

PROPOSALS FOR RULES MODIFICATIONS

88TH LEGISLATURE

**Submitted to
COMMITTEE ON HOUSE ADMINISTRATION**

December 6, 2022

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Yvonne Davis

1. Section(s) of proposed rule(s) to be modified (if known):

Rule 1, Sec. 4. Referral of Proposed Legislation to Committee. All proposed legislation shall be referred by the speaker to, ~~an~~ the extent possible, the appropriate standing or select committee with jurisdiction over the substance of the legislation, subject to correction by a majority vote of the house. A bill or resolution may not be referred simultaneously to more than one committee.

Rule 8, Sec. 6. Filing, First Reading, and Referral to Committee. Each bill shall be filed with the chief clerk when introduced and shall be numbered in its regular order based on when the bill was filed. Each bill shall be read first time by caption and referred by the speaker to the appropriate committee with jurisdiction over the substance of the legislation.

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

The purpose of this rule is to clarify that all legislation should be referred to the appropriate committee that has jurisdiction over the main subject matter of the legislation.

Schofield #1

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Schofield

1. Section(s) of proposed rule(s) to be modified (if known):

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

A point of order that exists before the House goes on the calendar must be raised before the House goes on the calendar.

Many, if not most, points of order that are raised against a bill occurred at the committee stage and therefore exist before the House takes up the bill on the floor. This rule change would not effect the ability of a member who opposes the bill to raise the point of order, nor would it change the disposition of the point of order (i.e. if the result of upholding the point of order would have been to send the bill back to committee under the prior rule, it would still go back to the committee under this rule). The only difference is that this rule would prevent the wasting of the House's time that occurs when the House has to stop its proceedings to await a ruling on a point of order that could have been dealt with before the House started debating bills for the day.

Instead, POOs on points of order that exist prior to taking up the bill can be filed with the parliamentarian in the morning and research can be undertaken, and rulings issued, before the House goes on the calendar.

This rule change would not affect points of order that arise after the House takes up the bill (such as a point or order against an amendment, or a point of order that the adoption of an amendment means that the bill now violates the two-subject rule).

The sole effect of this rule change would be to respect the time of members of the House by not requiring them to sit around waiting for disposition of those points of order which could have been dealt with before the House went on the calendar.

Please submit this form to Anna.Newell_HC@house.texas.gov

(note that Ms. Newell's email address contains an underscore, rather than a space, before HC)

Schofield #2

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Schofield

1. Section(s) of proposed rule(s) to be modified (if known):

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

For the entire history of the House, hearings have been conducted utilizing in-person testimony, which as a practical matter limited the length of a public hearing on a bill or resolution to the amount of time it took to hear the testimony of people willing to wait long enough to get their turn to speak. The advent of the pandemic and virtual testimony has changed this by allowing an unlimited number of people to sign up to testify from their homes. If a chairman were to allow testimony by every person who signed up, as has traditionally been the case, the hearings on many bills wouldn't conclude until an untenable amount of time, thus killing the bill and effectively stalling the committee's business. Presumably, a chairman has an inherent right to cut off testimony after some unspecified amount of time, but the inclusion in the rules of the specific right of the chair to limit debate to a certain number of hours or a certain number of witnesses would be prudent.

Therefore I propose that if a committee chair opts to hold a virtual hearing, the chair has the right to determine the length of the testimony on the bill or resolution by announcing at any point that testimony will be limited to a certain amount of time or a certain number of witnesses.

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**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Schofield

1. Section(s) of proposed rule(s) to be modified (if known):

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

The author of a bill would have the right to correct a committee report by appending a statement to the report that would be distributed to the House before the bill is considered on the floor.

Under current rules, the bill an author has worked hard to pass can be killed on the floor through no fault of the author's due to a mistake in the committee report (including, but not limited to the bill analysis) on the theory that members are entitled to rely on the accuracy of the committee report. This rule change would give the author the right to issue a statement to the House correcting any errors the author perceives in the committee report, so that the errors could no longer be the basis of a point of order against the bill. If the author's statement is incorrect and creates its own error, that error would be the basis for a valid point of order.

The issue this proposed rule seeks to correct is that points of order created in the committee are not the author's fault, yet the author has no way to save his or her bill.

Under current rules and practice, even a successful attempt to get the committee report changed (if a successful attempt has ever occurred) would effectively be counterproductive, since it would delay the bill until the committee could act on it, which is functionally the same result as an upheld point of order. By allowing the bill to continue on its path to the floor with an "author's statement" appended to it, the bill would continue without unnecessary delay. The House would not be harmed, since members would receive the author's statement before floor consideration of the bill, allowing members to rely on it in the same way they rely on the committee report.

The rule change would also relieve pressure on committee staff, whose mistake would no longer kill a bill (and who might even notice a mistake and alert the author in time for an author's statement to be drafted).

The effect of this change would be that the author (or a bill's other proponents) could scrub a committee report the same way opponents currently do, in order to create the author's statement saving the bill.

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**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Schofield

1. Section(s) of proposed rule(s) to be modified (if known):

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

Require that joint resolutions (or other legislative vehicles) proposing a constitutional amendment or any other legislative vehicle requiring a referendum contain the ballot language that will be considered by the voters, and that said ballot language be in plain English.

In recent years, the ballot language put before the public by the secretary of state's office has been overly-complicated, to the point where members of the public who opposed a state income tax thought they were supposed to vote "no" on a constitutional amendment to ban a state income tax if, in fact, said voters wanted to ban a state income tax.

Requiring the legislature to agree in the joint resolution on the language to be put before the voters would help ensure that the language is a plain description of the proposition before the voters. Recent language has, in order to avoid being biased by leaving out some details, been overly complicated. If 100 members of the House can agree that the language in the J.R. sufficiently describes the measure, that should be sufficient to ensure that it accurately describes the measure without being overly-bureaucratic or pedantic. If a sufficient number of legislators feel that the language has been over-simplified to the point where important details are left out, or is otherwise misleading, the measure will fail to attract 100 votes until the language has been amended sufficiently to the House's best judgment of the appropriate language.

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**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative Cody Thane Vasut.

1. Section(s) of proposed rule(s) to be modified (if known):

Prefatory clause between "Statement of Authorization and Precedence" and Rule 1.

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

Article III, Section 5 of the Texas Constitution includes limits on business that can be conducted during the first sixty days of the legislative session. This provision has its roots from a time when it took members of the House several days to travel to the Capitol. Recognizing that the members may desire to conduct business in a manner than otherwise set out in the Constitution, Subsection (c) permits the House to modify the order of business by a four-fifths vote.

Historically, the House has modified its order of business at the start of session by passing a simple resolution suspending the constitutional order of business in favor of the order of business permitted in the rules (*see, e.g.*, 65-R HR 12, 69-R HR 5, 71-R HR 16, 72-R HR 24, 73-R HR 24, 74-R HR 6, 77-R HR 3, 80-R HR 4, 81-R HR 4). This could be done in the rules resolution itself by simply including this paragraph between the "Statement of Authorization and Precedence" and Rule 1:

SUSPENSION OF THE CONSTITUTIONAL ORDER OF BUSINESS

If the resolution adopting these rules receives a four-fifths affirmative vote, then the order of business for the House of Representatives for the regular session shall be otherwise than set forth in Section 5, Article III, Texas Constitution, and shall be specifically as set forth in these rules.

I encourage this provision to be included so the business of the people's House can proceed without unnecessary delay, including the consideration of critical issues impacting the State of Texas by committees as soon as committees are appointed by the speaker and the chair of a committee believes it prudent to begin conducting business.

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative Cody Thane Vasut.

1. Section(s) of proposed rule(s) to be modified (if known):

Rule 1, Section 9 (QUESTIONS OF ORDER)

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

How many times have we witnessed a member lay out a bill on the floor of the House, proceed to debate, address dozens of amendments, and then have the bill die on an 11th-hour point of order that could have been raised hours earlier?

The enclosed proposed rule would help end this practice. The amendment adds Sub-section (f) to Rule 1, Section 9 (Questions of Order) to require the Speaker to overrule any point of order raised after a member finishes opening a proposition if the point of order existed during opening.

Which points of order are then-existing? Essentially any point of order that is not tied to an amendment to the bill. So, for example, a point of order that a bill's committee report is misleading under Rule 4, Section 32, would have to be raised during opening or it is waived.

A point of order that an amendment is not germane or changes the purpose of the bill, or that an adopted amendment now renders the bill to have a two-subject violation, would not be a then-existing point of order and could be still raised at any time.

Alternatively, you could modify this proposal to set a firm time limit for raising then-existing points of order to say, for example, no later than the earlier of passage of the measure to the third reading / engrossment / enrollment or ten (10) minutes. The concept is to flush out then-existing points of order before the body spends substantial time amending or debating the measure.

FLOOR AMENDMENT NO. _____

BY: _____

1 Amend **HR 4** (adopting the permanent rules of the house) as
2 follows:

3 **(1)** On page __, between lines __ and __ (Rule 1, Section 9,
4 QUESTIONS OF ORDER), insert the following:

5 (f) All points of order raised against further consideration
6 of a proposition pending before the House shall be overruled if in
7 existence at the time the proposition is laid before the house and
8 not raised before the conclusion of opening on the proposition
9 under Rule 5, Section 27.

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative Cody Thane Vasut.

1. Section(s) of proposed rule(s) to be modified (if known):

Rule 14, Section 13(c)

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

The 87th Session amended the rules over the objection of dozens of members (87R HR 4 - RV 12) to allow each committee to prohibit filming of their sessions except by the official house broadcast.

Meetings of the Texas Legislature should be open to the public and should be freely filmed in line with the First Amendment rights of Texans. This provision should be repealed.

Even if the provision is repealed, the Chair still has authority to ensure decorum within committee meetings, including stopping individuals who are actively disrupting the proceeding, as well as managing the number of individuals within the committee room for crowd control. Repealing this provision will in no way impact the proceedings of any committee. It will, however, respect the First Amendment rights of Texans and promote government transparency.

FLOOR AMENDMENT NO. _____

BY: _____

1 Amend **HR 4** (adopting the permanent rules of the house) as
2 follows:

3 **(1)** On page __, strike lines __ through __ (Rule 4, Section
4 13 ("(c) Each committee of the house shall have authority to
5 determine whether or not to permit television, radio, or Internet
6 broadcasts, other than official house broadcasts, of any of its
7 proceedings."))

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative Cody Thane Vasut.

1. Section(s) of proposed rule(s) to be modified (if known):

Rule 1, Section 15, STANDING COMMITTEE APPOINTMENTS

Rule 5, Section 8, SECURING A QUORUM

Rule 14, Section 7 (NEW)

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

More than fifty members of the House left the State of Texas in July 2021, preventing a quorum for several weeks. Regardless whether you believe breaking quorum is a legitimate parliamentary practice, and regardless whether you believe the last quorum break was warranted, we should all agree that rules must have consequences; otherwise, the rules are *meaningless*.

Rule 5, Section 3 of the House Rules prohibits any member from being "absent from the sessions of the house without leave" There is, however, no punishment in the rules for a member who violates this provision, including during a quorum call. This is particularly true if a member absents himself or herself from the State of Texas during a quorum call, falling outside the jurisdiction of the Sergeant at Arms to compel their attendance.

Article III, Section 11 of the Texas Constitution expressly gives each House power to "punish members for disorderly conduct," which includes any action in violation of the established rules of procedure. *E.g.*, *Berry v. Crawford*, 990 N.E.2d 410, 418, 424 (Ind. 2013) (majority op. and Rucker, J., dissenting) (agreeing Indiana House could punish members for breaking quorum rules by fines and other penalties because Article 4, Section 14 of the Indiana Constitution states "Either House may punish its members for disorderly behavior"); *see also* Joseph Story, *Commentaries on the Constitution of the United States* § 419 ("[T]he power to make rules would be nugatory, unless it was coupled with a power to punish for disorderly behavior, or disobedience to those rules.").¹

¹ It was suggested during the special sessions there may be due process or constitutional concerns with punishing a member breaking quorum. Punishing a member for breaking the rules of a deliberative body does not violate a legislator's constitutional rights, including any right to due process. *E.g.*, *Whitener v. McWatters*, 112 F.3d 740, 741 (4th Cir. 1997) (dismissing legislator's 42 U.S.C. § 1983 action for allegedly violating his constitutional rights when the board tried to discipline him for using abusive language, censure him, and remove him from committees because a legislative body has absolute legislative immunity for any action taken to discipline one of its members).

Enclosed, please find a series of interrelated, or alternative, proposals to provide meaningful consequences for those who violate the rules of the house; specifically, those relating to absenteeism. **First**, you will see an amendment to **Rule 1, Section 15**. This amendment gives the House *discretionary* authority to punish a member for excessive absenteeism by removing the member as a committee chair or vice chair if a majority of the House approves. The motion must be seconded by 25 members, is a privileged motion (must be recognized by the Speaker), and is in order even when the House lacks quorum (i.e., incidental to a call of the house). To protect a member's due process rights, the motion requires the offending member be given 24-hours notice of the motion and an opportunity to be heard. If a member is removed as a chair or vice-chair under this provision for excessive absenteeism, the Speaker cannot re-appoint the member as a chair or vice-chair for twelve (12) months thereafter, so as to prevent a circumvention of the intention of the punishment.

Second, you will see an amendment to **Rule 5, Section 8**. This amendment provides *automatic* increasing penalties for those who break quorum. If a member returns during the first 24 hours of a call of the house, there is no penalty. If a member does not return until after the first 24 hours, there are increasing penalties as follows:

- **Fine:** the member must pay a sum equal to twice the member's per diem for each day the member is absent without leave;
- **Loss of Seniority:** the member loses all seniority if absent more than 48 hours without leave;
- **Loss of Leadership:** the member is removed as chair and vice-chair of all standing and procedural committees if absent more than 72 hours without leave.

This amendment can be combined with the amendment to Rule 1, Section 15, to, for example, provide for automatic increasing penalties for breaking quorum and discretionary penalties for excessive absenteeism or violating another rule of the House.

Finally, you will see an alternative to the first two amendments to provide for a global, due-process heavy, provision governing punishment of members for disorderly conduct. The following are its key provisions:

- **Fine for Quorum Breaking:** Members who break quorum must pay a fine equal to twice their per diem for each day they are absent during a call of the house *unless excused by the House*. If a fine is not excused and not paid, the House Business Office can then reduce the member's monthly operative credit by 30 percent until the fine is paid.
- **Motion to Punish Member for Disorderly Conduct:** Permits the House to take up a motion to punish a member for disorderly conduct, even while a call of the house is pending. The motion is made under new **Rule 14, Section 7**. It requires 25 members to second the motion. The motion is privileged (must be recognized by the speaker). Any such motion is then referred to the House Administration Committee for hearing at which the accused must be heard, a finding of guilt, and a recommendation to the House for a punishment.

- **Grounds:**
 - Member commits a felony or crime of moral turpitude while in office;
 - Member breaks quorum; or,
 - Member has excessive absences without excuse.

- **Available Punishments:**
 - Written reprimand published in the journal;
 - Fine not to exceed twice the member's per diem for each day the member engaged in disorderly conduct;
 - Removal of the member as chair or vice chair of any committee;
 - Reduction of the member's seniority or adjustment of privileges appurtenant thereto for a period not to exceed the member's current term; or,
 - Expulsion.

- **Vote Threshold:**
 - **Expulsion:** two-thirds vote as required by the Constitution;
 - **All other punishments:** majority vote.

These are but a few suggestions. Overall, the House would do well to codify a procedure for punishing members for disorderly conduct, including violating the rules of the House, to ensure the rules are not rendered meaningless and ignored.

FLOOR AMENDMENT NO. _____

BY: _____

1 Amend **HR 4** (adopting the permanent rules of the house) as
2 follows:

3 **(1)** On page ____, between lines __ and __ (Rule 1, Section 15,
4 STANDING COMMITTEE APPOINTMENTS), insert the following:

5 (f) (1) A member shall be removed as chair and vice-chair of
6 all standing and procedural committees the member serves on, but
7 shall retain his or her membership on the committee, if a majority
8 of the house adopts a motion to remove a committee chair or vice-
9 chair for any of the following reasons:

10 (A) the member is absent from the sessions of the
11 house without leave under Rule 5, Section 3, for more than seven
12 (7) cumulative days during any regular session;

13 (B) the member is absent from the sessions of the
14 house without leave under Rule 5, Section 3, for more than three
15 (3) cumulative days during any special session;

16 (C) the member is absent from the sessions of the
17 house without leave under Rule 5, Section 3, for more than fourteen
18 (14) cumulative days, with the intent to cause a lack of quorum
19 under Rule 5, Section 1, during the past six (6) months.

20 (2) A motion under Subdivision (1) must be seconded by
21 twenty-five (25) members, of whom the speaker may be one, and shall
22 be recognized as a privileged motion if otherwise in order.

23 (3) A motion under Subdivision (1) is not in order
24 unless a member has previously provided at least twenty-four hour's
25 notice of intent to make the motion by addressing the house when

1 the house is in session and stating that a member intends to make
2 a motion for the removal of a member(s) as chair or vice-chair of
3 a standing or procedural committee.

4 (4) A member that is subject to a motion under
5 Subdivision (1) is permitted, but not obligated, to address the
6 house for not more than 10 minutes on a motion being considered by
7 the full house under Subdivision (1). The time limits established
8 by this rule shall include time consumed in yielding to questions
9 from the floor. The time limit established by this rule shall not
10 be extended.

11 (5) No member may be subject to a motion under
12 Subdivision (1) more than once during any regular or special
13 session.

14 (6) A motion under Subdivision (1) is incidental to a
15 call of the house, under Rule 5, Section 7.

16 (g) The speaker may not appoint a member as a chair or vice-
17 chair of any committee if the member was removed as a chair or
18 vice-chair of any committee during the previous twelve (12) months
19 pursuant to Subsection (f).

FLOOR AMENDMENT NO. _____

BY: _____

1 Amend **HR 4** (adopting the permanent rules of the house) as
2 follows:

3 (1) On page __, line __ (Rule 5, Section 8, SECURING A
4 QUORUM), insert "(a)" between "QUORUM." and "When".

5 (2) On page __, line __ (Rule 5, Section 8, SECURING A
6 QUORUM), insert "(b)" before "Until"

7 (3) On page __, between lines __ and __ (Rule 5, Section 8,
8 SECURING A QUORUM), insert the following:

9 (c) Any member without sufficient excuse who fails to appear
10 in the hall within twenty-four (24) hours of a call of the house,
11 or within twenty-four (24) hours of the appointed time for the
12 member to appear pursuant to any written permission of the speaker,
13 shall be fined a sum equal to two times the member's per diem per
14 day the member is absent without excuse during a call of the house.
15 Such fine shall be remitted to the sergeant-at-arms and made
16 payable to the Texas House of Representatives.

17 (d) Any member without sufficient excuse who fails to appear
18 in the hall within forty-eight (48) hours of a call of the house,
19 or within forty-eight (48) hours of the appointed time for the
20 member to appear pursuant to any written permission of the speaker,
21 shall be re-designated as having zero years and zero days of
22 cumulative service as a member of the house of representatives for
23 purposes of seniority under these Rules and any privileges
24 appurtenant thereto. There shall be no method by which to
25 reinstate the seniority of a member that has been re-designated as

1 having zero years and zero days of cumulative service as a member
2 of the house of representatives for purposes of seniority under
3 this subsection.

4 (e) Any member without sufficient excuse who fails to appear
5 in the hall within seventy-two (72) hours of a call of the house,
6 or within seventy-two (72) hours of the appointed time for the
7 member to appear pursuant to any written permission of the speaker,
8 shall be removed as chair and vice-chair of all standing and
9 procedural committees the member serves on, but shall retain his
10 or her membership on the committee.

FLOOR AMENDMENT NO. _____

BY: _____

1 Amend **HR 4** (adopting the permanent rules of the house) as
2 follows:

3 **(1)** On page __, between lines __ and __ (Rule 5, Section 3,
4 LEAVE OF ABSENCE), insert the following:

5 (d) Unless the house excuses the payment of the fine by a
6 majority vote, each member who is absent without leave during a
7 call of the house is liable to the house for a fine in the amount
8 of twice the member's per diem for each calendar day of absence,
9 exclusive of the day on which the call was ordered and the day of
10 the member's return to the hall of the house. Such fine shall be
11 cumulative of any other punishment imposed upon a member for
12 disorderly conduct under Rule 14, Section 7.

13 **(2)** On page __, line __ (Rule 5, Section 8, SECURING A
14 QUORUM), insert "(a)" between "QUORUM." and "When".

15 **(3)** On page __, line __ (Rule 5, Section 8, SECURING A
16 QUORUM), insert "(b)" before "Until"

17 **(4)** On page __, line __ (Rule 5, Section 8, SECURING A
18 QUORUM), after "It shall not be in order to recess under a call of
19 the house." insert the following:

20 For purposes of this subsection, the following are not considered
21 to be business:

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

24 (2) the signing of measures by the speaker in the
25 presence of the house under Rule 1, Section 13;

1 (3) the referral of proposed legislation to committee
2 by the speaker under Rule 1, Section 4; and

3 (4) the referral of a proposed motion to punish a member
4 for disorderly conduct under Rule 14, Section 7.

5 **(5)** On page __, between lines __ and __ (Rule 5, Section 8,
6 SECURING A QUORUM), insert the following:

7 (c) In discharging a member under Subsection (a), the house
8 may refuse to excuse payment of the fine imposed under Section
9 3(d).

10 **(6)** On page __, between lines __ and __ (Rule 14, GENERAL
11 PROVISIONS), insert the following:

12 Sec. 7. PUNISHMENT FOR DISORDERLY CONDUCT. (a) Except as
13 otherwise provided for expressly in these rules, the House may
14 only exercise its power under Section 11, Article III, Texas
15 Constitution to punish its members for disorderly conduct in
16 accordance with this section.

17 (b) A member may only be punished under this section for the
18 following types of disorderly conduct occurring during the
19 member's present term in office:

20 (1) committing a felony or a crime of moral turpitude
21 under the laws of the State of Texas;

22 (2) failing to attend the sessions of the house without
23 leave in accordance with Rule 5, Section 3, with the intent to
24 deprive the house of a quorum; or

25 (3) failing to attend the sessions of the house without
26 leave in accordance with Rule 5, Section 3, for more than seven
27 (7) consecutive days during any regular session or more than three

1 (3) consecutive days during any special session. For purposes of
2 this subdivision, a member shall be deemed present with leave if
3 the member was absent from the sessions of the house due to
4 physical illness or impairment as demonstrated by documentation
5 from a licensed medical provider.

6 (c) Upon written motion seconded by at least twenty-five
7 (25) members, one of whom may be the speaker, a member shall be
8 referred to the House Administration Committee to investigate an
9 allegation of disorderly conduct. A motion seconded in writing by
10 at least seventy-six (76) members, one of whom may be the speaker,
11 shall be considered a privileged motion. A motion under this
12 subsection must be accompanied by a statement setting forth the
13 factual allegations that a member has engaged in disorderly conduct
14 under this section.

15 (d) More than one member may be the subject of the same
16 motion under this section if the factual allegations of disorderly
17 conduct are substantially similar.

18 (e) Within five (5) days of receipt of a motion under
19 subsection (c) and upon at least twenty-four (24) hours notice to
20 all members who are the subject of the motion under subsection
21 (c), the House Administration Committee shall conduct a hearing on
22 a motion under this section.

23 (f) During any hearing to consider a motion under subsection
24 (c):

25 (1) the chair may prohibit any person from testifying,
26 other than:

27 (A) the movant;

1 (B) any member who is the subject of the motion;

2 and

3 (C) any individual with personal knowledge of the
4 factual allegations made in the statement accompanying the motion,
5 as well as any defenses thereto, unless the individual's testimony
6 will be cumulative or duplicative of the testimony of a prior
7 witness.

8 (2) any member who is the subject of a motion under
9 subsection (c) shall be permitted, but not obligated to:

10 (A) testify for at least ten (10) minutes, and
11 provide any relevant documents, to contest the allegations made or
12 to provide information to mitigate against any punishment to be
13 imposed;

14 (B) cross-examine the movant and any witness
15 testifying against him or her for at least five (5) minutes; and

16 (C) adjourn all or any portion of the hearing into
17 executive session.

18 (g) No point of order may be raised as to a violation of
19 subsection (f) other than that the movant or a member subject to
20 a motion under subsection (c) was not permitted to testify for the
21 minimum times provided for herein.

22 (h) Within twenty-four (24) hours of the date of the hearing,
23 the House Administration Committee shall issue a written report
24 dismissing the charge or file a resolution to punish the member
25 for disorderly conduct.

26 (i) Punishment for disorderly conduct under this section
27 shall be limited to any combination of the following:

1 (1) written reprimand published in the journal;

2 (2) a fine of not more than two-times the member's per
3 diem for each day the member engaged in disorderly conduct payable
4 to the Texas House of Representatives;

5 (3) removal of the member as chair or vice chair of any
6 standing, procedural, select, or conference committee;

7 (4) reduction of the member's seniority or adjustment
8 of any privileges appurtenant thereto for a period not to exceed
9 the member's current term; or,

10 (5) expulsion.

11 (j) Within two (2) days of the filing of a resolution to
12 punish a member for disorderly conduct under subsection (h), the
13 house shall be resolved into a committee of the whole house to
14 take action on the resolution. Such resolution may only be amended
15 to alter any punishment to be imposed in accordance with subsection
16 (i). Such resolution, and any amendment thereto, shall be
17 debatable.

18 (k) In accordance with Section 11, Article III, Texas
19 Constitution, no member may be expelled except upon vote of two-
20 thirds of the members of the House, nor may any member be subject
21 to a second motion for punishment under this section for the same
22 offense.

23 (l) The Committee on House Administration shall notify a
24 member of any fines due and owing under this section or any other
25 section of these rules for which payment has not been excused by
26 the house. A member must pay the amount stated in the committee's
27 notice by making payment of that amount to the House Business

1 Office not later than the third business day of the first calendar
2 month after the date of the committee's notice. If a member does
3 not make full payment as required by this subsection, the committee
4 shall direct the House Business Office to reduce the amount of the
5 monthly credit to the member's operating account established under
6 the housekeeping resolution by 30 percent in each month that any
7 amount of a fine remains due and owing. When a member has made
8 full payment as required by this subsection, the committee shall
9 direct the House Business Office to restore the impounded funds to
10 the member's operating account subject to any limitations on the
11 carrying forward of unexpended funds established by the
12 housekeeping resolution.

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative Cody Thane Vasut.

1. Section(s) of proposed rule(s) to be modified (if known):

Rule 4, Section 9 (MEETING WHILE HOUSE IN SESSION)

Rule 4, Section 10A (PARTICIPATION IN PUBLIC HEARING BY MEMBER ABSENT WITHOUT SUFFICIENT EXCUSE UNDER A CALL OF THE HOUSE)

Rule 5, Section 8 (SECURING A QUORUM)

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

Various proposals were made during the special sessions to amend the rules to offset some of the paralyzing aspects of a quorum break on the operations of the House. These have been compiled into the attached proposals, which are interchangeable.

First, Rule 4, Section 9 is amended to permit committees to meet during a call of the House so testimony can be taken.

Second, a new Rule 4, Section 10A is enacted to prohibit members who are breaking quorum from participating in committee hearings until 48-hours after the member returns to the hall of the House.

Finally, Rule 5, Section 8 is amended to permit the House to receive messages, sign measures, and refer proposed legislation to committees during a call of the house, so as to allow the basic operations of the House to continue unimpeded.

Please submit this form to Anna.Newell_HC@house.texas.gov

(note that Ms. Newell's email address contains an underscore, rather than a space, before HC)

FLOOR AMENDMENT NO. _____

BY: _____

1 Amend **HR 4** (adopting the permanent rules of the house) as
2 follows:

3 **(1)** On page __, line __ (Rule 4, Section 9, MEETING WHILE
4 HOUSE IN SESSION) strike "No" and substitute "(a) Except as
5 otherwise provided by this section, no"

6 **(2)** On page __, between lines __ and __ (Rule 4, Section 9,
7 MEETING WHILE HOUSE IN SESSION), insert the following:

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

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

13 (2) the members of the committee or subcommittee
14 registered as present under the call of the house have received
15 written permission of the speaker, under Rule 5, Section 8, to
16 leave the hall of the house.

FLOOR AMENDMENT NO. _____

BY: _____

1 Amend **HR 4** (adopting the permanent rules of the house) as
2 follows:

3 **(1)** On page __, between lines __ and __ (Rule 4, Chapter B,
4 PROCEDURE), insert the following:

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

FLOOR AMENDMENT NO. _____

BY: _____

1 Amend **HR 4** (adopting the permanent rules of the house) as
2 follows:

3 **(1)** On page __, line __ (Rule 5, Section 8, SECURING A
4 QUORUM), after "It shall not be in order to recess under a call of
5 the house." insert the following:

6 For purposes of this subsection, the following are not considered
7 to be business:

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

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

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

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative Cody Thane Vasut.

1. Section(s) of proposed rule(s) to be modified (if known):

Rule 6, Section 7. SYSTEM OF CALENDARS

Rule 14, GENERAL PROVISIONS

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

There has been much discussion about the power of committee chairs to kill legislation by denying it a hearing, including majority-supported legislation.

One solution to address the concerns raised by many Texans would be to allow members to compel a committee hearing or a vote on the floor if a measure has the requisite number of authors to pass the House (e.g., 76 for a bill or resolution, 100 for a constitutional amendment, etc...). This would ensure majority-supported legislation is at least heard by the House.

There are three concerns with such a broad proposal that would need to be addressed:

1. There is not enough time to hear every measure a sufficient number of members decide to author. There should be a limit on the number of measures that could be expedited.
2. The committee process is important. Just because a measure has enough authors to pass does not necessarily mean it is good public policy. Information may come out during the committee process that should be addressed or which undermines a measure. Committee members should be able to vote down legislation.
3. There has to be reasonable time limitations on expediting a measure, otherwise members could deprive the Calendars Committee of its ability to manage the flow of legislation, particularly late in session.

The enclosed proposed rule addresses concerns raised by Texans about the power of committee chairs to kill majority-supported legislation without undermining the committee process.

- The amendment creates a new calendar, the Expedited Calendar.
- A member may designate **one** bill or resolution as expedited legislation if it receives the necessary number of authors between the 31st and 60th day of session to pass the House to enrollment if all voted yes.

- A chair must hold a committee hearing on an expedited measure within 28 days of its designation, i.e., by the 58th to 88th day of session, depending on when designated.
 - If the committee reports the measure favorably, the Calendars Committee must set the measure on the expedited calendar for consideration on second reading by the House within 21 days of the report from committee, i.e., no later than the 109th day of session for a bill designated on the 60th day and reported favorably on the 88th day.
 - If the committee reports the measure unfavorably, then the measure loses its expedited designation and is treated like any other measure reported unfavorably from committee.

FLOOR AMENDMENT NO. _____

BY: _____

1 Amend **HR 4** (adopting the permanent rules of the house) as
2 follows:

3 **(1)** On page __, between lines __ and __ (Rule 6, Section 7,
4 SYSTEM OF CALENDARS), insert the following:

5 (2) EXPEDITED CALENDAR, on which shall appear bills and
6 resolutions designated by a member of the house under Rule 14,
7 Section 7.

8 **(2)** Renumber the subdivisions of Rule 6, Section 7(a), as
9 appropriate.

10 **(3)** On page __, between lines __ and __ (Rule 14, GENERAL
11 PROVISIONS), insert the following:

12 Sec. 7. EXPEDITED LEGISLATION. (a) During a regular
13 session, a member may designate for expedited treatment under this
14 section one bill, concurrent resolution, or joint resolution,
15 other than the general appropriation act, of which the member is
16 the author and which has been co-authored a sufficient number of
17 members who, if voting in favor of the measure on the floor, would
18 cause passage of the measure to enrollment. A joint author shall
19 count as a co-author for purposes of this section. The member shall
20 make the designation by notifying the chief clerk, in the manner
21 prescribed by the clerk, not earlier than the 31st day of the
22 session or later than the 60th day of the session.

23 (b) On receipt of a designation under this section, the chief
24 clerk shall provide notice of the designation in writing to the
25 primary author and any joint author of the measure, the speaker,

1 the chair of the committee to which the measure has been referred,
2 the members of each calendar committee, the journal clerk, the
3 parliamentarians, and the committee coordinator. The notice must
4 state the date that the designation was made and contain the list
5 of all authors of the measure.

6 (c) Not later than the 28th day after the date the
7 designation is made, the committee to which the measure was
8 referred must report the measure from the committee.

9 (d) If the measure is reported favorably from the committee,
10 the Committee on Calendars must set the measure on the expedited
11 calendar not later than the 21st day after the date the measure is
12 reported from committee.

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Swanson

1. Section(s) of proposed rule(s) to be modified (if known):

Rule 1. "Duties and Rights of the Speaker." - Sec. 9. "Questions of Order."
Rule 11. "Amendments."

(Any other applicable section)

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

Amend the rules to clarify that the Parliamentarian should not be able to rule on the germaneness of amendments before they are laid out before the body, or at any other time.

Reaffirm that the role of the Parliamentarian is simply an advisor and all amendments filed should be permitted to be laid out, and if another member believes an amendment to be non-germane, that member can raise a point of order on which the Speaker can rule.

BY: Swanson

1 Amend H.R. 4 (adopting the rules of the House for the 87th
2 Legislature.) as follows:

3 (1) On page 6, line 2, between "speaker" and
4 "parliamentarian", strike "or" and substitute "and ~~for~~".

5 (2) On page 178, between lines 21 and 22, insert the following
6 appropriately lettered section:

7 "Sec. () PROHIBITIONS ON RULING AN AMENDMENT NON-GERMANE.
8 The parliamentarian or other officer of the house may not rule on
9 the germaneness of amendments before they are laid out before the
10 body, or at any other time. Any amendment that has been
11 appropriately filed with the chief clerk is entitled to be laid
12 out before the body. If a member believes an amendment to be out
13 of order, the member may raise a point of order on the floor on
14 which the speaker shall rule."

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Swanson

1. Section(s) of proposed rule(s) to be modified (if known):

Rule 4. "Organization, Powers, and Duties of Committees."

(Any other applicable section)

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

Problem:

Bills that have strong support from a majority of House members should be able to get a public committee hearing and committee vote.

Solution:

The House should institute a means by which, with the signatures of a majority of members, a bill that has been referred to a committee must be brought up for a hearing. In addition, if a bill has been left pending in committee following a hearing, a member may require a vote in the committee with the signatures of a majority of members.

BY: Swanson

1 Amend H.R. 4 (adopting the rules of the House for the 87th
2 Legislature) as follows:

3 (1) On page 89, between lines 19 and the next page, insert
4 the following appropriately numbered section:

5 "Sec. (). REQUEST FOR ACTION ON PENDING LEGISLATION. (a) If
6 a measure has been referred to a committee, and has not been posted
7 for a hearing, the primary author or sponsor may require the
8 committee chair to post the measure to be heard at their next
9 scheduled meeting by presenting the committee chair or committee
10 clerk a majority of members' signatures of support along with a
11 written request for a hearing signed by the measure's primary
12 author or sponsor. If it is past the deadline to include the
13 measure for an already posted committee meeting, the committee
14 chair shall either:

15 (1) make a motion to suspend any appropriate section(s)
16 of rules to include the measure in the posted committee meeting;
17 or

18 (2) include the measure in the posting for the next
19 committee meeting.

20 (b) If a measure has been left pending in committee following
21 a hearing, the primary author or sponsor may require the committee
22 chair to bring the measure up for a record vote at their next
23 scheduled meeting, by presenting the committee chair or committee
24 clerk a majority of members' signatures of support along with a
25 written request for a vote signed by the measure's primary author

1 or sponsor. The committee chair shall then properly post and
2 prepare the measure to be brought up for a vote at the next
3 committee meeting, with advance notice to all members of the
4 committee and the measure's primary author or sponsor.

5 (c) A "signature of support" under this section includes:

6 (1) a member's name as a coauthor or joint author on the
7 measure; or

8 (2) a member's handwritten signature and date signed on
9 a form provided by the Chief Clerk's office.

10 (d) If a committee chair disputes the validity of the
11 signatures presented, the chair shall instruct the Sergeant at
12 Arms or Committee Clerk to confirm with each member that their
13 signature represents their stated intent.

14 (e) A confirmation proceeding under subsection (d) of this
15 section, must not delay the committee chair's obligation to provide
16 the measure in question a hearing under subsection (a) or a vote
17 on the measure under subsection (b) of this section."

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Swanson

1. Section(s) of proposed rule(s) to be modified (if known):

Rule 4. "Organization, Powers, and Duties of Committees" - Sec. 18A. "Internet Access to Committee Documents."

(Any other applicable section)

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

Problem:

Constituents and stakeholders have requested more transparency in the committee hearing process.

Solution:

Amend the rules to add a link on a legislation's primary page on the Texas Legislative Information System and Texas Legislature Online system to let the public access committee documents.

BY: Swanson

1 Amend H.R. 4 (adopting the rules of the House for the 87th
2 Legislature.) as follows:

3 (1) On page 65, line 8, between "Internet" and the colon,
4 insert "through a designated link on the primary page for the bill
5 or resolution on the electronic legislative information system."

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Swanson

1. Section(s) of proposed rule(s) to be modified (if known):

Rule 4. " Organization, Powers, and Duties of Committees" - Sec. 40. "Substitutes"

(Any other applicable section)

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

Problem:

Under the current rules, an author's legislation gets judged in committee by its original form of the measure, even if the author has worked with stakeholders to draft an improved version of the measure as a committee substitute. This is due to the fact that the committee substitute is often not posted ahead of the hearing with enough time for witnesses to understand the merits of the new legislation and form an opinion. Once organizations or individuals have testified or registered "against" the original legislation, their position is still considered as "against" in the final report even if the committee substitute is substantially different. Thus, the legislation's chances of passing may be harmed in either the Calendars Committee or on the House Floor by having registrations shown against the bill, even if those registrations were against the original form of the measure and those same stakeholders have no objection to the committee substitute. On the other hand, organizations or stakeholders may have registered in favor of the original language, but object to the committee substitute.

Solution:

Therefore, to reduce confusion among the general public and witnesses, and make the committee process more transparent to all involved, amend the rules to state that when a member files a committee substitute with the committee clerk, that version of the measure shall be shown on Texas Legislature Online and Texas Legislative Information System as soon as possible and shall be the version which the public will be testifying "on", "for", or "against." Amend the rules to further state and clarify that the Committee Sub is now the official version of the legislation (but is clearly labeled and retains its formatting as *CSHB XXXX*), and the committee would no longer need to move to consider/withdraw the committee substitute during the hearing. The Committee substitute, for all intents and purposes, is now the legislation.

This amendment to the rules allows the author's measure to be judged accurately by other members, the public, and witnesses, and correctly represent the author's new intent, instead of the measure as originally filed. This amendment would ensure that those who testify or register can reflect their accurate position on the measure representing the author's new intent. This would help prevent the official distribution and record of a witness list on a measure wherein stakeholders and witnesses have been recorded as "for", "on", or "against" the original text of the legislation but not on the merits of the new measure in question, as it progresses through the rest of the legislative process.

BY: Swanson

1 Amend H.R. 4 (adopting the rules of the House for the 87th
2 Legislature) as follows:

3 (1) On page 82, between lines 20 and 21, insert the following:

4 "(b) If the primary author of the measure files a committee
5 substitute with the committee clerk, the substitute must be shown
6 on Texas Legislature Online and Texas Legislative Information
7 System as soon as possible, but not later than:

8 (1) 24 hours after the substitute is submitted if the measure
9 has already been posted for consideration in committee within the
10 next 3 business days; or

11 (2) 72 hours after the substitute is submitted if the measure
12 has been referred to a committee but has not been posted for
13 consideration in committee within the next 3 business days.

14 (c) The committee substitute is considered to be the measure
15 in consideration for the purposes of the committee process and for
16 the purpose of viewing the measure publicly online, once the
17 substitute is posted online.

18 (d) In compliance with Rule 4, Sec. 40(b) and (c), the
19 committee substitute must retain the formatting of a committee
20 substitute after it is posted."

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Swanson

1. Section(s) of proposed rule(s) to be modified (if known):

Rule 13. "Interactions with the Governor and Senate."

(Any other applicable section)

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

Problem:

Often times a House member and Senate member file closely related pieces of legislation. House members and the public often become very familiar with the House bill number. However, the Senate bill often gets to the House by the time the House member's bill gets to the floor, requiring the House member to table their bill in favor of the Senate bill. When only the Senate bill number is used after that, it often causes confusion among members, stakeholders, and the public. Listing both bill numbers with their authors would lessen confusion and bring more transparency.

Solution:

Amend the rules to allow both House and Senate members to be credited for passing a piece of legislation if the House author and Senate author had filed companion legislation in their respective chambers, and the House legislation was tabled in favor of the Senate legislation.

The House member's legislation must be placed adjacent to the Senate measure number and author in parenthesis on all official printings in the House, on all House calendars, in the House Journal, and in the electronic legislative information system, as long as, the House member filed a companion bill to the legislation in the House and that bill was tabled in favor of the Senate measure.

For example: Instead of saying "SB 1 by Senator Smith", it would now say "SB 1 by Senator Smith (HB 34 by Representative Jones)."

BY: Swanson

1 Amend H.R. 4 (adopting the rules of the House for the 87th
2 Legislature.) as follows:

3 On page 185, between lines 14 and 15, insert the following
4 appropriately numbered section:

5 "Sec. () HOUSE CREDIT ON SENATE MEASURES. (a) When a measure
6 that originates in the senate is placed on a house calendar, a
7 house member's measure shall be printed adjacent in parenthesis
8 next to the senate measure on all official printings of the
9 measure, on all house calendars, in the house journal, and in the
10 electronic legislative information system so long as:

11 (1) the house member filed a companion measure with the
12 Chief Clerk in the house; and

13 (2) the house member's measure was tabled to take up the
14 senate measure."

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Swanson

1. Section(s) of proposed rule(s) to be modified (if known):

Rule 8. "Bills." - Sec. 5. " Coauthorship, Joint Authorship, Sponsorship, Cosponsorship, and Joint Sponsorship."

(Any other applicable section)

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

Problem:

All House members need a way to immediately show public support for a senate measure when it arrives in the House. This would enable other House members to gauge the measure's support and a member's constituents to see that their Representative supports a Senate Bill they favor.

Solution:

Amend the rules to allow a House Member to cosponsor a Senate Bill as soon as possible, but no later than the next legislative day after the measure arrives (or is filed) in the House. The process for cosponsoring a Senate Bill shall be the same as the process for coauthoring a House Bill. Additionally, the deadlines to cosponsor a Senate Bill shall be the same as the deadlines to coauthor a House Bill.

BY: Swanson

1 Amend H.R. 4 (adopting the rules of the House for the 87th
2 Legislature) as follows:

3 (1) On page 152, line 3, between "committee" and the period,
4 insert ", but a house member, in the same process that is used to
5 coauthor a house measure, shall be allowed to cosponsor the senate
6 measure as soon as possible, but no later than one legislative day
7 after the measure arrives in the house".

8 (2) On page 152, between lines 12 and 13, insert the following
9 appropriately lettered subsection:

10 "() The deadline for a house member to be added as a joint
11 sponsor or cosponsor on a measure from the senate must be identical
12 to the timeframe for a house member to be added as a joint author
13 or coauthor on a measure from the house.".

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Swanson

1. Section(s) of proposed rule(s) to be modified (if known):

Rule 4. " Organization, Powers, and Duties of Committees"- Sec. 32. "Form of Reports"

(Any other applicable section)

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

Problem:

Often times, good legislation is killed on a point of order over an error in the measure's committee report not committed by the member or member's staff.

Solution:

Amend the rules to allow the primary house author or sponsor time to review the committee report before it is sent to the journal clerk and the Calendar's Committee. This amendment would let a member's staff review the witness list, bill analysis, etc. ahead of time to ensure that there are no discrepancies that would make the measure out of order. The member and their staff shall work with the committee clerk (or other committee staff) to correct any discrepancies or suggest changes. Upon completion of the committee report, the committee clerk shall notify the member or member's staff that the committee report is ready and attach the full committee report.

If the member or the member's staff approves the report, the committee clerk shall send it to the journal clerk. The committee clerk shall not file any measure unless they have approval of the committee report from the member's office, unless, the committee clerk has not been contacted by the member or the member's staff within 48 hours of the documents being sent.

BY: Swanson

1 Amend H.R. 4 (adopting the rules of the House for the 87th
2 Legislature) as follows:

3 (1) On page 77, between lines 2 and 3, insert the following
4 appropriately numbered section:

5 "Sec. () (a) It shall be the duty of the committee clerk to
6 provide the primary house author or primary house sponsor of a
7 measure in committee with a copy of a report provided by Section
8 32(b) and Section 32(c) of this rule to be reviewed for
9 inaccuracies or discrepancies as soon as the report is complete.

10 (b) If the office of a primary house author or primary house
11 sponsor of a measure requests one or more alterations of the report
12 for the purposes of rectifying an inaccuracy or discrepancy, the
13 committee clerk shall make the necessary alterations to the report
14 so long as;

15 (1) the error(s) and request for alteration(s) is
16 submitted to the committee clerk in writing;

17 (2) the alteration is to correct an error with the
18 original report that could make the measure out of order.

19 (c) The committee clerk shall return the amended report to
20 the office of the primary house author or sponsor as soon as
21 possible, but no later than 48 hours of receiving the request for
22 alteration.

23 (d) The committee clerk shall not file a report under Section
24 32 of this rule with the journal clerk unless:

25 (1) the office of the primary house author or sponsor of

1 the measure has approved the report; or

2 (2) the committee clerk has not received a request of
3 acknowledgement within 48 hours of a report being delivered to the
4 primary house author or sponsor in a regular session, or 24 hours
5 of a report being delivered to the primary house author or sponsor
6 in a special session."

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Swanson

1. Section(s) of proposed rule(s) to be modified (if known):

Rule 8. "Bills" - Sec. 15. "Requirement for Three Readings."

(Any other applicable section)

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

Problems:

(1) The Senate has an advantage over the House because it can pass out legislation one day later than the House can, due to its ability to suspend the rules and have second and third reading on the same day. This Senate advantage places the House at a disadvantage in negotiations.

(2) Too many good bills that are important to the State of Texas die at the end of session as time runs out, thereby killing the hard work of individual members.

Solution:

Amend the rules to make it a simple majority to suspend the rules for the purposes of pushing through second and third readings on the same day during:

1. The last two days that House bills can be passed out of the House;
2. The last two days that Senate bills can be passed out of the House, and;
3. The last two days that conference committees can be concurred with.

BY: Swanson

1 Amend H.R. 4 (adopting the rules of the House for the 87th
2 Legislature) as follows:

3 (1) On page 159, lines 18 through 21, strike "unless this
4 provision is suspended by a vote of four-fifths of the members
5 present and voting, a quorum being present. The yeas and nays shall
6 be taken on the question of suspension and entered in the journal."
7 and substitute "unless this provision is suspended by:

8 (1) a vote of the majority of members present and voting
9 with a quorum being present, during the 122nd or 123rd day of
10 a regular session for the purposes of considering a house
11 bill or joint resolution if it appears on a daily or
12 supplemental daily house calendar;

13 (2) a vote of the majority of members present and voting
14 with a quorum being present, during the 129th or 130th day of
15 a regular session for the purposes of considering a house
16 bill or joint resolution if it appears on a local, consent,
17 or resolutions calendar;

18 (3) a vote of the majority of members present and voting
19 with a quorum being present, during the 133th, 134th, or 135th
20 day of a regular session for the purposes of considering a
21 senate bill or joint resolution if it appears on a daily or
22 supplemental daily house calendar;

23 (4) a vote of the majority of members present and voting
24 with a quorum being present, during the 138th or 139th day of
25 a regular session for the purposes of adopting a conference

1 committee report;

2 (5) a vote of four-fifths of the members present and
3 voting with a quorum being present for any other purpose.

4 (__) The yeas and nays shall be taken on the question of
5 suspension and entered in the journal. ~~{unless this provision is~~
6 ~~suspended by a vote of four-fifths of the members present and~~
7 ~~voting, a quorum being present. The yeas and nays shall be taken~~
8 ~~on the question of suspension and entered in the journal.}."~~

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Swanson

1. Section(s) of proposed rule(s) to be modified (if known):

Rule 13. "Interactions with the Governor and Senate" - Sec. 3 "House Action on Senate Amendments"

(Any other applicable section)

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

Problem:

Often times good legislation is killed on a point of order in the House for non-germane language added to the measure by the Senate, before the house author can request a conference committee to fix the legislation.

Solution:

Amend the rules to state that if the Senate amends a House Bill by adding non-germane language, the House Bill cannot be killed on a Point of Order in the House. If a Point of Order is raised by another member and sustained by the Speaker, the legislation in question is not killed. Instead, the author can move to not concur with the non-germane amendments in question and call for a conference committee with the Senate.

BY: Swanson

1 Amend H.R. 4 (adopting the rules of the House for the 87th
2 Legislature.) as follows:

3 (1) On page 184, between lines 3 and 4, insert the following
4 appropriately lettered subsection:

5 "() If a bill, resolution, or other matter is returned to
6 the House with amendments from the Senate that contain language
7 that is out of order, and if a point of order is raised against
8 the amended language by another member and sustained by the
9 speaker, the author may disagree with the amendments in question
10 and request a conference committee for the language found to be
11 out of order."

Goodwin #1

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative Vikki Goodwin

1. Section(s) of proposed rule(s) to be modified (if known):

Sec. 9. Questions of Order

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

Rule Proposal:

Allow a point of order to be submitted to the Parliamentarians and Speaker, and not be required to call it from the back microphone.

Please submit this form to Anna.Newell_HC@house.texas.gov

(note that Ms. Newell's email address contains an underscore, rather than a space, before HC)

Goodwin #2

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative Vikki Goodwin

1. Section(s) of proposed rule(s) to be modified (if known):

We propose to change in the Jurisdiction section:

In Sec. 11. ENERGY RESOURCES.

(8) increasing energy efficiency throughout the state;

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

We'd like it to read:

In Sec. 11. ENERGY RESOURCES.

(8) increasing energy efficiency *and reducing greenhouse gas emissions* throughout the state;

It's time to consider as a state how we can reduce our greenhouse gas emissions as it will save us money in the long run, just as increasing energy efficiency does.

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative Vikki Goodwin

1. Section(s) of proposed rule(s) to be modified (if known):

Sec. 20. Sworn Statement of Witnesses.

... (g) The chair may recognize a witness who has been invited by the committee to attend the meeting but is not present in the same physical location as the committee to testify before the committee through an Internet or other videoconferencing system if: (1) the witness has executed a sworn statement, in electronic or paper format, under this section; (2) the witness has filed the statement or a copy of the statement with the chair before testifying; and (3) two-way communication has been enabled to allow the witness to be clearly visible and audible to the committee members and the committee members to be clearly visible and audible to the witness.

(h) A person who serves as a translator, including an interpreter, for a witness before a committee must execute a form prescribed by the 1-14-21 HR 4 63 Rule 4, Organization, Powers, and Duties of Committees Sec. 20A committee coordinator, under the direction of the Committee on House Administration. The form must at least include the name of the translator and the name of the witness whom the translator is serving

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

Representative Goodwin proposes a rule to allow virtual testimony for House Committee hearings. Many Representatives believe the process worked well during the 87th session, and allowed us to hear from more Texas residents across our state.

Here is the proposed language:

The chair may recognize a witness who has been invited by the committee or electronically signed up to testify but is not present in the same physical location as the committee to testify before the committee through an Internet or other videoconferencing system if:

- (1) the witness has executed a sworn statement, in electronic or paper format, under this section;
- (2) the witness has filed the statement or a copy of the statement with the chair before testifying;
- (3) any witness who does not fall under the classification of an invited witness for the purposes of these rules, has signed up to testify virtually no earlier than 72 hours before the committee hearing, and no later than 24 hours before the committee hearing; and

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(note that Ms. Newell's email address contains an underscore, rather than a space, before HC)

(4) two-way communication has been enabled to allow the witness to be clearly visible and audible to the committee members and the committee members to be clearly visible and audible to the witness.

(h) A person who serves as a translator, including an interpreter, for a witness before a committee must execute a form prescribed by the Committee on House Administration, which shall include the name of the translator and the name of the witness whom the translator is serving, and can be submitted during electronic submission.

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(note that Ms. Newell's email address contains an underscore, rather than a space, before HC)

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative Vikki Goodwin

1. Section(s) of proposed rule(s) to be modified (if known):

Current rules read as follows:

Rule 4, Organization, Powers, and Duties of Committees

Sec. 20B. Public Comments. For each public hearing scheduled, the chair of the committee must allow persons domiciled in this state to electronically submit comments to the committee that relate to the measures or matters included on the notice for the public hearing. The Committee on House Administration shall establish a standard process for the electronic submission and posting of public comments submitted to House committees.

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

In addition to retaining the ability to collect electronic written testimony for committee hearings, we'd like to add that representatives are also sent a copy of any written testimony submitted by their constituent. Written testimony is recorded in the public record by any constituent submitting it, and we believe it would helpful to us as representatives, if we are aware of what bills our constituents are advocating for through their written testimony. Finally, we'd like written testimony to be provided to the Committee members in a more accessible and timely manner.

We'd like it to read.

Rule 4, Organization, Powers, and Duties of Committees

Sec. 20B. Public Comments. For each public hearing scheduled, the chair of the committee must allow persons domiciled in this state to electronically submit comments to the committee that relate to the measures or matters included on the notice for the public hearing. **The chair of the committee shall allow electronic submission of comments be allowed until noon of the following day.** The Committee on House Administration shall establish a standard process for the electronic submission and posting of public comments submitted to House committees. **The Committee on House Administration shall make those public comments easily and promptly accessible through the Texas Legislative Information System. Any comments provided the day prior to the hearing shall be printed and distributed to committee and subcommittee members. The Committee on House Administration shall also forward an electronic copy of the submitted written testimony submitted by a constituent to the Representative of that constituent.**

Goodwin #5

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative Vikki Goodwin

1. Section(s) of proposed rule(s) to be modified (if known):

none

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

Proposed language:

Allow Members to have drinking water on the House Floor in a sealed container during session.

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Ana-Maria Ramos

1. Section(s) of proposed rule(s) to be modified (if known):

Section 9.

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

Parliamentarians are required to announce the precedent they are citing when ruling on a point of order.

Submitted by: Representative Justin Holland

Section(s) of proposed rule(s) to be modified (if known):

1. STANDING COMMITTEES (NAMES AND TITLES)

Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

1. Change of the name of the Culture, Recreation and Tourism (CRT) to one of the following; but not limited to:
 - a. Culture & Outdoors
 - b. Outdoors & Culture
 - c. Tourism, Culture and Outdoors
 - d. Outdoors, Culture & Tourism
 - e. Tourism, Fish & Wildlife
 - f. Culture, Historical & Outdoors
 - g. OR some form of combination of the jurisdictional subject-matter

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) BROOKS LANDGRAF

1. Section(s) of proposed rule(s) to be modified (if known):

RULE 3, SECTION 12

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

CHANGE COMMITTEE NAME TO "ENVIRONMENTAL QUALITY"

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Tom Oliverson

1. Section(s) of proposed rule(s) to be modified (if known):
 - Rule 3, Section 3(12), and Section 18

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)
 - Add oversight and regulation of the Division of Workers' Compensation of the Texas Department of Insurance to the Insurance Committee

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Tony Tinderholt

1. Section(s) of proposed rule(s) to be modified (if known):

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

Modification of the rules to increase transparency in committees, including the Calendars committee.

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) BRYAN SLATON

1. Section(s) of proposed rule(s) to be modified (if known):
 - Rule 4, Section 2, Subsection (a), Subdivision (7)

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)
 - If, at the time the Speaker appoints committee chairs, one political party represents a majority of the seats in the House, the Speaker must appoint Committee Chairs from members of the majority party.

Amend **HR 4** (adopting the permanent rules of the house) in Rule 4, Section 2 (page 55, lines 10-11), by amending Subsection (a), Subdivision (7), to read as follows:

(7) The speaker shall designate the chair and vice-chair from the total membership of the committee. If, at the time the speaker designates the chair, members of one political party represent a majority of the seats in the house, the speaker shall appoint a chair who is a member of the majority party.

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) STEVE TOTH

1. Section(s) of proposed rule(s) to be modified (if known):

2 rule change proposals - see below.

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

1. Prohibit committee chairmanships to be filled by members of the minority party.
2. Require key committees to be chaired by members of the party that has majority control of the House.

Please submit this form to Anna.Newell_HC@house.texas.gov
(note that Ms. Newell's email address contains an underscore, rather than a space, before HC)

Proposal for Rules Modification
House Rules of Procedure, 88th Legislature

Submitted by Representative(s) Steve Allison _____

1. Section(s) of proposed rule(s) to be modified (if known):

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

If, upon the request of any member, a House Committee Chair fails or refuses to set a bill for hearing or vote, the bill shall be duly set for such hearing or vote at the next or following regular scheduled meeting of the Committee upon the request of a majority of the remaining regular members of the Committee (eg, excluding the Chair).

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Howard

1. Section(s) of proposed rule(s) to be modified (if known):

Rule 4, Section 18A, states:

Sec. 18A. Internet Access to Committee Documents. (a) The committee coordinator shall establish procedures for making available to the public on the Internet documents relating to the proceedings of substantive committees.

(b) A substantive committee shall make available to the public on the Internet:

- (1) any committee substitute or amendment laid before the committee; and
- (2) any nonconfidential written testimony submitted by a state agency for consideration by the committee that relates to a measure referred to the committee.

(c) A committee's failure to comply with this section is not subject to a point of order.

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

This rule modification would require all substantive committees to post handouts, written testimony, and submissions on their committee's webpage. Although committee members and staff receive materials from witnesses, members who are not on the committee and the general public do not automatically receive access to documents referenced in the committee hearing. Providing the public with access to materials received during the hearing would ensure that members of the public are as informed as members of the legislature.

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Howard

1. Section(s) of proposed rule(s) to be modified (if known):

Maintain the following:

Rule 4, Sec. 20B. Public Comments. For each public hearing scheduled, the chair of the committee must allow persons domiciled in this state to electronically submit comments to the committee that relate to the measures or matters included on the notice for the public hearing. The Committee on House Administration shall establish a standard process for the electronic submission and posting of public comments submitted to house committees.

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

Maintain Rule 4, Section 20B allowing individuals to provide public comment remotely when the hearing is posted and continuing until public testimony is closed. This rule has allowed Texans who are unable to travel to the Capitol due to barriers related to travel, work, and childcare the opportunity to provide testimony and participate in the legislative process. Now, Texans who took advantage of this process have a reasonable expectation that they can participate in the legislative process in this manner. Rule 4 Sec. 20B increased transparency and participation in the legislative process and should be maintained in the upcoming session.

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Howard

1. Section(s) of proposed rule(s) to be modified (if known):

Rule 4, Section 27, states:

Sec. 27. Vote on Motion to Report. Motions made in committee to report favorably or unfavorably must receive affirmative majority votes, majority negative votes to either motion being insufficient to report. If a committee is unable to agree on a recommendation for action, as in the case of a tie vote, it should submit a statement of this fact as its report, and the house shall decide, by a majority vote, the disposition of the matter by one of the following alternatives: (1) leave the bill in the committee for further consideration; (2) refer the bill to some other committee; or (3) order the bill printed, in which case the bill shall go to the Committee on Calendars for placement on a calendar and for proposal of an appropriate rule for house consideration

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

Allow members attending a committee hearing virtually to vote virtually. In the event that a member is permitted to attend a committee hearing virtually, they shall maintain the rights of a member that is physically present. Members that are present for the hearing regardless of location should be granted the right to vote on legislation.

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Howard

1. Section(s) of proposed rule(s) to be modified (if known):

Currently, Rule 4, Sec. 34(b)(5), requires a tax equity note for changes in state taxes or fees:

(b) If the chair of a standing committee determines that a bill or joint resolution:

(5) creates or impacts a state tax or fee, the chair shall send a copy of the measure to the Legislative Budget Board for the preparation of a tax equity note that estimates the general effects of the proposal on the distribution of tax and fee burdens among individuals and businesses.

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

Extend this rule to require a tax equity note for changes in local property taxes. Property taxes have an outsized impact on the state budget, serving as the basis for public school funding. Given the Legislature's interest in property taxes, a tax equity note would help ensure legislators fully understand the impact of proposed legislation on Texas taxpayers.

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Howard

1. Section(s) of proposed rule(s) to be modified (if known):

Rule 5, Section 55 states:

Sec. 55. Verification of a Yea and Nay Vote. When the result of a yea and nay vote is close, the speaker may on the request of any member order a verification vote, or the speaker may order a verification on his or her own initiative. During verification, no member shall change a vote unless it was erroneously recorded, nor may any member not having voted cast a vote; however, when the clerk errs in reporting the yeas and nays, and correction thereof leaves decisive effect to the speaker's vote, the speaker may exercise the right to vote, even though the result has been announced. A verification shall be called for immediately after the vote is announced. The speaker shall not entertain a request for verification after the house has proceeded to the next question, or after a recess or an adjournment. A vote to recess or adjourn, like any other proposition, may be verified. Only one vote verification can be pending at a time. A verification may be dispensed with by a two-thirds vote.

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

Require the member requesting the vote verification to remain physically present for the verification. Given the member's interest in the vote and the cumbersome process of a vote verification, the requesting member should remain present for the duration of the verification process.

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Howard

1. Section(s) of proposed rule(s) to be modified (if known):

Rule 8, Section 10, discusses local bills:

Sec. 10. Local Bills. (a) The house may not consider a local bill unless notice of intention to apply for the passage of the bill was published as provided by law and evidence of the publication is attached to the bill. If not attached to the bill on filing with the chief clerk or receipt of the bill from the senate, copies of the evidence of timely publication shall be filed with the chief clerk and must be distributed to the members of the committee not later than the first time the bill is laid out in a committee meeting. The evidence shall be attached to the bill on first printing and shall remain with the measure throughout the entire legislative process, including submission to the governor.

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

A local bill that impacts a single member's district must be approved by the affected member before the house may consider the bill. Every member is elected to represent and is the de facto expert on local matters within their district. Should any member wish to author legislation that would impact a single member's district, the author must receive approval of the district's representative. This would ensure that proper discourse on a local matter, especially as it relates to the impact of the proposed legislation, can occur before legislation reaches the House floor.

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Tom Oliverson

1. Section(s) of proposed rule(s) to be modified (if known):

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)
 - In the event there is not a quorum following a Call on the House:
 - A representative who holds a position as Chair or Vice-Chair of a committee will automatically lose that position if:
 - He or she is absent without permission for more than 24 hours
 - In the event there is not a quorum following a Call on the House:
 - A representative who holds a position as a Chair of a committee who is absent without permission for more than 24 hours will:
 - forfeit his or her committee office budget
 - be required to pay back the amount of the budget he or she has already spent
 - minus the amount, on a prorated-per-day basis, he or she has already spent
 - In the event there is not a quorum following a Call on the House:
 - A member who has been marked as absent by the journal clerk may not participate in any official House duties including attending committee hearings or using House facilities such as the Speaker's press conference room

Guillen #1

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Guillen

1. Section(s) of proposed rule(s) to be modified (if known):

New Chapter

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

Allow the House Resolutions Calendars Committee to set an Congratulatory & Memorial Resolution Calendar and allow for the House to adopt them during the Interim.

Sample Language Attached

PROPOSED LANGUAGE

RULES OF THE HOUSE OF REPRESENTATIVES

88TH LEGISLATURE

1 CONGRATULATORY AND MEMORIAL RESOLUTIONS DURING INTERIM

2 Rule 4

3 (Text underlined and bracketed against the House Rules for the
4 87th Legislature.)

5 Rule 4 is amended by adding Chapter G to read as follows:

6 CHAPTER G. MISCELLANEOUS PROVISIONS

7 Sec. 71. CONSIDERATION AND APPROVAL OF CONGRATULATORY AND
8 MEMORIAL RESOLUTIONS DURING INTERIM. (a) Before adjourning the
9 regular session sine die, the house shall adopt a resolution
10 providing for the setting and consideration of an interim
11 congratulatory and memorial calendar each quarter during the
12 remainder of the year in which the regular session was held and
13 the next year. The house may not consider an interim congratulatory
14 and memorial calendar during a called session.

15 (b) Members may submit congratulatory or memorial resolutions
16 to the chief clerk and designate the resolutions for interim
17 consideration. The chief clerk shall number the resolutions in a
18 manner that continues from resolutions introduced during the
19 regular session. A resolution may state that the "House of
20 Representatives" is congratulating, paying tribute to, or
21 similarly honoring the subject of the resolution.

22 (c) The committee on resolutions calendars may meet
23 quarterly during the interim to consider resolutions submitted

1 under this section for placement on an interim congratulatory and
2 memorial calendar. Members of the committee may participate in a
3 meeting remotely by videoconference.

4 (d) The committee on resolutions calendars, in cooperation
5 with the chief clerk, shall develop a method for members to submit
6 statements indicating approval or disapproval of resolutions
7 placed on an interim congratulatory and memorial calendar. The
8 method must allow members to submit statements in person or
9 remotely. The statements shall be recorded in the journal.

10 (e) The chair of the Committee on Resolutions Calendars shall
11 remove a resolution from an interim congratulatory and memorial
12 calendar on the written request of at least five members submitted
13 to the chief clerk.

14 (f) A resolution appearing on an interim congratulatory and
15 memorial calendar is approved if it receives at least 76 statements
16 of approval and no more than five statements of disapproval.

17 (g) The chief clerk shall provide the primary author and the
18 speaker with the opportunity to sign resolutions placed on an
19 interim congratulatory and memorial calendar. The chief clerk
20 shall sign and affix the seal of the house to each resolution
21 approved as provided by Subsection (f) of this section.

Proposal for Rules Modification
House Rules of Procedure, 88th Legislature

Submitted by Representative(s): Erin Zwiener

1. Section(s) of proposed rule(s) to be modified (if known):

RULE 13. INTERACTIONS WITH THE GOVERNOR AND SENATE

(f) Limitations imposed on certain conference committees by the provisions of this section may be suspended in part by permission of the house to allow consideration of and action on a specific matter or matters which otherwise would be prohibited. Permission shall be granted only by resolution passed by ~~majority~~ vote of the house. All such resolutions shall be privileged in nature and need not be referred to a committee. The introduction of such a resolution shall be announced from the house floor and the resolution shall be eligible for consideration by the house:

- (1) Three hours after a copy of the resolution has been distributed to each member; or
- (2) For a resolution suspending limitations on a conference committee considering the general appropriations bill, 48 hours in a regular session and 24 hours in a special session after a copy of the resolution has been distributed to each member.

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

- Instead of “majority,” state two thirds.
- Add an exception that requires a majority for appropriations bills, taxing bills, sunset bills, and redistricting bills

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative Oliverson

1. Section(s) of proposed rule(s) to be modified (if known):
Rule 4, Sections 11, 11A, 12A, 16A, 20A, 20B
Rule 16, Sections 2 and 3

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

With regard to the pandemic rule (Rule 16):

- Amend Sections 2 and 3 to provide that the pandemic provisions are *not* activated immediately upon adoption of the permanent rules but may be activated during a session by a resolution adopted by the House or during the interim by the House Administration Committee if the disaster conditions specified in the rule are met; and
- Transfer from Rule 16 to Rule 4 and make a part of the permanent rules for the 88th Legislature the following provisions of Rule 16:
 - Rule 4, Section 11 - Requiring the House floor announcement to give notice of a formal meeting or work session to be made at least 30 minutes in advance of the meeting.
 - Rule 4, Section 11A - Requiring the notice of a committee meeting to include:
 - a link to instructions related to public access to the meeting location and health and safety protocols for attending the meeting;
 - if applicable, a link to the video broadcast of the meeting; and
 - for a public hearing, links to instructions for those who wish to testify in person or electronically submit public comments without testifying.
 - Rule 4, Section 12A - Allowing the open meeting requirement for committee meetings to be satisfied by video broadcasting the meeting in real time through the Internet.
 - Rule 4, Section 16A - Allowing testimony to be taken with only two members of a committee and allowing other committee members to participate through videoconferencing.
 - Rule 4, Section 20A - When inviting witnesses to testify virtually, requiring the committee chair to make a reasonable effort to invite witnesses representing different viewpoints on the posted measures or topics.
 - Rule 4, Section 20B - For each public hearing, requiring that Texas residents be allowed to electronically submit public comments on the posted measures or topics.

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Guillen

1. Section(s) of proposed rule(s) to be modified (if known):

Section 3.07

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

Allow for member's biannual and annual newsletter to be printed in varying sizes on glossy cardstock in full color. Also allow for them to be designed, printed and shipped by an approved outside vendor.

Sample Language Attached

PROPOSED LANGUAGE

HOUSEKEEPING RESOLUTION--HOUSE OF REPRESENTATIVES

NOTE: This proposed amendment is drafted to the House Housekeeping Resolution (H.R. 3) adopted for the 87th Legislature. Changes may be necessary to amend the proposed housekeeping resolution for the 88th Legislature.

Amend H.R. ____ (the housekeeping resolution) in Section 3.07 (RECORDS OF THE HOUSE; PRINTING; JOURNALS; COPIES OF LEGISLATIVE DOCUMENTS) by adding Subsection (d) to read as follows:

(d) The Committee on House Administration shall:

(1) provide members the option to submit a work order for printing the member's biannual newsletter on glossy cardstock in full color and choose the size of that cardstock; and

(2) provide members with an approved vendor who may design, print, or ship the member's biannual newsletter.

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Terry M. Wilson_____

1. Section(s) of proposed rule(s) to be modified (if known):

Housekeeping Resolution, Section 5.04. Monthly Credit

Housekeeping Resolution, Section 5.05. Account Closing

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

Replace Section 5.04 with the following

Definitions:

Average House District Population: (Population of Texas in most recent census / 150)

CPI: The rate of inflation from the date of the housekeeping resolution in 2023 to the date of the adoption of this resolution, expressed as a decimal (i.e. 4% = 0.04)

Rule:

Each member's operating account shall be credited each month with amount equal to the following formula.

$(\text{Average House District Population} * \$0.10) * (1 + \text{CPI})$

[Summary, rather than setting operating budgets with a fixed number, this formula uses the average population of a House District. Each office would receive ten cents per month for each constituent an average district would serve. It then adjusts that number for inflation since the adoption of the formula]

Section 5.05(b)

Replace "\$20,000" with "an amount equal to three times the monthly budget allocation for that fiscal year.

Do the same for 5.05(d)

[Summary: Replace the \$20,000 rollover cap with a cap equal to 3 months of budget allocation.]

Please submit this form to Anna.Newell_HC@house.texas.gov

(note that Ms. Newell's email address contains an underscore, rather than a space, before HC)

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Swanson

1. Section(s) of proposed rule(s) to be modified (if known):

Article 5, " Accounting" - Sec. 5.04 "Monthly Credit."

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

Problem:

As the cost of living skyrockets, it has been a common curse among members to try to keep, retain, and recruit staff to work during the legislative session and interim. To work in the legislature, prospective candidates are asked to work long hours and maintain a long term residence in Austin.

Unfortunately, according to the Department of Labor's Bureau of Labor Statistics, in the last year, the Consumer Price Index for all items in the Austin area has increased by 9.1%, increasing by 13.4% for food and 20.7% for energy— metrics that outpace the average rate of change for cities in the United States. Moreover, a report by Dwellsy, a market rental website, found that in the past year, the price of renting an apartment in Austin increased by 86%, making it the largest year-over-year increase in the United States. For comparison, the increase in rent over the same time period in New York was only 18%. For older staffers, the cost of setting down roots in a single family rental home in Austin has skyrocketed 60.9% over the past year. Once again, this is the largest year-over-year increase anywhere in the United States.

However, the ability for members to properly compensate their staff has not kept up. A member's monthly credit is only \$15,250 for session and \$13,500 in the interim, an increase of only \$2,000 over 2009. This is due to a decrease in the monthly credit in 2011 from \$13,250 to \$11,925, as a result of poor economic conditions. Unfortunately, the legislature never corrected the change and continued to provide nominal increases in the monthly budget from the reduced figure of \$11,925, instead of the original \$13,250.

On the other hand, according to Senate Caucus Reports, during the same time period (2013-2021), the Senate has increased members' monthly allotment from \$35,625 to \$41,000, a \$5,375 increase.

According to the Department of Labor's Bureau of Labor Statistics, the average weekly salary for an employee in Travis County is \$1,707. Therefore to even be average in the current economic conditions, a member would need the ability to pay a staffer a monthly salary of \$6,828. To pay the national average for a weekly salary at \$1,374, a member would have to pay a staffer \$5,496 a month. Currently, many staffers earn just about \$500 more than the income limit to qualify for low-income housing in Austin.

Experienced legislative staff with the institutional knowledge and subject expertise to help members pass legislation, respond to the needs of the district, and assist constituents day-to-day are increasingly hard to find. In fact, many members are struggling to fully staff their office as the legislative session grows closer. As a result,

many members have had to hire a disproportionate number of inexperienced staffers. The Department of Labor's Bureau of Labor Statistics found that the percent increase in government staff in the Travis County area has only risen by 0.1% over the past year. Yet, a member's constituents and the ever-growing number of residents in Texas rightfully expect legislators to have sufficient top-quality, knowledgeable staff.

Solution:

To keep and retain quality staff, the monthly session and interim credit for House Office Budgets should be adjusted this session by the year-over-year increase in consumer housing expenditures since 2013 (31.93%), as found in the official Department of Labor, Bureau of Labor Statistics' Consumer Expenditure Survey, to compensate for the rapidly rising cost of living in Austin. Thereafter, the monthly credit should be increased by the cost of living increase in Austin, as reported by the Department of Labor, Bureau of Labor Statistics' Consumer Price Index.

BY: Swanson

1 Amend H.R. 3 (adopting the Housekeeping Resolution for the
2 House of Representatives of the 87th Legislature) as follows:

3 (1) On page 23, line 6, between "with" and "for", strike
4 "\$15,250" and substitute "20,119.32 ~~15,250~~".

5 (2) On page 23, line 9, between "with" and the period, strike
6 "\$13,500" and substitute "17,810.55 ~~13,500~~".

7 (3) On page 23, between lines 9 and 10, insert the following
8 appropriately lettered subsection:

9 "() The monthly credit for members provided under
10 subsection (a) of this section shall increase proportionally to
11 the two-year increase in the most recent Consumer Price Index as
12 provided by the Federal Department of Labor's Bureau of Labor
13 Statistics."

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Swanson

1. Section(s) of proposed rule(s) to be modified (if known):

Article 5, Accounting - Section 5.07 " Travel From Austin During Session Not Charged to Operating Account"

(Any other relevant sections)

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

Problem:

Members and their staff need to be able to respond quickly to the issues and needs of their district.

Solution:

For the purposes of travel reimbursement, neither a member nor a member's staff shall be required to give notice if they are traveling to their district, a county that is partially or wholly encompassed by their district, or a county adjacent to a county that is partially or wholly encompassed by their district.

BY: Swanson

1 Amend H.R. 3 (adopting the Housekeeping Resolution for the
2 House of Representatives of the 87th Legislature) as follows:

3 (1) On page 25, line 19, between the words "districts" and
4 "and", insert ", a county that is partially or wholly encompassed
5 by the member's district, or a county adjacent to a county that is
6 partially or wholly encompassed by the member's district,"

7 (2) On page 26, between lines 2 and 3, insert the following
8 appropriately numbered section:

9 SECTION 5.(). NOTICE OF TRAVEL BY A MEMBER OR MEMBER'S
10 STAFF. A member or member's staff shall not be required to give
11 advance notice to the Committee on House Administration as a
12 condition for the payment or reimbursement of travel expenditures.

Oliverson #4

**Proposal for Rules Modification
House Rules of Procedure, 88th Legislature**

Submitted by Representative(s) Tom Oliverson

1. Section(s) of proposed rule(s) to be modified (if known):

Housekeeping Resolution, Section 5.04 Monthly Credit

2. Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)

- Add rule that if the Senate increases office budgets, House office budgets are automatically increased by the same percentage