

By: Darby

H.R. No. 96

R E S O L U T I O N

1 BE IT RESOLVED, by the House of Representatives of the 87th
2 Texas Legislature, That the permanent rules of the House of
3 Representatives of the 87th Legislature are amended as follows:

4 SECTION 1. Rule 4, Section 9, is amended to read as follows:

5 Sec. 9. MEETING WHILE HOUSE IN SESSION. (a) Except as
6 otherwise provided by this section, no [~~No~~] standing committee or
7 subcommittee shall meet during the time the house is in session
8 without permission being given by a majority vote of the house. No
9 standing committee or subcommittee shall conduct its meeting on the
10 floor of the house or in the house chamber while the house is in
11 session, but shall, if given permission to meet while the house is
12 in session, retire to a designated committee room for the conduct of
13 its meeting.

14 (b) Permission of the house is not required for a committee
15 or subcommittee to meet, in a designated committee room, while the
16 house is in session if:

17 (1) a call of the house has been ordered and a quorum
18 of the house has not yet been secured; and

19 (2) the members of the committee or subcommittee
20 registered as present under the call of the house have received
21 written permission of the speaker, under Rule 5, Section 8, to leave
22 the hall of the house.

23 SECTION 2. Rule 4 is amended by adding Section 10A to read
24 as follows:

1 Sec. 10A. PARTICIPATION IN PUBLIC HEARING BY MEMBER ABSENT
2 WITHOUT SUFFICIENT EXCUSE UNDER A CALL OF THE HOUSE. If a member
3 was absent from the sessions of the house without sufficient excuse
4 during a call of the house and did not voluntarily appear in the
5 hall of the house under Rule 5, Section 8, the member may not
6 participate in a public hearing, either in person or under Section
7 16A, during that regular or special session until the expiration of
8 the 48-hour period that begins at the time the member enters the
9 hall of the house while the house is in session and reports the
10 member's name to the journal clerk to be entered in the journal as
11 present.

12 SECTION 3. Rule 5, Section 3, is amended to read as follows:

13 Sec. 3. LEAVE OF ABSENCE. (a) No member shall be absent
14 from the sessions of the house without leave, and no member shall be
15 excused on his or her own motion.

16 (b) A leave of absence may be granted by a majority vote of
17 the house and may be revoked at any time by a similar vote.

18 (c) Any member granted a leave of absence due to a meeting of
19 a committee or conference committee that has authority to meet
20 while the house is in session shall be so designated on each roll
21 call or registration for which that member is excused.

22 (d) Unless the house excuses the payment of the fine by a
23 majority vote, each member who is absent without leave during a call
24 of the house is liable to the house for a fine in the amount of \$500
25 for each calendar day of absence, exclusive of the day on which the
26 call was ordered and the day of the member's return to the hall of
27 the house.

1 (e) The Committee on House Administration shall notify a
2 member of the total amount of fines for which payment is not
3 excused. A member must pay the amount stated in the committee's
4 notice by making payment of that amount to the House Business Office
5 not later than the third business day of the first calendar month
6 after the date of the committee's notice. If a member does not make
7 full payment as required by this subsection, the committee shall
8 direct the House Business Office to reduce the amount of the monthly
9 credit to the member's operating account established under the
10 housekeeping resolution by 30 percent in each month that any amount
11 of a fine remains due and owing. When a member has made full payment
12 as required by this subsection, the committee shall direct the
13 House Business Office to restore the impounded funds to the
14 member's operating account subject to any limitations on the
15 carrying forward of unexpended funds established by the
16 housekeeping resolution.

17 SECTION 4. Rule 5, Section 8, is amended to read as follows:

18 Sec. 8. SECURING A QUORUM. (a) When a call of the house is
19 moved for one of the above purposes and seconded by 15 members (of
20 whom the speaker may be one) and ordered by a majority vote, the
21 main entrance to the hall and all other doors leading out of the
22 hall shall be locked and no member permitted to leave the house
23 without the written permission of the speaker. The names of members
24 present shall be recorded. All absentees for whom no sufficient
25 excuse is made may, by order of a majority of those present, be sent
26 for and arrested, wherever they may be found, by the
27 sergeant-at-arms or an officer appointed by the sergeant-at-arms

1 for that purpose, and their attendance shall be secured and
2 retained. The house shall determine on what conditions they shall
3 be discharged. Members who voluntarily appear shall, unless the
4 house otherwise directs, be immediately admitted to the hall of the
5 house and shall report their names to the clerk to be entered in the
6 journal as present.

7 (b) Until a quorum appears, should the roll call fail to
8 show one present, no business shall be transacted, except to compel
9 the attendance of absent members or to adjourn. It shall not be in
10 order to recess under a call of the house. For purposes of this
11 subsection, the following are not considered to be business:

12 (1) receipt of messages from the governor and senate
13 under Rule 13, Sections 1 and 2;

14 (2) the signing of measures by the speaker in the
15 presence of the house under Rule 1, Section 13; and

16 (3) the referral of proposed legislation to committee
17 by the speaker under Rule 1, Section 4.

18 (c) In discharging a member under Subsection (a), the house
19 may:

20 (1) refuse to excuse payment of the fine imposed under
21 Section 3(d);

22 (2) reprimand the member;

23 (3) censure the member;

24 (4) revoke the speaker's designation of the member as
25 chair of a standing, select, or interim committee; or

26 (5) stay the imposition of any penalty.

27 (d) The house may not impose a penalty under Subsection

1 (c)(4) unless the member has been absent without leave for the
2 purpose of impeding the action of the house for more than two
3 calendar days, exclusive of the day the call was ordered and the day
4 of the member's return to the hall of the house.

5 (e) Before action is taken by the house under Subsection
6 (c)(4), the matter shall be referred to the Committee on House
7 Administration for investigation and report. A report issued under
8 this subsection shall not be considered by the house until a printed
9 copy of the report has been provided to each member of the house at
10 least 24 hours before consideration.

11 (f) When filling a vacancy in the position of chair of a
12 committee that results from a penalty imposed under Subsection
13 (c)(4), the speaker must designate the new chair from the existing
14 membership of the committee.