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# RESEARCH ORGANIZATION

**session focus**

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## How a Bill Becomes Law: 76th Legislature

The Texas Constitution and the rules of the House and the Senate govern the movement of bills through the Legislature. This report summarizes the key constitutional provisions and rules governing bills in the Legislature, with emphasis on the House Rules. The House Rules for the 76th Legislature are found in HR 5 by Wilson *et al.*, adopted by the House on January 14, 1999. References to bills also apply to joint resolutions, unless otherwise noted.

The House Rules also prohibit consideration of "bracket" bills, which affect only a particular city or county but fail to name the locality. (For example, a bill might apply to cities with populations of more than 2,999 but less than 3,001.) However, bills may use a population minimum or maximum that "bears a reasonable relation" to the bill's purpose (Rule 8, sec. 10).

### Form and Content of Bills

Each bill filed in the Legislature must have three parts:

- ◆ a descriptive caption, beginning: "A Bill to be Entitled an Act," along with a brief statement giving the Legislature and the public reasonable notice of the subject of the bill;
- ◆ an enacting or resolving clause, "Be it Enacted by the Legislature of the State of Texas"; and
- ◆ the body of the bill (Rule 8, sec. 1).

Each bill must pertain to only one subject, except for the general appropriations bill, recodification bills, and joint resolutions (Constitution Art. 3, sec. 35; Rule 8, sec. 3; Rule 9, sec. 1(b)).

All revenue-raising bills must originate in the House (Constitution Art. 3, sec. 33).

Certain local or special bills are specifically banned by the Constitution in Art. 3, sec. 56. Examples include bills that would grant individual divorces, change venue in criminal cases, change the names of persons, or legalize invalid wills or deeds.

A bill or resolution has one primary author, who may designate, by written authorization filed with the chief clerk, up to four joint authors. Members seeking to become coauthors must file a form with the chief clerk showing written authorization from the author, then file another form to be designated a coauthor. Coauthors may withdraw their names by notifying the chief clerk (Rule 8, sec. 5).

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## **Filing dates**

Beginning the first Monday after the general election before the regular session, or 30 days before any special session, members and members-elect may prefile bills and resolutions (Rule 8, sec. 7).

A member may introduce any type of bill or joint resolution during the first 60 days of the regular session. The 60th day of the 1999 regular session will be Friday, March 12. After the 60th day, a four-fifths vote of the members present is required to introduce bills or joint resolutions, other than certain emergency matters submitted by the governor, emergency appropriations, and local bills (Rule 8, sec. 8).

## **Copies required**

Thirteen copies of bills and resolutions, all signed by the author, must be filed with the chief clerk. Fifteen copies of a bill must be filed if it deals with water conservation and reclamation districts governed by Art. 16, sec. 59 of the Constitution (Rule 8, sec. 9).

## **Local bill requirements**

A notice of a legislator's intention to file a local bill must be published in a newspaper in the affected locality at least 30 days before the bill is introduced (Constitution Art. 3, sec. 57; Rule 8, sec. 10). Six types of bills are considered local bills:

- ◆ bills creating or affecting water districts;
- ◆ bills creating or affecting hospital districts;
- ◆ bills creating or affecting road utility districts;
- ◆ bills relating to hunting, fishing, or wildlife conservation in a specified locality;
- ◆ bills creating or affecting a county court or statutory court or courts for one or more specified counties or municipalities; and
- ◆ bills creating or affecting a juvenile board or boards of a specified county or counties.

If bills of the last three types affect "a sufficient number" of localities, counties, or municipalities so that, in effect, they apply generally or have statewide importance, they are not considered local bills (Rule 8, sec. 10).

## **First reading and referral to committee**

To become law, a bill must be read in the House on each of three separate days. In cases of "imperative public necessity," this requirement may be suspended by a four-fifths record vote of the members present (Constitution Art. 3, sec. 32). Bills routinely include such "emergency" language, but the three-day rule usually is not suspended in the House.

After a bill is filed and the chief clerk has assigned a number to the bill, first reading occurs when the reading clerk reads the bill caption and also announces the committee to which the speaker has referred the bill. The speaker later may reconsider the referral and assign the bill to another committee. The speaker's referral also may be changed by a majority vote of the House. The speaker may not refer a bill simultaneously to more than one committee (Rule 1, sec. 4; Rule 8, sec. 6).

## **The Bill in Committee**

No bill may become law unless it is referred to and reported by a committee (Constitution Art. 3, sec. 37; Rule 8, sec. 11). Much of the Legislature's work is done in committee.

The 36 House standing committees and their jurisdictions are established in Rule 3. Thirty are substantive committees, while six — Calendars, Local and Consent Calendars, Rules and Resolutions, General Investigating, House Administration, and Redistricting — are considered procedural committees. Although procedural committees generally do not review and report legislation, the speaker may refer bills to the House Administration and Redistricting committees.

The speaker by proclamation may create select committees and specify their jurisdiction, authority, duties, and duration (Rule 1, sec. 16). The speaker sometimes appoints select committees at the start of the session to allow the House to consider emergency legislation before the standing committees have been appointed. Another purpose for select committees is to consider certain issues that cross committee jurisdictional lines. For example, for the 1999 regular session, Speaker Laney by proclamation created a Select Committee on Constitutional Revision.

## **Committee chairs**

The chairs of committees determine if and when a bill will be considered, although they are required to consult with the committee members on the work schedule and the order of consideration of matters before the committee. They also appoint all subcommittee members and chairs (Rule 4, sec. 6). Each substantive committee except the Appropriations Committee is required to have an oversight subcommittee to monitor the performance of agencies under its jurisdiction (Rule 4, sec. 43).

## **Committee meetings**

After the committees are appointed and organized, the Committee on House Administration prepares a schedule for regular committee meetings. Committees may meet at other times when called by the chair or as determined by the committee. Committees also may meet at times and places designated by the speaker (Rule 4, sec. 8).

## **Analysis before committee action**

The committee staff must distribute a copy of an analysis of a bill to committee members before the committee first considers the bill (Rule 4, sec. 7).

**Fiscal notes.** The chair determines whether to ask the Legislative Budget Board (LBB) to prepare a fiscal note for a bill referred to the chair's committee. Bills that authorize spending state funds and have a statewide impact on units of local government, spend local funds, propose new fees or licenses, or change a local tax usually require a fiscal note. Fiscal notes must be distributed to committee members before the committee considers the bill. If the measure is amended to alter its fiscal implications, the chair must obtain an updated fiscal note. Fiscal notes remain with the measure throughout the legislative process (Rule 4, sec. 33).

**Impact statements.** As with fiscal notes, the chair determines whether a bill requires an impact statement, which is prepared by the LBB. Impact statements include a *criminal justice policy statement*, for legislation involving a change in punishment for felonies committed by adults; an *equalized education funding impact statement*, for legislation involving a change in the public school finance system; and a *water development policy impact statement*, for legislation proposing to create certain water districts.

*Tax equity notes*, for legislation that would create or affect a state tax or fee, estimate the general effects on the distribution of tax and fee burdens among individuals and businesses. *Actuarial impact statements*, for legislation affecting a public retirement system, are prepared by the LBB in cooperation with the State Pension Review Board.

Unlike fiscal notes, impact statements need not be completed before a measure is considered in committee. If committee amendments change the potential impact of a measure, the chair is to request a new impact statement, which accompanies the legislation throughout the legislative process (Rule 4, sec. 34).

## **Committee consideration**

Committees may act on legislation in public hearings or formal meetings. Committees also may meet in work sessions, in which they may discuss legislation but take no formal action. Notice of public hearings must be posted five days in advance during a regular session, 24 hours in advance during special sessions. Formal meetings and work sessions require two hours' advance written notice, posted and transmitted to each committee member, or an announcement filed with the journal clerk and read by the reading clerk while the House is in session (Rule 4, sec. 11).

In the House, a public hearing is not required before a bill is reported from committee, but the usual practice during regular sessions has been to hold a public hearing on almost all bills. Public hearings must be open to attendance by anyone. Formal meetings and work sessions also must be open to the public, except for meetings considering an impeachment or other quasi-judicial matter. All votes must be taken in open meetings (Rule 4, sec. 12).

House members have an unconditional right to testify at a hearing on legislation they introduce or sponsor and generally to open and close the testimony on their own bills. No bill may be acted on adversely unless its author has first been given an opportunity to testify before the committee (Rule 4, sec. 30).

Anyone may testify at a committee hearing. Those who wish to be recognized to address the committee must fill out and swear to a statement showing at least their name, address, phone number, the organization, if any, they represent, and, if representing themselves, their business, profession, or occupation. They also must designate whether they favor, oppose, or are

neutral on a measure before the committee. The chair designates on the statement whether witnesses actually were recognized to address the committee, and those witnesses, except legislators, are listed in the committee minutes and the committee report (Rule 4, secs. 20, 32). All testimony must be electronically recorded (Rule 4, sec. 19).

Committees may, by record vote of at least two-thirds of the members present, issue subpoenas to compel the attendance of witnesses or require production of information (Rule 4, sec. 21). Anyone disobeying a lawfully issued committee subpoena may be prosecuted for contempt of Legislature, a misdemeanor offense punishable by a fine of from \$100 to \$1,000 and a jail term of from 30 days to 12 months (Government Code sec. 301.024-.027).

House employees may appear as witnesses only by permission granted by a majority vote of the committee (see Housekeeping Resolution, HR 4 by Goolsby, sec. 4.09). The General Appropriations Act prohibits state employees from influencing the outcome of legislation, other than to provide information at the request of a legislator (HB 1, 75th Legislature, Art. 9, sec. 5). When state agency employees appear before committees as witnesses, they testify "on" legislation.

No committee or subcommittee may meet while the House is in session unless it receives permission by a majority vote of the House. No committee permitted to meet while the House is in session may meet in the House chamber (Rule 4, sec. 9).

### **Committee action**

No formal action may be taken by a committee unless a majority of the members (quorum) is present. Voting by proxy is not allowed (Rule 4, sec. 16).

Certain motions that would prevent action on a bill are not permitted. A committee may not adopt a rule that would automatically send all bills to subcommittee or otherwise have the effect of thwarting the will of a majority of a committee or subcommittee to act on a bill. A bill may not be laid on the table subject to call in committee except by majority vote. No motion is in order that would prevent a committee from reporting a bill (Rule 4, secs. 13, 25).

A committee may adopt amendments to legislation. However, committee amendments only are recommendations made to the House, which must vote

separately on each amendment if the legislation is considered on the House floor. Committee amendments are attached at the end of the original version of a bill on a separate page (Rule 4, sec. 39). Amendments that radically alter the original purpose of a bill are not permitted, although this restriction does not apply to joint resolutions (Constitution Art. 3, sec. 30; Rule 11, sec. 3; Rule 9, sec. 1(b)).

A committee may adopt a substitute bill that incorporates amendments. The substitute must deal with the same subject as the original bill. If a complete substitute is adopted, the substitute, not the original bill, is reported to the House (Rule 4, sec. 40).

The committee's work on a bill is considered final only if the committee reports favorably or unfavorably on the bill or reports an inability to act (Rule 4, sec. 26).

A majority vote of the committee members is required to approve a motion to report a bill favorably or unfavorably. A tie vote or inability to act is reported to the House, which by a majority vote may leave the bill in committee for further consideration, refer it to another committee, or order it printed, in which case it is sent to the Calendars Committee (Rule 4, sec. 27).

If a bill has been in committee for at least six calendar days, any House member may move to instruct the committee to "report," or act on, the bill. Approval of such a motion requires a two-thirds vote during the first 76 days of the session and a majority vote thereafter. If instructed to report by the House, a committee must report within a week (Rule 7, secs. 46, 47).

When a committee reports unfavorably on a bill (thus "killing" it), committee members on the losing side may notify the committee of their intention to file a *minority report*. This notice generally must be given before the committee adjourns or recesses. Minority reports must be signed by at least four members of 21-member committees, three members of 10- to 20-member committees, or two members of committees with fewer than 10 members. The report, in the same form as a majority report, must be filed with the chief clerk within two days of the committee vote. (During the final 15 days of a regular session and the final seven days of a special session, the filing deadline is reduced to one day.) The House then has five legislative days to adopt a motion "to print the bill on minority report." This requires a majority vote for bills

and a two-thirds vote for joint resolutions (Rule 4, secs. 28, 29).

### **Subcommittees**

Committee chairs may refer legislation to a subcommittee. The subcommittee chair decides whether the legislation will be set for a subcommittee hearing. Subcommittee hearings are governed by the same rules as committee hearings, except that subcommittees cannot issue subpoenas. A subcommittee report must be distributed to committee members at least 48 hours before consideration at a formal committee meeting. Any amendment or substitute previously adopted by the full committee is voided when a bill is sent to subcommittee (Rule 4, secs. 43-50).

### **Committee reports**

Every committee report must be addressed to the speaker and contain the following:

- ◆ the record vote adopting the report;
- ◆ the committee's recommendations;
- ◆ the date on which the recommendations were made;
- ◆ the primary House sponsor and all joint sponsors or cosponsors, for Senate bills;
- ◆ a detailed summary, prepared by the Office of House Bill Analysis, including background, information on what the bill proposes to do, and an analysis of its content;
- ◆ a statement of differences between a committee substitute and the original bill, if applicable;
- ◆ a statement indicating whether any rulemaking authority is expressly delegated by the bill and identifying the sections that delegate the rulemaking;
- ◆ a summary of the committee hearing;
- ◆ a list of persons (excluding legislators) recognized to address the committee;
- ◆ a notation that the legislation has been forwarded for preparation of a fiscal note or impact statement, if applicable;
- ◆ a brief explanation of each amendment adopted by the committee; and

◆ any recommendation that the bill be sent to the Local and Consent Calendars Committee for placement on the Local, Consent, and Resolutions Calendar.

All committee reports must be signed by the committee chair or by a majority of committee members (Rule 4, secs. 6, 32). A point of order raised for violation of a rule concerning committee reports or minutes or accompanying documentation may be overruled if the purpose of the rule was substantially fulfilled and the violation did not deceive or mislead (Rule 1, sec. 9(c)).

### **Recommitment to committee**

The House may recommit legislation to committee, either by a routine motion or during floor consideration of the legislation. The merits of the legislation are not debatable, unless the motion is to recommit "with instructions," such as for the committee to report by a particular time or date (Rule 7, secs. 18, 19). After legislation has been recommitted and reported adversely, it cannot be recommitted again unless a minority report has been properly filed. Adoption of a motion to recommit again under these circumstances requires a two-thirds vote (Rule 7, sec. 20). By a majority vote the House may order a bill reported adversely to be recommitted, even if no minority report was filed, if the author or sponsor was given no opportunity to be heard before the adverse report was made (Rule 4, sec. 30).

Legislation recommitted on third reading that is reported again and set on the daily calendar will be considered on second, not third, reading (Rule 11, sec. 5).

### **The Calendars System**

All bills reported from committee are referred for printing to the chief clerk, who is required to refer them to either the Calendars Committee or the Local and Consent Calendars Committee (Rule 4, sec. 37; Rule 6, sec. 19). A substantive committee may recommend by unanimous consent that a bill or resolution be sent to the Local and Consent Calendars Committee for possible placement on a Local, Consent, and Resolutions Calendar (Rule 6, secs. 22, 23). All other bills and joint resolutions go to the Calendars Committee. Congratulatory and memorial resolutions go to the Rules and Resolutions Committee.

## ***Placement on a calendar for floor consideration***

Once a bill is reported from committee, it may be considered by the House on second reading only if it is placed on a calendar for floor consideration. Bills may be placed on a calendar by either the Calendars Committee or the Local and Consent Calendars Committee or through a motion adopted by the House.

Within 30 days after a bill has been referred to one of the calendars committees, the committee must vote on whether to place the bill on a calendar for floor consideration. If a calendars committee votes not to place a bill on a calendar, the committee is not precluded from voting later to place that bill on a calendar. All requirements applicable to substantive committees, including advance notice of meetings, opening all meetings to the public, press, and other members, and requiring a quorum and a record vote to take action, apply specifically to the calendars committees. No motion is in order that would prevent a calendars committee from placing a bill on a calendar (Rule 6, sec. 20; Rule 4, sec. 25).

If the Local and Consent Calendars Committee decides that a bill or resolution does not belong on the Local, Consent, and Resolutions Calendar, it forwards the legislation to the Calendars Committee (Rule 6, sec. 22).

The Calendars Committee may place a bill on one of three daily calendars for floor consideration: Emergency, Major State, or General State. Joint resolutions proposing amendments to the Texas Constitution or ratification of proposed amendments to the U.S. Constitution are placed on the Constitutional Amendments Calendar (Rule 6, sec. 7).

Bills placed on the Emergency Calendar (including tax bills and the general appropriations bill) are considered first, in the order in which they appear on the daily calendar. Next in order are measures placed on the Major State Calendar, the Constitutional Amendments Calendar, the General State Calendar, and the Resolutions Calendar. The Calendars Committee may make exceptions to the order in which calendars are considered (Rule 6, secs. 7, 15). Within a calendar, bills on third reading have precedence over bills on second reading (Rule 6, secs. 15, 25; Rule 8, sec. 17).

### ***Daily calendars***

For bills and resolutions referred to the Calendars Committee, only those that appear on a daily calendar

that is distributed in advance to House members may be considered on the floor. Once a measure appears on a printed daily calendar, it retains its place in the lineup of measures set for consideration and cannot be displaced by any other measure (Rule 6, sec. 17). However, the Calendars Committee may move up consideration of a bill by placing it on a different calendar with a higher priority, such as by moving a bill on the General State Calendar to the Major State Calendar.

A measure may not be considered unless it appears on a daily calendar that was distributed to each member's mailbox at least 36 hours in advance—24 hours during special sessions—of the scheduled consideration on that calendar. A Local, Consent, and Resolutions Calendar must be distributed at least 48 hours in advance of consideration (Rule 6, secs. 13, 16).

Supplemental daily calendars may be distributed up to two hours before that day's session. Supplemental calendars include bills passed to third reading the previous legislative day, bills that were on the previous day's calendar but were not considered, bills that were on an earlier day's calendar but were postponed, and bills previously laid on the table subject to call for which notice of consideration was filed. Bills on the daily calendar eligible for consideration also are incorporated into the supplemental calendar. The time that the calendars are distributed must be stamped on the original copies (Rule 6, sec. 16).

For a bill to be considered on second reading, a printed copy must have been placed in each member's mailbox at least 36 hours in advance, 24 hours during special sessions. The general appropriations bill must be placed in the members' mailboxes at least 168 hours before second reading consideration, 72 hours during a special session (Rule 8, sec. 14).

### ***Rules for floor consideration***

The Calendars Committee may propose special rules for floor consideration of bills on the daily calendar. This provision most often has been used in recent sessions to limit amendments to the general appropriations bill by requiring that any amendment adding money to an item also propose a corresponding decrease in another item. A proposed rule may be considered by the House any time after it has been distributed to the members and before consideration of the affected bill. The rule cannot be amended and must be approved by a majority vote of the members present to be effective (Rule 6, sec. 16(f)).

## ***Placing bills on the calendar by floor motion***

When a bill has been in a calendars committee for 30 calendar days, not counting the day it was referred, any member may offer a motion on the House floor to place the bill on a daily calendar or a local, consent, and resolutions calendar, whichever is applicable, without action by the calendars committee. The motion must be seconded by at least five members and adopted by majority vote. The motion is debatable, with one mover and one opponent each given three minutes to debate only the motion, not the merits of the bill (Rule 6, sec. 21; Rule 7, sec. 2).

## **Order of Business**

### ***Constitutional order of business***

The Texas Constitution requires the Legislature to devote the first 30 days of each regular session exclusively to certain work: the introduction of bills and resolutions; emergency appropriations; Senate confirmation of recess appointees; and emergency matters submitted by the governor. During the second 30 days, committees are to hold hearings to consider pending legislation and emergency matters. During the ensuing 60 days, both houses may act on pending legislation (Constitution Art. 3, sec. 5).

The Constitution allows each house to suspend the order-of-business provision upon approval by four-fifths of its membership. The House usually suspends the constitutional order-of-business provision early in each regular session. For the 1999 regular session, the House by 143-0 suspended the provision on January 18 (HR 3 by Thompson). Senate rules require a four-fifths vote of the members (25 votes) for floor consideration of any but emergency and local bills during the first 60 days of the regular session (Senate Rules 7.08, 7.13). This rule usually is suspended on a bill-by-bill basis.

### ***Daily order of business***

The rules specify the following order for daily conduct of House business (Rule 6, sec. 1):

- ◆ call to order by the speaker;
- ◆ registration of members (100 needed for a quorum);

- ◆ invocation;
- ◆ excuses for absent members (must be made by another member);
- ◆ first readings and referrals;
- ◆ routine motions;
- ◆ unfinished business;
- ◆ postponed matters (bills postponed to a day certain); and
- ◆ consideration of calendars in order of priority.

This order may be modified by a House vote to suspend the rule for a particular day.

***Senate bill days.*** Wednesday and Thursday are Senate bill days in the House. All Senate bills and resolutions on the daily House calendar for those days must be disposed of before any House bills and resolutions may be considered, unless the Senate gives its consent. Senate bills also may be considered on other days, under suspension of the rules (Rule 6, secs. 8-10).

***Special orders.*** When members wish to debate a particularly long bill—such as the general appropriations bill—they may vote to suspend the calendar system every day until action on the bill is completed. This step takes a two-thirds vote of approval and is called making the bill a “special order.” Only one special order may be pending at a time unless three-fourths of the members present vote otherwise. Consideration of special orders does not take precedence over consideration of Senate bills on Senate bill days (Rule 6, secs. 2-6, 9).

## **Floor Consideration**

### ***Debate on the House floor***

The author of legislation or a member making a motion has the right to open and close debate. Each speech is limited to 20 minutes (Rule 5, sec. 27). All other speakers may take up to 10 minutes. This limit may be extended for an additional 10 minutes by a majority vote, but further extensions require unanimous consent. No extensions are permitted during the last 10 days of a regular session or the last five days of a special session (Rule 5, sec. 28).

Debate on certain motions not pertaining to the merits of a bill (such as a motion to suspend the rules) is limited to three minutes "pro" and three minutes "con." (Rule 7, sec. 2 contains a complete list of these motions.)

Members recognized as having the floor may not lose the floor by the introduction of any motion, even one to adjourn (Rule 5, sec. 26). Members desiring to interrupt a person who has the floor must address the chair and ask if the person speaking will yield. After the chair transmits the request, the person who has the floor decides whether or not to yield. The chair must announce the decision to yield before the other member may speak. Any time consumed by yielding for a question is charged against the person who has the floor. If a member yields to allow another member to make a motion or to offer an amendment, the member loses the floor (Rule 5, secs. 25, 26, 28).

## Motions

During House debate only certain motions may be accepted (Rule 7, sec. 3). The order of preference for these motions is as follows:

- ◆ to adjourn.
- ◆ to recess.
- ◆ to lay on the table. Such motions are commonly used to kill a measure. Motions to table are not debatable. However, the author of the matter up for tabling is permitted to close debate on the matter before the motion to table is voted on (Rule 7, sec. 12). A motion to table is sometimes used as a "test vote" on a bill or amendment. If the motion to table prevails, the bill or amendment is dead. If the motion fails, the bill or amendment still has a chance of passage.
- ◆ to lay on the table subject to call. Such motions often are used to stall for time in which to garner additional votes. To recall a measure on the same day it is tabled requires only a majority vote. To recall a measure on a later day requires one day's advance notice and majority approval (Rule 7, sec. 13).
- ◆ to call for the "previous question." Successful motions for the previous question cut off debate and bring the previous question (the main issue being debated) to a vote. If at least 25 members second such a motion, opponents and proponents then get three minutes each to speak. Motions to call the previous question are not subject to motions to table.

Successful motions for the previous question do not cut off discussion of amendments that have not been read but are on the speaker's desk. These may be considered before the previous question is ordered (Rule 7, secs. 21-36).

- ◆ to postpone to a day certain. Such motions may be amended but may be debated only within narrow limits (Rule 7, sec. 14).
- ◆ to commit, recommit, refer or re-refer, within certain limits (Rule 7, secs. 17-20).
- ◆ to amend by striking out the enacting or resolving clause. If approved, such motions effectively kill the legislation (Rule 11, sec. 7).
- ◆ to amend (see next section).
- ◆ to postpone indefinitely (Rule 7, sec. 14).

## Amendments

Five copies of all amendments, except committee amendments or amendments to delete language, must be submitted in writing at the speaker's desk. One extra copy must be supplied to the chief clerk if the amendment is one page or less, and 15 extra copies are required for longer amendments (Rule 11, sec. 6).

An amendment that exceeds one page in length and is a complete substitute for a bill, or, in the speaker's opinion, is a substantial substitute, may not be considered unless 25 copies have been provided to the chief clerk and are available in the Chief Clerk's Office at least 12 hours before the bill to be amended is eligible for consideration on the floor (Rule 11, sec. 6(e)).

On second or third reading, after the bill caption has been read and opening remarks offered, members may offer amendments. The priority for types of amendments is as follows:

- ◆ amendments to delete a bill's enacting or resolving clause, thus killing the bill. These amendments are not subject to amendment or substitution.
- ◆ amendments to otherwise alter the bill.
- ◆ amendments to the original amendment.
- ◆ a substitute for the amendment to the amendment.
- ◆ amendments to strike all words after the enacting

clause and substitute a new bill for the original. The substitute must be germane to the original.

- ◆ amendments to the substitute.
- ◆ a substitute for the amendment to the substitute.
- ◆ an amendment to the caption (Rule 11, sec. 7).

In recognizing members to offer substantive amendments and complete substitutes, the following order is observed:

- ◆ the main author of the bill.
- ◆ members offering committee amendments or substitutes.
- ◆ other members (Rule 11, sec. 7).

Up to three different amendments may be considered at the same time. Suppose, for example, the author offers a floor substitute for a bill. While the floor substitute (Amendment No. 1) is under consideration, another member offers an amendment (No. 2) to the floor substitute. While the amendment to the floor substitute is being debated, another member offers a substitute amendment (No. 3) for the amendment to the floor substitute. The three amendments would be voted on in reverse order: first, the substitute amendment (No. 3) for the amendment to the floor substitute; second, the amendment (No. 2) to the floor substitute; and third, the floor substitute (No. 1) (Rule 11, sec. 12).

The number of amendments to a bill may be limited in two ways. The first is to move the previous question (see the preceding section). The other is to move to limit amendments. At least 25 members must second such a motion. Proponents and opponents of the motion each get three minutes to speak. The motion is not subject to tabling. Such a motion may limit consideration to either those amendments already pending before the House or those already on the speaker's desk (Rule 11, secs. 10, 11).

Amendments that radically alter the original purpose of a bill are not permitted. However, this rule does not apply to joint resolutions (Constitution Art. 3, sec. 30; Rule 11, sec. 3; Rule 9, sec. 1(b)). In determining whether floor amendments are "germane," i.e., pertaining to the same subject, the chair considers whether the subject was included in the original version of the bill or in any committee substitute before the House (Rule 11, sec. 2). Should a

committee substitute be ruled not germane to the original version of a bill, the bill is returned to the Calendars Committee, which may either place the original version of the bill on the daily calendar or return the bill to committee (Rule 4, sec. 41).

### ***Division of the question***

A motion to "divide the question"—force separate votes on separate parts of legislation—requires majority approval and must be made before any other motion to vote on the question. The motion to divide the question is subject to debate by one proponent and one opponent for no more than three minutes each. If the motion prevails, the chair may divide the question into groups of propositions that are closely related (Rule 5, sec. 43; Rule 7, sec. 2 (14)). The House by majority vote also may order a measure to be considered section-by-section (Rule 8, sec. 16).

### ***Voting***

The House has three ways of voting: voice, division, and record. For a voice vote, the chair asks separately for the "ayes" and "nays" and determines which side prevailed.

If the chair considers a voice vote too imprecise, a division vote often is used. For a division vote, the "ayes" and "nays" are registered on the voting machine, but the members' votes are not recorded in the House Journal (Rule 1, sec. 7).

While voice or division votes are not recorded, members may record their votes and have them printed in the House Journal if they inform the journal clerk before the House adjourns or recesses to another day (Rule 5, sec. 52).

A record vote must be taken on any question if requested by any three members present (Constitution Art. 3, sec. 12; Rule 5, sec. 51). Before a record vote is taken, the clerk rings a bell to alert members. Members vote by pressing one of the buttons at their desks. Members may not cast a vote for another member (Rule 5, sec. 47).

Members are required to vote from their desks on all but voice votes. However, the votes of the member moving for the vote and the principal opponent of the proposition being voted on may be recognized from the floor, as may the vote of a member whose voting machine is out of order (Rule 5, sec. 40). The chair traditionally recognizes the votes of most members

who are in the chamber but away from their desks when the vote bell sounds ("Show Rep. \_\_\_\_\_ voting 'aye'"), unless a vote appears close or "strict enforcement of the rules" has been demanded and granted.

Members may change their vote any time before the chair announces the result (Rule 5, sec. 53).

Members absent for a vote may have a statement printed in the House Journal saying how they would have voted had they been present. Members may also have their reasons for voting a certain way published in the journal by submitting a statement to the journal clerk. If timely received, the statement or explanation is printed immediately following the vote; otherwise, it is printed at the end of the journal for the day on which it was submitted to the clerk (Rule 5, sec. 49).

The chair (usually the speaker) may vote on any bill or resolution but customarily does not vote (Rule 1, sec. 8). The chair most often votes in cases when the vote would affect the outcome, such as to break or create a tie vote. A tie means that the motion fails (Rule 5, sec. 54). The chair generally votes last.

Verification of a vote may be taken at any member's request or at the chair's discretion. A motion calling for verification must be made immediately after the vote is announced. A vote is verified by asking each member on both sides of a question to confirm their votes individually. Members may not change their votes unless they were incorrectly recorded. A member who failed to vote originally may not vote on verification. However, if the correction of an incorrectly recorded vote creates a situation in which the chair's vote would be decisive, the chair then may elect to vote (Rule 1, sec. 8; Rule 5, sec. 55).

### **Reconsideration**

After a question has been voted on, the House may reconsider it. Any member who voted on the *prevailing* side may move to reconsider a vote, either on the legislative day of the original vote or on the next day. (Sometimes members who favor the side that appears to be losing will cast a vote for the winning side in order to be able to move to reconsider the vote.) If the original vote was a voice vote, any member who voted on the question may move to reconsider (Rule 7, sec. 38). A motion to reconsider made on the day after a vote must be made before any other business is taken up (Rule 7, sec. 37).

Motions to reconsider are decided by majority vote, regardless of the vote required for the original question. Tabling a motion to reconsider disposes of the matter (Rule 7, secs. 40, 42).

If no vote is taken on a motion to reconsider immediately after the motion is made, the motion is entered in the House Journal. It can be called up and voted on only if one legislative day's advance notice is given. All motions still pending 72 hours before the session ends are considered lost. All motions to reconsider made in the last 72 hours of the session must be disposed of immediately (Rule 7, sec. 44).

A member who wishes to *prevent* reconsideration of a measure may make a double motion to reconsider and table. The motion is not debatable and requires a majority vote for approval. If approved, the motion blocks any later motion to reconsider the vote in question. If the motion to reconsider and table fails, the motion to reconsider is "spread on the journal" and may be called up later by any member, after advance notice of one legislative day (Rule 7, sec. 43).

Any member on the prevailing side of a question may move to "reconsider and spread on the journal." Such motions do not require a vote. Once made, they are entered in the journal and may be called up for a vote at the request of *any* member. Any member who wants an immediate vote on reconsideration may move to call the motion to reconsider from the journal and may either demand a vote on it or move to table it. If the motion to table fails, the motion to reconsider remains spread on the journal awaiting further action. Any member, regardless of whether on the prevailing side, may then call the motion from the journal for action by the House. Once the motion is disposed of, no other motion to reconsider can be made (Rule 7, sec. 45).

### **Second and third reading**

The Constitution requires that a bill be read before the House on three different days in order to be passed. This rule may be suspended only by a recorded vote of four-fifths of the members present (Constitution Art. 3, sec. 32; Rule 8, sec. 15). First reading occurs when the bill caption is read and the bill is referred to committee. Second reading gives the House its first chance to debate and vote on the bill. A simple majority can amend a bill on second reading. On third reading, amendments require a two-thirds vote (Rule 11, sec. 5).

Bills passed on second reading usually are set for third reading on the next day's calendar. Approval on second reading is referred to as "passage to engrossment." A bill is "engrossed" when it finally passes on third reading. A bill that is finally approved by both houses is "enrolled."

A bill may be given a second and a third reading on the same calendar day in the following cases:

◆ In cases of "imperative public necessity," the House by a four-fifths record vote of the members present can suspend the constitutional rule requiring reading on three separate days (Constitution Art. 3, sec. 32; Rule 8, sec. 15).

◆ The Constitution's requirement for reading on "three several days" has been interpreted to mean three *legislative* days. A legislative day is considered to be finished whenever the House adjourns. Therefore, the House may pass a bill on second reading, adjourn, reconvene later, then take up the bill on third reading. However, the House may not *begin* two legislative days on the same calendar day. For example, if the House wishes to pass a bill on both second and third readings on a Tuesday, it must *recess* instead of adjourn at the close of Monday's session. The bill may be passed on second reading on Tuesday, and the House may then adjourn. Both Monday and Tuesday are considered parts of the same legislative day. Later on Tuesday, the House may reconvene and start a *new* legislative day, during which the bill may be passed on third reading without suspending the three-day requirement. Most often this procedure is used when considering the Local, Consent, and Resolutions Calendar.

### **Senate bills**

When the House comes to a House bill on the daily calendar, and a Senate bill on the same subject has been reported from a House committee, the Senate bill takes precedence. In such cases, the Senate bill will be considered in lieu of the House bill, which is laid on the table subject to call (Rule 6, sec. 10).

### **Joint resolutions and constitutional amendments**

Proposed amendments to the U.S. Constitution are ratified by majority approval of a joint resolution. Applications to Congress for a convention to amend the U.S. Constitution are approved in the same manner. If joint resolutions for these purposes are

approved on second reading by a majority of the members present, they are considered adopted, and no third reading is required (Rule 9, sec. 2).

Proposed amendments to the Texas Constitution also are presented as joint resolutions. These resolutions require approval by two-thirds of the membership of each house (100 votes in the House, 21 in the Senate) for adoption. If such a resolution receives only a majority vote on second reading, it is passed to engrossment (third reading). If the resolution then fails to win approval by two-thirds of the House membership on third reading, it fails. If a joint resolution receives a favorable vote of two-thirds of the House membership on second reading, no third reading vote is required (Constitution Art. 17, sec. 1; Rule 9, sec. 1).

A joint resolution is not submitted to the governor for approval. If proposing a constitutional amendment, joint resolutions are presented to the voters for approval on an election date set by the resolution.

### **Simple and concurrent resolutions**

Simple resolutions and concurrent resolutions are introduced and referred to committee in the same manner as bills and joint resolutions. Simple resolutions are used for matters affecting only the House, such as the House rules, the housekeeping resolution, and nonbinding expressions of House sentiment or intent on particular issues. Concurrent resolutions express the will of both houses of the Legislature and commonly are used to grant the permission of the Legislature to sue the state, to authorize joint committees, or to request action by the U.S. Congress. These resolutions are reported from committee and sent to the Calendars Committee for placement on the Resolutions Calendar or to the Local and Consent Calendars Committee for placement on the Local, Consent, and Resolutions Calendar for floor consideration.

Resolutions that congratulate or memorialize are referred to the Rules and Resolutions Committee, which places them on a Congratulatory and Memorial Resolutions Calendar. Majority approval is required for adoption. However, it is common practice for the House to "suspend all necessary rules" to take up and consider individual resolutions of a congratulatory or memorial nature.

Simple resolutions, as the act of only one house, are not sent to the governor for approval. Concurrent

resolutions adopted by both houses are considered enactments of the Legislature and must be sent to the governor for action (Rule 10, sec. 5). The governor may either sign a concurrent resolution or veto it. Unlike a bill, a concurrent resolution dies if the governor does not sign it.

### ***Procedures for uncontested matters***

Separate times (usually at the end of the week) are set aside for consideration of Local, Consent, and Resolutions and Congratulatory and Memorial calendars. The bills and resolutions on these calendars are supposed to be noncontroversial. Committees must recommend by unanimous consent that bills and resolutions be sent to the Local and Consent Calendars Committee for placement on the Local, Consent, and Resolutions Calendar (Rule 6, sec. 23).

The Local and Consent Calendars Committee designates periods for consideration of Local, Consent, and Resolutions Calendars, and the Rules and Resolutions Committee designates periods for consideration of Congratulatory and Memorial Resolutions Calendars. Designating the time to consider these calendars requires a two-thirds vote of approval. A printed copy of these calendars must be distributed to each member at least 48 hours in advance (24 hours in advance for a Congratulatory and Memorial Resolutions Calendar) before they may be considered (Rule 6, secs. 11-13).

The author of a measure on the Local, Consent, and Resolutions Calendar has three minutes to speak. The time may be extended only by unanimous consent of the House. If debate on a bill or resolution takes longer than ten minutes, the bill or resolution automatically is removed from the calendar (Rule 6, sec. 14).

Bills and resolutions on the Local, Consent, and Resolutions Calendar may be contested by five members, either by written notice or by a show of hands (Rule 6, sec. 14). Contested bills and resolutions are withdrawn from consideration and returned to the Local and Consent Calendars Committee, which may either set them again or send them to the Calendars Committee. If a contested bill or resolution removed from a calendar is not placed on the *next* calendar set by the Local and Consent Calendars Committee, it is referred automatically to the Calendars Committee.

A bill or resolution that is contested and removed from the calendar twice may not be assigned to the Local, Consent, and Resolutions Calendar again during

a session (Rule 6, sec. 24).

Amendments to bills or resolutions on the Local, Consent, and Resolutions Calendar are considered out of order unless they have been approved by the Local and Consent Calendars Committee (Rule 11, sec. 4).

Votes on measures on the Local, Consent, and Resolutions Calendar are postponed until the end of the calendar. All of the bills on the calendar are laid before the House and passed on second reading by nonrecord vote. Any member may record in the journal votes on individual bills. Having recessed the previous day, the House then adjourns and convenes in a new legislative day, when the bills are considered collectively on third reading. A single vote is taken on all bills, with one record vote taken for all bills requiring immediate effect. As on second reading, members may record their votes on individual bills.

### ***Suspension of the rules***

Only two constitutional provisions concerning legislative procedure may be suspended:

- ◆ the order of business for the session. Suspension of this provision requires approval by four-fifths of the membership (120 votes) (Constitution Art. 3, sec. 5).
- ◆ the requirement for reading a bill on three days. Suspension of this provision requires a four-fifths vote of the members present (Constitution Art. 3, sec. 32).

Suspension of House rules requires approval of two-thirds of the members present, unless the rule being suspended specifies a different suspension-vote requirement (Rule 14, sec. 5). Sometimes the House will vote to "suspend all necessary rules" to take up and consider a measure, a move that negates the regular procedure.

A member who plans to move for a rules suspension or a change in the daily order of business to take up a bill out of order must notify the speaker of this intention in advance. The speaker must announce this intention to the House at least one hour before recognizing the member. This requirement may be suspended only by unanimous consent (Rule 14, sec. 4).

### ***Senate Procedures***

After a House bill has been approved by the House, it is sent to the Senate. To be considered in the

Senate, a House bill must have a Senate sponsor (vice versa for Senate legislation in the House). The chair of the Senate committee from which a House bill is reported determines, in consultation with the House author, the Senate sponsor. The House has a similar procedure for determining House sponsors of Senate bills. The chair may designate a primary sponsor, up to four joint sponsors, and an unlimited number of cosponsors (Rule 8, sec. 5; Senate Rule 11.15). Identical or companion bills often are introduced in both houses.

Senate procedures generally are the same as in the House, but there are some significant differences.

### **Senate committee procedures**

**Public hearing.** No bill may be reported from a Senate committee without a public hearing. (The House does not require public hearings.) Any senator, regardless of whether the senator is a member of the committee, may question a witness (Senate Rule 11.19).

**Tagging.** Notice of Senate committee hearings must be posted at least 24 hours in advance. However, a senator may "tag" a bill by filing a request with the Senate secretary or the committee chair that the senator receive written notice of the time and place for the hearing on a particular bill at least 48 hours before the hearing is scheduled. Tags are used most often near the end of a session to slow down consideration of, and thereby kill, bills. A tag is not effective if notice of the hearing has been posted for 72 hours and the Senate was in session at any time during the first 24 of the 72 hours (Senate Rule 11.20).

**Impact statements.** The Senate requires that impact statements be attached to a measure before the final vote in committee (Senate Rule 7.09(n)); the House does not require this. Also, in the Senate only, the LBB prepares an *open government impact statement* for bills that may reduce public access to government information or the transaction of public business, unless the author or sponsor certifies in writing to the committee chair that the statement is not needed (Senate Rule 7.09(m)).

### **Committee of the whole**

For important bills, the Senate sometimes will sit as a committee of the whole Senate. The lieutenant governor, as president of the Senate, is a member of the committee of the whole and may debate and vote in committee. When the Senate is not meeting in

committee of the whole, the lieutenant governor may vote only to break ties. A senator, rather than the lieutenant governor, presides as chair of the committee of the whole (Constitution Art. 4, sec. 16; Senate Rules, Art. 13). The House also may meet as a committee of the whole, but rarely does (Rule 4, secs. 53-55).

### **Senate order of business**

The Senate has no Calendars Committee similar to that in the House. However, the Senate Administration Committee does serve a function similar to the House Local and Consent Calendars Committee in setting a Local and Uncontested Calendar of bills and resolutions for consideration by the Senate. Bills and resolutions reported from Senate committees are listed on the daily Senate calendar in the order in which their committee reports are received by the Senate. The secretary of the Senate notes the date and time the report was filed, and the journal clerk records the order of receipt in the next day's Senate Journal (Senate Rules 5.12, 11.13).

In practice, the Senate controls the calendar by lodging a "blocker" bill at the top of the calendar. (This session's "blocker" measures are SB 69 by Harris, establishing a county park beautification program, and SJR 13 by Harris, authorizing the state to accept gifts of historical value.) As a result, any bill listed after the "blocker" bill must be considered "out of order," which requires approval of *two-thirds* of the members present. For a bill to be considered out of order, notice of intent to suspend the regular order must be filed before 4 p.m. on the last preceding day in which the Senate is in session and, unless the printing rule was previously suspended, the bill had been printed and furnished to each senator before that notice was given. The bill then is listed on the Intent Calendar, which must be made available to all senators and the press no later than 6:30 p.m. on the day the notice of intent is filed.

Notice of intent must be given day to day. Prior to April 15, no senator may give notice on more than three bills or resolutions. On or after April 15, no senator may give notice on more than five bills or resolutions (Senate Rule 5.14).

Each Senate day begins with the "morning call," which includes petitions and memorials, introduction of bills and resolutions and their referral to committee, acceptance of messages, and consideration of motions such as those to concur with House amendments to Senate bills, to appoint Senate conferees, or to adopt conference committee reports. Upon conclusion of the

morning call, the president may recognize a senator for a motion to suspend the regular order of business to take up a bill on second reading. If the motion receives the necessary two-thirds vote, the bill is considered on second reading. Amendments and approval on second reading require only majority approval.

After a bill on second reading passes to engrossment (to third reading), the Senate often suspends the constitutional requirement that a bill be read on three separate days. This motion must be approved by at least a *four-fifths* vote of the members present. If the motion to suspend the three-day reading requirement fails, the regular order of business must be suspended *again* on a subsequent legislative day by a two-thirds vote for the bill to be considered on third reading.

### **Debate in the Senate**

Floor rules in the Senate are similar to those in the House, except that the Senate has no time limits on debate (Senate Rule 4.03). Thus a senator may "filibuster" by holding the floor for an unlimited amount of time, usually in an attempt to kill a bill or to call public attention to its provisions.

## **After Passage by Both Houses**

### **Senate amendments**

Senate amendments to a House bill must be printed and provided to House members at least *24 hours* before the House may act on them (Rule 13, sec. 5). Senate amendments are considered individually—the House may vote to concur with some and not concur with others, unless the amendment is a single substitute amendment (Rule 13, sec. 3). Senate amendments may not be considered without a fiscal note (Rule 13, sec. 5(b)).

### **Conference committees**

If the Senate has amended a House bill, the House may either concur with the amendments or request the appointment of a conference committee (Rule 13, sec. 3). Should the Senate then fail to approve appointment of a conference committee, either by voting down the motion or by taking no further action, the bill dies.

Conference committees have five House members appointed by the speaker and five senators appointed by the lieutenant governor. Approval of a report by a conference committee requires the signatures of a majority of the committee members from *each* house (Rule 13, sec. 6).

Conference committees are prohibited from making two types of changes:

- ◆ changing or omitting parts of a bill that are the same in both House and Senate versions, and
- ◆ adding language not found in either version (Rule 13, sec. 9(a)).

Other limitations apply for appropriations, taxation, redistricting, and recodification bills (Rule 13, sec. 9).

The House may lift the limits on a conference committee by adopting a resolution granting special permission. The resolution must specify in detail what rules are being suspended, why, and what committee action is anticipated. Such resolutions are privileged and may be brought up one hour after introduction. They require a *majority* vote for approval (Rule 13, sec. 9(f)).

Conference committee reports must be distributed to members at least *24 hours* before they are to come before the House. Conference reports may not be considered without a fiscal note (Rule 13, sec. 10).

The House may accept or reject, but not amend, a conference committee report. If the House rejects a conference report and takes no further action, the bill dies. The House may elect, however, to recommit the conference report to the same conference committee for further consideration, request the appointment of a new committee, or give specific instructions to the House conferees (Rule 13, secs. 12, 13).

### **Items eligible for consideration**

The speaker may ask the chief clerk to prepare and distribute to the members a list of Items Eligible for Consideration. The list includes pending Senate amendments to House bills, Senate requests for appointment of conferees, and conference committee reports. A copy of the list must be placed in the members' boxes at least six hours before items on the list may be considered by the House. The time that the list is distributed must be stamped on the original copy (Rule 6, sec. 16).

## End-of-Session Deadlines

A series of end-of-session deadlines restrict the legislation that may be considered during the final days of a regular session.

The 122nd day of the session (Thursday, May 13) is the final day that the House may consider House bills, except local bills, on second reading. The 123rd day (Friday, May 14) is the final day for House consideration of non-local House bills on third reading. The 130th day (Friday, May 21) is the final day to consider local House bills.

The 134th day (Tuesday, May 25) is the final day for the House to consider Senate bills on second reading, with the 135th day (Wednesday, May 26) the final day to consider Senate bills on third reading.

The Senate may not consider any bill reported from Senate committee during the final 17 days of the session (Senate Rule 7.24). In 1999, the final day for Senate committee action is Friday, May 14. Like the House, the Senate also may not consider any bill on third reading after the 135th day (Senate Rule 7.25). Either of these rules may be suspended by a four-fifths vote of the senators present.

On the 136th (Thursday, May 27) and 137th (Friday, May 28) days, the speaker may not lay any bill before the House or permit a vote to be taken on its passage except to act on Senate amendments, adopt conference reports, reconsider bills to remove House amendments or to make corrections, or override vetoes.

On the 138th (Saturday, May 29) and 139th (Sunday, May 30) days, the speaker may not lay any bill before the House or permit a vote to be taken on its passage except to adopt conference reports, discharge House conferees and concur with Senate amendments, reconsider bills to remove House amendments or to make corrections, or override vetoes.

On the 140th and final day (Monday, May 31), the House may not vote on any bill or resolution except to reconsider it to make corrections or adopt corrective resolutions (Rule 8, sec. 13).

In summary, the House may not consider nonlocal House bills on second or third reading during the final 17 days, local House bills on second or third reading during the final ten days, Senate bills on second or third reading during the final five days, and conference reports, Senate amendments, motions to reconsider to remove House amendments, or motions to override vetoes on the final day.

## The Governor's Role

After both houses have approved a bill or concurrent resolution in the same form, it is printed in final form (enrolled) and signed by the speaker and by the lieutenant governor in the presence of the members of their respective houses (Constitution Art. 3, sec. 38). The chief clerk of the House (for Senate bills, the Senate enrolling clerk) prepares a final, official copy of the bill, which then goes to the governor.

### Vetoes

The governor has ten days (not counting Sundays) after receiving a bill to sign it or to veto it and return it to the originating house with reasons for the veto. If neither action is taken within ten days, the bill becomes law without the governor's signature. The governor also may veto specific line items in an appropriations bill.

### Veto overrides

Art. 4, sec. 14 of the Constitution specifies that the Legislature may override a veto if the originating house, which votes first, approves the override motion by a two-thirds record vote of the members present. The other house may override by a vote of "two-thirds of the members."

Senate Rule 6.20 provides that a vote of two-thirds of all members *present* is required to override the veto of a Senate bill (when the Senate votes first), while a vote of two-thirds of the *members* (21 votes) is required to override the veto of a House bill (when the Senate votes second).

House Rules make no specific provision for the vote required for veto overrides. The most recent ruling is that the override vote required when the House votes second (on Senate bills) is two-thirds of the *members* (100 votes). The constitutional provision for overriding vetoes of line items of appropriations bills specifies a vote of two-thirds of the members *present*, for *both* houses. On the final day of a regular session, neither the House nor the Senate may vote to override a veto (Rule 8, sec. 13; Senate Rule 7.25).

For bills presented to the governor less than ten days (not counting Sundays) prior to final (*sine die*) adjournment, or after adjournment, the governor has 20 days (counting Sundays) after the final day of the session to act. Should the governor veto a bill at this stage, the bill is dead because the Legislature has no



opportunity to override the veto (Constitution Art. 4, sec. 14). Even if the Legislature were meeting in special session when the veto occurred, it could not override a veto of legislation enacted during a regular session because the legislative process begins anew each session.

### Recalling bills after approval

Even after bills have been passed by both houses, signed by the presiding officers of each house, and sent to the governor, errors may be found that require correction. Nonsubstantive errors may be corrected by recalling a bill from the governor through passage of a concurrent resolution. The concurrent resolution typically requests the governor to return the bill and authorizes the presiding officers to remove their signatures.

Once recalled, the bill is in the same position in the legislative process as before it was signed by the presiding officers. If the House voted last to approve the bill, then the House must vote to reconsider its vote of approval on third reading and amend the bill. However, for relatively simple corrections, the concurrent resolution may direct that the chief clerk of the House or the Senate enrolling clerk (depending on whether it is a House or Senate bill) simply correct the final, enrolled version of the bill and send it back to the governor. However, if the governor already has signed the bill, any corrections must be made by a separate bill amending the original bill.

### Effective date of bills

Bills that are finally approved become law on the 91st day after the final day of the session in which they were enacted, which will be Monday, August 30 for bills enacted during the 1999 regular session. There are three exceptions:

- ◆ a bill may specify a later effective date;
- ◆ the general appropriations act takes effect immediately (Constitution Art. 3, sec. 39; Rule 8, sec. 20); and
- ◆ a bill may take effect *before* the 91st day after adjournment if it has an "emergency clause" setting an earlier effective date *and* it was passed by a two-thirds record vote of the members in each house (100 votes in the House, 21 in the Senate) (Rule 8, sec. 20).

Another method for allowing bills to take immediate effect is to use a *separate* bill to amend the original bill and provide for its immediate effect. This is sometimes done as a corrective measure when no record vote was taken on final passage of the original bill to indicate that the necessary two-thirds vote for immediate effect had been obtained. Also, for controversial bills such as tax measures, members might prefer not to vote for the original bill but are willing to vote for a separate bill solely to give the original bill immediate effect.

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