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H.R. No. 33

R E S O L U T I O N

1 Amending the House Rules to provide for transparency and ethical  
2 leadership in the operations of the House.

3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
4 TEXAS:

5 SECTION 1. OPEN RECORDS - PRESERVATION OF AMENDMENTS. Rule  
6 2, Section (1)(a), and Rule 11, Section 6, of the permanent Rules of  
7 Procedure of the House of Representatives of the 79th Legislature  
8 are amended to read as follows:

9 RULE 2. EMPLOYEES

10 Sec. 1. CHIEF CLERK. The chief clerk shall:

11 (1) be the custodian of all bills, ~~and~~ resolutions,  
12 and amendments;

13 RULE 11. AMENDMENTS

14 Sec. 6. COPIES OF AN AMENDMENT. (a) Five copies of each  
15 amendment shall be filed with the speaker. When the amendment is  
16 read, two copies shall go to the chief clerk, one copy to the  
17 journal clerk, one copy to the reading clerk, and one copy to the  
18 speaker. No amendment offered from the floor shall be in order  
19 unless the sponsoring member has complied with the provisions of  
20 this section with respect to copies of the amendment. The chief  
21 clerk shall retain one copy of each amendment filed with the speaker  
22 under this section.

23 (e) The speaker shall not recognize a member to offer an  
24 original amendment that exceeds one page in length and that is in

1 the form of a complete substitute for the bill or resolution laid  
2 before the house, or in the opinion of the speaker is a substantial  
3 substitute, unless 25 copies of the amendment have been provided to  
4 the chief clerk and were available in the chief clerk's office at  
5 least 12 hours prior to the time the calendar on which the bill or  
6 resolution to be amended is eligible for consideration. [~~The chief  
7 clerk shall not be required to retain, for possible consideration  
8 in the future, copies of an amendment to a measure that is  
9 recommitted or returned to committee.~~]

10 (g) The speaker shall not recognize a member to offer an  
11 original amendment to a bill extending an agency, commission, or  
12 advisory committee under the Texas Sunset Act unless 25 copies of  
13 the amendment have been provided to the chief clerk and were  
14 available in the chief clerk's office at least 12 hours prior to the  
15 time the calendar on which the bill or resolution to be amended is  
16 eligible for consideration. [~~The chief clerk shall not be required  
17 to retain, for possible consideration in the future, copies of an  
18 amendment to a measure that is recommitted or returned to  
19 committee.~~]

20 SECTION 2. OPEN RECORDS - PUBLIC REAL-TIME ACCESS TO  
21 AMENDMENTS. Rule 11, Section 6, of the permanent Rules of Procedure  
22 of the House of Representatives of the 79th Legislature is amended  
23 by adding a new Subsection (h) to read as follows:

24 (h) The Committee on House Administration shall ensure  
25 that:

26 (1) the floor amendment system through which members  
27 of the house may view an electronic image of current or past

1 amendments, or the system's successor in function, is available to  
2 the public on the Internet; and

3 (2) members of the public using the system available  
4 on the Internet may view the same information that members may view  
5 at the same time that members may view the information.

6 SECTION 3. OPEN PROCESS - ALL VOTES RECORDED AND PUBLIC  
7 REAL-TIME ACCESS TO RECORD VOTES. Rule 1, Section 7, Rule 2,  
8 Sections 1 and 2, Rule 5, Sections 51 and 52, Rule 7, Sections 21 and  
9 37, and Rule 11, Section 10(b), of the permanent Rules of Procedure  
10 of the House of Representatives of the 79th Legislature are amended  
11 to read as follows:

12 RULE 1. THE SPEAKER.

13 Sec. 7. STATING AND VOTING ON QUESTIONS. The speaker shall  
14 rise to put a question but may state it sitting. The question shall  
15 be put substantially in this form: "The question occurs on  
16 \_\_\_\_\_" (here state the question or proposition under  
17 consideration). "All in favor say 'Aye,'" and after the affirmative  
18 vote is expressed, "All opposed say 'No.'" The yeas and nays shall  
19 be considered as ordered when the speaker puts a question without  
20 further action by a member or the house. [~~If the speaker is in doubt~~  
21 as to the result, or if a division is called for, the house shall  
22 divide: those voting in the affirmative on the question shall  
23 register "Aye" on the voting machine, and those voting in the  
24 negative on the question shall register "No."] The decision of the  
25 house on the question shall be printed in the journal and shall  
26 include the yeas and nays [~~if a record of the yeas and nays is~~  
27 ~~ordered in accordance with the rules~~].

RULE 2. EMPLOYEES

SEC. 1. CHIEF CLERK. The chief clerk shall:

(11) be responsible for noting on each house bill or joint resolution, for certification by the speaker of the house, the lieutenant governor, the chief clerk of the house, and the secretary of the senate, the following information:

(A) date of final passage, and the vote on final passage, including the yeas and nays [~~if a record of the yeas and nays is ordered~~]. If the bill was amended in the senate, this fact shall also be noted;

(B) date of concurrence by the house in senate amendments, and the vote on concurrence, including the yeas and nays [~~if a record of the yeas and nays is ordered~~];

(C) date of adoption by each house of a conference committee report and the vote on adoption, including the yeas and nays [~~if a record of the yeas and nays is ordered~~];

SEC. 2. JOURNAL CLERK. The journal clerk shall:

(1) keep a journal of the proceedings of the house, except when the house is acting as a committee of the whole, and enter the following:

(G) every [~~vote where a~~] record of the yeas and nays [~~is ordered~~] or registration of the house with a concise statement of the action and the result;

(L) all pairs as a part of the [~~a vote where a~~] record of the yeas and nays [~~is ordered~~];

[~~(N) the vote of a member on any question where a record of the yeas and nays has not been ordered,~~]

RULE 5. FLOOR PROCEDURE

1  
2           Sec. 51. TAKING AND ENTRY OF YEA AND NAY VOTE IN JOURNAL ON  
3 ALL QUESTIONS [~~; EFFECT OF APPROVAL OF BILL OR JOINT RESOLUTION~~  
4 ~~WITHOUT OBJECTION~~]. The [~~(a) At the desire of any member present,~~  
5 ~~the~~] yeas and nays of the members of the house on each and every  
6 [any] question shall be taken and entered in the journal. [~~No~~  
7 ~~member or members shall be allowed to call for a yea and nay vote~~  
8 ~~after a vote has been declared by the speaker.~~] A motion to expunge  
9 a yea and nay vote from the journal shall not be in order. This rule  
10 may not be suspended.

11           ~~[(b) Passage of a bill or joint resolution "without~~  
12 ~~objection" is the functional equivalent of a recorded vote in that~~  
13 ~~the journal will show that every member present must have favored~~  
14 ~~passage of the measure unless the member exercised the opportunity~~  
15 ~~to register the member's vote otherwise. However, passage of a bill~~  
16 ~~or joint resolution "without objection" does not satisfy a~~  
17 ~~requirement that the vote by taken by yeas and nays and entered in~~  
18 ~~the journal under the Texas Constitution or another rule, including~~  
19 ~~Rule 8, Section 19, relating to the vote required for a bill to have~~  
20 ~~immediate effect.]~~

21           Sec. 52. REAL-TIME ACCESS BY PUBLIC TO YEAS AND NAYS. The  
22 Committee on House Administration shall ensure:

23                   (1) that the yeas and nays on each and every question  
24 are available to the public on the Internet; and

25                   (2) members of the public shall be able to view the  
26 yeas and nays on the Internet immediately after the yeas and nays  
27 have been taken and the speaker has declared the result [~~JOURNAL~~

1 ~~RECORDING OF VOTES ON ANY QUESTION. On any question where a record~~  
2 ~~of the yeas and nays has not been ordered, members may have their~~  
3 ~~votes recorded in the journal as "yea" or "nay" by filing such~~  
4 ~~information with the journal clerk before adjournment or recess to~~  
5 ~~another calendar day].~~

6 RULE 7. MOTIONS

7 Sec. 21. MOTION FOR THE PREVIOUS QUESTION. There shall be a  
8 motion for the previous question, which shall be admitted only when  
9 seconded by 25 members. It shall be put by the chair in this manner:  
10 "The motion has been seconded. Three minutes pro and con debate  
11 will be allowed on the motion for ordering the previous question."  
12 As soon as the debate has ended, the chair shall continue: "As many  
13 as are in favor of ordering the previous question on (here state on  
14 which question or questions) will say 'Aye,'" and then, "As many as  
15 are opposed say 'Nay.'" As in all other propositions, a motion for  
16 the previous question shall ~~may~~ be taken by a record vote of the  
17 yeas and nays ~~[if demanded by any member]~~. If ordered by a majority  
18 of the members voting, a quorum being present, it shall have the  
19 effect of cutting off all debate, except as provided in Section 23  
20 of this rule, and bringing the house to a direct vote on the  
21 immediate question or questions on which it has been asked and  
22 ordered.

23 Sec. 37. MOTION TO RECONSIDER A VOTE. (a) When a question  
24 has been decided by the house ~~[and the yeas and nays have been~~  
25 ~~called for and recorded]~~, any member voting with the prevailing  
26 side may, on the same legislative day, or on the next legislative  
27 day, move a reconsideration; however, if a reconsideration is moved

1 on the next legislative day, it must be done before the order of the  
2 day, as designated in the 11th item of Rule 6, Section 1(a), is  
3 taken up. If the house refuses to reconsider, or on  
4 reconsideration, affirms its decision, no further action to  
5 reconsider shall be in order.

6 ~~[(b) Where the yeas and nays have not been called for and~~  
7 ~~recorded, any member, regardless of whether he or she voted on the~~  
8 ~~prevailing side or not, may make the motion to reconsider; however,~~  
9 ~~even when the yeas and nays have not been recorded, the following~~  
10 ~~shall not be eligible to make a motion to reconsider:~~

11 ~~(1) a member who was absent;~~

12 ~~(2) a member who was paired and, therefore, did not~~  
13 ~~vote; and~~

14 ~~(3) a member who was recorded in the journal as having~~  
15 ~~voted on the losing side.]~~

16 RULE 11. AMENDMENTS

17 Sec. 10. MOTION TO LIMIT AMENDMENTS.

18 (b) The motion shall be put by the chair in this manner:  
19 "The motion has been seconded. Three minutes pro and con debate  
20 will be allowed on the motion to limit amendments." As soon as the  
21 debate has ended, the chair shall continue: "As many as are in  
22 favor of limiting amendments on (here state on which question or  
23 questions) will say 'Aye,'" and then "As many as are opposed  
24 say 'Nay.'" As in all other propositions, a motion to limit  
25 amendments shall be decided by a record vote of the yeas and nays  
26 ~~[if demanded by any member]~~. If ordered by a majority of the  
27 members voting, a quorum being present, the motion shall have the

1 effect of confining further debate and consideration to those  
2 amendments included within the motion, and thereafter the chair  
3 will accept no more amendments to the proposition to which the  
4 motion is applied.

5 SECTION. 4. OPEN PROCESS -- NO SECRET CONFERENCE  
6 COMMITTEES. Rule 13, Sections 6, 7, and 10, of the permanent Rules  
7 of Procedure of the House of Representatives of the 79th  
8 Legislature is amended to read as follows:

9 Sec. 6. MEMBERSHIP AND OPERATION. (a) In all conferences  
10 between the senate and the house by committee, the number of  
11 committee members from each house shall be five.

12 (b) All votes on matters of difference shall be taken by  
13 each committee separately.

14 (c) A majority of each committee shall be required to  
15 determine the matter in dispute. No action or recommendation of the  
16 house conferees shall be valid unless taken at a meeting of the  
17 house conferees with a quorum of the house conferees actually  
18 present, and the conferees' minutes shall reflect the names of  
19 those house conferees who were actually present.

20 (d) Reports to be adopted must be provided to the house  
21 conferees at least 12 hours before the convening of the meeting at  
22 which the report is to be adopted. Reports by conference committees  
23 must be adopted by a record vote of the house conferees, with the  
24 yeas and nays recorded in the conferee's minutes and must be signed  
25 by a majority of each committee of the conference.

26 (e) House conferees may not knowingly meet in numbers less  
27 than a quorum in an attempt to circumvent the provisions of this



1 section or Section 7.

2           Sec. 7. MEETINGS. (a) House conferees [~~when meeting with~~  
3 ~~senate conferees to adjust differences~~] shall meet only in public  
4 and shall give [~~a reasonable amount of~~] notice of the meeting as  
5 provided by Rule 4, Section 11(b) and shall post the notice in the  
6 place designated for giving notice of meetings of house standing  
7 committees.

8           (b) All meetings [~~Any such meeting~~] shall be open to other  
9 members, the public, and the news media. The house conferees shall  
10 cause minutes to be kept of each meeting and filed as provided by  
11 Rule 4, Section 18.

12           (c) Any conference committee report adopted in violation of  
13 Section 6 or this section [~~private~~] shall not be considered by the  
14 house.

15           Sec. 10. PRINTING AND DISTRIBUTION OF REPORTS.

16           (d) Before action can be taken by the house on a conference  
17 committee report on a tax bill or resolution, a tax equity note  
18 estimating the general effects of the conference committee report  
19 on the distribution of tax and fee burdens among individuals and  
20 businesses shall be submitted to the chief clerk and attached to the  
21 conference committee report on its printing.

22           SECTION 5. OPEN PROCESS - OPEN MEETINGS ACT APPLICATION.  
23 Rule 4, Section 11, of the permanent Rules of Procedure of the House  
24 of Representatives of the 79th Legislature is amended by adding a  
25 new Section 7 to read as follows.

26                           RULE 4. COMMITTEE PROCEDURE.

27           Sec. 11. POSTING NOTICE. (a)           No committee or

1 subcommittee, including a calendars committee, shall assemble for  
2 the purpose of a public hearing during a regular session unless  
3 notice of the hearing has been posted in accordance with the rules  
4 and Section 551.044, Government Code [~~at least five calendar days~~  
5 ~~in advance of the hearing~~]. No committee or subcommittee,  
6 including a calendars committee, shall assemble for the purpose of  
7 a public hearing during a special session unless notice of the  
8 hearing has been posted in accordance with the rules and Section  
9 551.043, Government Code, [~~at least 24 hours in advance of the~~  
10 ~~hearing~~]. The committee minutes shall reflect the date of each  
11 posting of notice. Notice shall not be required for a public  
12 hearing on a senate bill which is identical to [~~substantially the~~  
13 ~~same as~~] a house bill that has previously been the subject of a duly  
14 posted public hearing by the committee.

15 (b) No committee or subcommittee, including a calendars  
16 committee, shall assemble for the purpose of a formal meeting or  
17 work session during a regular or special session unless written  
18 notice has been posted and transmitted to each member of the  
19 committee two hours in advance of the meeting or an announcement has  
20 been filed with the journal clerk and read by the reading clerk  
21 while the house is in session.

22 (c) All committees meeting during the interim for the  
23 purpose of a formal meeting, work session, or public hearing shall  
24 post notice in accordance with the rules and Section 551.044,  
25 Government Code, and notify members of the committee at least seven  
26 [~~five~~] calendar days in advance of the meeting.

27 SECTION 6. OPEN PROCESS - CALENDAR RULE REFORM. Rule 6,

1 Section 16(f), of the permanent Rules of Procedure of the House of  
2 Representatives of the 79th Legislature is amended to read as  
3 follows:

4 (f) If the Committee on Calendars has proposed a rule for  
5 floor consideration of a bill or resolution that is eligible to be  
6 placed on a calendar of the daily house calendar, the rule must be  
7 printed and a copy distributed to each member. If the bill or  
8 resolution to which the rule will apply has already been placed on a  
9 calendar of the daily house calendar, a copy of the rule must be  
10 attached to the printed calendar on which the bill or resolution  
11 appears. The speaker shall lay a proposed rule before the house 72  
12 hours prior to the consideration of the bill or resolution to which  
13 the rule will apply. The rule may be laid before the house anytime  
14 after a copy of the rule has been distributed to each member and  
15 laid out in accordance with this subsection. The rule shall not be  
16 subject to amendment, but to be effective, the rule must be approved  
17 by the house by an affirmative vote of two-thirds [~~a majority~~] of  
18 those members present and voting. If approved by the house in  
19 accordance with this subsection, the rule will be effective for the  
20 consideration of the bill or resolution on both second and third  
21 readings.

22 SECTION 7. GENERAL DEFINITION. Rule 14 of the permanent  
23 Rules of Procedure of the House of Representatives of the 79th  
24 Legislature is amended by adding a new Section 7 to read as follows:

25 Sec. 7. DEFINITION. As used in these Rules, "Internet"  
26 means the largest nonproprietary cooperative public computer  
27 network, popularly known as the Internet.