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HOUSE RESEARCH ORGANIZATION

daily floor report

Thursday, January 14, 2021
87th Legislature, Number 3
The House convenes at 10 a.m.

The House today is expected to consider HR 4 by Hunter, the proposed House Rules for the 87th Legislature. The proposed changes to the rules are summarized beginning on page 2.



Alma Allen
Acting Chairman
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PROPOSED HOUSE RULES CHANGES

HR 4 by Hunter, the proposed changes in the House Rules for the 87th Legislature, would amend the rules used during the 86th Legislature.

The resolution, as filed, would establish special rules for House operations during emergencies, such as epidemics or pandemics, and make other revisions.

Duties of speaker pro tempore (Rule 1)

HR 4 would specify that when the speaker names a member to perform the duties of the chair, those duties would be related to presiding over deliberations of the House, as would the duties and responsibilities of the permanent speaker pro tempore. Under HR 4, if there were a vacancy in the office of the speaker, the speaker pro tempore would not assume the office of the speaker.

Committee membership, jurisdiction (Rule 3)

HR 4 would maintain the House's 34 standing committees, including 28 substantive committees and six procedural committees. It would update committee jurisdictions to reflect new or abolished state agencies and name changes of existing agencies. HR 4 also would decrease membership of the **Pensions, Investments, and Financial Services** Committee from 11 to nine.

Organization, powers, and duties of committees (Rule 4)

HR 4 would revise provisions on committee membership, rules governing operations of the House, the filing of committee minutes, and certain interim hearings.

The resolution would prohibit a permanent speaker pro tempore appointed under Rule 1, Section 10, from serving on more than one substantive committee or as chair of a standing committee. A member serving as chair of the **Ways and Means** Committee could not serve on any other substantive committee.

HR 4 would require a copy of the rules and procedures adopted by a committee to be filed with the chief clerk. If the House were convened in a regular or special session, a copy of the rules and procedures also would have to be delivered to the journal clerk and printed in the journal.

HR 4 also would transfer from Rule 5 to Rule 4 a provision granting each House committee authority to determine whether or not to permit television, radio, or Internet broadcasts of any of its proceedings. This authority would not apply to official House broadcasts.

The resolution would require the **Redistricting** Committee to file its committee minutes with the committee coordinator within three days, rather than within one day, of a committee meeting.

Under HR 4, the **Appropriations** Committee would be required to hold one or more public interim hearings to examine legislative appropriation requests submitted by state agencies and institutions of higher education that were appropriated at least \$40 million by the most recent general appropriations act. An **Appropriations** subcommittee could perform this duty.

Media access and floor procedure (Rule 5)

HR 4 would modify provisions on media credentials for admission to the House floor to require a media representative to have been employed by a news organization that had published or operated continuously for 18 months as a for-profit organization supported chiefly by advertising or subscription revenue or as a nonprofit organization that had qualified as a public charity under IRS sec. 501(c)(3).

The resolution would allow an individual who had been denied media credentials to submit a written complaint to the **House Administration** Committee and would establish a procedure for the committee to hear the complaint. The **House Administration** Committee's final determination would be entered in the committee minutes and printed in the House Journal, and the determination would not be subject to further review except as provided in the rules.

HR 4 also would require that a call for a record vote be requested by three House members, rather than by a single member.

Amendments (Rule 11)

HR 4 would require the chief clerk to make filed amendments available as soon as practicable on the floor amendment system, through which members could view an electronic image of the amendments.

HR 4 also would remove a requirement that 10 copies of certain amendments be filed with the chief clerk and instead require those amendments to be provided in a manner determined by the chief clerk under the direction of the **House Administration** Committee. This would apply to amendments that exceeded one page and completely substituted a bill or resolution, amendments to a bill that extended an agency under the Texas Sunset Act, and amendments to a general appropriations bill. An amendment required to be prefiled pursuant to a rule for floor consideration proposed by the **Calendars** Committee also would have to be provided to the chief clerk in a manner determined by the chief clerk under the direction of the **House Administration** Committee.

Layout period for certain conference committee reports (Rule 13)

HR 4 would require a conference committee report on the general appropriations bill to be printed and a copy furnished to each member at least 48 hours before action could be taken on the report during a regular session. During a special session, the report would have to be printed and copies furnished to members at least 24 hours before action could be taken.

Rules for emergencies, including epidemic or pandemic (Rule 16)

HR 4 would create a new rule, Rule 16, which would establish special rules for House operations during disruptions caused by actual or imminent threats of an emergency, including epidemics or pandemics. The rules would govern House and committee procedures only when activated, and when activated would prevail over conflicting provisions in Rules 1 through 15.

Activation, deactivation of new rules. Rule 16 initially would be activated in its entirety when the permanent rules of the 87th Legislature were adopted.

If the House were in session, a section of Rule 16 could be deactivated by resolution. If the House were not in session, the **House Administration** Committee could deactivate a section of Rule 16 by a vote of the majority of the committee. The committee could meet as provided by Rule 16.

Sections of Rule 16 could be reactivated under conditions outlined in HR 4. If the House were in session, the rules could be reactivated upon a disaster declaration by the U.S. president, the Texas governor, or the governing body of a political subdivision. The special rules also could be activated if the commissioner of state health services or a local health authority made a determination of a public health disaster under the Communicable Disease Prevention and Control Act.

If the House were not in session and one of these conditions had been met, the **House Administration** Committee could reactivate one or more of the sections of Rule 16 by a majority vote of the committee. The committee could meet as provided by Rule 16.

Duties of the speaker. If the speaker and permanent speaker pro tempore were both unavailable for any reason, the **State Affairs** Committee chair would be authorized to convene the House and preside over it.

The speaker would be authorized to give the chief clerk a written list naming members, in priority order, who would be authorized to call the House to order and preside if the speaker, permanent speaker pro tempore, and **State Affairs** Committee chair were absent or unable to preside and it was necessary for the House to convene. (New rule: Rule 1, sec. 10A)

Emergency adjournment. Authorization under current rules for an emergency adjournment of the House by the speaker would be made subject to the Texas Constitution's prohibition on adjourning for more than three days without the Senate's consent.

Provisions outlining who would preside if the speaker were unable to would be revised to allow members on the list given to the chief clerk to preside if the permanent speaker pro tempore or the **State Affairs** Committee chair were unavailable. (Modifies Rule 1, sec. 11)

Postponement of reconvening. Current provisions governing the postponement of reconvening if the House had adjourned to a specified time would be revised to allow the speaker to postpone the reconvening for up to three days, not including Sundays, rather than the current 12 hours. Authority to postpone reconvening if the speaker was unavailable or unable to act would be given to the permanent speaker pro tempore, then to the **State Affairs** Committee chair, and then to the first available member on the list that the speaker had given to the chief clerk. (Modifies Rule 1, sec. 12)

Order of business and calendars. HR 4 would create a new calendar and expand the items on the daily order of business.

Consensus Calendar. HR 4 would establish the Consensus Calendar, on which would appear non-emergency bills that were not recommended for placement on the Local, Consent, and Resolutions calendar and that, in the opinion of the **Calendars** Committee, could be considered expeditiously with limited debate.

HR 4 would require certain procedures to be observed during the consideration of a bill placed on the Consensus Calendar. Speeches would be limited to three minutes and could not be extended. Time limits would include time consumed in yielding to questions from the floor. The speaker would have to call the members to order at the expiration of their time. (New rule: Rule 6, sec. 7A)

An amendment to a bill on the Consensus Calendar would not be in order during second-reading consideration of the bill, unless the amendment had first been submitted to and approved by the **Calendars** Committee. (Modifies Rule 6, sec. 7)

Daily order of business. HR 4 would add a period in the daily order of business, after second reading calendars, for the first reading of bills, referring bills to committee, and motions to introduce bills.

HR 4 also would amend the daily order of business when the House reconvened on a new calendar day following a recess. The period for registration of members would be removed and a period would be added, after excuses for absence of members, for requests to print bills and other papers, requests of committees for further time to consider referred papers, and all other routine motions and business not otherwise provided for. A routine motion would be undebatable except that the mover and one opponent of the motion would be allowed three minutes each.

HR 4 would allow the mover of a routine motion his or her choice of making the opening or the closing speech. If the House suspended the rules to extend the time of a member, such extension would be for three minutes. Subsidiary motions to routine motions would be in order, but the makers of such subsidiary motions would not be entitled to speak thereon in the routine motion period, nor could the authors of the original routine motions be allowed any additional time. (Modifies Rule 6, sec. 1)

Bills. HR 4 would eliminate a requirement for printed copies of the general appropriations bill to be placed in members' mailboxes at least 168 hours before consideration. Instead, within the same time frame, a copy of the bill would have to be made available to each member in an electronic format and notice of availability would have to be sent to the Capitol email address designated by each member. A printed copy would have to be placed in the mailbox of each member as soon as practicable afterward. (Modifies Rule 8, sec. 14)

Amendments. HR 4 would prohibit the speaker from recognizing a member to offer an original amendment to a bill on second reading on the Emergency Calendar or Major State Calendar unless the amendment had been provided to the chief clerk in a manner determined by the clerk under direction of the **House Administration** Committee and was available at least 12 hours before the calendar was eligible for consideration. This change would not apply to amendments to a bill extending an agency under the Texas Sunset Act or to the general appropriations bill. (*New rule: Rule 11, sec. 6A*)

Organization, powers, and duties of committees. HR 4 would make various changes to committee procedures and notice requirements.

Face mask requirement for committee meetings. HR 4 would require each person participating in or attending a committee or subcommittee meeting to wear a face mask at all times, except that House members or witnesses could remove their face masks temporarily when speaking from a microphone on the dais or the witness podium. HR 4 would allow officers and House employees to remove their face masks temporarily only while speaking from a microphone or as directed by the chair.

If the **House Administration** Committee had installed clear barriers on the dais in a meeting room, members, officers, or employees could remove their face masks while protected by the barriers and if others who were not protected by barriers were at least six feet away. (*New rule: Rule 4, sec. 8A*)

Posting notice. HR 4 would require an announcement of a formal meeting or work session of a committee or subcommittee, including a **Calendars** Committee, to be read by the reading clerk while the House is in session at least 30 minutes prior to the start of the meeting. (*Modifies Rule 4, Sec. 11*)

In addition to other information required by the rules, HR 4 would require the notice of a committee meeting to include:

- instructions for public access to the meeting location and health and safety protocols for attending the meeting;
- a link to the video broadcast of the meeting on the House's website, if applicable; and
- instructions for individuals who wish to testify in person or to electronically submit public comments without testifying. (*New rule: Rule 4, Sec. 11A*)

Quorum requirements for taking testimony. Under the special rules in HR 4, two members of a committee would constitute a quorum for taking testimony during a public hearing. The resolution would allow other committee members to participate through a videoconferencing system if two-way communication had been enabled to allow all committee members to be clearly visible and audible to each other and to the testifying witness. (*New rule: Rule 4, Sec. 16A*)

Public access to committee meetings. HR 4 would allow video broadcasting of a committee meeting in real time through the House's website to satisfy the requirement for all meetings of a committee or subcommittee to be open to other members, the press, and the public. (*New rule: Rule 4, sec. 12A*)

Public comments. HR 4 would require a committee chair to allow Texas residents to electronically submit comments to the committee that related to the matters included on the notice for each scheduled public hearing. The **House Administration** Committee would have to establish a standard process for the electronic submission and posting of public comments. (*New rule: Rule 4, sec. 20B*)

Invited testimony. HR 4 would require a committee chair to make an effort to invite witnesses representing different viewpoints on the measures scheduled for public hearing.

HR 4 would allow committee members to submit a request to the chair to invite no more than two witnesses to testify on a particular measure by a videoconferencing system in the manner established under current House Rules. A request would have to be submitted to the chair at least 24 hours before the public hearing and signed by the

requisite number of committee members, as outlined in the resolution and based on the size of the committee membership. *(New rule: Rule, 4, sec. 20A)*

Committee minutes, report. HR 4 would not require committee minutes or the committee report to include the names of persons who submitted a sworn statement and did not testify. *(New rule: Rule 4, sec. 18B)*

Floor procedure. HR 4 would make various changes to floor procedures and access to the House chamber.

Face masks required during floor sessions. HR 4 would require each person admitted to the House floor or gallery to wear a face mask at all times. Members could remove their face masks temporarily only while speaking from the front or back microphone. Officers or House or Senate employees could remove face masks temporarily while speaking from the front or back microphone or as directed by the presiding officer. The House speaker or presiding member could remove a face mask only while speaking from the microphone at the speaker's desk. *(New rule: Rule 5, sec. 19A)*

Permitted voting areas, voting machines. Current House Rules require members to be on the House floor or in an adjacent room or hallway on the same level as the House floor to vote. HR 4 would expand the areas from which a member could vote to include the House gallery or an adjacent room or hallway on the same level as the House gallery.

HR 4 would define "voting machine" to mean a device issued to a member by the Texas Legislative Council and configured to provide access to a secure website through which the member could register presence during a registration or cast a vote during a division or record vote. *(Modifies Rule 5, sec. 40)*

Media access to House chamber. HR 4 would entitle accredited media representatives admission to a specific portion of the gallery when the House was in session. The representatives would have to present a pass card to the sergeant-at-arms each time they sought admission. Media representatives would not be entitled admission to the House floor or allowed its privileges, except as permitted by the **House Administration** Committee. *(Modifies Rule 5, secs. 11-12; new rule: Rule 5, sec. 20A)*