contain an appropriation necessary to accomplish the main object of the bill and does not

violate the single-subject limitation of Article III, Section 35, Texas Constitution (71 S.J. 2 C.S. 43-44 (1989)).

Presiding officers have traditionally refused to rule on points of order when raised against bills that may violate "substantive" constitutional provisions. A "substantive" provision is one that establishes policy or principle. "Procedural" provisions of the Constitution (those dealing with the legislative process) may be subject to parliamentary enforcement. (See Rule 5.15 notes)

Qualifications of Member

A person holding the office of district attorney may become candidate for Senator at a special election; and if elected, the Senate is judge of whether he is barred from serving as Senator by Section 19 of Article III of Constitution (44 S.J. 1 C.S. 103 (1935)).

Amending Statutes

The Legislature, in an appropriation bill, may prescribe the qualifications of an officer or employee, for whose salary an appropriation is made (45 S.J. Reg. 1189 (1937)).

A general law may not be amended by an appropriation bill (44 S.J. 3 C.S. 50 (1936)).

A section of a general statute cannot be amended except by a general bill that re-enacts at length and as amended the section amended (44 S.J. 3 C.S. 50 (1936)).

Donations by State

A bill granting and donating ad valorem taxes to the counties of the state for a period of five years for the purpose of constructing improvements to prevent soil erosion and for flood control, highway construction, etc., does not violate Section 51 of Article III, which provides that the Legislature shall have no power to make a grant of public moneys to any municipal or other corporation (45 S.J. Reg. 933 (1937)).

An amendment to permit a loan by the state in violation of Constitution is not in order (49 S.J. Reg. 613 (1945)).

An amendment making an appropriation for the conversion and enlargement of properties donated to the state by the Southwestern Medical Foundation into a College of Medicine of The University of Texas is not in violation of Section 6 of Article XVI of the Constitution prohibiting appropriations for private or individual purposes (51 S.J. Reg. 1127 (1949)).

Amendment by Reference

The mere inclusion or exclusion of a designated thing, individual, or class from the purview of a prior enactment does not constitute an "amendment by reference" within prohibition of Constitution. (Vernon's Ann. St. Const. Art. III, Sec. 36; S.W. Gas & Elec. Co. v. State, 190 S.W. 2d, 132.)

Exclusive Powers of House or Senate

"The specific grant of a power to each House is an express denial of it to the courts or to precedent or subsequent Legislatures."

"There are certain matters which each House determines for itself and in respect to which its decisions are conclusive"; for example, passing on the qualification of members, the adoption of rules of procedure, the confirmation of appointments by the Senate, impeachment by House, trial of impeachment by Senate (35 S.J. 3 C.S. 48-49 (1917)).

Taxation

A bill to amend an article of the Revised Civil Statutes relative to tax on menageries, etc., held not a bill to raise revenue (36 S.J. Reg. 512 (1919)).

A Senate resolution that the "Senate go on record as favoring a tax of one dollar on each pint of whiskey" is not in order because it "[commits] the Senate on a measure which should originate in the House" (40 S.J. 1 C.S. 47 (1927)).

For opinion of the Attorney General relative to the adding by the Senate of a license tax to a bill providing for a gasoline tax, see 41 S.J. 1 C.S. 65-67 (1929).

The Senate may amend a revenue bill from the House by adding a new field of taxation and so may place a tax on the sale of cigarettes by amending a bill imposing a privilege tax on persons producing natural gas; and a tax on

cement may be added to a bill levying tax on peddlers (42 S.J. Reg. 893, 1622 (1931)).

A measure which merely relates to revenue and is not a "revenue-raising measure" may originate in the Senate (45 S.J. Reg. 249 (1937)).

A Senate bill amending a revenue-raising law is a revenue-raising measure itself and cannot originate in the Senate (42 S.J. 1 C.S. 696 (1931)).

An amendment, the adoption of which will make of a Senate bill a revenue-raising measure, is not in order (45 S.J. Reg. 249 (1937)).

An amendment which makes a revenue-raising measure of a bill further defining the term "carbon black" as used in the omnibus tax law is not in order (51 S.J. Reg. 1641 (1949)).

An amendment to levy tax on fuel used in aircraft offered to bill exempting from motor fuel tax law fuels used for non-highway purposes subjects the bill to the constitutional prohibition against revenue-raising measures originating in Senate and is not in order (49 S.J. Reg. 527 (1945)).

The Senate may amend a revenue bill from the House by adding a new field of taxation, and so may place a tax on cigarettes in a bill levying certain other taxes (42 S.J. Reg. 893 (1931)).

A bill which produces revenue as an incident to a different, non-revenue-producing purpose may originate in the Senate (68 S.J. Reg. 834-835 (1983); 71 S.J. 2 C.S. 44 (1989); 74 S.J. Reg. 2030-2035 (1995)).

Jurisdiction--Special Sessions

Article III, Section 40 of the Constitution reads as follows:

> "When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor, and no such session shall be of longer duration than 30 days."

The courts have interpreted Article III, Section 40 to mean that:

(1) the intention of this section is not to require the Governor to define with precision the detail of the legislation but only in general ways, by this call, to confine the business to the particular subjects. Brown v. State, 32 Tex. Crim. 133, 22 S.W. 596, 601 (1893); Long v. State, 58 Tex. Crim. 209, 127 S.W. 208 (1910).

(2) it is not necessary or proper for the Governor to suggest in detail the legislation desired. It is for the Legislature to determine what the legislation shall be. Brown v. State, 32 Tex. Crim. 133, 22 S.W. 596, 601 (1893).

(3) the Constitution does not require the proclamation of the Governor to define the character and scope of legislation which may be enacted at a special session but only in a general way to present the subjects for legislation, and thus confine the business to a particular field which may be covered in such ways as the Legislature may determine. Baldwin v. State, 21 Tex. 591, 3 S.W. 109 (1886); Deveraux v. City of Brownsville, 29 Fed. Rep. 742 (1887).

The gist of these opinions is that the Legislature is not held to strict interpretation of "subject" submitted in the Governor's call, but rather that it has the authority to determine the specific details of legislation as long as they come generally within the call. And it seems clear that the Governor can not restrict the Legislature to a particular bill or plan of legislation.

As an example, in Baldwin v. State, a defendant found guilty of failing to pay an occupation tax attacked the constitutionality of the statute imposing the tax on the ground that it was not included in the subjects contained in the proclamation convening the special session at which it was enacted. The proclamation stated that one of the purposes of the special session was "to reduce taxes, both ad valorem and occupation, so far as it may be consistent with the support of an efficient state government." The court found that the

proclamation embraced the whole subject of taxation and that the Governor's proclamation merely called attention to the subject on which legislation was desired. Thus, the statute imposing a tax was upheld as being authorized by a proclamation that spoke only to reducing taxes.

In called sessions, the chair may employ two distinct procedures in dealing with bills embodying subjects not submitted by the Governor in the proclamation or in messages to the Legislature.

Under the first option, the chair gives all bills a first reading and refers them to the appropriate committees without regard as to whether they fit within the stated purposes of the called session. This procedure does not diminish the right of any member to later challenge a measure on the grounds that it is not contained within the call. The procedure does, however, activate the committee operations of the Senate and has proven in the past to expedite the consideration of subjects that the Governor may later submit to a called session.

Under the second option the chair reviews all bills filed with the Secretary of the Senate or received from the House, to determine if their subject matter has been submitted by the Governor. The chair will then admit to first reading only those that are so covered.

It is generally conceded that if a bill, not within the Governor's call or later submissions, is passed by the Legislature and signed or filed by the Governor (not vetoed) it will become law.

A bill relating to a subject not within the Governor's call for a special session, upon being submitted for introduction, is out of order, and the chair may refuse to refer it to a committee (41 S.J. 5 C.S. 9, 14 (1930)).

A bill amending a law relating to a subject not within the Governor's call may not be introduced at a Called Session (44 S.J. 1 C.S. 63 (1935)).

A point of order as to the Senate's jurisdiction may be raised at any time, and a point of order against consideration of a bill at a Called Session on the ground that it relates to a subject not submitted for consideration at that session or a point of order that the bill is a revenue-raising measure that cannot originate in the Senate, if upheld, prevents consideration by the Senate of any such bill (44 S.J. 2 C.S. 7 (1935)).

A bill to prohibit betting on races by pari-mutuel method and by other methods as well is within call of Governor for a special session "to outlaw and prohibit the so-called pari-mutuel betting or gaming on horse races at race tracks" (45 S.J. 1 C.S. 19-20 (1937)).

In case the chair holds a bill may not be introduced at a Called Session because it relates to a subject not submitted by the Governor and an appeal is taken from the ruling and the chair is not sustained, the bill may be introduced and considered by the Senate at that session (45 S.J. 2 C.S. 60 (1937)).

A bill revising appropriations already made comes within the Governor's call of a special session to "balance the budget, etc." (45 S.J. 2 C.S. 71 (1937)).

A concurrent resolution to permit suit against State is not in order at Called Session unless subject of resolution submitted by Governor (47 S.J. 1 C.S. 69 (1941)).

An amendment to authorize the use of a portion of certain revenues for the benefit of the M. D. Anderson Hospital for Cancer Research is not within the Governor's call for a special session "to make and to finance such appropriations as the Legislature may deem necessary . . . for the agencies and institutions for which appropriations were made by Chapter 553, Acts of the 51st Legislature, Regular Session," since no reference is made in said Chapter to said M. D. Anderson Hospital for Cancer Research (51 S.J. 1 C.S. 99 (1950)).

An amendment making an appropriation to be used principally for distributing surplus commodities to the state hospitals and special schools is within the Governor's call for a special session "to make and to finance such appropriations as the Legislature may deem necessary for the State hospitals and special schools." (51 S.J. 1 C.S. 79 (1950)).

The Senate while in called session may consider a concurrent resolution petitioning the Congress to propose a constitutional amendment (71 S.J. 1 C.S. 72 (1989)).

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Uniform Tax Rule

Under the constitutional provision requiring all occupation taxes to be equal and uniform on same class, Legislature has power to classify subjects and court can only interfere when it is made clearly to appear that the attempted classification has no reasonable basis in the nature of businesses classified and that the law operates unequally upon subjects between which there is no real difference. (See Vernon's Annotated Constitution, Art. VIII, Section 1.)

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Suspension of rules limiting introduction and consideration of bills. Rules 7.07(b), p. 51; 7.13, p. 60; 16.03(1), p. 102; 16.03(2), p. 102.

Suspension of three-day rule requires vote of four-fifths of Members present. Rules 7.18, p. 66; 16.04(1), p. 102.
Three-fifths vote of Members present may suspend pending special order to take up another special order, the time for the consideration of which has arrived. Rules 5.11(b), p. 24; 16.07(3), p. 104.
Three-fifths vote of Members present to change order of business. Rules 5.13, p. 27; 16.07(4), p. 104.
Three-fifths vote of Members present to postpone consideration of a special order. Rules 5.11(b), p. 24; 16.07(3), p. 104.
Three-fifths vote of Members present to rescind rule. Rule 16.07(9), p. 104.
Three-fifths vote of Members present to suspend rule, unless rule specifies different majority. Rules 16.07(9), p. 104; 22.01, p. 111.
Tie vote on question in absence of Lieutenant Governor defeats it. Rule 6.19, p. 46.
Two-thirds vote of Members of Senate to expel a Member. Rules 4.09, p. 16; 16.05(6), p. 103.
Two-thirds vote of Members of Senate to pass constitutional amendment. Rules 10.01, p. 76; 10.02, p. 76.
Two-thirds vote of Members present to adopt amendment to bill on third reading. Rules 7.19, p. 67; 16.06(4), p. 104.
Unanimous consent of Members present to suspend Local Calendar Rules. Rule 9.07, p. 76.
Vetoed bills, vote required for passage. Rules 6.20, pp. 46-47; 16.05(7), p. 103; 16.06(2), p. 104.
Votes of Senate to be entered in Journal. Rule 17.02, p. 107.
Yeas and nays may be demanded by three Senators, entry on Journal. Rule 6.15(b), p. 44.

W

WITHDRAWAL OF MOTION-
After previous question ordered (editorial note). Rule 6.09, p. 38.
Motion in possession of Senate may be withdrawn, when. Rule 6.04, p. 35.
Note relative effect of, on debate. Rule 6.04, p. 36.
Note relative privilege of maker at any time. Rule 4.03, p. 11.

WITNESS-
Compelling attendance and production of evidence by standing committee. Rule 11.20, pp. 88-89.

WITNESSES-
List required, committee reports. Rule 7.12(b), pp. 59-60.
Order of appearance and time allotted at public hearing. Rule 11.18(e), p. 85.
Questioning by Senators at public hearing. Rule 11.18(c), p. 85.

WRITTEN MOTIONS-
Demand that motions be in writing. Rule 6.03, p. 35.
Ruling relative effect of withdrawal when Senator on floor. Rule 6.04, p. 36.

Y

YEAS AND NAYS-
See also Votes, Voting.
Assent and dissent indicated by. Rule 6.14, p. 43.
Demand by three Senators; entry on Journal. Rule 6.15(b), p. 44.
On all motions to suspend or comply with a constitutional procedure, to be entered in Journal. Rule 6.15(a)(2), p. 44.
On certain questions called by presiding officer, rules on entry in Journal. Rule 6.15(a)(3), p. 44.
On final passage of all bills, to be entered in Journal. Rule 6.15(a)(1), p. 44.

On final passage of all constitutional amendments. Rule 6.15(a)(1), p. 44.
On questions requiring two-thirds vote of Members elected, to be entered in Journal. Rule 6.15(a)(2), p. 44.
Record vote, when required. Rule 6.15, pp. 44-45.
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Suspension of three-day rule; vote required, entry in Journal. Rule 7.18, p. 66.

YIELDING-
Resuming floor after. Rule 4.03, pp. 9-10.

MEMBERS OF THE
HOUSE OF REPRESENTATIVES
84th Legislature

Name	District No.	District Office	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Straus, Joe (Speaker)	121	San Antonio	Rep.	Insurance, Executive Benefits	79th (part), 80th, 81st, 82nd, 83rd	Bexar (part)
Allen, Alma	131	Houston	Dem.	Educational Consultant	79th, 80th, 81st, 82nd, 83rd	Harris (part)
Alonzo, Roberto R.	104	Dallas	Dem.	Attorney	73rd, 74th, 78th, 79th, 80th, 81st, 82nd, 83rd	Dallas (part)
Alvarado, Carol	145	Houston	Dem.	Consultant, Small Business	81st, 82nd, 83rd	Harris (part)
Anchia, Rafael	103	Dallas	Dem.	Attorney	79th, 80th, 81st, 82nd, 83rd	Dallas (part)
Anderson, Charles “Doc”	56	Waco	Rep.	Veterinarian	79th, 80th, 81st, 82nd, 83rd	McLennan (part)
Anderson, Rodney	105	*	Rep.	Title Insurance Manager	82nd	Dallas (part)
Ashby, Trent	57	Lufkin	Rep.	Angelina County Chairman of Citizens National Bank	83rd	Angelina, Houston, Leon, Madison, San Augustine, Trinity
Aycock, Jimmie Don	54	Killeen	Rep.	Veterinarian, Rancher	80th, 81st, 82nd, 83rd	Bell (part), Lampasas
Bell, Jr., Cecil	3	Magnolia	Rep.	Contractor	83rd	Montgomery (part), Waller
Bernal, Diego	123	San Antonio	Dem.	Attorney		Bexar (part)
Blanco, César José	76	*	Dem.	Consultant		El Paso (part)
Bohac, Dwayne	138	Houston	Rep.	Small Business Owner	78th, 79th, 80th, 81st, 82nd, 83rd	Harris (part)
Bonnen, Dennis	25	Angleton	Rep.	Banking	75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Brazoria (part), Matagorda
Bonnen, Greg	24	League City	Rep.	Neurosurgeon	83rd	Galveston (part)

Name	District No.	District Office	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Burkett, Cindy	113	Garland	Rep.	Realtor	82nd, 83rd	Dallas (part)
Burns, DeWayne	58	*	Rep.	Investor, Farmer, Rancher		Bosque, Johnson
Burrows, Dustin	83	*	Rep.	Attorney		Borden, Gaines, Lubbock (part), Lynn, Mitchell, Scurry, Terry
Button, Angie Chen	112	Richardson	Rep.	Marketing Manager	81st, 82nd, 83rd	Dallas (part)
Canales, Terry	40	Edinburg	Dem.	Attorney	83rd	Hidalgo (part)
Capriglione, Giovanni	98	Keller	Rep.	President, Texas Adventure Capital, LLC	83rd	Tarrant (part)
Clardy, Travis	11	Nacogdoches	Rep.	Attorney	83rd	Cherokee, Nacogdoches, Rusk
Coleman, Garnet F.	147	Houston	Dem.	Business Consulting	72nd (part), 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Harris (part)
Collier, Nicole	95	Fort Worth	Dem.	Attorney	83rd	Tarrant (part)
Cook, Byron	8	*	Rep.	Businessman, Rancher	78th, 79th, 80th, 81st, 82nd, 83rd	Anderson, Freestone, Hill, Navarro
Craddick, Tom	82	Midland	Rep.	Sales Representative, Horizon Mud Company	61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Crane, Dawson, Martin, Midland, Upton
Crownover, Myra	64	Lake Dallas	Rep.	Banking, Oil and Gas	76th (part), 77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Denton (part)

Name	District No.	District Office	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Cyrier, John	17	*	Rep.	President and CEO, Sabre Commercial Construction		Bastrop, Caldwell, Gonzales, Karnes, Lee
Dale, Tony	136	*	Rep.	Owner, Small Business	83rd	Williamson (part)
Darby, Drew	72	San Angelo	Rep.	Attorney, Businessman	80th, 81st, 82nd, 83rd	Coke, Concho, Glasscock, Howard, Irion, Reagan, Runnels, Sterling, Tom Green
Davis, Sarah	134	Houston	Rep.	Attorney	82nd, 83rd	Harris (part)
Davis, Yvonne	111	Dallas	Dem.	Owner, Small Business	73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Dallas (part)
Deshotel, Joseph “Joe”	22	Port Arthur	Dem.	Attorney, Contractor	76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Jefferson (part)
Dukes, Dawnna	46	Austin	Dem.	Business Resource Consultant	74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Travis (part)
Dutton, Jr., Harold V.	142	Houston	Dem.	Attorney	69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Harris (part)
Elkins, Gary	135	Houston	Rep.	Business Consultant	74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Harris (part)
Faircloth, Wayne	23	*	Rep.	Insurance Agent		Chambers, Galveston (part)
Fallon, Pat	106	Little Elm	Rep.	Business Owner	83rd	Denton (part)

Name	District No.	District Office	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Farias, Joe	118	San Antonio	Dem.	Retired	80th, 81st, 82nd, 83rd	Bexar (part)
Farney, Marsha	20	Georgetown	Rep.	Educator	83rd	Burnet, Milam, Williamson (part)
Farrar, Jessica	148	Houston	Dem.	State Representative	74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Harris (part)
Fletcher, Allen	130	Cypress	Rep.	Retired Police Officer, Owner, Small Business	81st, 82nd, 83rd	Harris (part)
Flynn, Dan	2	Canton	Rep.	Businessman, Rancher	78th, 79th, 80th, 81st, 82nd, 83rd	Hopkins, Hunt, Van Zandt
Frank, James B.	69	Wichita Falls	Rep.	Business Owner	83rd	Archer, Baylor, Clay, Foard, Knox, Wichita
Frullo, John M.	84	Lubbock	Rep.	Owner, Small Business	81st (part), 82nd, 83rd	Lubbock (part)
Galindo, Rick	117	San Antonio	Rep.	Risk Manager		Bexar (part)
Geren, Charlie	99	River Oaks	Rep.	Restaurant Owner, Rancher	77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Tarrant (part)
Giddings, Helen	109	DeSoto	Dem.	Owner, Small Business	73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Dallas (part)
Goldman, Craig	97	Fort Worth	Rep.	Real Estate, Investments	83rd	Tarrant (part)
Gonzales, Larry	52	Round Rock	Rep.	Business Owner	82nd, 83rd	Williamson (part)
González, Mary E.	75	Socorro	Dem.	Consultant	83rd	El Paso (part)
Guerra, R. D. “Bobby”	41	McAllen	Dem.	Attorney	82nd (part), 83rd	Hidalgo (part)

Name	District No.	District Office	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Guillen, Ryan	31	Rio Grande City	Dem.	Investor	78th, 79th, 80th, 81st, 82nd, 83rd	Atascosa, Brooks, Duval, Jim Hogg, Kenedy, LaSalle, Live Oak, McMullen, Starr, Willacy
Gutierrez, Roland	119	San Antonio	Dem.	Attorney	80th (part), 81st, 82nd, 83rd	Bexar (part)
Harless, Patricia	126	Spring	Rep.	Automobile Dealer	80th, 81st, 82nd, 83rd	Harris (part)
Hernandez, Ana	143	Houston	Dem.	Attorney	79th (part), 80th, 81st, 82nd, 83rd	Harris (part)
Herrero, Abel	34	Corpus Christi	Dem.	Attorney	79th, 80th, 81st, 83rd	Nueces (part)
Howard, Donna	48	Austin	Dem.	Community Advocate	79th (part), 80th, 81st, 82nd, 83rd	Travis (part)
Huberty, Dan	127	Kingwood	Rep.	Sales Consultant	82nd, 83rd	Harris (part)
Hughes, Bryan	5	Mineola	Rep.	Attorney	78th, 79th, 80th, 81st, 82nd, 83rd	Camp, Morris, Rains, Smith (part), Titus, Wood
Hunter, Todd	32	Corpus Christi	Rep.	Attorney	71st, 72nd, 73rd, 74th, 81st, 82nd, 83rd	Nueces (part)
Isaac, Jason	45	*	Rep.	Consultant, Owner, Small Business	82nd, 83rd	Blanco, Hays
Israel, Celia	50	Austin	Dem.	Realtor	83rd (part)	Travis (part)
Johnson, Eric	100	Dallas	Dem.	Attorney	81st (part), 82nd, 83rd	Dallas (part)
Kacal, Kyle	12	Bryan	Rep.	Rancher	83rd	Brazos (part), Falls, Limestone, McLennan (part), Robertson

Name	District No.	District Office	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Keffer, James “Jim”	60	Granbury	Rep.	President, EBAA Iron Sales, Inc.	75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Brown, Callahan, Coleman, Eastland, Hood, Palo Pinto, Shackelford, Stephens
Keough, Mark J.	15	*	Rep.	Minister		Montgomery (part)
King, Ken	88	Canadian	Rep.	Oil and Gas Service Executive	83rd	Armstrong, Bailey, Briscoe, Castro, Cochran, Donley, Gray, Hale, Hansford, Hemphill, Hockley, Lamb, Lipscomb, Ochiltree, Roberts, Swisher, Yoakum
King, Phil	61	Weatherford	Rep.	Attorney	76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Parker, Wise
King, Susan Lewis	71	Abilene	Rep.	Surgical Nurse, Business Owner	80th, 81st, 82nd, 83rd	Jones, Nolan, Taylor
King, Tracy O.	80	Laredo	Dem.	Businessman	74th, 75th, 76th, 77th, 79th, 80th, 81st, 82nd, 83rd	Dimmit, Frio, Uvalde, Webb (part), Zapata, Zavala
Klick, Stephanie	91	North Richland Hills	Rep.	Registered Nurse	83rd	Tarrant (part)
Koop, Linda	102	*	Rep.	Retired		Dallas (part)
Krause, Matt	93	Fort Worth	Rep.	Attorney	83rd	Tarrant (part)
Kuempel, John	44	Seguin	Rep.	Salesman	81st (part), 82nd, 83rd	Guadalupe, Wilson
Landgraf, Brooks	81	Odessa	Rep.	Attorney, Rancher		Andrews, Ector, Ward, Winkler

Name	District No.	District Office	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Larson, Lyle	122	San Antonio	Rep.	Owner, Small Business	82nd, 83rd	Bexar (part)
Laubenberg, Jodie	89	Murphy	Rep.	State Representative	78th, 79th, 80th, 81st, 82nd, 83rd	Collin (part)
Leach, Jeff	67	Plano	Rep.	Attorney	83rd	Collin (part)
Longoria, Oscar	35	Peñitas	Dem.	Attorney	83rd	Cameron (part), Hidalgo (part)
Lozano, J. M.	43	Kingsville	Rep.	Businessman	82nd, 83rd	Bee, Jim Wells, Kleberg, San Patricio
Lucio III, Eddie	38	Brownsville	Dem.	Attorney	80th, 81st, 82nd, 83rd	Cameron (part)
Márquez, Marisa	77	El Paso	Dem.	Vice President, JAR Insurance	81st, 82nd, 83rd	El Paso (part)
Martinez, Armando “Mando”	39	Weslaco	Dem.	Firefighter, Paramedic	79th, 80th, 81st, 82nd , 83rd	Hidalgo (part)
Martinez Fischer, Trey	116	San Antonio	Dem.	Attorney	77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Bexar (part)
McClendon, Ruth Jones	120	San Antonio	Dem.	Business Owner	74th (part), 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Bexar (part)
Menéndez, José **	124	San Antonio	Dem.	Businessman	77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Bexar (part)
Metcalf, Will	16	Conroe	Rep.	Banking	83rd (part)	Montgomery (part)
Meyer, Morgan	108	*	Rep.	Attorney		Dallas (part)
Miles, Borris L.	146	Houston	Dem.	Insurance Agent	80th, 82nd, 83rd	Harris (part)

Name	District No.	District Office	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Miller, Doug	73	New Braunfels	Rep.	Insurance Agent	81st, 82nd, 83rd	Comal, Gillespie, Kendall
Miller, Rick	26	Sugar Land	Rep.	Management Consultant	83rd	Fort Bend (part)
Moody, Joe	78	El Paso	Dem.	Attorney	81st, 83rd	El Paso (part)
Morrison, Geanie W.	30	Victoria	Rep.	State Representative	76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Aransas, Calhoun, DeWitt, Goliad, Refugio, Victoria
Muñoz, Jr., Sergio	36	Mission	Dem.	Attorney	82nd, 83rd	Hidalgo (part)
Murphy, Jim	133	Houston	Rep.	Consultant	80th, 82nd, 83rd	Harris (part)
Murr, Andrew S.	53	*	Rep.	Attorney, Rancher		Bandera, Crockett, Edwards, Kerr, Kimble, Llano, Mason, Medina, Menard, Real, Schleicher, Sutton
Naishtat, Elliott	49	Austin	Dem.	Attorney	72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Travis (part)
Nevárez, Poncho	74	Eagle Pass	Dem.	Attorney	83rd	Brewster, Culberson, Hudspeth, Jeff Davis, Kinney, Loving, Maverick, Pecos, Presidio, Reeves, Terrell, Val Verde
Oliveira, René	37	Brownsville	Dem.	Attorney	67th (part), 68th, 69th, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Cameron (part)

Name	District No.	District Office	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Otto, John	18	Dayton	Rep.	Certified Public Accountant	79th, 80th, 81st, 82nd, 83rd	Liberty, San Jacinto, Walker
Paddie, Chris	9	Marshall	Rep.	General Manager, Radio Station	83rd	Cass, Harrison, Marion, Panola, Sabine, Shelby
Parker, Tan	63	Flower Mound	Rep.	Business Consultant	80th, 81st, 82nd, 83rd	Denton (part)
Paul, Dennis	129	Houston	Rep.	Engineer		Harris (part)
Peña, Gilbert	144	*	Rep.	Retired		Harris (part)
Phelan, Dade	21	*	Rep.	Real Estate Developer		Jefferson (part), Orange
Phillips, Larry	62	Sherman	Rep.	Attorney	78th, 79th, 80th, 81st, 82nd, 83rd	Delta, Fannin, Grayson
Pickett, Joe C.	79	El Paso	Dem.	Real Estate	74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd	El Paso (part)
Price, Four	87	Amarillo	Rep.	Attorney	82nd, 83rd	Carson, Hutchinson, Moore, Potter, Sherman
Raney, John	14	Bryan	Rep.	Bookstore Owner	82nd (part), 83rd	Brazos (part)
Raymond, Richard Peña	42	Laredo	Dem.	Businessman	73rd, 74th, 75th, 77th (part), 78th, 79th, 80th, 81st, 82nd, 83rd	Webb (part)
Reynolds, Ron	27	Missouri City	Dem.	Attorney	82nd, 83rd	Fort Bend (part)
Riddle, Debbie	150	Spring	Rep.	Horse Breeder	77th (part), 78th, 79th, 80th, 81st, 82nd, 83rd	Harris (part)
Rinaldi, Matt	115	*	Rep.	Attorney		Dallas (part)

Name	District No.	District Office	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Rodriguez, Eddie	51	Austin	Dem.	Business Development Consultant	78th, 79th, 80th, 81st, 82nd, 83rd	Travis (part)
Rodriguez, Justin	125	San Antonio	Dem.	Attorney	83rd	Bexar (part)
Romero, Jr., Ramon	90	Fort Worth	Dem.	Business Owner		Tarrant (part)
Rose, Toni	110	Dallas	Dem.	Mental Health Liaison	83rd	Dallas (part)
Sanford, Scott	70	McKinney	Rep.	Minister	83rd	Collin (part)
Schaefer, Matt	6	Tyler	Rep.	Attorney	83rd	Smith (part)
Schofield, Mike	132	*	Rep.	Attorney		Harris (part)
Schubert, Leighton	13	*	Rep.	Attorney		Austin, Burleson, Colorado, Fayette, Grimes, Lavaca, Washington
Shaheen, Matt	66	*	Rep.	Technology Executive		Collin (part)
Sheets, Kenneth	107	Dallas	Rep.	Attorney	82nd, 83rd	Dallas (part)
Sheffield, J. D.	59	Gatesville	Rep.	Physician	83rd	Comanche, Coryell, Erath, Hamilton, McCulloch, Mills, San Saba, Somervell
Simmons, Ron	65	Carrollton	Rep.	Investment Advisor	83rd	Denton (part)
Simpson, David	7	Longview	Rep.	Business Executive, Tree Farmer	82nd, 83rd	Gregg, Upshur
Smith, Wayne	128	Baytown	Rep.	Civil Engineer	78th, 79th, 80th, 81st, 82nd, 83rd	Harris (part)

Name	District No.	District Office	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Smithee, John	86	Amarillo	Rep.	Attorney	69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Dallam, Deaf Smith, Hartley, Oldham, Parmer, Randall
Spitzer, Stuart	4	*	Rep.	General Surgeon		Henderson (part), Kaufman
Springer, Jr., Drew	68	Gainesville	Rep.	Financial Services	83rd	Childress, Collingsworth, Cooke, Cottle, Crosby, Dickens, Fisher, Floyd, Garza, Hall, Hardeman, Haskell, Jack, Kent, King, Montague, Motley, Stonewall, Throckmorton, Wheeler, Wilbarger, Young
Stephenson, Phil	85	Rosenberg	Rep.	Certified Public Accountant	83rd	Fort Bend (part), Jackson, Wharton
Stickland, Jonathan	92	Bedford	Rep.	Oil and Gas Consultant	83rd	Tarrant (part)
Thompson, Ed	29	Pearland	Rep.	Insurance Agent	83rd	Brazoria (part)
Thompson, Senfronia	141	Houston	Dem.	Attorney	63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Harris (part)
Tinderholt, Tony	94	*	Rep.	Retired Military		Tarrant (part)

Name	District No.	District Office	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Turner, Chris	101	Arlington	Dem.	Communications Consultant	81st, 83rd	Tarrant (part)
Turner, Scott	33	Rockwall	Rep.	Director of Business Development, Public Relations	83rd	Collin (part), Rockwall
Turner, Sylvester	139	Houston	Dem.	Attorney	71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Harris (part)
VanDeaver, Gary	1	*	Rep.	Retired Educator		Bowie, Franklin, Lamar, Red River
Villalba, Jason	114	Dallas	Rep.	Attorney	83rd	Dallas (part)
Vo, Hubert	149	Houston	Dem.	Businessman	79th, 80th, 81st, 82nd, 83rd	Harris (part)
Walle, Armando Lucio	140	Houston	Dem.	Law Student	81st, 82nd, 83rd	Harris (part)
White, James	19	Woodville	Rep.	Educator, Rancher	82nd, 83rd	Hardin, Jasper, Newton, Polk, Tyler
White, Molly S.	55	*	Rep.	Pro-life and Women's Health Speaker and Advocate, Founder of Women for Life International, Texas Leader of Operation Outcry		Bell (part)
Workman, Paul D.	47	Austin	Rep.	Commercial Construction Consultant	82nd, 83rd	Travis (part)
Wray, John	10	*	Rep.	Lawyer		Ellis, Henderson (part)

Name	District No.	District Office	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Wu, Gene	137	Houston	Dem.	Attorney	83rd	Harris (part)
Zedler, Bill	96	Arlington	Rep.	Retired Consultant	78th, 79th, 80th, 82nd, 83rd	Tarrant (part)
Zerwas, John	28	Simonton	Rep.	Anesthesiologist	80th, 81st, 82nd, 83rd	Fort Bend (part)

* No district office selected at time of printing.

** Served part of the 84th Legislature before being elected to the Texas Senate in a special runoff election held February 17, 2015.

MEMBERS OF THE SENATE
84th Legislature

NAME	District No.	District Office	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Bettencourt, Paul	7	Houston	Rep.	CEO, Bettencourt Tax Advisors, Broadcasting		Harris (part)
Birdwell, Brian	22	Granbury, Waco	Rep.	Retired U.S. Army Officer, Founder and President of Nonprofit Organization	81st (part), 82nd, 83rd	Bosque, Ellis, Falls, Hill, Hood, Johnson, McLennan, Navarro, Somervell, Tarrant (part)
Burton, Konni	10	*	Rep.	Wedding Consultant, Business Owner		Tarrant (part)
Campbell, Donna	25	San Antonio, New Braunfels	Rep.	Emergency Room Physician	83rd	Bexar (part), Comal, Guadalupe (part), Hays (part), Kendall, Travis (part)
Creighton, Brandon	4	Conroe, Beaumont	Rep.	Attorney	80th, 81st, 82nd, 83rd, House	Chambers, Galveston (part), Harris (part), Jefferson, Montgomery (part)
Ellis, Rodney	13	Alief, Houston, Missouri City	Dem.	Attorney, Investment Banker	71st (part), 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Fort Bend (part), Harris (part)
Eltife, Kevin	1	Longview, Texarkana, Tyler	Rep.	Businessman	78th (part), 79th, 80th, 81st, 82nd, 83rd	Bowie, Camp, Cass, Franklin, Gregg, Harrison, Lamar, Marion, Morris, Panola, Red River, Rusk, Smith, Titus, Upshur, Wood
Estes, Craig	30	Denton, Sherman, Wichita Falls	Rep.	Businessman	77th (part), 78th, 79th, 80th, 81st, 82nd, 83rd	Archer, Clay, Collin (part), Cooke, Denton (part), Erath,Grayson, Jack, Montague, Palo Pinto, Parker, Wichita, Wise, Young

NAME	District No.	District Office	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Fraser, Troy	24	Abilene, Belton, Marble Falls	Rep.	Businessman, Investor	70th (part), 71st, 72nd, House; 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, Senate	Bandera, Bell, Blanco, Brown, Burnet, Callahan, Comanche,Coryell, Gillespie, Hamilton, Kerr, Lampasas, Llano, Mills, San Saba, Taylor (part), Travis (part)
Garcia, Sylvia R.	6	Houston	Dem.	Attorney	83rd (part)	Harris (part)
Hall, Bob	2	Rockwall	Rep.	Veteran, Retired Engineer		Dallas (part), Delta, Fannin, Hopkins, Hunt, Kaufman, Rains, Rockwall, Van Zandt
Hancock, Kelly	9	North Richland Hills	Rep.	Business Owner	80th, 81st, 82nd, House; 83rd, Senate	Dallas (part), Tarrant (part)
Hinojosa, Juan "Chuy"	20	Corpus Christi, McAllen	Dem.	Attorney	67th, 68th, 69th, 70th, 71st, 75th, 76th, 77th, House; 78th, 79th, 80th, 81st, 82nd, 83rd, Senate	Brooks, Hidalgo (part), Jim Wells, Nueces (part)
Huffines, Don	16	*	Rep.	Real Estate Investor		Dallas (part)
Huffman, Joan	17	Houston, Lake Jackson	Rep.	Attorney	80th (part), 81st, 82nd, 83rd	Brazoria (part), Fort Bend (part), Harris (part)
Kolkhorst, Lois	18	Brenham	Rep.	Business Owner, Investor	77th, 78th, 79th, 80th, 81st, 82nd, 83rd, House	Aransas, Austin, Burleson, Calhoun, Colorado, DeWitt, Fayette, Fort Bend (part), Goliad, Gonzales, Harris (part), Jackson, Lavaca, Lee, Matagorda, Nueces (part), Refugio, Victoria, Waller, Washington, Wharton
Lucio, Jr., Eddie	27	Brownsville, Pharr	Dem.	Advertising Executive	70th, 71st, House; 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, Senate	Cameron, Hidalgo (part), Kenedy, Kleberg, Willacy

NAME	District No.	District Office	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Menéndez, José**	26	San Antonio	Dem.	Director, Multicultural Markets	77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th (part), House	Bexar (part)
Nelson, Jane	12	Grapevine	Rep.	Businesswoman, Former Teacher	73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Denton (part), Tarrant (part)
Nichols, Robert	3	Jacksonville, Lufkin, Montgomery	Rep.	Engineer, Retired, Plastics Manufacturing	80th, 81st, 82nd, 83rd	Anderson, Angelina, Cherokee, Hardin, Henderson, Houston, Jasper, Liberty, Montgomery (part), Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler
Perry, Charles	28	Childress, Lubbock, San Angelo	Rep.	Certified Public Accountant	82nd, 83rd, House	Baylor, Borden, Childress, Coke, Coleman, Concho, Cottle, Crane, Crosby, Dawson, Dickens, Eastland, Fisher, Floyd, Foard, Garza, Hale, Hardeman, Haskell, Hockley, Irion, Jones, Kent, Kimble, King, Knox, Lamb, Lubbock, Lynn, Mason, McCulloch, Menard, Mitchell, Motley, Nolan, Reagan, Runnels, Schleicher, Scurry, Shackelford, Stephens, Sterling, Stonewall, Sutton, Taylor (part), Terry, Throckmorton, Tom Green, Upton, Ward, Wilbarger
Rodríguez, José R.	29	El Paso, Fabens, Marfa	Dem.	Attorney	82nd, 83rd	Culberson, El Paso, Hudspeth, Jeff Davis, Presidio
Schwertner, Charles	5	Georgetown, Bryan	Rep.	Orthopedic Surgeon	82nd, House; 83rd, Senate	Brazos, Freestone, Grimes, Leon, Limestone, Madison, Milam, Robertson, Walker, Williamson

NAME	District No.	District Office	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Seliger, Kel	31	Amarillo, Big Spring, Midland, Odessa	Rep.	Businessman	78th (part), 79th, 80th, 81st, 82nd, 83rd	Andrews, Armstrong, Bailey, Briscoe, Carson, Castro, Cochran, Collingsworth, Dallam, Deaf Smith, Donley, Ector, Gaines, Glasscock, Gray, Hall, Hansford, Hartley, Hemphill, Howard, Hutchinson, Lipscomb, Loving, Martin, Midland, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Winkler, Yoakum
Taylor, Larry	11	Pearland, League City	Rep.	Owner, Insurance Agency	78th, 79th, 80th, 81st, 82nd, House; 83rd, Senate	Brazoria (part), Galveston (part), Harris (part)
Taylor, Van	8	Plano	Rep.	Businessman	81st (part), 82nd, 83rd, House	Collin (part), Dallas (part)
Uresti, Carlos	19	Eagle Pass, Pecos, San Antonio	Dem.	Owner, Uresti Law Firm	75th (part), 76th, 77th, 78th, 79th (part), House; 79th (part), 80th, 81st, 82nd, 83rd, Senate	Atascosa (part), Bexar (part), Brewster, Crockett, Dimmit, Edwards, Frio, Kinney, Maverick, Medina, Pecos, Real, Reeves, Terrell, Uvalde,Val Verde, Zavala
Van de Putte, Leticia**	26	San Antonio	Dem.	Pharmacist	72nd, 73rd, 74th, 75th, 76th (part), House; 76th (part), 77th, 78th,79th, 80th, 81st, 82nd, 83rd, 84th (part), Senate	Bexar (part)
Watson, Kirk	14	Austin	Dem.	Attorney	80th, 81st, 82nd, 83rd	Bastrop, Travis (part)
West, Royce	23	Dallas	Dem.	Managing Partner, Law Firm of West & Associates, L.L.P.	73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Dallas (part)

NAME	District No.	District Office	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Whitmire, John	15	Houston	Dem.	Attorney	63rd, 64th, 65th, 66th, 67th, House; 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, Senate	Harris (part)
Zaffirini, Judith	21	Laredo	Dem.	Communications Specialist, Educator	70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd	Atascosa (part), Bee, Bexar (part), Caldwell, Duval, Guadalupe (part), Hays (part), Jim Hogg, Karnes, La Salle, Live Oak, McMullen, San Patricio, Starr, Travis (part), Webb, Wilson, Zapata

* No district office selected at time of printing.

** Served part of the 84th Legislature. José Menéndez was elected to represent Senate District 26 in a special runoff election held February 17, 2015, filling the seat formerly held by Leticia Van de Putte.

HOUSE OF REPRESENTATIVES COMMITTEES

84th Legislature

HOUSE OF REPRESENTATIVES
COMMITTEES
84TH LEGISLATURE

AGRICULTURE AND LIVESTOCK

King, T., Chair; Anderson, C., Vice Chair; Cyrier, González, Rinaldi, Simpson, Springer

APPROPRIATIONS

Otto, Chair; Turner, Sylvester, Vice Chair; Ashby, Bell, Bonnen, G., Burkett, Capriglione, Davis, S., Dukes, Giddings, Gonzales, Howard, Hughes, Koop, Longoria, Márquez, McClendon, Miles, Miller, R., Muñoz, Phelan, Price, Raney, Rodriguez, J., Sheffield, VanDeaver, Walle

BUSINESS AND INDUSTRY

Oliveira, Chair; Simmons, Vice Chair; Collier, Fletcher, Rinaldi, Romero, Villalba

CALENDARS

Hunter, Chair; Lucio, Vice Chair; Alonzo, Cook, Davis, S., Geren, Giddings, Harless, Huberty, Johnson, King, K., Larson, Price, Riddle, Rodriguez, E.

CORRECTIONS

Murphy, Chair; White, J., Vice Chair; Allen, Keough, Krause, Schubert, Tinderholt

COUNTY AFFAIRS

Coleman, Chair; Farias, Vice Chair; Burrows, Romero, Schubert, Spitzer, Stickland, Tinderholt, Wu

CRIMINAL JURISPRUDENCE

Herrero, Chair; Moody, Vice Chair; Canales, Hunter, Leach, Shaheen, Simpson

CULTURE, RECREATION, AND TOURISM

Guillen, Chair; Dukes, Vice Chair; Frullo, Larson, Márquez, Murr, Smith

DEFENSE AND VETERANS' AFFAIRS

King, S., Chair; Frank, Vice Chair; Aycock, Blanco, Farias, Schaefer, Shaheen

ECONOMIC AND SMALL BUSINESS DEVELOPMENT

Button, Chair; Johnson, Vice Chair; Anderson, C., Faircloth, Isaac, Metcalf, Rodriguez, E., Villalba, Vo

ELECTIONS

Laubenberg, Chair; Goldman, Vice Chair; Fallon, Israel, Phelan, Reynolds, Schofield

ENERGY RESOURCES

Darby, Chair; Paddie, Vice Chair; Anchia, Canales, Craddick, Dale, Herrero, Keffer, King, P., Landgraf, Meyer, Riddle, Wu

ENVIRONMENTAL REGULATION

Morrison, Chair; Rodriguez, E., Vice Chair; Isaac, Kacal, King, K., King, P., Lozano, Reynolds, Thompson, E.

GENERAL INVESTIGATING AND ETHICS

Kuempel, Chair; Collier, Vice Chair; Davis, S., Hunter, Larson, Moody, Turner, C.

GOVERNMENT TRANSPARENCY AND OPERATION

Elkins, Chair; Walle, Vice Chair; Galindo, Gonzales, Gutierrez, Leach, Turner, Scott

HIGHER EDUCATION

Zerwas, Chair; Howard, Vice Chair; Alonzo, Clardy, Crownover, Martinez, Morrison, Raney, Turner, C.

HOMELAND SECURITY AND PUBLIC SAFETY

Phillips, Chair; Nevárez, Vice Chair; Burns, Dale, Johnson, Metcalf, Moody, White, M., Wray

HOUSE ADMINISTRATION

Geren, Chair; Márquez, Vice Chair; Allen, Alonzo, Ashby, Farney, Howard, King, K., Paddie, Raney, Vo

HUMAN SERVICES

Raymond, Chair; Rose, Vice Chair; Keough, King, S., Klick, Naishtat, Peña, Price, Spitzer

INSURANCE

Frullo, Chair; Muñoz, Vice Chair; Bonnen, G., Guerra, Meyer, Paul, Sheets, Vo, Workman

INTERNATIONAL TRADE AND INTERGOVERNMENTAL AFFAIRS

Anchia, Chair; Lozano, Vice Chair; Anderson, R., Bernal, Burrows, Koop, Turner, Scott

INVESTMENTS AND FINANCIAL SERVICES

Parker, Chair; Longoria, Vice Chair; Capriglione, Flynn, Landgraf, Pickett, Stephenson

JUDICIARY AND CIVIL JURISPRUDENCE

Smithee, Chair; Farrar, Vice Chair; Clardy, Hernandez, Laubenberg, Raymond, Schofield, Sheets, Thompson, S.

JUVENILE JUSTICE AND FAMILY ISSUES

Dutton, Chair; Riddle, Vice Chair; Hughes, Peña, Rose, Sanford, White, J.

LAND AND RESOURCE MANAGEMENT

Deshotel, Chair; Thompson, E., Vice Chair; Bell, Cyrier, Krause, Lucio, Sanford

LICENSING AND ADMINISTRATIVE PROCEDURES

Smith, Chair; Gutierrez, Vice Chair; Geren, Goldman, Guillen, Kuempel, Miles, Miller, D., Thompson, S.

LOCAL AND CONSENT CALENDARS

Thompson, S., Chair; Clardy, Vice Chair; Burkett, Capriglione, Dale, Gonzales, Guerra, Gutierrez, Isaac, Muñoz, Nevárez, Sheets, Springer

NATURAL RESOURCES

Keffer, Chair; Ashby, Vice Chair; Bonnen, D., Burns, Frank, Kacal, King, T., Larson, Lucio, Nevárez, Workman

PENSIONS

Flynn, Chair; Alonzo, Vice Chair; Hernandez, Klick, Paul, Rodriguez, J., Stephenson

PUBLIC EDUCATION

Aycock, Chair; Allen, Vice Chair; Bohac, Deshotel, Dutton, Farney, Galindo, González, Huberty, King, K., VanDeaver

PUBLIC HEALTH

Crownover, Chair; Naishtat, Vice Chair; Blanco, Coleman, Collier, Davis, S., Guerra, Miller, R., Sheffield, Zedler, Zerwas

REDISTRICTING

Lozano, Chair; Davis, Y., Vice Chair; Gonzales, Hunter, Keffer, Oliveira, Parker, Pickett, Thompson, S.

RULES AND RESOLUTIONS

McClendon, Chair; Kacal, Vice Chair; Alvarado, Bell, Blanco, Button, Faircloth, Murr, Rodriguez, J., Rose, Sheffield

SPECIAL PURPOSE DISTRICTS

Miller, D., Chair; Alvarado, Vice Chair; Faircloth, Fallon, Martinez Fischer, Stickland, Zedler

STATE AFFAIRS

Cook, Chair; Giddings, Vice Chair; Craddick, Farney, Farrar, Geren, Harless, Huberty, Kuempel, Oliveira, Smithee, Turner, Sylvester

TRANSPORTATION

Pickett, Chair; Martinez, Vice Chair; Burkett, Davis, Y., Fletcher, Harless, Israel, McClendon, Murr, Paddie, Phillips, Simmons

URBAN AFFAIRS

Alvarado, Chair; Hunter, Vice Chair; Anderson, R., Bernal, Elkins, Schaefer, White, M.

WAYS AND MEANS

Bonnen, D., Chair; Davis, Y., Vice Chair; Bohac, Button, Darby, Martinez Fischer, Murphy, Parker, Springer, Turner, C., Wray

SELECT COMMITTEE ON EMERGING ISSUES IN TEXAS LAW ENFORCEMENT

Fletcher, Chair; Dukes, Vice Chair; Flynn, Koop, Márquez, Martinez, White, J.

SELECT COMMITTEE ON STATE AND FEDERAL POWER AND RESPONSIBILITY

King, P., Chair; Workman, Vice Chair; Anderson, C., Clardy, Miles, Parker, Walle

SENATE COMMITTEES
84th Legislature

SENATE COMMITTEES
84TH LEGISLATURE

ADMINISTRATION

Hancock, Chair; Uresti, Vice Chair; Campbell, Eltife, Huffines, Schwertner, West

AGRICULTURE, WATER, AND RURAL AFFAIRS

Perry, Chair; Zaffirini, Vice Chair; Creighton, Hall, Hinojosa, Kolkhorst, Rodríguez

BUSINESS AND COMMERCE

Eltife, Chair; Creighton, Vice Chair; Ellis, Huffines, Schwertner, Seliger, Taylor, L., Watson, Whitmire

CRIMINAL JUSTICE

Whitmire, Chair; Huffman, Vice Chair; Burton, Creighton, Hinojosa, Menéndez, Perry

EDUCATION

Taylor, L., Chair; Lucio, Vice Chair; Bettencourt, Campbell, Garcia, Huffines, Kolkhorst, Rodríguez, Seliger, Taylor, V., West

FINANCE

Nelson, Chair; Hinojosa, Vice Chair; Bettencourt, Eltife, Hancock, Huffman, Kolkhorst, Nichols, Schwertner, Seliger, Taylor, L., Uresti, Watson, West, Whitmire

HEALTH AND HUMAN SERVICES

Schwertner, Chair; Kolkhorst, Vice Chair; Campbell, Estes, Perry, Rodríguez, Taylor, V., Uresti, Zaffirini

HIGHER EDUCATION

Seliger, Chair; West, Vice Chair; Bettencourt, Burton, Menéndez, Perry, Watson

INTERGOVERNMENTAL RELATIONS

Lucio, Chair; Bettencourt, Vice Chair; Campbell, Garcia, Menéndez, Nichols, Taylor, L.

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT

Fraser, Chair; Estes, Vice Chair; Birdwell, Hall, Hancock, Hinojosa, Lucio, Nichols, Seliger, Uresti, Zaffirini

NOMINATIONS

Birdwell, Chair; Taylor, V., Vice Chair; Burton, Fraser, Estes, Rodríguez, Watson

STATE AFFAIRS

Huffman, Chair; Ellis, Vice Chair; Birdwell, Creighton, Estes, Fraser, Nelson, Schwertner, Zaffirini

TRANSPORTATION

Nichols, Chair; Huffines, Vice Chair; Ellis, Fraser, Garcia, Hall, Hancock, Kolkhorst, Taylor, V.

VETERAN AFFAIRS AND MILITARY INSTALLATIONS

Campbell, Chair; Burton, Vice Chair; Birdwell, Garcia, Hall, Lucio, Rodríguez

SUBCOMMITTEE ON BORDER SECURITY

Birdwell, Chair; Hall, Vice Chair; Lucio

SELECT COMMITTEE ON GOVERNMENT FACILITIES

Eltife, Chair; Hancock, Seliger, Watson, Whitmire

Note: The "Officers and Employees of the House" section for the 84th Legislature will be provided when available.

OFFICERS AND EMPLOYEES OF THE SENATE

84th Legislature

NAME	OFFICIAL POSITION	FORMER LEGISLATIVE SERVICE
Dan Patrick	Lieutenant Governor, President of the Senate	80th, 81st, 82nd, 83rd, Senator
Juan "Chuy" Hinojosa	President Pro Tempore (Regular Session)	67th, 68th, 69th, 70th, 71st, 75th, 76th, 77th, House; 78th, 79th, 80th, 81st, 82nd, 83rd, Senate
Patsy Spaw	Secretary of the Senate	63rd, 64th, Asst. Engrossing and Enrolling Clerk; 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, Engrossing and Enrolling Clerk; 77th, Secretary of the Senate, Designee (part), Secretary of the Senate (part); 78th, 79th, 80th, 81st, 82nd, 83rd, Secretary of the Senate
Rick DeLeon	Sergeant-at-Arms	79th (part), Asst. Sergeant-at-Arms; 80th, 81st, 82nd, 83rd, Sergeant-at-Arms
Tracy Ortiz	Calendar Clerk	72nd, 73rd, 74th, Human Resources Management Asst.; 75th, 76th, 77th, Asst. Committee Coordinator; 78th, 79th, 80th, 81st, Travel Coordinator; 82nd, 83rd, Asst. Committee Coordinator
Austin Osborn	Doorkeeper	79th (part), 80th, 81st, 82nd, 83rd
Patience Worrel	Engrossing and Enrolling Clerk	75th, 76th, 77th, Staff Attorney; 78th, 79th, 80th, 81st, 82nd, Asst. Engrossing and Enrolling Clerk; 83rd, Engrossing and Enrolling Clerk
Polly Emerson	Journal Clerk	64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, Staff, Texas Legislative Council; 77th, 78th, 79th, 80th, 81st, Senate Asst. Journal Clerk; 82nd, 83rd, Journal Clerk
Karina Davis	Parliamentarian	73rd, Legislative Asst., Senator David Sibley; 74th, Asst. Committee Director, Senate Economic Development Committee; 75th, Committee Director, Senate Economic Development Committee; 76th, 77th, Chief of Staff, Senator David Sibley; 78th, Director of Legislative Policy, Lieutenant Governor's Office (part), Senate Parliamentarian (part); 79th, 80th, 81st, 82nd, 83rd, Senate Parliamentarian