

## *How a Bill Becomes Law: 85th Legislature*

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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 *Texas House Rules*. HR 4 by Smithee, adopted by the House on January 11, 2017, contains the House rules for the 85th Legislature.

References to bills in this report also apply to joint resolutions unless otherwise noted.

### **Introducing legislation**

Before bills are considered by the Legislature, they must be filed and referred to committees. The House and Senate rules and the Texas Constitution determine the form and content of bills, the types of bills that may be introduced, and the referral of bills to committee.

**Form and content.** 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 on 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). A House bill that would impose or change a tax or fee must include a short statement at the end of its caption indicating the effect of the bill on the proposed tax or fee (Rule 8, sec. 1(b)), such as "imposing

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a tax.” Similarly, a House bill’s caption must reflect the creation of a criminal offense, an increase in a punishment, or a change in the eligibility of a person for parole or supervision (Rule 8, sec. 1(c)) and must indicate if a bill would create or expand the applicability of an occupational license (Rule 8, sec. 1(d)).

**Prohibited bills.** Certain local and special bills are banned by the Constitution in Art. 3, sec. 56. Examples include bills that would grant individual divorces, change venue in civil or criminal cases, or change a person’s name.

The House rules also prohibit consideration of population “bracket” bills, which use population ranges to limit a bill’s application to a particular city or county without naming the locality. (An example of a bill in this category might be one that applied 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(b)).

**Authorship.** A bill or resolution has one primary author, who may designate up to four joint authors. Names of joint authors appear on official printings of the measure, on calendars, in the *House Journal*, and in the electronic legislative information system. A bill or resolution also may have an unlimited number of coauthors, for whom written authorization from the primary author must be filed with the chief clerk (Rule 8, sec. 5).

**Filing of bills.** Beginning the first Monday after the general election preceding the regular session, or 30 days before any special session, members and members-elect may prefile bills and resolutions (Rule 8, sec. 7). Members may file measures electronically with the chief clerk (Rule 8, sec. 9). 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 2017 regular session will be Friday, March 10. After the 60th day, a four-fifths vote of the members present and voting 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).

**Local bills.** Notice of a legislator’s intention to file a local bill must be published in a newspaper in the affected location at least 30 days before the bill is introduced (Constitution, Art. 3, sec. 57; Government Code, sec. 313.002; Rule 8, sec. 10).

The six types of local bills are:

- 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 to apply generally or have statewide importance, they are not considered local bills (Rule 8, sec. 10(d)).

**First reading and referral to committee.** To become law, a bill must be read in the House and in the Senate on three separate days. This requirement may be suspended by a four-fifths vote of the members present and voting (Constitution, Art. 3, sec. 32; Rule 8, sec. 15).

First reading occurs when the reading clerk, while the House is in session, reads the bill caption and announces the committee to which the speaker has referred the bill. The speaker subsequently may correct the referral and assign the bill to a different committee, which usually occurs shortly after the initial referral. The speaker’s referral also may be changed by a majority vote of the House (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 occurs in committees, which serve as the preliminary screeners for legislation and give the public the opportunity to testify on their views.

A significant number of filed bills die in committee. During the 2015 regular session, for example, 4,340 House bills and joint resolutions were introduced, and 1,953, or 45 percent, were reported favorably from House committees. The odds of favorable committee action improve when legislation passed by one chamber is sent to the other. Of the 730 bills and joint resolutions the House received

from the Senate during the last regular session, 635, or 87 percent, were reported favorably from House committees. Senate committees favorably reported 880 of 1,171, or 75 percent, of House-passed bills and joint resolutions.

**Standing and select committees.** The House rules of the 85th Legislature establish 38 standing committees and their jurisdictions (Rule 3). Thirty-two are substantive committees, while six — Calendars, Local and Consent Calendars, Rules and Resolutions, General Investigating and Ethics, House Administration, and Redistricting — are procedural committees. Although procedural committees generally do not review and report legislation, the speaker may refer bills to the General Investigating and Ethics, 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(b)). Speakers have appointed 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 of select committees is to consider certain issues that cross committee jurisdictional lines or to focus on particular issues. For example, for the 85th Legislature, Speaker Joe Straus has created a select committee on State and Federal Power and Responsibility and another on Texas Ports, Innovation and Infrastructure.

**Committee chairs.** The speaker appoints a chair and vice chair for each committee (Rule 4, sec. 2(7)). The chairs of committees determine if and when a bill will be considered, although they must consult with the committee members on the work schedule and the order of consideration of matters before the committee. The chair also appoints all subcommittee chairs and members (Rule 4, secs. 6, 13, 43-44).

If at least three members object to a chair's ruling, they may appeal the ruling to the committee. The procedures for appeal of a chair's ruling follow the procedures for such appeals in the House (Rule 4, sec. 14).

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

**Analysis before committee action.** Committee staff must distribute a copy of an analysis of a bill to committee members and the author of a House bill by the first time the committee considers the bill (Rule 4, sec. 7). More specific analyses of potential fiscal and other implications also may accompany the bill.

**Fiscal notes.** The committee 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 would authorize spending state funds or that would 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 by the first time the committee considers the bill. If the bill is amended to alter its fiscal implications, the chair must obtain an updated fiscal note. Fiscal notes remain with the bill throughout the legislative process (Rule 4, sec. 33).

**Impact statements.** As with fiscal notes, the chair determines if a bill requires an impact statement, which also is prepared by the LBB. Impact statements include a *criminal justice policy impact statement*, for bills proposing a change in punishment for felonies committed by adults; an *equalized education funding impact statement*, for legislation proposing a change in the public school finance system; and a *water development policy impact statement*, for legislation proposing to create certain water districts. For legislation that would create or affect a state tax or fee, *tax equity notes* estimate how the proposal would change the distribution of tax and fee burdens among individuals and businesses. For legislation affecting a public retirement system, *actuarial impact statements* are prepared by the LBB in cooperation with the State Pension Review Board. A *dynamic economic impact statement*, prepared for the general appropriations bill, estimates the number of state employees affected and the impact on private sector and local government employment due to any spending change from one fiscal biennium to another (Rule 4, sec. 34).

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 must request a new impact statement, which accompanies the bill throughout the legislative process (Rule 4, sec. 34).

**Committee consideration.** Committees may act on legislation in public hearings or formal meetings. They

also may meet in work sessions and discuss legislation but take no formal action (Rule 4, sec. 10). Notice of public hearings must be posted at least five days in advance during a regular session and 24 hours in advance during special sessions. Formal meetings and work sessions require at least two hours' 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).

House committees typically hold a public hearing before reporting a bill during a regular session. When Senate-passed legislation is referred to a House committee and that committee already has held a hearing on the House companion to the Senate legislation, the committee often does not hold another public hearing before acting on the legislation.

Committee meetings begin with a call to order by the chair, who instructs the clerk to call the roll to determine if a majority of committee members is present. The chair keeps minutes with the meeting's time and place, the date of the meeting's posting, a roll call of members present, recorded votes, actions taken, witness lists, and any other information the chair determines (Rule 4, secs. 16, 18).

All committee meetings must be open to the public. Certain hearings and meetings, such as those to consider an impeachment or other quasi-judicial matter, may meet in executive session for the limited purpose of examining a witness or deliberating, considering, or debating a decision. All votes must be taken in open meetings (Rule 4, sec. 12).

House members are afforded the opportunity to testify at a hearing on bills they introduce or sponsor and may open and close testimony on their bills. No bill may be acted on adversely unless its author has had an opportunity to testify before the committee (Rule 4, sec. 30).

Anyone may testify at a public hearing, subject to certain restrictions, although sometimes hearings are limited to invited testimony. Those who wish to be recognized to address the committee must fill out and swear to a statement showing at least their name, address, and telephone number; the organization, if any, they represent; and, if representing themselves, their business, profession, or occupation. They also must indicate whether they favor, oppose, or are neutral on the bill being considered (Rule 4, sec. 20). Witnesses register at touch-screen kiosks located in the Capitol Extension.

The chair indicates whether a witness was recognized to address the committee. With the exception of legislators, everyone who registered by submitting a sworn statement is listed in an attachment to the committee minutes, whether or not the chair recognized the person to testify (Rule 4, secs. 18, 20). Testimony is recorded electronically (Rule 4, sec. 19). Committee members who wish to question witnesses must seek recognition by the chair.

Invited witnesses who are not physically present at a hearing may testify via the internet or other videoconferencing system. They must complete and file the required sworn statement. Witnesses and committee members must be clearly visible and audible to each other (Rule 4, sec. 20(g)).

### Highlights of recent changes to House rules

At the beginning of each legislative session, members adopt by majority vote rules governing the operation and procedure of the Texas House of Representatives. Certain changes adopted to the House rules for the 85th Legislature are highlighted briefly below.

- The Committee on House Administration must ensure that an audio and video recording of any public hearing, formal meeting, or work session of the House Committee on Appropriations or its subcommittees be made available to the public on the internet in a timely manner. To the extent that current technological capabilities prohibit immediate implementation of that rule, the Committee on House Administration must use its best efforts to conform to it as soon as practicable (Rule 4, sec. 19A).
- Substantive committees are required, rather than permitted, to make available to the public on the internet any committee substitute or amendment laid before the committee and any nonconfidential written testimony from a state agency relating to a measure referred to that committee. According to the rules, a committee's failure to comply is not subject to a point of order (Rule 4, sec. 18A).

A person serving as a translator, including an interpreter, for a witness before a committee must complete a form prescribed by the committee coordinator that includes the name of the translator and the witness whom the translator is serving (Rule 4, sec. 20).

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

The chair may summon the governing board or other representatives of a state agency to appear and testify without issuing a subpoena (Rule 4, sec. 21(b)). House employees may appear as witnesses when the committee grants permission by a majority vote (see the housekeeping resolution, HR 3 by Geren, 85th Legislature, sec. 4.09). State agencies may not influence the outcome of legislation, other than to provide information at a legislator's request (Government Code, sec. 556.006). When state agency employees appear before committees as witnesses in an official capacity, they testify "on" legislation, rather than for or against it.

No committee or subcommittee may meet while the House is in session unless permitted by a majority vote of the House. If permitted to meet while the House is in session, a committee may not meet in the House chamber (Rule 4, sec. 9).

**Committee action.** A committee may not take formal action unless a majority of the members 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 automatically would 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 committee motion is in order that would prevent a committee from reporting a bill (Rule 4, secs. 13, 25).

**Committee amendments.** A committee may adopt amendments to legislation. However, committee

amendments are only recommendations made to the House, which must vote separately on each amendment if the legislation is considered on the House floor (Rule 4, sec. 39). Committee amendments are attached at the end of the original version of a bill on a separate page. Amendments that 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)).

Committee members sometimes submit amendments or substitutes in advance to the chair, who lays them out and recognizes the author for an explanation, or committee members may seek recognition and offer amendments during committee consideration of the legislation. Amendments may be adopted by unanimous consent or by record vote (Rule 4, secs. 39-41).

**Committee substitutes.** Rather than adopt individual amendments, a committee may adopt a complete substitute to the original legislation, which must be "germane" to — i.e., address the same subject as — the original bill. If a committee 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).

**Reporting a bill.** A majority vote of the committee 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 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). A motion to report legislation favorably rarely fails, as the chair often will not recognize a member to make a motion to report it favorably unless the motion has majority support.

If a committee does report unfavorably on a bill (thus "killing" it), committee members who wish to report the bill favorably may file a minority report and seek the House's permission to "print the bill on minority report," which would send the legislation to the Calendars Committee (Rule 4, secs. 28-29). This procedure is rarely used.

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. If the committee fails to meet this deadline, any member may move to re-refer the bill to another committee with the same voting requirements as for a motion to instruct a committee to report (Rule 7, secs. 45, 46).

**Subcommittees.** Committee chairs may refer legislation to a subcommittee. Subcommittees need not be a particular size but usually are smaller than the whole committee, with an odd number of members to discourage tie votes.

The subcommittee chair decides whether legislation will receive a subcommittee hearing. Subcommittee hearings are governed by the same rules as committee hearings, but subcommittees cannot issue subpoenas. A subcommittee report, if issued, must be distributed to committee members at least 24 hours before consideration by the full committee. Any amendment or substitute previously adopted by the full committee is void when a bill is sent to subcommittee (Rule 4, secs. 43-50).

**Committee reports.** If legislation is reported favorably, a committee report is printed. Committee reports contain certain information, such as a form with the record vote by which the report was adopted and the committee's recommendations (Rule 4, sec. 32). Committee reports must be signed by the committee chair or an acting chair or by a majority of committee members (Rule 4, sec. 32(b)(1)). The committee may request that the Texas Legislative Council prepare the committee report analysis (Rule 4, sec. 32(d)). The bill's author may request that the analysis contain a statement by the author with information the author considers relevant (Rule 4, sec. 32(f)).

**Recommitment to committee.** The House may recommit legislation to committee, either by a routine motion or during floor consideration of the legislation. During consideration of a motion to recommit, 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. 18-20).

**Procedural issues.** On the House floor, points of order may be raised on committee actions taken after legislation is reported. The speaker may overrule a point of order raised for violation of a rule on committee reports or minutes or accompanying documentation if the purpose of

the rule was substantially fulfilled and the violation did not deceive or mislead (Rule 1, sec. 9(d)). It is not a sustainable point of order that a committee report omits from the list of hearing witnesses someone who submitted a sworn statement but was not recognized by the chair to address the committee (Rule 4, sec. 32(b)(10)).

If a point of order is raised and sustained on the House floor that a committee substitute is not germane wholly or partially to the original version of a bill, the bill is returned to the Calendars Committee. The Calendars Committee may have the original version printed and placed on the calendar or may return the legislation to committee for further action (Rule 4, sec. 41).

## The calendars system

The House may consider a bill on second reading only if it is placed on a calendar for floor consideration. When a bill is reported from committee, the committee report is referred to the committee coordinator. After the committee report is printed, the chief clerk then delivers it to either the Calendars Committee or the Local and Consent Calendars Committee (Rule 4, secs. 37 and 38; Rule 6, sec. 19). The chief clerk must notify House members electronically whenever a committee report for a Sunset bill is delivered to a calendars committee (Rule 4, sec. 38A).

A standing committee may recommend by unanimous consent that a measure considered noncontroversial be sent to the Local and Consent Calendars Committee for possible placement on a Local, Consent, and Resolutions Calendar (Rule 6, secs. 22, 23). Other bills and resolutions go to the Calendars Committee. Congratulatory and memorial resolutions go to the Rules and Resolutions Committee.

**Placement on a calendar.** 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 majority vote of the House (Rule 6, sec. 21).

Within 30 days after receiving a bill, the appropriate calendars 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, it may vote later to place it on a calendar. Each calendars committee must follow requirements for substantive committees, including giving 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 (Rule 4, ch. B). No motion is in order that would prevent a calendars committee from placing a bill on a calendar (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 must forward it to the Calendars Committee (Rule 6, sec. 22). Bills with fiscal implications cannot be placed on the Local, Consent, and Resolutions Calendar (Rule 6, sec. 23(c)).

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

The House first considers bills on the Emergency Calendar (including tax bills and the general appropriations bill), in the order they appear on the daily calendar. Considered next are measures 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, sec. 15). Bills on third reading take precedence over bills on second reading, regardless of the calendar on which they appear (Rule 6, secs. 15, 25; Rule 8, sec. 17).

**Daily calendars.** The House may consider only bills and resolutions that appear on a daily calendar posted electronically with e-mail notice to the House members. A measure may not be considered unless it appears on a daily calendar that was posted electronically at least 36 hours in advance — 24 hours during special sessions — of the scheduled consideration of that calendar (Rule 8, sec. 14(a)). A Sunset bill may not be considered unless it has appeared on a daily calendar at least 48 hours in advance in either a regular or a special session (Rule 6, sec. 16). A calendar on which the general appropriations bill appears must have been posted electronically at least 144 hours before the House may consider that calendar (Rule 6, sec. 16(a-1)). A printed copy of the general appropriations bill also must be placed in the members' mailboxes at least 168 hours before second-reading consideration and at least 72 hours before during a special session (Rule 8, sec. 14(a-1)). A Local, Consent, and Resolutions Calendar must be posted electronically at least 48 hours in advance of consideration (Rule 6, sec. 13(a)).

Once a measure appears on a posted daily calendar, it retains its place in the order of measures set for consideration and cannot be displaced by another measure (Rule 6, sec. 17(a)). 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 from the General State Calendar to the Major State Calendar. A bill or resolution that is recommitted or withdrawn from further consideration relinquishes its position on the calendar (Rule 6, sec. 17(b)).

Supplemental calendars include bills passed to third reading the previous legislative day, bills that were on a previous calendar but 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 that day's calendar that are eligible for consideration also are incorporated into the supplemental calendar (Rule 6, sec. 16). Supplemental daily calendars may be posted electronically up to two hours before that day's session.

**Rules for floor consideration.** The Calendars Committee may propose special rules for floor consideration of bills on the daily calendar. One way this provision has been used in recent sessions has been to require that any amendment to the budget not increase overall expenditures. A proposed rule may not be amended and must be approved by a two-thirds majority vote of the members present and voting. However, a rule applying to a tax bill, appropriations bill, or redistricting bill requires approval by a majority vote of the members present and voting (Rule 6, sec. 16(f)).

**Placing bills on a 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 move to place the bill on an applicable calendar without action by the associated calendars committee. The motion must be seconded by at least five members and adopted by majority vote. The motion is debatable, with one proponent 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 and rules passed by each chamber at the

beginning of the regular legislative session provide for the Legislature's order of business (Constitution, Art. 3, sec. 5). The Constitution allows each chamber upon approval by four-fifths of its membership (120 votes in the House, 25 in the Senate) to determine its order of business.

**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 (two-thirds, or 100, needed for a quorum);
- invocation;
- pledge of allegiance to U.S. flag;
- pledge of allegiance to Texas flag;
- excuses for absent members (must be made by another member);
- first readings and referrals of bills to committee;
- routine motions;
- unfinished business;
- consideration of third-reading calendars in their order of priority;
- bills postponed until that specific day; and
- consideration of second-reading calendars in their 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 considered before any House bills and resolutions unless the Senate gives its consent. Senate bills also may be considered on other days if the rules are suspended (Rule 6, secs. 8, 9).

**Special orders.** The House may vote to consider a bill as a special order, making it a priority matter. This step takes a two-thirds vote of approval. Only one special order may be pending at a time unless three-fourths of the members present vote otherwise. Consideration of a special order does not take precedence over consideration of a Senate bill on Senate bill days (Rule 6, secs. 2-6, 9) and may not exceed one calendar day (Rule 6, sec. 13(b)).

After the 115th day of a regular session, if a joint resolution has appeared on a daily calendar and been adopted, the author or sponsor of the enabling bill for the joint resolution, or another member, may immediately be

recognized for a motion to set the enabling bill as a special order. This motion may be made only if the enabling bill has been placed, or is eligible to be placed, on a calendar and was designated in writing filed with the chief clerk as the enabling bill no later than the date the bill's committee report is printed and distributed (Rule 6, sec. 2(c)).

## Floor consideration

Once a bill is placed on a calendar, it may be debated and voted upon on the House floor. House rules govern the consideration of bills on the floor.

**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). Other speakers may take up to 10 minutes. The House by majority vote may extend this limit for another 10 minutes, 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, excepting Sundays (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.)

A member recognized as having the floor may not lose the floor by the introduction of any motion, even one to adjourn. A member wishing to interrupt a person who has the floor must address the chair, be recognized, and ask if the person speaking will yield. After the chair transmits the request, the person who has the floor decides whether 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 offer an amendment, the member loses the floor (Rule 5, secs. 25, 26, 28).

**Motions.** When a question is under debate, only certain motions may be accepted (Rule 7, sec. 3). Examples include motions to adjourn, to recess, to lay a measure on the table, and to amend a measure. The order of preference for all possible motions appears in Rules 7 and 11.

**Amendments.** Five copies of all amendments, except committee amendments or those only to delete language, must be submitted at the speaker's desk (Rule



11, sec. 6), with some exceptions. An amendment that exceeds one page and is a complete substitute for a bill, or, in the speaker's opinion, is a substantial substitute, may not be considered unless 10 copies have been provided to the chief clerk and are available in the clerk's office at least 12 hours (24 hours for Sunset bills) before the bill is eligible for consideration on the floor. These requirements also apply to original amendments to Sunset bills. For original amendments to the general appropriations bill on second reading, 10 copies must be provided and be available at least 72 hours before the calendar on which the bill appears is eligible to be considered (Rule 11, secs. 6(e), (g), (h)).

On second or third reading, after the bill caption has been read and opening remarks offered, members may offer amendments. The priority for offering 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 germane bill for the original;
- amendments to the substitute;
- a substitute for the amendment to the substitute; and
- amendments to the caption (Rule 11, sec. 7).

Members are recognized in the following order to offer substantive amendments and complete substitutes: the main author of the bill, members offering committee amendments or substitutes, and other members (Rule 11, sec. 7).

Up to three different amendments may be considered at the same time. For example, if the author offers a floor substitute (Amendment No. 1) for a bill, another member may offer an amendment (No. 2) to the floor substitute. While the amendment to the floor substitute is being debated, another member may offer 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. One is to move the previous question. The other is to move to limit amendments, and at least 25 members must second such a motion. Proponents and opponents of a motion to limit amendments each get three minutes to speak. The motion is not subject to tabling. Such a motion may limit consideration to either amendments already pending before the House or those already on the speaker's desk (Rule 11, secs. 10, 11).

Amendments that 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, the chair considers if the subject was included in the original version of the bill or in the committee substitute (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 recorded. For a voice vote, the chair asks separately for the "ayes" and "nays" and determines which side prevailed. If the chair (the speaker or a designate) is in doubt as to the result of the voice vote, a division vote may be used. For a division vote, the "ayes" and "nays" are registered on the voting machine but printed in the *House Journal* only if a record vote is ordered (Rule 1, sec. 7). On a question for which a record vote has not been ordered, members may record their votes and have them printed in the journal if they inform the journal clerk before the House adjourns or recesses to another day (Rule 5, sec. 52).

If requested by any member present, a record vote must be taken on any question (Rule 5, sec. 51(a)). A record vote automatically is taken on final passage of any bill or

any joint resolution proposing a constitutional amendment. Final passage means third reading, second reading if the three-reading requirement has been suspended or dispensed with, concurring with Senate amendments, or adopting a conference committee report (Constitution, Art. 3, sec. 12(b); Rule 5, sec. 51(c)). Record votes must be made available to the public on the internet or any televised broadcast of the House proceedings in real time to the extent possible (Rule 5, sec. 51A).

Before a record vote is taken, the clerk rings a bell to alert members, who vote by pressing one of the buttons at their desks. No member may cast a vote for another member without that other member's permission (Rule 5, sec. 47). Members must use the voting machine to vote on all but voice votes. However, the votes of the member moving for the vote and the principal opponent of the question 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 granted.

A member may change a 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 also may have their reasons for voting a certain way published in the journal by submitting a statement to the journal clerk (Rule 5, sec. 49).

The speaker may vote on any bill or resolution but customarily does not vote (Rule 1, sec. 8). The speaker 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 speaker generally votes last.

The chair may order verification of a vote 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 either side of a question individually to confirm his or her vote. Members may not change their votes unless they were incorrectly recorded. A member who originally failed to vote 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 may elect to vote (Rule 1, sec. 8; Rule 5, sec. 55).

**Reconsideration.** 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. If the original vote was a voice vote, any member who voted on the question may move to reconsider, with a few exceptions (Rule 7, sec. 37(b)). 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(a)).

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. 39, 41). Other requirements for reconsideration appear in Rule 7.

**Three readings.** The Constitution requires that a bill be read before the House on three separate days in order to be passed. First reading occurs when the bill caption is read and the speaker refers it to a committee (Rule 8, sec. 6). 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 supplemental calendar (Rule 6, sec. 16(a)(1)). Approval on second reading is referred to as "passage to engrossment" (Rule 8, sec. 17). 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 following a four-fifths record vote of the members present to suspend the constitutional rule requiring reading on "three several days" (Constitution, Art. 3, sec. 32; Rule 8, sec. 15). This constitutional requirement has been interpreted to mean three legislative days. A legislative day is considered finished whenever the House adjourns. Therefore, the House may pass a bill on second reading, adjourn, reconvene, 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 then may 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. This procedure is used most often when considering bills on 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).

**Constitutional amendments.** Proposed amendments to the Texas Constitution are presented as joint resolutions. Adoption of these resolutions requires approval by at least two-thirds of the members of each house (100 votes in the House, 21 in the Senate). 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 be approved by at least two-thirds of the House members on third reading, it fails. If a joint resolution receives a favorable vote of at least two-thirds of the House members 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, a joint resolution is presented to the voters for approval on an election date set by the resolution.

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).

**Simple and concurrent resolutions.** Simple resolutions and concurrent resolutions are introduced and referred to committee in the same manner as bills and joint resolutions (Rule 4, sec. 35). Simple resolutions are used for matters affecting only the House, such as the House rules or the housekeeping resolution, or for 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, authorize

joint committees, or request action by the U.S. Congress (Rule 12, sec. 3).

Resolutions that congratulate or memorialize are referred to the Rules and Resolutions Committee, which places them on a Congratulatory and Memorial Calendar. Adoption requires majority approval. The House has sometimes voted to "suspend all necessary rules" to take up and consider individual resolutions of a congratulatory or memorial nature that do not appear on a calendar.

Simple resolutions, as the act of only one house, are not sent to the governor for approval. Concurrent resolutions 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, allow it to expire without signing it, or veto it. Unlike a bill, a concurrent resolution dies if the governor does not sign it.

**Local and uncontested matters.** Separate times are set aside for consideration of Local, Consent, and Resolutions and Congratulatory and Memorial calendars. Committees must recommend by unanimous consent that legislation 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 calendars. Designating the time to consider these calendars requires a two-thirds vote of approval. These calendars must be posted electronically at least 48 hours (24 hours for a Congratulatory and Memorial 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 exceeds 10 minutes, it automatically is removed from the calendar (Rule 6, sec. 14).

Legislation 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 legislation is withdrawn from consideration and returned to the Local and Consent Calendars Committee, which may set it again or send it to the Calendars

Committee. If 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. Legislation 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 approved by the Local and Consent Calendars Committee (Rule 11, sec. 4).

Bills on a Local, Consent, and Resolutions Calendar must be considered within one calendar day. Those bills not considered due to the expiration of the calendar day are carried over to the next such calendar. The carried-over bills precede any new measures on the next calendar and retain the same relative order as on the calendar where they originally had appeared (Rule 6, sec.13(b) and sec. 14(5)).

Votes on measures on the Local, Consent, and Resolutions Calendar traditionally are postponed until the end of the calendar. All the bills on the calendar are laid before the House and passed on second reading by non-record vote. Members may record in the journal their votes on individual bills on the calendar. 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 record vote is taken on all bills on the calendar. As on second reading, members may record their votes on individual bills.

**Suspending the rules.** Two constitutional provisions for legislative procedure may be suspended, one being the order of business. Suspension requires approval by four-fifths of the members (120 votes) (Constitution, Art. 3, sec. 5). Another provision that may be suspended is the requirement for reading a bill on three days (Constitution, Art. 3, sec. 32; Rule 8, sec. 15).

Suspension of House rules generally 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 generally to “suspend all necessary rules” to take up and consider a measure.

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 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 the House approves a House bill, 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(d); Senate Rule 11.14). Identical or companion bills often are introduced in both houses.

SR 3 by Hancock, adopted by the Senate on January 11, 2017, contains modifications to the *Senate Rules* for the 85th Legislature.

**Senate committee procedures.** Senate procedures are comparable to those in the House, but with some significant differences.

**Public hearing.** No bill may be reported from a Senate committee without a public hearing. Any senator, regardless of whether the senator is a member of the committee, may question a witness (Senate Rule 11.18).

**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 bill’s public hearing at least 48 hours before it is scheduled. Tags are used most often near the end of a session to slow down consideration of, and thereby potentially 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 11.19).

**Impact statements.** The Senate requires that impact statements be attached to certain measures 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 a *higher education impact statement* and an *open*

*government impact statement* for appropriate bills (Senate Rules 7.09(1), (m)). Unlike the House, the Senate does not require a *water development policy impact statement* or a *dynamic economic impact statement*.

**Committee of the whole.** The Senate sometimes sits 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. 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, chairs 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. 51-55).

**Senate order of business.** Bills and resolutions reported from Senate committees are listed on the daily Senate calendar in the order that the Senate receives their committee reports. The secretary of the Senate notes the date and time each report was filed, and the journal clerk records the order of receipt in the next day's *Senate Journal* (Senate Rules 5.12, 11.12). The Senate has no calendars committee comparable to the House committee. However, the Senate Administration Committee does serve a function similar to the House Local and Consent Calendars Committee in that it sets a Local and Uncontested Calendar of bills and resolutions for Senate consideration.

The Senate traditionally lodges a "blocker" bill at the top of the calendar. (This session's "blocker" measures are SJR 31 and SB 535 by Kolkhorst.) Because these measures remain at the top of the calendar for the session and deliberately are never considered, any bill listed on the calendar after the "blocker" bill must be considered "out of order," which requires approval of three-fifths of the members present.

For a bill to be considered out of order, a senator must file notice of intent to suspend the regular order before 3 p.m. on the last preceding calendar day when the Senate was in session and, unless the printing rule was suspended previously, the bill must have been printed and furnished to each senator before such notice (Senate Rule 5.14). The bill then appears 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 was filed. During the first 129 days of the regular session, the Senate may not suspend the regular order to consider a measure until the second day of its posting on the Intent Calendar. Unlike

consideration of bills on the daily House calendar, bills on the Senate Intent Calendar need not be considered in any particular order nor considered at all unless the president recognizes a senator to move to suspend the regular order.

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

Each Senate day typically 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 to concur with House amendments to Senate bills or to adopt conference committee reports. After 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 three-fifths vote, the bill is considered on second reading (Senate Rule 5.13). 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 (Senate Rule, 7.18). If the motion to suspend the three-day reading requirement fails, three-fifths of the members present must suspend the regular order of business again on a subsequent legislative day 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. 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. A senator may yield for questions without losing the floor and may be interrupted by points of order (such as that the senator confine his or her remarks to the subject under debate) or motions to move the previous question (demand an immediate vote) or to recess or adjourn (Senate Rule 4.03). Any senator may call for the previous question if recognized and if at least five senators second the motion. If adopted by a majority of the senators present and voting, the motion cuts off all further amendments and debate (Senate Rule 6.09).

## After passage by both houses

**Senate amendments.** Senate amendments to a House bill must be printed and given to House members at least 24 hours before the House may act on them (Rule 13, sec. 5). The House may vote to concur with some amendments and not with others, unless the amendment is a single substitute amendment (Rule 13, sec. 3). A fiscal note must accompany Senate amendments for them to be considered (Rule 13, sec. 5(b)). The Texas Legislative Council must prepare an analysis of Senate amendments and distribute it to the members electronically or in printed form at least 12 hours before the House takes action (Rule 13, sec. 5(c)). The House also may not vote on Senate amendments unless a tax equity note prepared by the LBB, if required, has been distributed to the members (Rule 13, sec. 5(d)).

The speaker, with the primary author's permission, may return to the Senate any House bill or resolution with Senate amendments that the speaker determines to be not germane to the measure, regardless of whether it is eligible for House consideration. The speaker must attach a statement explaining how the amendments returned to the Senate are not germane and enter the statement in the *House Journal* as soon as practicable (Rule 13, sec. 5A).

**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 to reconcile differences between versions of a measure (Rule 13, sec. 3). If the Senate fails to approve appointment of a conference committee, either by voting down the motion or by taking no 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 conference committee report 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 of the bill (Rule 13, sec. 9(a)).

The House may lift the limits on a conference committee by adopting an "outside the bounds" resolution granting special permission. The resolution must specify

in detail the exact language proposed, what rules would be suspended, the reasons for the suspension, and the conference committee action contemplated. It also must include a fiscal note. Such resolutions are privileged and may be brought up three hours after a copy has been distributed to each member. 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 consideration by the House. Conference committee reports may not be considered without a fiscal note, which must be distributed with the committee report on its printing (Rule 13, sec. 10(c)). If required, a tax equity note estimating the effect of the conference report must be submitted to the chief clerk and made available to each member before the House may vote on the conference report (Rule 13, sec. 10(d)). Other requirements apply for appropriations, taxation, redistricting, and recodification bills (Rule 13, sec. 9).

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 conference committee, or give specific instructions to the House conferees (Rule 13, secs. 12, 13).

**Items eligible for consideration.** When the volume of legislation requires it, the speaker may ask the chief clerk to prepare and post electronically 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. The list must be posted at least six hours before the House may consider any items. (Rule 6, sec. 16).

## 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.

**Veto.** The governor has 10 days (not counting Sundays) after receiving a bill to sign it or veto it and return it to the originating house with reasons for the veto. If neither action is taken within 10 days, the bill becomes law without the governor's signature. The governor also may veto specific line items in an appropriations bill (Constitution, Art. 4, sec. 14).

For bills presented to the governor fewer than 10 days (not counting Sundays) before final (*sine die*) adjournment, or after adjournment, the governor has 20 days (counting Sundays) after the final day of the session to act.

**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 must override by a vote of "two-thirds of the members."

Senate Rule 6.20 requires a vote of two-thirds of all members present to override the veto of a Senate bill (when the Senate votes first) and a vote of two-thirds of the members (21 votes) 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 two-thirds of the members (100 votes) are required to override a veto when the House votes second (on Senate bills).

The constitutional provision for overriding vetoes of line items of appropriations bills specifies a vote of

### 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. 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 10 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 (Rule 8, sec. 13; Senate Rules 7.24, 7.25).

**Friday, May 12**

(123rd day of the 2017 session)

Final day for the House to consider nonlocal House bills and joint resolutions on third reading.

**Friday, May 19**

(130th day)

Final day for the House to consider local House bills.

**Tuesday, May 23**

(134th day)

Final day for the House to consider Senate bills and joint resolutions on second reading.

**Wednesday, May 24**

(135th day)

Final day for the House and the Senate to consider any bills and joint resolutions on third reading.

**Thursday and Friday, May 25-26**

(136th and 137th days)

The House may only act on Senate amendments, adopt conference reports, reconsider bills or joint resolutions for the purpose of removing House amendments or making corrections, vote to override vetoes, or adopt simple or concurrent resolutions.

**Saturday and Sunday, May 27-28**

(138th and 139th days)

The House may only adopt conference reports, discharge conferees and concur in Senate amendments, reconsider bills or joint resolutions for the purpose of removing House amendments or making corrections, vote to override vetoes, or adopt simple or concurrent resolutions.

**Monday, May 29**

(140th and final day)

The House and the Senate may only reconsider bills or resolutions to make corrections or adopt corrective resolutions.

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). If the governor vetoes a bill after *sine die* adjournment of a session, the bill is dead because the Legislature has no opportunity to override the veto (Constitution, Art. 4, sec. 14).

**Recalling bills after approval.** 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 it was before being signed by the presiding officers. If the House voted last to approve the bill, then the House must vote to reconsider its vote on third reading and final passage 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 (Rule 8, sec. 19), which will be Monday, August 28 for bills enacted during the 2017 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. 19); and
- a bill may take effect before the 91st day after adjournment if it was passed by at least a two-thirds record vote of the members in each house (100 votes in the House, 21 in the Senate) (Rule 8, sec. 19; Senate Rule, 16.05).

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.

A joint resolution to amend the Constitution takes effect when a majority of voters approve, unless a later date is specified (Constitution, Art. 17, sec. 1(c)). The governor issues a proclamation following the election to announce that the official vote canvass confirmed voter approval.

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 Andrew Murr  
 Joe Pickett  
 Gary VanDeaver

John H. Reagan Building  
 Room 420  
 P.O. Box 2910  
 Austin, Texas 78768-2910

(512) 463-0752

[www.hro.house.state.tx.us](http://www.hro.house.state.tx.us)

### Staff:

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