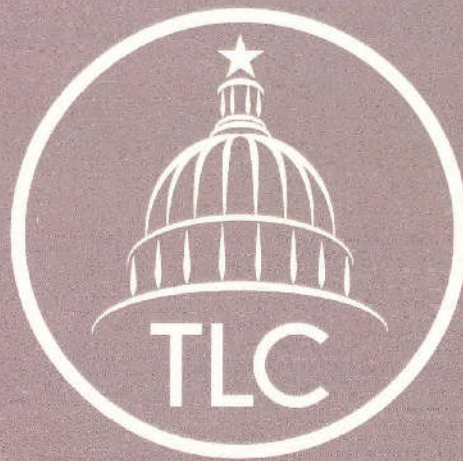


The Legislative Process in Texas



Texas Legislative Council

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Published by the
Texas Legislative Council



November 2018

Texas Legislative Council
Lieutenant Governor Dan Patrick, Joint Chair
Speaker Joe Straus, Joint Chair
Jeff Archer, Executive Director

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to provide professional, nonpartisan service and support
to the Texas Legislature and legislative agencies.
In every area of responsibility,
we strive for quality and efficiency.*

During previous legislative sessions, the information in this publication was published as part of the *Guide to Texas Legislative Information*.

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The Legislative Process in Texas

The Texas legislative process is governed by the Texas Constitution and applicable statutes (available on the [Texas Constitution and Statutes webpage](#)) and by the rules of procedure of the [senate](#) and [house of representatives](#) that are adopted at the beginning of a regular session by each respective chamber. The different phases of the legislative process typically occur within a prescribed timetable, and the following is a general summary of that process. The process described specifies “bill,” although resolutions follow similar steps. See the subsequent discussion regarding the legislative process for joint resolutions, concurrent resolutions, and simple resolutions for differences specific to those documents.

How a Bill Originates

The bill is the most common type of legislative document and is the only means by which a law may be enacted, amended, or repealed. Only a legislator may introduce a bill into the legislative process, although the idea for a bill may originate from a source other than the legislator, such as an interested outside party or the findings of a committee’s study of interim charges. The text of a bill may be drafted by the legislator personally (see the [Texas Legislative Council Drafting Manual](#)), by an interested outside party, or, as is often the case, by the professional staff of the Texas Legislative Council or another appropriate legislative entity.

Introducing a Bill

A bill is first introduced by a legislator in the legislator’s own chamber, which is considered the bill’s originating chamber. Upon passage of the bill by that chamber, the bill moves to the opposite chamber for that chamber’s approval before proceeding to the governor for the governor’s final approval. The steps in a bill’s progress are basically the same in each chamber, with many opportunities for the amendment or defeat of the bill.

To introduce a bill in the house of representatives, a state representative must file the bill with the chief clerk of the house, and to introduce a bill in the senate, a state senator must file the bill with the secretary of the senate. Both the house and senate rules permit unrestricted introduction of bills during the first 60 calendar days of a regular session. After the 60-day deadline, the introduction of any bill, other than a local bill, an emergency appropriations bill, or a bill to address emergency matters submitted by the governor, requires the consent of at least four-fifths of those representatives present and voting if the bill is to be introduced in the house, or the consent of at least four-fifths of the members of the senate if the bill is to be introduced in the senate.

The Role of Committees

The size of the legislature and the volume of work confronting it each session make lengthy deliberation on all proposed measures by the entire membership a difficult task. For this reason, the basic business in both chambers is conducted according to the committee system. The creation of committees to consider introduced bills and advise on their disposition is provided for in the rules of each chamber, and committees are formed at the beginning of each regular session. Although nearly all bills are referred to a committee, a large number of bills are never reported out of committee and are considered to have “died” in committee.

For most committees of the house of representatives, membership is determined in part by seniority and in part by appointments by the speaker. Each representative sits on at least one committee, while most sit on two or three. For committees of the senate, membership is determined entirely by appointments by the lieutenant governor, and senators generally sit on four or five committees.

Referral to a Committee

When a bill is introduced or received from the opposite chamber for consideration, it is read for the first time by its caption only and referred by the speaker or lieutenant governor to an appropriate committee. In the house rules, each committee is assigned jurisdiction over a specific subject matter, and the speaker refers legislation to house committees based on those subject matter jurisdictions. While the senate rules do not specify subject matter jurisdictions for senate committees and the lieutenant governor may refer legislation to any senate committee, in practice unofficial subject matter jurisdictions are usually followed.

After a bill has been referred to a house committee, a determination must be made by the committee chair as to whether a fiscal note or other impact statement is required, and if so, the Legislative Budget Board (LBB) prepares the note or statement. For bills referred to senate committees, fiscal notes are automatically prepared by the LBB, and other impact statements are prepared at the discretion of the LBB. Additionally, the house rules require the preparation of a bill analysis for bills considered in a committee meeting, and both the house and senate rules require the preparation of a bill analysis for bills reported out of committee. These fiscal notes, impact statements, and bill analyses accompany a bill throughout the legislative process.

Committee Meetings

The chair of each committee decides when the committee will meet and which bills will be considered. The house rules permit a house committee or subcommittee to meet: (1) in a public hearing where testimony is heard and official action may be taken on bills, resolutions, or other matters; (2) in a formal meeting where the committee may discuss and take official action on bills, resolutions, or other matters without testimony; or (3) in a work session where the committee may discuss bills, resolutions, or other matters but take no formal action. Meetings of a house committee or subcommittee are generally required to be open to the public. The senate rules do not explicitly provide for different types of meetings but do require that a public hearing allowing public testimony be held on a bill before it can be reported from committee. Testimony may be heard and official action may be taken at any meeting of a senate committee or subcommittee.

A house committee or subcommittee holding a public hearing during a legislative session must post notice of the hearing at least five calendar days before the hearing during a regular session and at least 24 hours before the hearing during a special session unless the house posting rules have been suspended by a vote of the members on the house floor. If a house committee or subcommittee is convening for a formal meeting or a work session, written notice must be posted and transmitted to each member of the committee two hours in advance of the meeting, or an announcement must be filed with the journal clerk and read in the house while the house is in session. A senate committee or subcommittee must post notice of a meeting at least 24 hours before the meeting.

Committee Reports

After considering a bill, a committee may choose to take no action or may issue a report on the bill to the chamber at large. In a favorable report, the committee may recommend passage of the bill without amendments, recommend amendments to the bill, or substitute a new bill for the original bill. An unfavorable report generally kills the bill.

A committee report includes: the committee's recommendations and vote regarding the bill; the text of the bill as reported by the committee, which may be the introduced text or a substitute; any proposed amendments; a bill analysis; a fiscal note or other impact statement; and other attachments as necessary.

In the house, all committee reports are referred to the committee coordinator. After printing, the chief clerk delivers a certified copy of a committee report to the appropriate calendars committee (the Committee on Calendars or, if recommended by the reporting committee, the Committee on Local and Consent Calendars) for placement of the bill on a calendar for consideration by the full house. Calendars committees are given wide discretion in scheduling bills for floor consideration.

The senate rules also require committee reports to be printed. After being printed, a copy of the senate committee report printing is placed in the bill book on each senator's desk in the senate chamber. Bills reported out of committee are listed on the senate's regular order of business. Local and uncontested bills are referred to the Administration Committee for scheduling on a local and uncontested calendar.

House Calendars and List of Items Eligible for Consideration

The house rules provide for four types of printed calendars:

(1) the Daily House Calendar, which contains a list of new bills scheduled by the Committee on Calendars for consideration by the house;

(2) the Supplemental House Calendar, which is prepared by the Committee on Calendars and may contain: (a) bills passed to third reading on the previous legislative day; (b) bills on the Daily House Calendar for a previous calendar day that were not reached for consideration; (c) postponed business from a previous calendar day; (d) notice to call from the table a bill laid on the table subject to call on a previous legislative day; and (e) bills from a daily house calendar that will be eligible for consideration;

(3) the Local, Consent, and Resolutions Calendar, which contains a list of local or noncontroversial bills scheduled by the Committee on Local and Consent Calendars for consideration by the house; and

(4) the Congratulatory and Memorial Calendar, which contains a list of congratulatory and memorial resolutions scheduled by the Committee on Rules and Resolutions for consideration by the house.

The Supplemental House Calendar, because it includes bills listed on the Daily House Calendar, is generally the primary agenda followed by the house during its deliberations. The Local, Consent, and Resolutions Calendar and the Congratulatory and Memorial Calendar are special calendars that are prepared approximately once a week during the last half of a regular session.

The house rules provide seven categories by which bills are taken up for consideration on the calendars. Those categories, listed in order of priority, are the: (1) Emergency Calendar; (2)

Major State Calendar; (3) Constitutional Amendments Calendar; (4) General State Calendar; (5) Local, Consent, and Resolutions Calendar; (6) Resolutions Calendar; and (7) Congratulatory and Memorial Resolutions Calendar. The house normally considers all bills listed on its calendars before adjourning or recessing for the day, except during the latter part of the regular session, when calendars become especially lengthy.

When the volume of legislation warrants it (normally during the last few weeks of a regular session), the chief clerk of the house prepares a list of items eligible for consideration on request of the speaker. The list contains: (1) house bills with senate amendments eligible to be considered; (2) senate bills for which the senate has requested the appointment of a conference committee; and (3) conference committee reports eligible to be considered.

Senate bills pending in the house follow the same procedures with regard to calendars as house bills, but senate bills are required to be listed on the calendars separate from house bills. Wednesday and Thursday are designated as senate bill days, which are the days on which senate bills are considered in the house and have priority in the order of house business.

Senate Regular Order of Business and Intent Calendar

The senate's regular order of business lists all bills that have been reported from committee and are eligible for second reading consideration in the order in which they were reported. In practice, it functions more as a listing of reported bills than as the day's agenda, since the senate's usual practice is to consider bills out of the regular order through the use of a blocker bill and the suspension of the regular order. Traditionally, a blocker bill is a bill that has been quickly passed out of committee at the beginning of a regular session but which the senate has no intention of immediately addressing. Because senate rules require the consideration of bills on second reading in the order in which they were reported from committee and the blocker bill thus takes priority, a suspension of the rules by a vote of three-fifths of the members present is necessary for consideration of a bill other than the blocker bill by the full senate. In order to suspend the regular order of business and take up a bill other than the blocker bill, a senator must first give prior notice to the secretary of the senate for placement of the bill on the Intent Calendar. Bills on the Intent Calendar are not taken up in any particular order, and the senate routinely considers only a portion of those measures listed on the Intent Calendar for a given day.

The senate also has a Local and Uncontested Calendar for the consideration of local and uncontested bills at times designated by the senate. Wednesday and Thursday are designated as house bill days, which are the days on which house bills are considered in the senate and have priority in the order of senate business.

Floor Action

Floor consideration of a bill begins on second reading, when the bill is first subject to debate and amendment by the entire membership of a chamber. A bill may be amended on second reading by a simple majority of those members present and voting, and a separate vote is taken on each amendment proposed. After the bill is debated and amended, if applicable, the members vote on the bill for passage to third reading, where the bill is then considered for final passage. A bill may be amended on third reading, but adoption of an amendment at this stage requires a vote of a two-thirds majority of the members present.

Although the Texas Constitution requires a bill to be read on three separate legislative days in each chamber before it can have the force of law, this constitutional rule may be suspended by a four-fifths vote of the members present and voting from the chamber in which the bill is pending. In such cases, the bill is given an immediate third reading following its passage from second reading. The senate routinely suspends the constitutional provision in order to give a bill an immediate third reading. The house, however, rarely suspends this provision, and third reading consideration of a bill in the house normally occurs on the day following second reading consideration.

After a bill has been read a third time, a vote is taken for final passage. If the bill receives a simple majority vote, it is considered passed. When the bill is passed in the originating chamber, the bill is engrossed (all corrections and amendments are incorporated into it) and an exact and accurate copy of the engrossed bill is prepared and sent to the opposite chamber for consideration.

Consideration of Local and Noncontroversial Bills

The house and senate rules both provide for special calendars for the consideration of local and noncontroversial bills. The calendar used for consideration of these bills in the house is the Local, Consent, and Resolutions Calendar, which is set by the Committee on Local and Consent Calendars. Placement of a bill on the Local, Consent, and Resolutions Calendar requires the unanimous recommendation of the present and voting members of the committee from which the bill was reported. Normally Local, Consent, and Resolutions Calendars are prepared for consideration by the house once a week during the last half of the regular session. These calendars usually are lengthy, but consideration of them is expedited because debate and amendments are limited and contested bills are removed from the calendar.

The calendar used for consideration of local and noncontroversial bills in the senate is the Local and Uncontested Calendar, which is set by the Senate Committee on Administration. A bill may not be considered for placement on the Local and Uncontested Calendar unless the sponsor of the bill and the chair of the committee from which the bill was reported request such placement. Local and Uncontested Calendars normally are prepared for consideration by the senate once or twice a week during the last half of the regular session. Measures on the Local and Uncontested Calendar are considered without a suspension of the regular order of business, which generally is required for consideration of legislation in the senate. As in the house, consideration of Local and Uncontested Calendars in the senate is expedited because the measures on these calendars usually are not debated, floor amendments to measures on these calendars are prohibited, and contested bills are removed from consideration.

Return of a Bill to the Originating Chamber

After a bill has passed through committee and floor deliberation in the opposite chamber, the bill is sent back to the originating chamber. If the bill was not amended in the opposite chamber, or if it was amended and the originating chamber concurs with the changes, the bill is enrolled, signed by both presiding officers in the presence of their respective chambers, and sent to the governor. Any bill making an appropriation must be sent to the comptroller of public accounts for certification before going to the governor. If a bill was amended in the opposite chamber and the originating chamber does not concur with the changes, the originating chamber may request the appointment of a conference committee to resolve the differences between the house and senate versions of the bill.

Conference Committee

If a conference committee is requested, the presiding officers each appoint five members from their respective chambers to serve on the committee. A conference committee's charge is limited to reconciling differences between the two chambers, and the committee may not alter, amend, or omit text that is not in disagreement without the adoption of an "out of bounds" resolution by both chambers. The committee also may not add text on any matter that is not in disagreement or that is not included in either version of the bill in question without such a resolution. After the committee has reached an agreement, a report is prepared for submittal to the house and senate. The report must be approved by at least three conferees from each chamber and must contain the text of the bill as approved by the conference committee, a side-by-side analysis comparing the text of the compromise bill to both the house and the senate versions, an updated fiscal note, and the signatures of those members of the conference committee who approved the report. A conference committee report is not subject to amendment by the house or senate and must be accepted or rejected in its entirety.

Should the proposed compromise remain unacceptable to either chamber, it may be returned to the same conference committee for further deliberation, with or without specific instructions, or the appointment of a new conference committee may be requested. Failure of the conference committee to reach agreement kills the bill. If the conference committee report is acceptable to both chambers, the bill is enrolled, signed by both presiding officers in the presence of their respective chambers, and sent to the governor.

Governor's Action

Except in the case of a bill sent to the governor within 10 days of final adjournment, on receiving a bill, the governor has 10 days in which to sign the bill, veto it, or allow it to become law without a signature. If the governor elects to veto the bill and the legislature is still in session, the bill is returned to the chamber in which it originated with an explanation of the governor's objections. A two-thirds majority in each chamber is required to override the veto. If the governor neither vetoes nor signs the bill within the allotted time, the bill becomes law. If a bill is sent to the governor within 10 days of final adjournment, the governor has until 20 days after final adjournment to sign the bill, veto it, or allow it to become law without a signature.

Effective Date

By default, if a bill does not specify an effective date, the bill becomes effective on the 91st day after the date of final adjournment of the session in which it was enacted. A bill may specify a different effective date, but in order for a bill to take effect before the 91st day after the date of final adjournment, the bill must receive a vote of two-thirds of all the members elected to each chamber. If a bill specifying that it takes effect immediately receives the requisite two-thirds vote of the members, the bill takes effect on the date of the last action necessary for it to become law, which is: (1) the date the governor approves the bill; (2) the date the governor files the bill with the office of the secretary of state, having neither approved nor vetoed it; (3) the date the appropriate period for gubernatorial action expires, if the governor fails to act within that period; or (4) in the event of a veto, the date the veto is overridden.

In addition, a bill may make its effective date contingent on an event, on the expiration of a specified period after an event takes place, or on the adoption of a proposed constitutional amendment. Parts of a bill may take effect on different dates, or particular sections or applications of a bill may be delayed or accelerated.

Filing and Publication of Laws

Once an enrolled bill is signed by the governor or the governor allows an enrolled bill to become law without a signature, the bill is forwarded to the secretary of state, where it is considered filed once the secretary of state signs it.

The secretary of state is required to bind all enrolled bills into volumes and to electronically publish all enacted bills on the secretary of state's website. The bound volumes are located at the Texas State Library and Archives Commission. Copies of enacted bills are compiled, certified, and sent to a publisher for inclusion in the General and Special Laws of the State of Texas, also known as the session laws. The secretary of state assigns a session law chapter to each enacted bill based on the date the bill is filed with the secretary of state; bills that are filed on the same date are placed in chronological bill number order for chapter number assignment.

Other Legislation

While the bill is the most common type of legislation, three types of resolutions, which follow somewhat different processes, are also used by the legislature. Resolutions are used to handle specific activities of the legislature and are commonly used to propose amendments to the Texas Constitution, take care of housekeeping functions, convey congratulations or condolences to individuals or groups in the state, express legislative intent, express an opinion or sentiment on matters of public interest, give direction to a state agency or official, or call on certain governmental agencies, offices, or units, such as the U.S. Congress, to take a specific course of action. They are legislative instruments that must be introduced, assigned numbers, and acted on by the legislature. The three types of legislative resolutions are joint resolutions, concurrent resolutions, and simple resolutions. Of these, only concurrent resolutions are subject to veto by the governor.

Joint Resolutions. Joint resolutions are used to propose amendments to the Texas Constitution, ratify proposed amendments to the U.S. Constitution, or request a constitutional convention to propose amendments to the U.S. Constitution. Joint resolutions proposing amendments to the Texas Constitution require a vote of two-thirds of the total membership of each chamber for adoption. Other joint resolutions require a simple majority vote in each chamber for adoption. A joint resolution follows the same course that a bill follows through both chambers and is like a bill in most respects, except that in the house, the resolution may be adopted on second reading if it receives the required number of votes. Three readings are required to adopt a joint resolution in the senate.

Joint resolutions adopted by the legislature are not submitted to the governor for signing but are filed directly with the secretary of state. An amendment to the Texas Constitution proposed by an adopted joint resolution requires approval by Texas voters at a general election. The secretary of state conducts a drawing to determine the order in which the proposed constitutional amendments will appear on the ballot.

Concurrent Resolutions. A concurrent resolution is used when both chambers have an interest in a particular matter. Such resolutions may originate in either chamber but must be adopted by both. Concurrent resolutions may be used for matters affecting operations and procedures of the legislature, such as joint sessions or adjournment sine die. They are also used to petition the U.S. Congress, give directions to a state agency, board, or commission, express the views of the legislature, designate an official state symbol, adopt an official place or date designation, or express congratulations or condolences. Concurrent resolutions must

be submitted to the governor for approval, except for those that pertain solely to procedural matters between the two chambers, and they are filed with the secretary of state.

Simple Resolutions. Simple resolutions pertain to matters considered by the originating chamber only. They are used to adopt or change rules of procedure, name a mascot, express congratulations or condolences, or petition the U.S. Congress. Simple resolutions may also express the views of a single chamber, initiate a study by that chamber, or urge a state agency, board, or commission to take action. They are not submitted to the governor for signing or filed with the secretary of state.

