

## *How a Bill Becomes Law: 82nd 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. HR 4 by Solomons, adopted by the House on January 24, 2011, contains the House Rules for the 82nd Legislature. References to bills also apply to joint resolutions, unless otherwise noted.

### **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 and special bills are 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.

The House Rules also prohibit consideration of population “bracket” bills, which use population ranges to limit

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a bill's application to a particular city or county without naming 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(b)).

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

**Filing dates.** 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). 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 2011 regular session will be Friday, March 11. 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.** Nine copies of each bill must be filed with the chief clerk. Eleven copies must be filed if the bill relates to 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; Government Code, sec. 313; Rule 8, sec. 10). There are six types of 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(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 (Constitution, Art. 3, sec. 32; Rule 8, sec. 15).

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 while the House is in session 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. 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 occurs in committee.

Rule 3 establishes the 36 House standing committees and their jurisdictions. Thirty are substantive committees, while six – Calendars, Local and Consent Calendars, Rules and Resolutions, General Investigating and Ethics, 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 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 82nd Legislature, Speaker Joe Straus created select committees on State Sovereignty and on Voter Identification and Voter Fraud. During the interim following the 2009 regular session, Speaker Straus created several select committees to conduct interim studies.

**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, secs. 6, 44).

**Committee meetings.** After the committees are appointed and organized, the committee coordinator, under the direction of 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 and the author or House sponsor (of a Senate bill) before the committee first considers the bill. The author of the bill may request that the Texas Legislative Council prepare the analysis (Rule 4, sec. 7).

**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 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 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 whether a bill requires an impact statement, which is prepared by the LBB. Impact statements include a *criminal justice policy impact statement*, for legislation 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. *Tax equity notes*, for legislation that would create or affect a state tax or fee, estimate how the proposal would change 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. A dynamic economic impact statement, prepared for the general appropriations bill, estimates the number of state employees affected and the impact on private-sector employment due to any spending change from one fiscal biennium to another.

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. Committees also may meet in work sessions, where they may discuss legislation but take no formal action. 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' 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).

House committees are not required to hold a public hearing before a bill is reported, but the usual practice during regular sessions has been to hold a public hearing on almost every House bill. Public hearings must be open to attendance by anyone. Formal meetings and work sessions also must be open to the public, except for certain meetings such as to consider 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 bills that 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

first has had an opportunity to testify before the committee (Rule 4, sec. 30).

Anyone may testify at a committee hearing, subject to certain restrictions. 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 phone 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. The chair indicates on the statement whether a witness actually was recognized to address the committee. Everyone, except legislators, who submitted a sworn statement is listed in an attachment to the committee minutes regardless of whether the chair recognized the person to testify (Rule 4, secs. 18, 20). All testimony must be recorded electronically (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 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 only when the committee grants permission by a majority vote (see the Housekeeping Resolution, HR 3 by Geren, 82nd Legislature, sec. 4.09). Government Code, sec. 556.006 prohibits state employees from influencing the outcome of legislation, other than to provide information at a legislator's request. When state agency employees appear before committees as witnesses, they testify "on" legislation, not 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 (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 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).

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)).

A committee may adopt a substitute bill that addresses 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 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. If the committee fails to meet this deadline, any member may move to re-refer the bill to another committee, with the vote required to approve this motion the same as for a motion to instruct a committee to report (Rule 7, secs. 45, 46).

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 committees of 21 or more members, three members of 11- to 20-member committees, or two members of committees with 10 or fewer members. As with a majority report, a minority 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. If the House adopts the motion, the bill is forwarded to the Calendars Committee (Rule 4, secs. 28, 29).

**Subcommittees.** Committee chairs may refer legislation to a subcommittee. The subcommittee chair decides whether the legislation will receive 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 24 hours before consideration by the full committee. 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 (Rule 4, sec. 32):

- the record vote adopting the report;
- the committee’s recommendations;
- any recommendation that legislation be sent to the Local and Consent Calendars Committee for placement on the Local, Consent, and Resolutions Calendar;
- the date on which the recommendations were made;

- for Senate legislation, the primary House sponsor and all House joint sponsors or cosponsors;
- a notation that the legislation has been forwarded for preparation of a fiscal note or impact statement, if applicable;
- for a proposed constitutional amendment, the bill number of its enabling legislation, or for enabling legislation, the joint resolution number of the proposed constitutional amendment that the legislation would implement;
- a detailed description, in either summary or section-by-section form, of the bill’s subject matter, including background information on what the bill proposes to do, an analysis of its content, and a separate statement listing each statute or constitutional provision that would be repealed;
- a statement indicating whether any rulemaking authority is expressly delegated by the legislation and identifying the sections where the rulemaking is delegated;
- a statement of differences between a committee substitute and the original version, if applicable, or a brief explanation of each amendment adopted by the committee;
- a summary of the committee action; and
- a list of persons who submitted sworn statements indicating that they were present at the hearing, the persons or entities that they represented, and their position on the bill.

All committee reports must be signed by the committee chair or by a majority of committee members. The author of the bill and the committee may request that the Texas Legislative Council prepare the committee report analysis (Rule 4, secs. 6, 32). The committee chair must provide a copy of the committee report analysis to the House author or sponsor as soon as the report is complete (Rule 4, sec. 32(e)).

A point of order raised against a committee report analysis will be sustained only if the analysis is materially or substantially misleading (Rule 4, sec. 32(f)). Omitting from the list of hearing witnesses in a committee report those who submitted a sworn statement but were not recognized by the chair to address the committee also would not be a sustainable point of order (Rule 4, sec. 32(b) (10)).

**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 during consideration of this motion, 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). If the author or sponsor was given no opportunity to be heard before a committee reported a bill adversely, the House by majority vote may order the bill reported adversely to be recommitted, even if no minority report was filed (Rule 4, sec. 30).

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

## The calendars system

When bills are 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 is required to notify the members electronically whenever a committee report for a Sunset bill is delivered to a calendars committee (Rule 4, sec. 38A).

A substantive 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 for floor consideration.** The House may consider a bill 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 majority vote of the House.

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, the committee is not precluded from voting later to place that bill on a calendar. The calendars committees must follow 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. 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 must forward the legislation 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 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 that they appear on the daily calendar. Considered next are measures placed on the Major State Calendar, the Constitutional Amendments Calendar, the General State Calendar, and the Resolutions Calendar, in the order that they appear within those calendars. The Calendars Committee may make exceptions to the order in which calendars are considered (Rule 6, secs. 7, 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. 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 Local, Consent, and Resolutions Calendar must be posted electronically at least 48 hours in advance of consideration (Rule 6, sec. 13).

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 any other 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 on 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 daily calendars may be posted electronically 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 a previous daily calendar but have not been 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. The time that the calendars are posted must be stamped on the original copies (Rule 6, sec. 16).

For a bill to be considered on second reading, it must have been posted electronically with e-mail notice to the members at least 36 hours in advance, 24 hours during special sessions (Rule 8, sec. 14(a)). A printed copy of the general appropriations bill 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)).

**Rules for floor consideration.** The Calendars Committee may propose special rules for floor consideration of bills on the daily calendar. One way that this provision has been used in recent sessions has been 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. The House may consider a proposed rule no sooner than six hours after it has been distributed to the members and before consideration of the affected bill. A proposed rule cannot be amended and must be approved by a two-thirds majority vote of the members present and voting to be effective. 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 a daily calendar or a Local, Consent, and Resolutions Calendar, whichever is applicable, without action by the applicable 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 requires the Legislature to devote the first 30 days of each regular session exclusively to the introduction of bills and resolutions, consideration of emergency appropriations and emergency matters submitted by the governor, and Senate confirmation of recess appointees. In the second 30 days, committees may hold hearings to consider pending legislation and emergency matters. During the remainder of the session, 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 (120 votes in the House). Senate rules also

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).

**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;
- 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;
- 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, under suspension of the rules (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 special orders does not take precedence over consideration of Senate bills on Senate bill days (Rule 6, secs. 2-6, 9). Consideration of a special order 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 of the filing of the bill's committee report (Rule 6, sec. 2(c)).

## 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. The House by majority vote may extend this limit for an additional 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.)

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, 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 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:

- 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 must be allowed to close debate on the matter before the House votes on the motion (Rule 7, sec. 12). A motion to table sometimes is used as a “test vote” on a bill or amendment. If the motion to table prevails, the bill or amendment is dead unless the vote subsequently is reconsidered. If the motion fails, the bill or amendment still has a chance of approval;
- to lay on the table subject to call. Such motions often are used to delay consideration of a bill or to dispose of a House bill when a Senate companion is considered in its place. A tabled measure may be taken from the table and considered on the same legislative day at any time except when another matter is pending. To recall a measure from the table on a later day requires one legislative day’s advance notice. Recalling a measure from the table requires 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. Amendments that have not been read but are on the speaker’s desk cannot be included under a motion for the previous question (Rule 7, secs. 21-36);
- to postpone to a “day certain” or specific date. 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); and
- 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 (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 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
- an amendment to the caption (Rule 11, sec. 7).

Members are recognized to offer substantive amendments and complete substitutes in the following order:

- 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. 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 (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 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 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 considers a voice vote too imprecise, a division vote may be used. For a division vote, the "ayes" and "nays" are registered on the voting machine but are printed in the House Journal only if a record vote is ordered (Rule 1, sec. 7).

On any question where a record vote has not been ordered, 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).

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. Members 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 demanded and 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. 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 that it was submitted to the 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 (the speaker or his designate) 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 both sides 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 then 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. (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. 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).

If the House does not vote 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 voted on immediately (Rule 7, sec. 43).

A member who wishes to prevent reconsideration of a measure may make a double motion to reconsider and table. This 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. 42).

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 voted on, no other motion to reconsider can be made (Rule 7, sec. 44).

One hour's notice is required for a motion to reconsider a vote by which a bill, a joint resolution, or a concurrent resolution was defeated. This includes a motion to reconsider and table and a motion to reconsider and spread on the journal. A member gives notice by addressing the House while it is in session, and the member giving notice need not have been on the prevailing side nor the member who actually will make the motion. Once the notice is given, any deadline for making the motion to reconsider automatically is extended up to one hour while the House is in session in order to satisfy the one-hour notice (Rule 7, sec. 37(c)).

**Second and third reading.** The Constitution requires that a bill be read before the House on three separate days in order to be passed. This rule may be suspended only by a record vote of at least 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 supplemental 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:

- 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); or
- The Constitution's requirement for reading on "three several days" 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).

**Joint resolutions and constitutional amendments.** Proposed amendments to the Texas Constitution are presented as joint resolutions. These resolutions require approval by at least two-thirds of the members 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 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, joint resolutions are 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. 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. 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.

Resolutions that congratulate or memorialize are referred to the Rules and Resolutions Committee, which places them on a Congratulatory and Memorial Calendar. Majority approval is required for adoption. However, the House often votes 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 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 local and 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 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 in advance (24 hours in advance 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 or resolution exceeds 10 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 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 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 older 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 of the bills on the calendar are laid before the House and passed on second reading by nonrecorded 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:

- the order of business for the session. Suspension requires approval by four-fifths of the members (120 votes) (Constitution, Art. 3, sec. 5).
- the requirement for reading a bill on three days. Suspension requires approval by four-fifths of the members present and voting (Constitution, Art. 3, sec. 32; Rule 8, sec. 15).

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 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.

Senate procedures generally are similar to those in the House, but with some significant differences.

**Senate committee procedures.** *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 the hearing 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 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 a *higher education impact statement* and an *open government impact statement* for appropriate bills (Senate Rules 7.09(l), (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 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, chairs the Committee of the Whole (Constitution, Art. 4, sec. 16; Senate Rules, Art. 13). (The restrictions on voting apply only to an *elected* lieutenant governor, not to a senator chosen by the Senate to act as lieutenant governor in the case of a vacancy.) 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 that 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 SB 445 by Eltife, establishing a county park beautification program, and SJR 18 by Eltife, authorizing the state to accept gifts of historical value.) Since these measures at the top of the calendar deliberately are never considered, any bill listed on the calendar 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, a senator must file notice of intent to suspend the regular order before 3 p.m. on the last preceding 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. 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.

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 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, to appoint Senate conferees, 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 two-thirds vote, the bill is considered on second reading. Amendments and approval on second reading require only majority approval. 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.

The Senate Rules include a special exception, added in 2009, for legislation concerning voter identification requirements. If such legislation is reported favorably by the Committee of the Whole, it may be set as a special order by a majority of the Senate members. This special exception bypasses the two-thirds of the members present vote requirement to consider other types of legislation or to set a special order (Senate Rule 5.11(d)).

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, sec. 7.18). If the motion to suspend the three-day reading requirement fails, two-thirds 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. However, 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 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). A fiscal note must accompany Senate amendments in order 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 Legislative Budget Board, 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 amendments to a House bill or resolution 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 (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).

## 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).

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|---|---|
| <b>Friday, May 13</b><br>(123rd day of the 2011 session)        | Final day for the House to consider nonlocal House bills and joint resolutions on third reading.  |
| <b>Friday, May 20</b><br>(130th day)                            | Final day for the House to consider local House bills.  |
| <b>Tuesday, May 24</b><br>(134th day)                           | Final day for the House to consider Senate bills and joint resolutions on second reading.   |
| <b>Wednesday, May 25</b><br>(135th day)                         | Final day for the House and the Senate to consider any bills and joint resolutions on third reading.  |
| <b>Thursday and Friday, May 26-27</b><br>(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.                            |
| <b>Saturday and Sunday, May 28-29</b><br>(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. |
| <b>Monday, May 30</b><br>(140th and final day)                  | The House and the Senate may only reconsider bills or resolutions to make corrections or adopt corrective resolutions.  |

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)).

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 conference 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 limitations and 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.** 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. The time of distribution must be stamped on the original copy of the list (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.

For bills presented to the governor less 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 may 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 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). 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.** 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, which will be Monday, August 29, for bills enacted during the 2011 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).

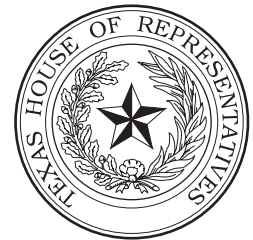
Another method for allowing bills to take immediate effect is to use a *separate* bill to amend the original bill and provide for its immediate effect. For controversial bills such as tax measures, members might prefer not to vote for the original bill but may be willing to vote for a separate bill solely to give the original bill immediate effect.

Joint resolutions to amend the Constitution take effect when the governor issues a proclamation that the official vote canvass confirmed voter approval, unless a later date is specified (Constitution, Art. 17, sec. 1(c)).

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