

By: Eltife

S.R. No. 39

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, That the Rules of the Senate of the 83rd Legislature are adopted as the Permanent Rules of the Senate of the 84th Legislature with the following modifications:

SECTION 1. (a) Amend Rule 2.02 as follows:

RESTRICTIONS ON ADMISSION

Rule 2.02. (a) While the Senate is in session, only the following persons shall be admitted to the floor of the Senate inside the brass rail:

(1) the Lieutenant Governor and the Lieutenant Governor's family;

(2) members of the Senate and their families;

(3) the Secretary of the Senate and the Secretary's family;

(4) Sergeants-at-Arms of the Senate and officers of the Senate;

(5) members of the House of Representatives; and

(6) the Governor and the Governor's family.

(b) While the Senate is in session, the following persons shall be admitted to the floor of the Senate but are required to remain behind the brass rail:

(1) employees of the Senate and the House of Representatives when on official business;

- (2) the Governor's executive staff;
 - (3) the President and Vice President of the United States;
 - (4) United States Senators and members of Congress;
 - (5) Governors of other states;
 - (6) Justices of the Supreme Court and Judges of the Court of Criminal Appeals;
 - (7) the Secretary of State; and
 - (8) duly accredited newspaper reporters and correspondents, radio commentators, and television camera operators and commentators who have complied with Rule 2.04.
- ~~[Persons hereinafter named and no others shall be admitted to the floor of the Senate while the Senate is in session provided that persons other than members of the Lieutenant Governor's family, a Senator's family, members of the House of Representatives of the State of Texas, and Sergeants-at-Arms of the Senate shall be required to remain behind the brass rail: Members of the Senate and their families, the Secretary of the Senate and family, employees of the Senate and House of Representatives when on official business, Representatives, the Governor, the Governor's family and executive staff, the Lieutenant Governor and family, the President and Vice-President of the United States, United States Senators and members of Congress, Governors of other states, Justices of the Supreme Court, Judges of the Court of Criminal Appeals, the Secretary of State, and duly accredited newspaper reporters and correspondents and radio commentators and television camera operators and commentators who have~~

~~complied with Rule 2.04.]~~

(c) It is [~~shall be~~] the special duty of the President to see that officers and employees remain on [~~upon~~] the floor of the Senate only when actually engaged in the performance of their official duties.

(d) Only [~~Such persons other than~~] the Lieutenant Governor and members of the Senate may [~~shall not be permitted to~~] work for or against any proposition before the Senate while on the floor.

(b) Amend Rule 2.06 to read as follows:

EXCEPTIONS

Rule 2.06. (a) Upon request by any member, the President may permit special guests on the floor of the Senate for the purpose of a recognition or resolution. No member may be granted an exception under this subsection more than three times per session.

(b) This article shall not apply to any person who is invited to address the Senate when in session or to any person who desires to appear before any committee while going to or returning from the session of said committee or to the Governor while delivering an official message. This article shall not apply during the inauguration of the Governor and other public ceremonies provided for by resolution of the Senate.

(c) Amend Rule 8.03 to read as follows:

CONGRATULATORY, MEMORIAL, AND COURTESY

RESOLUTIONS

Rule 8.03. (a) Congratulatory and memorial petitions

and resolutions, after a brief explanation by the author or sponsor, shall be considered immediately without debate unless otherwise ordered by a majority of the members present.

(b) Upon request by any member, the presiding officer may [~~shall~~], at an appropriate time during the proceedings, recognize guests of such member in the [~~Senate Chamber or~~] gallery.

(c) Any member may request and the Secretary of the Senate shall provide a maximum of five copies of a courtesy recognition certificate for each person or group so recognized by the presiding officer.

(d) The number of times a member may be recognized for a resolution under Subsection (a) of this rule is limited to 10 per session. This limit includes an exception granted under Rule 2.06(a) that involves only a recognition of special guests on the Senate floor.

SECTION 2. Amend Article VII by adding the following rule:

LIMITATION ON BILLS RAISING REVENUE

Rule 7.26. All bills for raising revenue shall originate in the House of Representatives. (Constitution, Article III, Section 33)

SECTION 3. Amend Rule 9.06 to read as follows:

BILLS AND RESOLUTIONS PROHIBITED FROM
PLACEMENT ON THE LOCAL AND UNCONTESTED
CALENDAR

Rule 9.06. The Administration Committee may not place a

bill or resolution on the Local and Uncontested Calendar if it:

(1) creates a new department or subdivision of a department unless the bill or resolution is purely local in nature and does not require the expenditure of state funds; ~~[or]~~

(2) contains an appropriation; ~~[or]~~

(3) is contested; or

(4) is a joint resolution proposing an amendment to the Texas Constitution.

SECTION 4. (a) Rule 11.02 is amended to read as follows:

LIST OF STANDING COMMITTEES AND SUBCOMMITTEES

Rule 11.02. (a) At the beginning of each regular session, the President shall appoint the following standing committees with the number of members indicated:

STANDING COMMITTEES

(1) Committee on Administration (7 members)

(2) Committee on Agriculture, Water, and Rural Affairs ~~[and Homeland Security]~~ (7 ~~[5]~~ members)

(3) Committee on Business and Commerce (9 members)

(4) Committee on Criminal Justice (7 members)

(5) ~~[Committee on Economic Development (7 members)]~~

~~[(6)]~~ Committee on Education (11 ~~[9]~~ members)

(6) ~~[(7)]~~ Committee on Finance (15 members)

(7) ~~[(8) Committee on Government Organization (7 members)]~~

~~[(9)]~~ Committee on Health and Human Services (9 members)

(8) ~~[(10)]~~ Committee on Higher Education (7

members)

(9) [~~(11)~~] Committee on Intergovernmental Relations (7 [~~5~~] members)

(10) [~~(12)~~] ~~Committee on Jurisprudence (7 members)~~
[~~(13)~~] Committee on Natural Resources and Economic Development (11 members)

(11) [~~(14)~~] Committee on Nominations (7 members)

(12) [~~(15)~~] ~~Committee on Open Government (5 members)~~

[~~(16)~~] Committee on State Affairs (9 members)

(13) [~~(17)~~] Committee on Transportation (9 members)

(14) [~~(18)~~] Committee on Veteran Affairs and Military Installations (7 [~~5~~] members)

(b) From the members of the Committee on Veteran Affairs and Military Installations, the President shall appoint a Subcommittee on Border Security consisting of 3 members.

(b) Amend Rules 11.11(a) and (c) to read as follows:

(a) The chair of each committee and subcommittee shall keep or cause to be kept under the chair's direction an accurate record of the proceedings of his or her committee, and the same shall be open for inspection to any member of the Legislature and to the public. Each committee meeting shall be recorded in audio format and in audiovisual format when available [~~on magnetic tape~~].

(c) It shall be the duty of the committee clerk, with the assistance of other committee staff members, to keep a permanent, accurate written record of committee proceedings and to transcribe the [~~magnetic tape~~] recordings of committee hearings

as ordered by the committee or subcommittee. It shall be the responsibility of the committee clerk to see that one copy of the transcript of proceedings and one copy of the permanent record be kept in the committee files, one copy of each be given to the Secretary of the Senate, and three copies of each be placed in the Legislative Reference Library. Such records shall be a matter of public record.

SECTION 5. (a) Amend Rule 4.07 to read as follows:

REFUSAL OF MEMBER CALLED TO ORDER TO BE SEATED

Rule 4.07. Whenever a member is called to order by the President of the Senate or by the presiding officer then in the chair in accordance with Rule 4.06 and such member fails to sit down and be in order but continues disorderly, it shall be the duty of the Sergeant-at-Arms and/or the Sergeant's assistants upon the direction of the presiding officer to require such recalcitrant member to take his or her seat and be in order. Any member who persists in disorderly conduct after being warned by the presiding officer may, by motion duly made and carried by three-fifths [~~two-thirds~~] vote of the members present, be required to purge himself or herself of such misconduct. Until such member has purged himself or herself of such misconduct, the member shall not be entitled to the privileges of the floor.

(b) Amend Rules 5.11(a) and (b) to read as follows:

(a) Any bill, resolution, or other measure may on any day be made a special order for a future time of the session by an affirmative vote of three-fifths [~~two-thirds~~] of the members present.

(b) A special order shall be considered at the time for which it is set and considered from day to day until disposed of, unless at the time so fixed there is pending business under a special order, but such pending business may be suspended by a three-fifths [~~two-thirds~~] vote of all the members present. If a special order is not reached or considered at the time fixed, it shall not lose its place as a special order. All special orders shall be subject to any Joint Rules and Rule 5.10.

(c) Amend Rule 5.13 to read as follows:

SUSPENSION OF THE REGULAR ORDER OF BUSINESS

Rule 5.13. No bill, joint resolution, or resolution affecting state policy may be considered out of its regular calendar order unless the regular order is suspended by a vote of three-fifths [~~two-thirds~~] of the members present.

(d) Amend Rule 6.08 to read as follows:

MOTIONS TO REFER OR COMMIT

Rule 6.08. Any bill, petition, or resolution may be referred from one committee or subcommittee to another committee or subcommittee if the motion is approved by the chairs of both committees involved and by a three-fifths [~~two-thirds~~] vote of the members present and voting. Any bill, petition, or resolution may be committed to any committee or subcommittee at any stage of the proceedings on such bill, petition, or resolution by a majority vote of the elected members of the Senate. A bill or joint resolution committed to a committee or subcommittee while on third reading shall be considered as on its second reading if reported favorably back to the Senate.

When several motions shall be made for reference of a subject to a committee, they shall have preference in the following order:

First: To a Committee of the Whole Senate

Second: To a standing committee

Third: To a standing subcommittee

Fourth: To a special committee.

(e) Amend Rule 6.15(a) to read as follows:

(a)(1) A vote on final passage of a bill, a resolution proposing or ratifying a constitutional amendment, or a resolution other than a resolution of a purely ceremonial or honorary nature, shall be by record vote, with the vote of each member entered in the journal.

(2) A vote on all motions to suspend or comply with a constitutional procedure [~~the constitutional three-day rule~~], all questions requiring a vote of two-thirds of the members elected, all motions on whether to concur in House amendments to Senate bills, and all motions on whether to adopt a conference committee report shall be by record vote, with the vote of each member entered in the journal.

(3) Upon all other questions [~~requiring a vote of two-thirds of the members present, including a motion to suspend the rules~~], the presiding officer shall determine if there is objection and, if so, call for the yeas and nays, but they shall not be entered into the journal unless required under Subsection (b) of this rule. If no objection is made, the journal entry shall reflect a unanimous consent vote of the members present

without necessity of a roll call of yeas and nays.

(f) Amend Rule 8.02 to read as follows:

REFERRAL TO COMMITTEE

Rule 8.02. Petitions, concurrent and joint resolutions, and resolutions setting or defining legislative or state policy or amending the Senate Rules shall be referred to an appropriate standing committee when introduced and shall not be considered immediately unless the Senate so directs by a three-fifths [~~two-thirds~~] vote of the members present. The motion to consider such petition or resolution immediately is not debatable.

(g) Rule 11.17(c) is amended to read as follows:

(c) The sponsor of a bill or resolution for which a minority report is filed or a member signing the minority report must move to have the bill or resolution placed on the calendar within 10 calendar days after the date on which the committee's vote was taken. An affirmative vote of three-fifths [~~two-thirds~~] of the members present is required for the motion to carry. If the motion fails or is not made within the time allowed, the bill or resolution is dead and may not be considered again during the session.

(h) Amend Rule 12.10 to read as follows:

SECTION-BY-SECTION ANALYSIS

Rule 12.10. Each conference committee report, regardless of its subject matter, must have attached thereto a section-by-section analysis showing the disagreements which have been resolved by the conference committee. This analysis must show for each and every disagreement in parallel columns: (1)

the substance of the House version; (2) the substance of the Senate version; and (3) the substance of the recommendation by the conference committee. No action shall be taken on any conference committee report in the absence of such analysis, except by an affirmative vote of three-fifths [~~two-thirds~~] of the members present, with the yeas and nays thereon to be recorded in the journal.

(i) Amend Rule 16.01 to read as follows:

DEFINITIONS

Rule 16.01. The terms "unanimous consent," "four-fifths of the members of the Senate," "four-fifths of the members present," "two-thirds of the members of the Senate," "two-thirds of the members present," "three-fifths of the members present," "a majority of the members of the Senate," and "a majority of the members present" are defined as follows:

(1) "Unanimous consent" means the consent of all of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(2) "Four-fifths of the members of the Senate" means four-fifths of the 31 elected members of the Senate.

(3) "Four-fifths of the members present" means four-fifths of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(4) "Two-thirds of the members of the Senate" means two-thirds of the 31 elected members of the Senate.

(5) "Two-thirds of the members present" means two-thirds of the members of the Senate who are present and

voting on the issue at the time the vote is recorded.

(6) "Three-fifths of the members present" means three-fifths of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(7) [~~(6)~~] "A majority of the members of the Senate" means a majority of the 31 elected members of the Senate.

(8) [~~(7)~~] "A majority of the members present" means a majority of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(j) Amend Rule 16.06 to read as follows:

MATTERS REQUIRING VOTE OF
TWO-THIRDS OF MEMBERS PRESENT

Rule 16.06. A vote of two-thirds of the members present shall be required to:

(1) impeach any officer; (Constitution, Article XV, Section 3)

(2) pass a Senate bill that has been returned by the Governor with objections; Rule 6.20 (Constitution, Article IV, Section 14) See note to Rule 6.20.

(3) confirm an appointee of the Governor, unless otherwise directed by law; (Constitution, Article IV, Section 12)

(4) adopt an amendment at third reading of a bill or a joint resolution. [+] Rules 7.19 and 10.02.

~~[(5) suspend the floor privileges of a member of the Senate, Rule 4.07~~

~~[(6) suspend the regular order of business, Rule~~

~~5.13~~

~~[(7) excuse absentees; Rule 5.03~~

~~[(8) set a matter for special order; Rule 5.11~~

~~[(9) place a minority report on the calendar; Rule
11.17~~

~~[(10) rerefer a bill to another committee; Rule 6.08~~

~~[(11) suspend the section-by-section analysis on
conference committee reports; Rule 12.10~~

~~[(12) suspend or rescind any rule of the Senate
unless the rules specify a different majority; Rule 22.01~~

~~[(13) consider immediately petitions, concurrent
and joint resolutions, or resolutions setting or defining
legislative or state policy. Rule 8.02. See note to Rule 8.02.]~~

(k) Amend Article XVI by adding a new Rule 16.07 to read as follows and renumbering the other rules of that article and cross-references to those rules accordingly:

MATTERS REQUIRING VOTE OF

THREE-FIFTHS OF MEMBERS PRESENT

Rule 16.07. A vote of three-fifths of the members present shall be required to:

(1) suspend the floor privileges of a member of the Senate; Rule 4.07

(2) excuse absentees; Rule 5.03

(3) set a matter for special order; Rule 5.11

(4) suspend the regular order of business; Rule 5.13

(5) rerefer a bill to another committee; Rule 6.08

(6) consider immediately petitions, concurrent and

joint resolutions, or resolutions setting or defining legislative or state policy; Rule 8.02

(7) place a minority report on the calendar; Rule 11.17

(8) suspend the section-by-section analysis on conference committee reports; Rule 12.10

(9) suspend or rescind any rule of the Senate unless the rules specify a different majority. Rule 22.01.

(1) Amend Rule 22.01 to read as follows:

SENATE RULES

Rule 22.01. It shall require a vote of three-fifths [~~two-thirds~~] of the members present to suspend any rule of the Senate, unless the rules specify a different majority. A majority of the members of the Senate may amend the Rules of the Senate by adoption of a Senate Resolution amending the rules, which resolution has been referred to and reported from a committee as otherwise required by these rules. Rules [~~16.06 and~~] 16.07 and 16.08. [~~See note to Rule 16.06.~~]

S.R. No. 39

President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on January 21, 2015, by the following vote: On Question #1-Adoption of Section 5: Yeas 20, Nays 10; On Question #2-Adoption of Resolving Clause along with Sections 1, 2, 3, and 4: Yeas 27, Nays 4.

Secretary of the Senate