

Steering Committee:
Bill Callegari, Acting Chairman

Drew Darby
Harold Dutton

Susan King
Jose Menendez

Geanie Morrison
Elliott Naishtat

Rob Orr
Joe Pickett

Ralph Sheffield
Todd Smith

HOUSE RESEARCH ORGANIZATION

daily floor report

Monday, January 24, 2011
82nd Legislature, Number 7
The House convenes at 1:30 p.m.

The House today is expected to consider suspension of the constitutional order-of-business provision, which is discussed on page 1. The House also is expected to consider HR 4 by Solomons, the proposed House Rules for the 82nd Legislature. The proposed changes to last session's rules are summarized starting on page 2.

The Senate is scheduled to convene today at 1:30 p.m. It is scheduled to resolve into a Committee of the Whole to consider SB 14 by Fraser, et al., requiring voters to present proof of identification at the polls, which Gov. Perry declared an emergency item on Thursday.

If you have not done so already, please mark and return your ballot to approve or disapprove the election of a slate of eight members nominated by the House Research Organization Steering Committee to serve new four-year committee terms. The ballots were sent earlier to each member's office and should be returned to Room 420 of the John H. Reagan Building. Thanks very much for your help.



Bill Callegari
Acting Chairman
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CONSTITUTIONAL ORDER-OF-BUSINESS PROVISION

Art. 3, sec. 5(b) of the Texas Constitution requires the Legislature to devote the first 30 days of the regular legislative session (January 11 through February 9 this year) exclusively to the introduction of bills and resolutions and to action on emergency appropriations, emergency matters submitted by the governor, and Senate confirmation of recess appointees. During the second 30 days (February 10 through March 11 this year), committees may hold hearings to consider bills and resolutions and emergency matters submitted by the governor. During the remainder of the session, both houses may act on pending legislation without restriction.

Under Art. 3, sec. 5(c), each house may suspend the order-of-business restrictions by a four-fifths vote of its membership (120 votes in the House, 25 votes in the Senate). With the exception of 1981 and 2007, when the motion to suspend the provision failed to receive the necessary four-fifths vote of the membership, and 1983, when no one offered a motion to suspend the provision, the House has suspended the order-of-business restrictions in every regular session since the provision first was adopted in 1930 in order to allow consideration of non-emergency legislation during the first 60 days of the session.

During the 2007 regular session, when HR 4 by Chisum, the resolution to suspend generally the constitutional order of business, failed by 108-33-2 to receive the necessary 120 votes for approval, the governor declared several issues to be emergency matters to allow their consideration during the first 60 days. The House subsequently suspended the restrictions on a case-by-case basis to allow the Transportation Committee hold hearings on three non-emergency bills during the first 30 days and to allow House floor consideration of two non-emergency bills during the second 30 days.

In addition to the constitutional restrictions, Senate rules require a four-fifths vote of the membership (25 votes) to allow floor consideration of all but emergency and local bills during the first 60 days of the regular session. The Senate usually suspends these restrictions on a bill-by-bill basis.

PROPOSED HOUSE RULE CHANGES

HR 4 by Solomons, the proposed changes in the House Rules for the 82nd Legislature, would amend the rules used during the 81st Legislature. The proposed changes are summarized below, with the rules affected and the page numbers of the proposed changes in the filed version of HR 4 cited in parentheses.

Committees – Jurisdiction and Membership

The jurisdiction and membership of some committees would be revised (Rule 3, pp. 22-48). The total number of committees would be increased from 34 (28 substantive, six procedural) to 36 (30 substantive, six procedural).

A new seven-member **Economic and Small Business Development and Workforce Committee** would be created, with jurisdiction transferred from the former Technology, Economic Development, and Workforce Committee. The new committee would have jurisdiction over economic development, workforce, and labor issues, much like the old Economic Development Committee during the 80th Legislature. The renamed **Technology Committee**, with five members rather than nine, would retain jurisdiction over science and technology issues.

A new seven-member **Government Efficiency and Reform Committee** would have jurisdiction over state government organization, operation, powers, regulations, and management and elimination of inefficiencies in providing state services, the same as the old Government Reform Committee in the 80th Legislature.

The former Public Safety Committee would be renamed the **Homeland Security and Public Safety Committee** and would have jurisdiction over terrorism response and emergency management concurrent with the Defense and Veterans' Affairs Committee.

The number of members of these substantive committees would be decreased:

- Business and Industry, from 11 members to nine;
- Corrections, from 11 members to nine;
- Criminal Jurisprudence, from 11 members to nine;
- State Affairs, from 15 members to 13; and
- Urban Affairs, from 11 members to nine.

The number of members of these procedural committees would be increased:

- Calendars, from 13 members to 15; and
- Redistricting, from 15 members to 17.

Time Limit for Local, Consent, and Resolutions Calendar Consideration

HR 4 would set a time limit of one calendar day for consideration of measures on a Local, Consent, and Resolutions Calendar. Bills or resolutions on that calendar that were not reached for floor consideration because the calendar day period had expired would be carried over to the next such calendar. The carried-over bills and resolutions would go in front of any new measures on the next calendar and would retain the same relative order as on the older calendar on which they originally had appeared. Consideration of a measure designated as a special order also could not exceed one calendar day (Rule 6, sec.13(b) and sec. 14(5), pp. 112-113).

General Appropriations Bill Conference Committee

Layout period for "out of bounds" resolution. Conference committee reports generally cannot include provisions that were not included in either the House or the Senate version of a measure unless the House grants permission by adopting by majority vote a resolution specifying the provisions that were "out of bounds." Under HR 4, an out-of-bounds resolution suspending the limitations on a conference committee report on the general appropriations bill could not be considered until it had been distributed to each member for at least 48 hours during a regular session, 24 hours during a special session. For other measures, the layout period for an out-of-bounds resolution would remain three hours after distribution, unchanged from previous rules (Rule 13, sec. 9(f)(2), p. 179).

Assistance to conferees. The chair of the House conferees on the general appropriations bill could request the assistance of any member of the House Appropriations Committee at a meeting of the conferees (Rule 13, sec. 7(b), p. 174).

Revised Number of Copies for Filed Amendments

The number of copies required to be filed for certain amendments would be reduced:

- for amendments exceeding one page in length, five copies rather than 15;
- for substitute amendments exceeding one page, 10 copies rather than 25;
- for amendments to Sunset bills, 10 copies rather than 25, but the amendments would have to be pre-filed with the chief clerk at least 24 hours prior to the time when the calendar on which the Sunset bill appeared was eligible for consideration, rather than 12 hours in advance under previous rules;
- for second-reading amendments to the general appropriations bill, 10 copies rather than 25 (Rule 11, sec. 6, pp. 160-161).

Electronic Posting

Various requirements for printing and distribution of printed copies to the members would be replaced with electronic posting with e-mail notification to the members at a Capitol e-mail address designated by each member. Calendars and the Items Eligible for Consideration list would be posted electronically (various provisions, primarily in Rule 6).

Copies of bills and resolutions required to be distributed to the members would be distributed electronically with e-mail notification to the members, but members would have the option of also receiving a paper copy in their newspaper box. The same option would apply to attachments such as fiscal notes, impact statements, analyses, or other items required by the House rules to be distributed or made available to the members (Rule 8, sec. 14, p. 147; Rule 12, sec. 1(d), pp. 167-168).

Other Proposed Revisions

Notice of Sunset bill delivery to calendars committee. The chief clerk would be required to notify the members by e-mail when a committee report for a Sunset bill was delivered to a calendars committee (Rule 4, sec. 38A, p. 73).

Senate amendments details. House bills with Senate amendments listed on the Items Eligible for Consideration would have to include the number of Senate amendments and total number of pages of the amendments (Rule 6, sec. 16(a-1)(b)(1), p. 115).