

## **Synopsis of Proposed Changes to the House Rules of Procedure 87th Legislature**

*Note: Some proposed changes require language changes to be made to several different rules. In this synopsis, a proposed change is described under the rule in which the significant portion of the changes has been made.*

### **Statement of Authorization and Precedence**

No change.

### **Rule 1—Duties and Rights of the Speaker**

1. The powers and duties of the speaker pro tempore and temporary chair are clarified to expressly link those powers and duties to presiding over House deliberations. A provision is added to clarify that the permanent speaker pro tempore does not become the speaker in the case of a vacancy in the office of speaker.  
(Rule 1, § 10)

### **Rule 2—Officers and Employees**

No change.

### **Rule 3—Standing Committees**

2. The jurisdictions of the standing committees have been updated to reflect the creation, abolition, or name changes of state agencies by action of a previous legislature:
  - a. The jurisdiction of the Committee on Culture, Recreation, and Tourism is updated to reflect the abolition of the San Jacinto Historical Advisory Board by the 86th Legislature.  
(Rule 3, § 8)
  - b. The jurisdiction of the Committee on Homeland Security and Public Safety is updated to reflect the abolition of the Texas Private Security Board by the 86th Legislature.  
(Rule 3, § 15)
  - c. The Committee on Human Services is granted jurisdiction over the Texas Behavioral Health Executive Council, created by the 86th Legislature, as it relates to the committee's subject matter jurisdiction.  
(Rule 3, § 17)
  - d. The jurisdiction of the Committee on Licensing and Administrative Procedures is updated to reflect the merger of the Texas Board of Professional Land Surveying with the Texas Board of Professional Engineers.  
(Rule 3, § 23)
  - e. The jurisdiction of the Committee on Public Education is updated to reflect the change in name of the Office of the Southern Regional Education Compact Commissioner for Texas.  
(Rule 3, § 27)
  - f. The jurisdiction of the Committee on Public Health is updated to reflect the abolition of the Interagency Obesity Council by the 86th Legislature and include jurisdiction over the:
    - (1) Texas Behavioral Health Executive Council, created by the 86th Legislature, as it relates to the committee's subject matter jurisdiction;
    - (2) Texas State Board of Examiners of Marriage and Family Therapists, which was previously unassigned; and
    - (3) Texas Child Mental Health Care Consortium, created by the 86th Legislature.  
(Rule 3, § 28)
  - g. The jurisdiction of the Committee on Ways and Means is updated to reflect the change in name of the Office of Multistate Tax Compact Commissioner for Texas.  
(Rule 3, § 34)

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3. The membership of the Committee on Pensions, Investments, and Financial Services has been decreased from 11 to 9 members to implement the restrictions on committee service proposed in Rule 4, below.  
(Rule 3, § 26)

**Rule 4—Organization, Powers, and Duties of Committees**

4. A provision is added to prohibit the chair of the Committee on Ways and Means from serving on any other substantive committee. A provision is added to prohibit the permanent speaker pro tempore from serving: (1) on more than one substantive committee; or (2) as chair of a standing committee.  
(Rule 4, § 4)
5. Committee rules will be required to be filed with the chief clerk and, if adopted during a session, delivered to the journal clerk and printed in the journal.  
(Rule 4, § 13(a))
6. As a non-substantive change, the provision governing the authority of a committee to determine whether or not to permit broadcasts of its proceedings is transferred from Rule 5 to Rule 4 and a technical change is made to reflect the transfer to Rule 4.  
(Rule 4, § 13(c); Rule 5 § 20).
7. Solely for the purpose of the deadline to turn in committee minutes, the Redistricting Committee will be treated as a substantive committee and given three days after a committee meeting to turn in minutes. Currently, all procedural committees, including the Redistricting Committee, must turn in committee minutes within one day of a committee meeting.  
(Rule 4, § 18(c))
8. The Appropriations Committee will be required to hold one or more interim hearings on the LARs submitted by major state agencies and institutions of higher education (those receiving an appropriation of \$40 million or greater in the most recent general appropriations act). The duties of the committee can be performed by a subcommittee.  
(Rule 4, § 24)
9. As a non-substantive change, the provisions relating to reports of select committees is transferred from the chapter governing committees of the whole to the chapter governing interim study committees, and the chapter title is amended to reflect this transfer.  
(Rule 4, § 56; heading to Rule 4, Chapter F)

**Rule 5—Floor Procedure**

10. The existing provisions governing issuance of media credentials and floor access by the media are modified to: (1) make explicit criteria used by the House Business Office to determine eligibility; (2) provide procedural due process through an appeals procedure when an application for media credentials is denied; and (3) clarify provisions relating to photography and broadcasting from the House floor or gallery to ensure uniformity of application.  
(Rule 5, § 20)
11. The provision of the House Rules that requires a record vote to be taken at the request of any one member is harmonized to be consistent with Article III, Section 12(b), Texas Constitution, which requires a record vote to be taken at the request of any three members. The rules were amended in 2005 to reduce the required number of members to request a record vote before the Texas Constitution was amended in 2007 to require record votes on final passage of all bills, joint resolutions, and non-ceremonial resolutions.  
(Rule 5, § 51)

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**Rule 6—Order of Business and Calendars**

No change.

**Rule 7—Motions**

No change.

**Rule 8—Bills**

No change.

**Rule 9—Joint Resolutions**

No change.

**Rule 10—House Resolutions and Concurrent Resolutions**

No change.

**Rule 11—Amendments**

12. The provisions related to the filing of amendments are: (1) updated to reflect current practice regarding the number of copies required to be filed and the posting of all submitted amendments on the Floor Amendment System; and (2) modified to allow for the electronic filing of amendments that are required to be prefiled under this section or pursuant to a Calendars Committee rule adopted by the House. The programming changes required to implement (2) have already been completed.

*(Rule 11, § 6)*

**Rule 12—Printing**

No change.

**Rule 13—Interactions with the Governor and the Senate**

13. The layout period for a conference committee report on the general appropriations bill during the regular session is increased from 24 hours to 48 hours; this change makes the House layout requirement for the conference committee report consistent with the layout requirement for the outside the bounds resolution and the Senate's layout requirement for the conference committee report.

*(Rule 13, § 10)*

**Rule 14—General Provisions**

No change.

**Rule 15—Appropriate Workplace Conduct**

No change.

**Rule 16—Special Rule**

14. The Workgroup on Legislative Operations During a Pandemic and the Rules Review Team reviewed constitutional, legal, and public health considerations governing the House's operation during regular and special sessions and interim periods during times of disaster, including epidemics and pandemics. A new Rule 16 is proposed to address these considerations to ensure that the House can fulfill its constitutional responsibilities and citizens may exercise their constitutional right to petition the government. A discussion of the specific provisions of the rule follow.

*(Rule 16, § 1)*

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15. The special rule is divided into chapters that generally reflect the organization of the House rules. Some chapters are reserved for expansion. For ease of understanding:
- If a provision of Rule 16 is new, the entire text is underlined;
  - If a provision of Rule 16 is an amended version of an existing permanent rule, the text is underlined and bracketed against the existing (or proposed) permanent rule.
- (Rule 16 generally)*

***Chapter A: General Provisions***

16. The special rule, in its entirety, is effective immediately upon final passage of the rules resolution. The rule may be deactivated in whole or in part once a disaster subsides. The rule may be reactivated in whole or in part in the event of a subsequent disaster (including an epidemic or pandemic) as necessary to respond to changing circumstances. Deactivations and reactivations are discussed below.
- (Rule 16, §§ 2-4)*
17. After deactivation, the special rule may be reactivated in whole or in part only if there is:
- a. a disaster declaration in effect by the president that applies to Texas or a disaster declaration by the governor or the governing body of a political subdivision; or
  - b. a public health disaster determination in effect by the state health services commission or a local health authority.

If the House is convened in regular or special session, the rule may be reactivated in whole or in part only by a resolution that is introduced, referred to the Committee on House Administration, and reported favorably. The resolution must identify both the disaster declaration or determination that serves as the triggering event and the section(s) of the rule to be reactivated.

If the House is ***not*** convened in regular or special session, the rule may be reactivated in whole or in part only by a majority of the membership of the Committee on House Administration at a duly posted meeting. The posting notice must identify both the disaster declaration or determination that serves as the triggering event and the section(s) of the rule to be reactivated, and the committee minutes must reflect both the event and the section(s) the committee voted to reactivate.

*(Rule 16, § 3)*

18. The special rule may be deactivated by a similar process:
- If the House is convened in regular or special session, the rule may be deactivated in whole or in part only by a resolution that is introduced, referred to the Committee on House Administration, and reported favorably. The resolution must identify the section(s) of the rule to be deactivated.

If the House is ***not*** convened in regular or special session, the rule may be deactivated in whole or in part only by a majority of the membership of the Committee on House Administration at a duly posted meeting. The posting notice must identify the section(s) of the rule to be deactivated, and the committee minutes must reflect the section(s) the committee voted to deactivate.

*(Rule 16, § 4)*

***Chapter B: Duties and Rights of the Speaker***

19. A provision is added that authorizes the speaker to file with the chief clerk an advance list of members, in priority order, who are authorized to call the House to order and preside over the deliberations of the House in the absence of the speaker and speaker pro tempore.
- (Rule 16, § 5, adding Rule 1, § 10A)*

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20. The current provisions of Rule 1, Section 11, governing emergency adjournments without fixing the hour of reconvening, are amended to authorize an emergency adjournment for up to 3 calendar days, subject to the Texas Constitution's prohibition on adjournment of the House for more than 3 days without consent of the Senate. The current provisions of this section are also amended to permit the first available member who appears on the speaker's advance list of temporary chairs to preside if the Speaker, Speaker Pro Tempore, and chair of the Committee on State Affairs are all unavailable.

*(Rule 16, § 6, amending Rule 1, § 11)*

21. The current provisions of Rule 1, Section 12, governing postponement of reconvening if the House adjourned to a time certain, are amended to authorize the speaker to postpone reconvening of the House for up to 3 calendar days, subject to the Texas Constitution's prohibition on adjournment of the House for more than 3 days without consent of the Senate. The current provisions of this section are also amended to permit the permanent speaker pro tempore, the chair of the Committee on State Affairs, or the first available member who appears on the speaker's advance list of temporary chairs, in that order, to preside if the speaker is not available.

*(Rule 16, § 7, amending Rule 1, § 12)*

***Chapter D: Organization, Powers, and Duties of Committees***

22. A provision is added to require face masks that comply with CDC guidelines to be worn by all Members, House officers and employees, and all other persons attending a House committee meeting. Masks may be removed only as follows:

- Members are authorized to remove their masks when speaking from a microphone on the dais or when protected by barriers installed by the Committee on House Administration if unprotected persons are socially distanced.
- House officers and employees are authorized to remove their masks when speaking from a microphone or as directed by the committee chair.
- Witnesses are authorized to remove their masks when speaking from a microphone on the witness podium.

*(Rule 16, § 8, adding Rule 4, § 8A)*

23. The current provisions of Rule 4, Section 11, governing posting notice of committee meetings, are amended to require a minimum of 30 minutes' notice before the scheduled meeting time for formal meetings.

*(Rule 16, § 9, amending Rule 4, § 11)*

24. A provision is added to require committee posting notices to include instructions:

- related to public access to the meeting location and health and safety protocols for attending the meeting;
- for a public hearing, for individuals who wish to:
  - testify in person at the hearing; or
  - electronically submit public comments without testifying.

A link to any required instructions on the House website may be provided instead of setting those instructions out in full.

The notice must include the House website link for a meeting that will be livestreamed.

*(Rule 16, § 9 adding Rule 4, § 11A)*

25. A provision is added to authorize committees to livestream committee meetings, including public hearings and formal meetings, to satisfy the current public access requirements. The livestream must be accessible from a link on the House website.

*(Rule 16, § 10, adding Rule 4, § 12A)*

26. Solely for the purpose of taking testimony at a public hearing, a provision is added requiring only two committee members to be physically present to constitute a quorum. Other committee members may participate by two-way video conferencing that permits all committee members to hear each other and testifying witnesses.

*(Rule 16, § 11, adding Rule 4, § 16A)*

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27. Provisions are added to provide that committee minutes and committee reports are not required to contain the list of persons who registered but did not testify.  
(Rule 16, § 12, adding Rule 4, § 18B, and Rule 16, § 14, adding Rule 4, § 32A)
28. A provision is added requiring committee chairs to use best efforts to invite witnesses to testify at public hearings that represent different viewpoints. Under the current rules, invited witnesses may testify by two-way video conferencing that permits all committee members to hear each other and testifying witnesses. A provision is added to require a committee chair to comply with a request by a requisite number of members that certain witnesses be invited to testify. The requisite number of members is based on the size of the committee membership. Committee members may not sign more than two requests for each posted measure or matter to be taken up at the public hearing. These provisions also apply to subcommittees.  
(Rule 16, § 13, adding Rule 4, § 20A)
29. A provision is added authorizing the public to electronically submit written comments to committees for the measures or matters scheduled for consideration at each public hearing. The Committee on House Administration is required to develop a standard system for submitting and posting public comments.  
(Rule 16, § 13, adding Rule 4, § 20B)

**Chapter E: Floor Procedure**

30. Current provisions governing floor access to the House chamber by accredited media representatives are amended to reflect that those representatives will be stationed in the gallery during the session.  
(Rule 16, § 15, amending Rule 5, §§ 11, 12, and adding Rule 5, § 20A)
31. A provision is added to require face masks that comply with CDC recommendations to be worn by all Members, House officers and employees, and all other persons admitted to the House floor or gallery for the purpose of participating in, attending, providing support for, or observing house proceedings. Masks may be removed only as follows:
- Members are authorized to temporarily remove their masks only when speaking from the front or back microphones.
  - House and Senate officers and employees are authorized to remove their masks when speaking from a microphone or as directed by the presiding officer.
  - The speaker or a member temporarily presiding may remove the person's mask when speaking from the microphone at the speaker's desk.
- (Rule 16, § 16, adding Rule 5, § 19A)
32. Provisions are added to authorize Members to cast a division or record vote during a floor session from a secure portable device when the Member is inside the House chamber, gallery, or an adjacent room on the 2nd or 3rd floor (e.g., speaker's committee room, sergeant's office, member's lounge, 2nd floor back hall, and 3rd floor back hall).  
(Rule 16, §§17, 18, amending Rule 5, §§ 40, 45)

**Chapter F: Order of Business and Calendars**

33. Provisions related to the daily order of business are amended to:
- add an additional period for bill referrals after second reading of bills is finished for a legislative day; and
  - on a new calendar day following a recess:
    - eliminate the requirement for registration of members; and
    - add a routine motion period and a period for bill referrals, both of which are not provided for under current rules.
- (Rule 16, § 19, amending Rule 6, § 1)

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34. Provisions are added to create a new consensus calendar category that will be included as part of the Daily Calendar set by the Calendars Committee. This new category will be used to expedite consideration of non-controversial bills that were not recommended to be sent to the Local and Consent Calendars Committee under the following conditions:

- Floor amendments to bills on the consensus calendar must be approved by the Calendars Committee in advance.
- All speeches are limited to 3 minutes (author's opening and closing speeches and all other speeches on the bill and amendments).

*(Rule 16, § 20, amending Rule 6, § 7, and adding Rule 6, § 7A)*

***Chapter H: Bills***

35. A provision is added to authorize the electronic distribution of the committee report on the general appropriations bill (which has a 7-day layout period) to be the official distribution that begins the clock on the layout period. A provision is added to require a hard copy to be delivered to each member as soon as practicable after the electronic distribution. This change is necessary due to aging equipment and social distancing considerations for staff required to operate the printing equipment used to print the general appropriations bill.

*(Rule 16, § 21, amending Rule 8, § 14)*

***Chapter K: Amendments***

36. A provision is added to require second reading amendments to bills on the emergency or major state calendar to be filed with the chief clerk at least 12 hours before the calendar is eligible for consideration and to allow for the electronic filing of those amendments. These provisions would not apply to amendments on sunset bills or the general appropriations bill, which are subject to different, lengthier prefiling requirements under current rules.

*(Rule 16, § 22, adding Rule 11, § 6A)*