

**PROPOSALS FOR RULES**  
**MODIFICATIONS 89<sup>TH</sup> LEGISLATURE**

**Submitted to**  
**COMMITTEE ON HOUSE ADMINISTRATION**

**December 9, 2024**



TEXAS HOUSE OF REPRESENTATIVES  
**LACEY HULL**

DISTRICT 138

November 26, 2024

Committee on House Administration:

I respectfully submit the following changes to the Housekeeping Resolution for the committee's consideration to improve the operations of the House and members' offices. I have also attached suggested language. Please do not hesitate to reach out to me directly or to my office should you have any questions or concerns.

1. Allow for the House Committee on Administration to set the budgets for members' operating accounts, just as they do for committees and divisions of the house. This would allow for flexibility in determining operating budgets based on available appropriations.
2. Increase the amount that a member may carry forward from a previous Fiscal Year of their operating budget by restoring the previous cap of \$40,000 rather than \$20,000. This will allow members to save and roll-over funds to hire staff, send newsletters and purchase calendars, particularly to meet staffing needs heading into a legislative session.
3. Allow for travel expenditures for members to attend interim committee hearings to be paid for by the House, separate from members' operating accounts, like travel during session, as committee hearings are similarly a necessary legislative duty. Historically, committee budgets were used to compensate members for travel, but in practice this expense falls to members' operating accounts. Considerations regarding this recommendation could include limiting this as a House expenditure for no more than two interim hearings per committee, and considering committee budgets as a funding source.

While not addressed directly by this committee, I would also like to recommend the House consider the possibility of issuing cell phones to district offices rather than requiring offices install landlines, so that our staff can be reached while they are attending events in the community. Cell phones are commonly used by other state agencies and are more convenient for effectively communicating with constituents, and may provide a costs savings over landlines.

I appreciate your consideration and look forward to serving with you in the 89<sup>th</sup> Legislature.

Sincerely,

A handwritten signature in cursive script that reads "Lacey Hull".

Lacey Hull

## Hull #1

SECTION 1: Amend SECTION 3.02 HOUSE AND COMMITTEE OPERATING BUDGETS as follows:

The Committee on House Administration shall consider and adopt operating budgets that cover both session and interim periods for the divisions of the house, members' operating accounts, and all committees appointed pursuant to the resolution adopting the rules of the house or appointed by the speaker pursuant to any other resolution. A budget adopted by the Committee on House Administration must be adopted in a public hearing. Each requested operating budget and each operating budget proposed for adoption must be posted on the Internet website of the committee in advance of the hearing.

SECTION 2: SECTION 5.04(a) OF THE HOUSEKEEPING RESOLUTION is repealed.

~~SECTION 5.04 MONTHLY CREDIT. (a) Each member 's operating account shall be credited with \$19,250 for each month that falls wholly or partly during the regular legislative session or a special legislative session. In any other month, each member 's operating account shall be credited with \$17,500.~~

## Hull #2

SECTION 3: Amend SECTION 5.05 ACCOUNT CLOSING. (a) Each member's Fiscal Year 25 Operating Account shall be closed as of August 31, 2025

(b) Each member may carry forward and have credited to the member's Fiscal Year 26 Operating Account the unexpended balance of the member's Fiscal Year 25 Operating Account, not to exceed \$40,000 ~~\$20,000~~. If the member is the chair of a committee, the member may transfer and have credited to that committee's operating account all or part of that unexpended balance, not to exceed \$20,000, and may have the remainder of that amount credited to the member's Fiscal Year 26 Operating Account.

(c) Each member's Fiscal Year 26 Operating Account shall be closed as of August 31, 2026

(b) Each member may carry forward and have credited to the member's Fiscal Year 27 Operating Account the unexpended balance of the member's Fiscal Year 26 Operating Account, not to exceed \$40,000 ~~\$20,000~~. If the member is the chair of a committee, the member may transfer and have credited to that committee's operating account all or part of that unexpended balance, not to exceed \$20,000, and may have the remainder of that amount credited to the member's Fiscal Year 27 Operating Account.

### Hull #3

SECTION 4: Amend SECTION 5.07 TRAVEL FROM AUSTIN DURING SESSION AND INTERIM HEARINGS NOT CHARGED TO OPERATING ACCOUNT. (a) While the legislature is in session, the travel expenses of members for one trip each week between Austin and their districts and return shall not be charged against the members ' operating accounts but shall be paid from funds appropriated for that purpose by the legislature.

(b) During the interim, the travel expenses of members to attend an interim committee meeting of the House to which the member is appointed to serve that is held in Austin shall not be charged against the members' operating accounts but shall be paid from funds appropriated for that purpose by the legislature.

**Proposal for Rules Modification  
House Rules of Procedure, 89th Legislature**

Submitted by Representative(s) \_\_\_\_\_ Ryan Guillen\_\_\_\_\_

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

*The Housekeeping Resolution, Article 8, Section 8.02 Powers and Duties of Committee on House Administration During Interim*

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

**Our Intent:** For members who have geographically large or stretched districts, we would like to see a 2<sup>nd</sup> District Office to be funded in order to make the Representative and his/her staff more accessible to constituents. If a Member's district, at its most distant endpoints, measures above 200 miles in distance in a straight line, then a 2<sup>nd</sup> district office shall be funded.

**Suggested Language:**

Amend H.R. \_\_\_\_ (the housekeeping resolution) in Section 8.03 (POWERS AND DUTIES OF COMMITTEE ON HOUSE ADMINISTRATION DURING INTERIM) by amending Subsection (d) to read as follows:

(d) The committee may pay for all other reasonable and necessary expenses, including operation of each member's district offices, incurred by the members of the house of representatives. The expenses shall be paid from funds appropriated for that purpose, or any other funds appropriated for the use of the house of representatives, on vouchers or other forms approved by the chair of the Committee on House Administration, in accordance with regulations governing such expenditures. For the purposes of this section, the end-to-end measurement of a district shall be calculated in a straight line using the geographic coordinates of the district's two most distant points. For members whose districts measure:

- (1) 200 miles or less end-to-end, funding shall be provided for one district office; and
- (2) More than 200 miles end-to-end, funding shall be provided for two district offices.

Please submit this form to [LaurenK.McCarthy\\_HC@house.texas.gov](mailto:LaurenK.McCarthy_HC@house.texas.gov) by **Tuesday, December 3<sup>rd</sup>, 2024.** (note that Ms. McCarthy's email address contains an underscore, rather than a space, before HC)

**Guillen #2**

**Proposal for Rules Modification  
House Rules of Procedure, 89th Legislature**

Submitted by Representative(s) \_\_\_\_\_ Ryan Guillen\_\_\_\_\_

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

*The Housekeeping Resolution, Article 3.07 Records of the House; Printing; Journals; Copies of Legislative Documents, or, alternatively, could be adapted and added to either to Rule 3, Section 16 House Administration (Procedural) or Rule 16, Special Rule Chapter L. Printing*

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

**Our Intent:** Provide various print types, and printing service provider options for the members' biannual newsletters.

**Suggested Language:**

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, and ship the member 's biannual newsletter.

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**Guillen #3**

**Proposal for Rules Modification  
House Rules of Procedure, 89th Legislature**

Submitted by Representative(s)           Ryan Guillen          

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

*Rule 3, Standing Committees, Section 15. Homeland Security and Public Safety.*

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

**Our Intent:** Clarify that matters pertaining to border security, the territorial integrity of the state, and transnational criminal activity fall under the jurisdiction of the Committee of Homeland Security & Public Safety.

**Suggested Language:**

Rule 3, Section 15 (HOMELAND SECURITY AND PUBLIC SAFETY) is amended to read as follows:

Sec. 15. Homeland Security and Public Safety. The committee shall have nine members, with jurisdiction over all matters pertaining to:

- (1) law enforcement;
- (2) the prevention of crime and the apprehension of criminals;
- (3) the provision of security services by private entities;
- (4) homeland security, including:
  - (A) the defense of the state and nation, including:
    - (i) terrorism response;
    - (ii) border security and protecting the territorial integrity of the state; and
    - (iii) transnational criminal activity response; and
  - (B) disaster mitigation, preparedness, response, and recovery;and
- (5) the following state agencies: the Texas Commission on Law Enforcement, the Department of Public Safety, the Texas Division of Emergency Management, the Emergency Management Council, the Texas Forensic Science Commission, the Texas Military Preparedness Commission, the Commission on State Emergency Communications, and the Texas Crime Stoppers Council.

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Guillen #4

**Proposal for Rules Modification  
House Rules of Procedure, 89th Legislature**

Submitted by Representative(s) \_\_\_\_\_ Ryan Guillen\_\_\_\_\_

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

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

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

**Our Intent:** Allow Committee on Resolutions Calendars to accept, consider, and approve congratulatory and memorial resolutions during the interim.

**Suggested Language:**

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

CHAPTER G. MISCELLANEOUS PROVISIONS

Sec. 71. CONSIDERATION AND APPROVAL OF CONGRATULATORY AND

MEMORIAL RESOLUTIONS BY COMMITTEE DURING INTERIM. (a) The Committee on Resolutions Calendars may allow members to submit congratulatory or memorial resolutions to the committee for consideration during the interim. The committee shall number the resolutions in a manner distinct from resolutions introduced for consideration by the full house. The resolution may state that the "House of Representatives" is congratulating, paying tribute to, or similarly honoring the subject of the resolution.

(b) The Committee on Resolutions Calendars may meet during the interim to consider resolutions submitted under this section and may approve resolutions that are purely congratulatory or memorial in nature.

(c) The chair of the Committee on Resolutions Calendars shall sign resolutions approved by the committee under this section. The chair shall provide the primary author of the resolution with the opportunity to sign the resolution and may provide the speaker with the opportunity to sign the resolution. The chair may affix the seal of the house to a resolution after approval by the committee under this section.

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**Goodwin #1**

**Proposal for Rules Modification  
House Rules of Procedure, 89th Legislature**

Submitted by Representative(s) Vikki Goodwin

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

Section 4, Committees

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

If the chair of a committee intends to limit testimony time, they must provide notice of the allotted time for testimony at the beginning of the hearing. Once the hearing has started, the chair may not shorten or change the allotted time.

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## Goodwin #2

### Proposal for Rules Modification House Rules of Procedure, 89th Legislature

Submitted by Representative(s) Vikki Goodwin

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

RULE 4, Section 20.

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

This change would allow virtual testimony for House Committee hearings, making it easier for Texans to share their perspectives without the burden of travel. It respects the time and commitments of individuals across the state while ensuring lawmakers hear from a broader range of voices to make informed decisions.

Here is the rule we would like to put forth:

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 (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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**Goodwin #3**

**Proposal for Rules Modification  
House Rules of Procedure, 89th 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.

## Bhojani

### Proposal for Rules Modification House Rules of Procedure, 89th Legislature

Submitted by Representative(s) Bhojani

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

Possibly the Daily Order of Business and Sec. 6 - Recognition of Gallery Visitors:

*The speaker may recognize, at a time he or she considers appropriate during floor proceedings, the person serving as physician of the day and pastor of the day.*

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

Allow members to nominate a Pastor of the Day to lead the daily opening prayer as was done prior to 87th Legislature.

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## Howard #1

### Proposal for Rules Modification House Rules of Procedure, 89th Legislature

Submitted by Representative(s) \_\_\_\_\_

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

Rule 5. Floor Procedure. Chapter B. Admittance to House Chamber, Sections 11 and 12.

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

The suggested rule modification would grant access to the house floor as needed for the minor children and grandchildren of members of the house, as well as officers and employees of the house, while the house is in session. Allowing children and grandchildren floor privileges, so long as they are accompanied by the member, officer, or employee of the house performing their official duties would serve two key purposes:

1. It would alleviate issues with childcare that might otherwise prevent a member from conducting their official business or house employees and officers from performing their official duties. For example, if a member's child or grandchild is dismissed from daycare without another form of childcare available while the house is in session, a member would have the ability to bring their child or grandchild onto the floor to reduce the time the member is away from the floor. This would decrease the chance of members missing critical floor actions to address childcare inaccessibility.
2. It would offer a unique and invaluable opportunity for the next generation to witness the legislative process. The ability to directly witness governance in action would help instill in young Texans a better understanding of the benefits and importance of both civic engagement and public service.

Members, officers, and staff would be encouraged to be mindful in exercising this privilege in an appropriate manner and at appropriate times. We can trust members, officers, and staff to make sensible decisions about ensuring that the presence of their children and grandchildren does not disrupt the flow of house business.

## Howard #2

### Proposal for Rules Modification House Rules of Procedure, 89th Legislature

Submitted by Representative(s) Donna Howard

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

Rule 2 section 2

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

Require the Journal clerk to add a timestamp when they gavel in, and a time stamp in the journal when debate starts on a bill. For example, they gavel in at 10:12; they talk about HB 1 at 11:03; they talk about HB 2 at 4:37 p.m.; etc. This way the public can more easily review debate on bills without having to fast forward ad nauseum.

Expand this rule to include committee hearings – time stamp when the gavel in, and time stamp when they start considering a bill.

**Zwiener**

**Proposal for Rules Modification  
House Rules of Procedure, 89th Legislature**

Submitted by Representative(s) Erin Zwiener

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

Rule 8, Bills, Sections 7 and 9

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

The suggested rule modification would have two key functions:

1. To alter the prefiling date ahead of the regular legislative session, moving the filing start date from the first Monday after the general election to the first Monday of December. This would allow members more time post election to establish themselves in their newly elected or re-elected positions before executing their legislative agenda. This rule modification would also allow the bill filing start date to better coincide with new member orientation for newly elected members of the House of Representatives.
2. To formalize the longstanding House practice of reserving up to the first 150 bill numbers to be assigned to bills identified as house priorities by the Speaker while reserving the following 300 bill numbers for assignment to member priority bills. The establishment of member priority bills would have the following structure:
  - a. Each member of the house would have the ability to select up to two priority bills to be assigned reserved bills numbers.
  - b. Bill numbers for member priority bills would be reserved in order of member seniority and members would have the ability to designate a bill as one of their priorities at any point prior to committee referral.

The introduction of a mechanism for designating member priority bills would ensure that members have more time to perfect their proposed legislation and finalize their priorities. It would also alleviate the need for members to rush the filing of bills on the filing start date in order to secure lower bill number assignments. This would help ensure that better vetted legislation is filed earlier on that would be less likely to require committee substitutes or amendments. Additionally this alteration to the rules would help address the pressure on Texas Legislative Council drafting attorneys to produce the thousands of requests made as the filing start date approaches with the expectation that the majority of drafts will be returned in time for the first day of filing. Overall, this modification to the house rules would thus produce a more efficient distribution of labor for legislative offices and Texas Legislative Council as well a more timely and effective movement of higher quality pieces of legislation through the legislative process.

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**Rule 8, Bills, Sec. 7, Prefiling.** (a) Beginning the first Monday after the general election of December preceding the next regular session, or within 30 days prior to any special session, it shall be in order to file with the chief clerk bills and resolutions for introduction in that session. On receipt of the bills or resolutions, the chief clerk shall number them and make them a matter of public record, available for distribution. Once a bill or resolution has been so filed, it may not be recalled. This shall apply only to members elect of the succeeding legislative session.

(b) The chief clerk shall reserve up to the first 150 bill numbers for bills identified as priorities of the house by the speaker of the house and shall reserve the following 300 bill numbers for priority bills selected by members of the house. Members of the house may select up to two priority bills to be assigned these bill numbers. Bill numbers for member priority bills shall be reserved in order of seniority.

(c) On receipt of the bills or resolutions, the chief clerk shall number them, allowing for the reserved bill numbers to be applied, and make them a matter of public record, available for distribution.

(d) The rules of this section shall apply only apply to members elect of the succeeding legislative session.

**Rule 8, Bills, Sec. 9, Filing.** (a) A bill must be filed with the chief clerk in the manner and in an electronic or other format specified by the chief clerk at the time that the bill is introduced.

(b) A bill relating to conservation and reclamation districts and governed by the provisions of Article XVI, Section 59, of the Texas Constitution must be filed with copies of the notice to introduce the bill attached if the bill is intended to:

- (1) create a particular conservation and reclamation district; or
- (2) amend the act of a particular conservation and reclamation district to:
  - (A) add additional land to the district;
  - (B) alter the taxing authority of the district;
  - (C) alter the authority of the district with respect to issuing bonds; or
  - (D) alter the qualifications or terms of office of the members of the governing body of the district.

(c) At the time of prefiling, filing, or at any point prior to referral to a committee, a member may designate a bill as one of their member priority bills, as specified in Section 7 of this rule, and the chief clerk shall renumber the bill appropriately.

## Gates #1

### Proposal for Rules Modification House Rules of Procedure, 89th Legislature

**Submitted by Representative:** Gates (1)

**Section(s) of proposed rule(s) to be modified (if known):** Rule 5, Section 35

**Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)** We should consider reviving Rule 5 on matters and questions of personal privilege as it existed before the 88th session's novel interpretation, in which the speaker applied Congressional precedent to gut the rule as it was adopted and implemented by this body. We might restore members' right to speak on questions of privilege (both personal privilege and questions of privilege of the house) by revising the rule to expressly disallow reliance on Congressional precedents, particularly when those precedents are applied in a manner that contravenes the plain language of our rule and this body's customary practices.

Restoring Rule 5 would also affirm our commitment to Rule 1, section 14, which allows us to rely on Congressional precedent only where our rules are silent.

**Proposed language:** Sec. 35 (a). Questions of Privilege Defined. Questions of privilege shall be: (1) those affecting the rights of the house collectively, its safety and dignity, and the integrity of its proceedings, including the right of the house to remove the speaker and elect a new speaker; and (2) those affecting the rights, reputation, and conduct of members individually, including their conduct in house proceedings, in their representative capacity only.

(b) The speaker shall not refuse to recognize a question of privilege on the basis that it does not comport with the requirements of congressional rules or precedents, nor shall the speaker rely on house precedents that are based on congressional precedents in determining the propriety of any question of privilege.

## Gates #2

### Proposal for Rules Modification House Rules of Procedure, 89th Legislature

**Submitted by Representative:** Gates (2)

**Section(s) of proposed rule(s) to be modified (if known):** Rule 1, Section 10 (insert a new section 10 and renumber subsequent sections of Rule 1 accordingly)

**Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)** As with questions of privilege, Congressional precedents should not be permitted to alter this House's customary practice of allowing reasonable latitude in posing parliamentary inquiries.

On October 12, 2023, Rep. Tony Tinderholt was prohibited from asking parliamentary inquiries before the body could hear the subject of the inquiries. The speaker cited Congressional precedent and had that precedent "read it into the record for inclusion in the journal," which would appear to be an effort to amend House procedures by unilaterally adopting a statement from the Congressional Record. When Rep. Tinderholt asked why parliamentary inquiries were not permitted even where they related to business pending before the House, the speaker advised that such clarification was "not a proper parliamentary inquiry" and stated that the questions were dilatory, ruling that Rep. Tinderholt would not be permitted to pose further inquiries without first presenting them to the parliamentarians for review. These explanations seemed based on an explanatory note added by unelected house employees (Explanatory Note 4, page 10 of the House Rules). Rather than using the explanatory note to explain the state of existing rules and practice, the note was added and used to thwart the body's intent to continue its customary practice, thus narrowly circumscribing elected officials' abilities to speak up on behalf of their constituents.

Additionally, in the 88th session, the parliamentarians relied on "Congressional precedent" in refusing to publish in the House Journal a Question of Privilege that I (Gates) presented even though House Rule 5, Sec. 36, explicitly states, "When in order, a member may address the house on a question of privilege or may at any time print it in the journal, provided it contains no reflection on any member of the house." When I attempted to address the matter through parliamentary inquiries, I was shut down after only asking three questions when the chair did not know the subsequent questions. To meaningfully represent our districts, we must revert to the rules and practices adopted by this body and reject the unilateral changes inserted into our rules via the illegitimate use of Congressional precedents and explanatory notes.

We should amend Rule 1 to define parliamentary inquiries and to reflect this house's practice of allowing members to pose parliamentary inquiries regarding house procedure. We could include a time limit or a limit to the number of questions permitted to incentivize members to be efficient and present only their most essential inquiries.

**Proposed language:** Rule 1, Section 10: A proper parliamentary inquiry is a request for information related to pending business, a business that may be immediately brought before the House, or matters of House procedure. The chair's responses to parliamentary inquiries may not be appealed.

Conforming change to Rule 1, Section 9(b):

(b) No member shall speak more than once on an appeal unless given leave by a majority of the house. No motion shall be in order, pending an appeal, except a motion to adjourn, a motion to lay on the table, a motion for the previous question, or a motion for a call of the house. ~~Responses to parliamentary inquiries and d]~~ Decisions of recognition made by the chair may not be appealed, except as provided by Rule 5, Section 24.

### Gates #3

#### Proposal for Rules Modification House Rules of Procedure, 89th Legislature

**Submitted by Representative:** Gates (3)

**Section(s) of proposed rule(s) to be modified (if known):** Rule 14, Section 1

**Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)** The misuse of Congressional precedents: During the last session, Congressional precedents were frequently used to make rulings and to impede members' speech even when the House Rules were not silent.

We should strictly adhere to Rule 14, Sec. 1, "When Rules Are Silent," and include a new rule prohibiting the chair from relying on Congressional precedents and other secondary or persuasive authorities when the House Rules are not silent.

Our House Rules and the Texas Constitution are the primary authority in rulings, and we should not accept any use of secondary or persuasive authorities that undermine this body by narrowing or altering the rules we adopt through our rules House Resolution.

**Proposed language:** Sec. 1. When Rules Are Silent. The rules of procedure of this body as adopted in the rules resolution and outlined in the Texas Constitution are the primary authority governing house practice. Only i [if] (1) the rules are silent [or implicit] on any question of order or parliamentary practice and (2) if no house precedent addresses the question shall the Rules of the House of Representatives of the United States Congress, and its practice as reflected in published precedents, and Mason's Manual of Legislative Procedure shall be considered as authority. House precedent includes all explanations and rulings on points of order printed in the house journal for each session but does not include precedents based solely on congressional precedents where this house's rules are not silent.

## Gates #4

### Proposal for Rules Modification House Rules of Procedure, 89th Legislature

**Submitted by Representative:** Gates (4)

**Section(s) of proposed rule(s) to be modified (if known):** Most likely Chapter 665, Government Code, but could also add to Rule 5 on Floor Procedure or under Rule 3 on GIE committee requirements.

**Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)** House procedures governing impeachment: The way the impeachment of Attorney General Paxton was managed left a majority of House Members having to decipher a tremendous amount of information in an unreasonably brief period before taking a historic vote. Further, most conservatives faced difficult primaries due to this vote that we were asked to take in an incredibly rushed manner.

Contemplated changes could include requiring the full House to receive documentation and a presentation from the House Committee on General Investigating for a designated time before such a monumental vote is taken. This may require amending the current rules on the standing House Investigating Committee under Rule 3 and the Texas Government Code Chapter 665.

A suggested change would be to require the House to vote on whether or not impeachment proceedings are appropriate before it is presented with a bill or a resolution to impeach.

## Gates #5

### Proposal for Rules Modification House Rules of Procedure, 89th Legislature

**Submitted by Representative:** Gates (5)

**Section(s) of proposed rule(s) to be modified (if known):** Rule 2, Section 9

**Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)** Parliamentarians cannot unilaterally amend the body's adopted rules. During the 88th Regular Legislative Session, I was personally told by the parliamentarians that a valid precedent was now considered invalid because the ruling and the authorities relied upon for that ruling were not announced by the chair before the House. It seems this interpretation was based on an introductory note added to the rules manual by the parliamentarians and not adopted by the body. I questioned the validity of all other precedents that had not been announced before the body. I learned it was the practice of previous speakers not to wait until an explanation of a ruling on a point of order was placed in writing before announcing the verdict. Thus, rulings were announced in the house without orally informing the members on the floor of the authorities upon which the ruling relied. That was a more efficient and expeditious way to proceed with the order of business.

The current House Rules require the following: House Rule 2, Sec. 9 (b-1): "The speaker shall instruct the parliamentarians to provide to each member a written copy of the speaker's ruling on a point of order, including the citation of the authorities relied upon in the grounds for decision. The written ruling shall be provided to each member through the electronic legislative information system not later than 24 hours after the ruling is announced in the house." When this rule was introduced, and for several sessions, the rule was followed by having the speaker announce solely the ruling on the point on the house floor. The parliamentarians would later distribute the chair's written ruling, along with an explanation and authorities for the ruling, electronically within 24 hours of the ruling being announced on the floor. Currently, the parliamentarians draft explanations on the floor and have the chair read the explanation when the ruling is announced in the House.

We should consider expressly stating in our rules that parliamentarians are not the final authority on questions of order and process but are there to inform, illuminate, or guide the speaker on a ruling—and assist and guide not only the speaker but also the members of the House, each of whom their clients are also. Under Rule 2, Sec. 9, the parliamentarians are there to serve the speaker and shall advise and assist the members of the House on matters of procedure. Moreover, they are duty-bound to keep confidential requests by members of the House regarding advice or guidance unless the parties otherwise agree.

Amending the House Rules to expressly clarify that the timing or delivery of the explanation and authorities for a ruling does not impact any precedent's validity, so long as the explanation complied with the Rules in effect when the ruling was made, would prevent any further misinterpretation of what constitutes valid House precedent. This presents another reason we might consider amending the rules to emphasize that any Notes on Interpretative Standards (on page xiii) of the current House Rules, or any other part of the publication that is not voted on and adopted by the Texas House, are not any authority upon which rulings may be made.

**Proposed language:** House Rule 2, Sec. 9 (b-1): "The speaker has the sole authority to determine questions of order. Once the speaker has decided on a question of order, t[F]he speaker shall instruct the

parliamentarians to provide to each member a written copy of the speaker's ruling on a point of order, including the citation of the authorities relied upon in the grounds for decision. The written ruling shall be provided to each member through the electronic legislative information system not later than 24 hours after the ruling is announced in the house. Explanations for rulings on points of order that are published in the house journal are valid house precedent without regard to whether the explanation for the ruling was read aloud to the house so long as a written explanation was provided to members within 24 hours of the ruling having been announced on the floor. No part of the rules manual, except those portions which were voted on and adopted by members of the house, may be used or cited as house precedent or relied upon to determine questions of order.



## Gates #6

### Proposal for Rules Modification House Rules of Procedure, 89th Legislature

**Submitted by Representative:** Gates (6)

**Section(s) of proposed rule(s) to be modified (if known):** Rule 1, Section 9 (d)

**Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)** Return to substantial compliance: Over the years, the Texas House has adopted various versions of a substantial-compliance rule that expressly permits the chair to overrule a point of order relating to committee documents where the error is not materially misleading and where, despite any error, the purpose of the rules has been substantially fulfilled. E.g., Rule 1, Sec. 9(b) (88th R.S.); Rule 4, Sec. 32(f) (81st R.S.); Rule 1, Sec. 9(c) (76th R.S.).

Our house precedents have supported this common-sense rule of substantial compliance, even where they have not overtly cited it, by overruling points of order when committee documents fulfill the purpose of the rules, even though the documents contain errors. See 85 H. Jour. 664-65 (2017), explaining that “this substantial-compliance rule has been relied upon to save bills when the alleged error is technical in nature and the purpose of the allegedly violated rule has nonetheless been fulfilled.”

Last session, a ruling determined that the background and purpose of a bill must contain not only the author’s description of a reason for offering the bill, but also “objectively reliable support” for opinions or statements contained in the background and purpose, even where the author is not necessarily providing those statements for their truth, but merely providing background that explains how the bill came to exist, regardless of whether the concerns raised are objectively verifiable. See 88 H. Jour. 4934 (2023): SB 1070 - POINT OF ORDER Representative Plesa raised a point of order against further consideration of SB 1070 under Rule 4, Section 32(c)(1), of the House Rules. The speaker sustained the point of order. Ms. Plesa raises a point of order against further consideration of SB 1070 under Rule 4, Section 32(c)(1), on the grounds that the background and purpose statement in the bill analysis is substantially or materially misleading. The complained-of statement is the sentence "However, some say that the costs associated with ERIC participation have outweighed the benefits." Ms. Plesa argues that this statement is not objectively verifiable and that there are no other factual statements in the background and purpose from which a reasonable inference may be drawn to support the statement. As the Chair has repeatedly held under both long-standing doctrine and recent guidance, a vague statement such as "some say" with no other supporting factual statement is plainly an unverifiable statement of opinion and the Chair has no alternative but to sustain the objection. SB 1070 was returned to the Committee on Elections.

See 88 H. Jour. 3446-3447 (2023) (daily ed.) (ruling on Bucy point of order) on a Swanson’s bill: CSHB 153 - The speaker sustained the point of order, announcing his decision to the house as follows: Mr. Bucy raises a point of order against further consideration of CSHB153, under Rule 4, Section 32(c)(1), on the grounds that the background and purpose statement in the bill analysis is substantially or materially misleading. The complained-of statement begins with the phrase "concerns have been raised" and then recites several allegations of intentional, unlawful behavior. The subsequent sentences do not

provide any objectively reliable support for this list of alleged concerns. CSHB153 was returned to the Committee on Elections.

Recent precedents have impermissibly eroded the substantial-compliance rule. In one instance, the chair sustained a point of order on a bill analysis that omitted some terms defined by the bill, despite the fact that the BA did not misuse any of the terms. 88 H. Jour. 2905 (2023). In that case, the explanation of the chair's ruling cited an inapposite ruling that did not discuss definitions of key terms at all, see 87 H. Jour. 3032 (2021), while ignoring both the rule of substantial compliance and series of House precedents unequivocally holding that a BA need not include the definitions of every term defined by a bill. 85 H. Jour. 2865-66 (2017)

Returning to the practice of substantial compliance will help prevent our precedents from being used to create additional rules that this body has not approved and will help ensure that important work is not discarded based on a technicality.

**Proposed language:** (d) A point of order raised as to a violation of a section of the rules governing committee reports, committee minutes, or accompanying documentation may be overruled if the purpose of that section of the rules has been substantially fulfilled and the violation does not deceive or mislead. A bill analysis need not define every term defined in a bill in order to substantially fulfil the purpose of the rules. A point of order raised solely as to language that provides descriptions of an opinion as a matter of background or purpose of a bill may not be sustained on the basis that the bill analysis does not provide verifiable support for those opinions.

**Gates #7**

**Proposal for Rules Modification  
House Rules of Procedure, 89th Legislature**

**Submitted by Representative:** Gates (7)

**Section(s) of proposed rule(s) to be modified (if known):** Rule 5, Section 3

**Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)** The House should disincentivize the practice of quorum breaking by enhancing penalties for members who are absent without leave for the purpose of impeding House action.

The house should consider increasing the fine amount of \$500 for each calendar day of absence to \$1000 per calendar day of absence.

**Proposed language:** Rule 5, Section 3(e)(1): (1) a fine in the amount of [~~\$500~~] \$1000 for each calendar day of absence;

## **Gates #8**

### **Proposal for Rules Modification House Rules of Procedure, 89th Legislature**

**Submitted by Representative:** Gates (8)

**Section(s) of proposed rule(s) to be modified (if known):** House Rule 1, Section 2

**Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)** Convening the House on time: Many members complained about the House not starting on time, as they worked to meet the posted schedule. Under current House Rule 1, Sec. 2, "The speaker shall take the chair on each calendar day precisely at the hour to which the House adjourned or recessed at its last sitting and shall immediately call the members to order." This frequently was not the case and could be amended under Rule 1, Sec. 2. We should consider how the body may compel the speaker to call the members to order promptly.

## Gates #9

### Proposal for Rules Modification House Rules of Procedure, 89th Legislature

**Submitted by Representative:** Gates (9)

**Section(s) of proposed rule(s) to be modified (if known):** Rule 1, Section 15

**Briefly describe the suggested rule modification. (Attach any additional pages or drafts of proposed language as necessary)** This body could more efficiently consider legislation if we maximized the time that committees had to work.

To fully utilize the brief 140 days of a regular session, we should consider modifying the House Rules and, to the extent necessary, Chapter 301 of the Texas Government Code, to require the speaker to make committee assignments within two weeks after the Legislature is gavelled in for the Regular session. This would enable us to expedite the consideration of the governor's emergency bills, some Sunset bills, and other critical matters that our constituents expect us to address. Moreover, committees could have the opportunity to fully organize and start hearings to be prepared for action by the Calendars Committee to set a robust Floor Calendar immediately after the 60th-day deadline.

**Proposed language:** Sec. 15. Standing Committee Appointments. (a) By no later than the 14<sup>th</sup> day of the legislative session, t[~~T~~]he speaker shall designate the chair and vice-chair of each standing substantive committee and shall also appoint membership of the committee, subject to the provisions of Rule 4, Section 2.

# Vasut Report and Proposals #1-18



## **Report of the Subcommittee on Parliamentary Process, 88th Interim**

December 3, 2024

Members of the 89th Session,

Enclosed, please find the Report of the Subcommittee on Parliamentary Process for the House Republican Caucus for the 88th Interim (the “Subcommittee”). The Subcommittee was appointed on June 14, 2024, by Chair Oliverson to review the House Rules of Procedure and consider improvements to the House’s parliamentary process.

The members of the Subcommittee were Cody Vasut (Chair), Cecil Bell, Jr., Briscoe Cain, Richard Hayes, Gary Gates, Jared Patterson, Mike Schofield, John Smithee, and Tony Tinderholt.

The members of the Subcommittee spent more than 20 hours reviewing more than 85 proposals submitted by Republican members of the 88th Session and members-elect of the 89th Session over the course of numerous meetings from August through November.

In reviewing each proposal, we sought to minimize the extent and scope of any changes to the rules to only those we believed were necessary to address compelling issues. When in doubt, we deferred to the current language in the rules. Overall, we sought to ensure majority control over the House in accordance with the expressed will of the people of Texas, protect the ability of every member to represent their districts, delegate some powers of the speaker and chairs back to members, and promote efficiency so members’ time is respected.

To that end, only proposals that received the support of a super-majority (6 or more) of the Subcommittee are recommended to you for consideration. Any proposal that is not recommended herein either was duplicative of a proposal we recommended, did not receive super-majority support for a variety of reasons (such as unintended consequences or workability), or was outside the scope of the House rules or procedures (such as measures that would require constitutional amendment or statutory change).

We appreciate very much the ideas that were submitted for our review and the time members took to meet with us to discuss their proposals. We hope each of these proposals will receive your support and due consideration over the coming weeks.

Regards,

A handwritten signature in black ink, appearing to read 'Cody T. Vasut'. The signature is stylized with a large 'C' and 'V'.

Rep. Cody T. Vasut, Chair

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## REVISIONS TO THE HOUSE RULES

The Subcommittee received 74 proposals for revisions to the House Rules. The following are discrete items—combining in certain cases multiple proposals submitted by members—we recommend for your consideration:

### **1. Majority Party Chairs, Committees and Speaker Pro Tempore**

Under the Texas House Rules, committee chairs have authority to determine which bills referred to the committee receive, or do not receive, hearings; thereby unilaterally determining which bills live or die. *Rule 4, Section 6(6-7)*. For bills that do receive hearings and a vote, a majority of the committee must report a bill favorably for it to advance to the calendars committee unless the whole House adopts a minority report. *Rule 4, Sections 27, 29*. The make-up of committees has a direct effect on the ability of good public policy to pass into law.

In 2022, 81.24% of Republican primary voters in Texas agreed with this proposition: “The Republican-controlled Texas Legislature should end the practice of awarding committee chairmanships to Democrats.” In 2024, the Republican Party of Texas State Convention adopted the following as a legislative priority: “The Republican-controlled Texas Legislature shall end the practice of awarding committee chairmanships to Democrats and require all committees to be majority Republican.”

While the Texas Senate has eliminated minority-party chairmanships and minority-party controlled committees, the Texas House still has 8 minority-party chairs and 2 minority-party controlled committees that can block legislation.

Various members of the caucus conveyed experiences to the Subcommittee of Democratic chairs killing important conservative legislation in recent sessions, including during the 88th Legislative Session. The Subcommittee also learned that now that the Texas Senate no longer has Democratic chairs, the Texas House is one of only a handful of legislative bodies in the entire United States that still has members of the minority party holding chairmanships. Further, the Texas House is the only legislative body in a state with a 2/3rds quorum requirement that has minority-party chairs or minority-party controlled committees: Oregon, Tennessee, and Indiana do not.

Minority party chairmanships do not make Texas special: our ability to work across the aisle to find common ground and pass good public policy does. We can, and will still,

do so without giving the minority party the power to control which bills receive hearings.

To this end, the Subcommittee recommends the House adopt the following rule changes to ensure committees are controlled by, and chaired, by members of the majority party, and to require the speaker pro tempore to be a member of the majority party. These changes:

- require the Speaker Pro Tempore to be a member of the majority party;
- require committee chairs to be a member of the majority party; and,
- require a majority of the membership of all committees to be made up of members of the majority party (with flexibility added to the process to ensure this can be accomplished mathematically even if the House is split 76 to 74).

RULE 1. DUTIES AND RIGHTS OF THE SPEAKER

CHAPTER A. DUTIES AS PRESIDING OFFICER

Sec. 10. APPOINTMENT OF SPEAKER PRO TEMPORE AND TEMPORARY

CHAIR. (a) Subject to subsection (b), the [The] speaker shall have the right to name any member to perform the duties of the chair related to presiding over the deliberations of the house and may name a member to serve as speaker pro tempore by delivering a written order to the chief clerk and a copy to the journal clerk.

(b) If, at the time the speaker appoints a member to serve as speaker pro tempore, the members of one political party constitute a majority of the membership of the house, the speaker shall designate a member of that party to serve as speaker pro tempore.

(c) A permanent speaker pro tempore shall, in the absence or inability of the speaker, call the house to order and perform all other duties of the chair in presiding over the deliberations of

the house and perform other duties and exercise other responsibilities related to presiding over the deliberations of the house as may be assigned in writing by the speaker.

(d) If the house is not in session, and a permanent speaker pro tempore has not been named, or if the speaker pro tempore is not available or for any reason is not able to function, the speaker may, subject to subsection (e), deliver a written order to the chief clerk, with a copy to the journal clerk, naming the member who shall call the house to order and preside during the speaker's absence.

(e) If, at the time the speaker delivers a written order to the chief clerk under subsection (d), the members of one political party constitute a majority of the membership of the house, the speaker may only name a member of that party to call the house to order and preside during the speaker's absence.

(f) The speaker pro tempore shall serve at the pleasure of the speaker.

(g) In the event of a vacancy in the office of speaker, the speaker pro tempore does not assume the office of speaker.

(h) The authority of the speaker pro tempore to perform the duties and exercise the responsibilities of the speaker is limited as provided by this section.

. . .

Sec. 17A. MAJORITY PARTY CHAIRS. If, at the time the speaker announces the membership of a committee or exercises the speaker's authority to designate a different member of a committee as chair pursuant Section 16, the members of one political party constitute a majority of the membership of the house, the speaker shall designate a member of that party to serve as chair of the committee.

RULE 4. ORGANIZATION, POWERS, AND DUTIES OF COMMITTEES

CHAPTER A. ORGANIZATION

Sec. 2. DETERMINATION OF MEMBERSHIP. (a) Membership on the standing committees shall be determined at the beginning of each regular session in the following manner:

. . .

(8) If, at the time of appointment of the membership of a committee, a majority of the members of the House belong to one political party, the speaker shall ensure at least a majority of the membership of each committee is comprised of members of the majority party.

Sec. 4. MEMBERSHIP RESTRICTIONS. (a) No member shall serve concurrently on more than two standing substantive committees.

(b) A member serving as chair of the Committee on Appropriations, the Committee on State Affairs, or the Committee on Ways and Means may not serve on any other substantive committee.

(b-1) Subsection (b) shall not apply if a majority of the members of the House belong to one political party and compliance with this rule would require the appointment of the members of the minority party to occupy a majority of one or more standing substantive committees.

## 2. Speaker Term Limits

Several members submitted requests for rules changes to require term limits on the office of speaker. The Subcommittee supports a limit of two terms for the office of speaker. However, it is unclear if term limits put into the rules would be: (1) constitutional or (2) practically enforceable.

Section 9(b), Article III, Texas Constitution only requires the speaker to be a member of the house: not a member of the house with less than a certain number of years of prior service as speaker. Though, Section 11, Article III, Texas Constitution permits the house to “determine the rules of its own proceedings.”

Even if constitutional, however, a speaker term limit might be practically unenforceable in the rules. At the start of the legislative session when the house convenes to elect its speaker, the rules for the prior session are not applicable unless the house were to subsequently adopt them as temporary rules. *See, e.g.*, 88 H. Jour. 7-9 (2023). Thus, a term limit rule adopted by one session could not bind a future session unless it agrees to be bound by it on the day and by the same exact voting threshold it will elect the next speaker.

That said, if term limits were to be put into the rules, the Subcommittee recommends the following language:

RULE 1. DUTIES AND RIGHTS OF THE SPEAKER

CHAPTER C. CAMPAIGNS FOR SPEAKER

Sec. 19. No member shall be eligible for nomination to the office of speaker if the member served as speaker during part or all of two or more regular sessions.

The Subcommittee does not recommend a term limit be placed into the House Republican Caucus By-Laws. While such a term limit would be binding on whether an individual is eligible to be nominated as the caucus-endorsed nominee for speaker, it would only bind Republicans, and not Democrats. Unilateral term limits are not wise.

### 3. Filming of Committee Proceedings

Rule 4, Section 13(c) was added in the 87th Session to permit committees to prohibit filming of their proceedings. While the Subcommittee supports the existing right of a committee chair to ensure decorum during a meeting, which might involve the power to interfere with a recording by a member of the public that is disruptive (such as a camera blocking a view), the Subcommittee finds that granting power to a committee to wholesale bar the recording of its proceedings by members of the public to be antithetical to government transparency and the Texas Constitution. The Subcommittee recommends this provision be modified as follows.

RULE 4. ORGANIZATION, POWERS, AND DUTIES OF COMMITTEES

CHAPTER B. PROCEDURE

Sec. 13. RULES GOVERNING OPERATIONS.

(c) No committee of the house may prohibit the filming or broadcasting of its proceedings by a member of the public. Notwithstanding the foregoing, nothing herein shall be construed as to prohibit the chair from taking action necessary to maintain proper decorum. [~~Each committee of the house shall have authority to determine whether or not to permit television, radio, or Internet broadcasts, other than official house broadcasts, of any of its proceedings~~].



## Vasut #4

### 4. Majority of the Majority to Vacate the Chair

Concerns were raised that the current rules concerning removal of a speaker give the minority party, and a minority of the majority party, power to remove a speaker, and thereby undermine the intended goals of majority control of the House that flow from majority-party chairs and committees.

To address this issue, the Subcommittee recommends requiring any appeal of a denial of recognition to vacate the chair to be seconded not just by 76 members, but 76 members, a majority of whom are members of the majority party.

#### RULE 5. FLOOR PROCEDURE

#### CHAPTER C. SPEAKING AND DEBATE

#### Sec. 24. RECOGNITION . . . .

(c) If the speaker denies recognition of a member who seeks recognition on a question of privilege relating to the right of the house to remove the speaker and elect a new speaker, the member may appeal the speaker's denial of recognition if the member submits to the speaker a written request, signed by at least 76 members of the house, to appeal the decision of recognition. If, at the time of the appeal, the members of one political party constitute a majority of the membership of the house, and the speaker is a member of that party, then at least a majority of the signatures must be from members of the majority party. Upon receiving a request for appeal in accordance with this subsection, the speaker shall announce the request to the house. The names of the members who signed the request and the time that the announcement was made shall be entered in the journal. The appeal

of a decision of recognition under this subsection is eligible for consideration 24 hours after the request for appeal has been announced in accordance with this subsection. The appeal and consideration of the question of privilege, if the appeal is successful, takes precedence over all other questions except motions to adjourn.

## Vasut #5

### 5. Removal of Objectionable Congratulatory or Memorial Resolutions

Under the rules, members have the power to remove certain objectionable items off the local and consent calendar, but do not have the power to remove certain objectionable items off the congratulatory and memorial resolutions calendar. Instead, if an objectionable resolution is added to the congratulatory and memorial resolutions calendar, the author must either voluntarily remove the resolution or the members must vote against the entire calendar if they want to prevent the resolution's passage.

The Subcommittee recommends providing a relief valve that will permit a considerable minority of the house to remove an objectionable resolution off the congratulatory and memorial calendar for consideration by the regular calendar committee for placement on a subsequent calendar.

#### RULE 6. ORDER OF BUSINESS AND CALENDARS

Sec. 11A. NOTICE OF OPPOSITION TO RESOLUTION ON CONGRATULATORY OR MEMORIAL CALENDAR. If the chair receives written notice from twenty or more members present in the house under Rule 5, Section 45, that they oppose inclusion of a resolution on the congratulatory and memorial calendar prior consideration of the congratulatory and memorial calendar, the chair shall withdraw the resolution from the calendar and refer it to the Committee on Calendars for further action.

## Vasut #6

### 6. Use of Congressional Precedents

Members raised concerns about the practice of deviating from prior house precedents in favor of Congressional precedents during the 88th Session. This may be because of an ambiguity in how Rule 14, Section 1, is worded. The Subcommittee recommends the following change to ensure the precedents of the house control over all other authority:

#### RULE 14. GENERAL PROVISIONS

Sec. 1. WHEN RULES ARE SILENT. If the rules are silent or inexplicit on any question of order or parliamentary practice and there is no established house precedent, the Rules of the House of Representatives of the United States Congress, and its practice as reflected in published precedents, and Mason's Manual of Legislative Procedure shall be considered as authority.

## Vasut #7

### 7. Repeal of Certain COVID-19 Related Rules

Rule 16 was enacted during the 87th Session to provide for certain automatic rule changes in the event of a pandemic. Concerns have been raised about the need for such rules going forward, including any change other than those related to calling the house into session, since the house, once in session, can enact any rule it believes it needs to respond to any future pandemic. The Committee recommends Rule 16 be repealed and those provisions added by Rule 16 concerning calling the house into session be permanently codified instead.

#### RULE 1. DUTIES AND RIGHTS OF THE SPEAKER

##### CHAPTER A. DUTIES AS PRESIDING OFFICER

Sec. 10A. DESIGNATION OF ALTERNATE TEMPORARY CHAIR. (a) If the speaker and permanent speaker pro tempore are both unavailable for any reason, the chair of the Committee on State Affairs is authorized to convene the house and preside over its deliberations.

(b) At any time, the speaker may provide a written order to the chief clerk, with a copy to the journal clerk, naming those members, in priority order, authorized to call the house to order and preside if the speaker, permanent speaker pro tempore, and chair of the Committee on State Affairs are all absent or unable to preside. If the speaker, permanent speaker pro tempore, and chair of the Committee on State Affairs are all unavailable for any reason, and it becomes necessary for the house to convene pursuant to an adjournment, recess, or other provision of the constitution or other law, the chief clerk shall contact the members, in the order listed on the speaker's written order, until the chief clerk locates a member who is available to convene and

preside over the deliberations of the house.

Sec. 11. EMERGENCY ADJOURNMENT. In the event of an emergency of such compelling nature that the speaker must adjourn the house without fixing a date and hour of reconvening, the speaker shall have authority, subject to the provisions of Section 17, Article III, Texas Constitution, to determine the date and hour of reconvening and to notify the members of the house by any means the speaker considers adequate. Should the speaker be disabled or otherwise unable to exercise these emergency powers, the permanent speaker pro tempore, if one has been named, shall have authority to act. If there is no permanent speaker pro tempore, or if that officer is unable to act, authority shall be exercised by one of the following members, in the order listed below, [~~the chair of the Committee on State Affairs,~~] who shall preside until the house can proceed to the selection of a temporary presiding officer to function until the speaker or the speaker pro tempore is again able to exercise the duties and responsibilities of the office:

(1) the chair of the Committee on State Affairs; or

(2) the first available member on the speaker's written order filed with the chief clerk under Section 10A of this rule.

Sec. 12. POSTPONEMENT OF RECONVENING. When the house is not in session, if the speaker determines that it would be a hazard to the safety of the members, officers, employees, and others

attending the legislature to reconvene at the time determined by the house at its last sitting, the speaker may clear the area of the capitol under the control of the house and, subject to the provisions of Section 17, Article III, Texas Constitution, postpone the reconvening of the house for a period of not more than three calendar days, not including Sundays [~~12 hours~~]. On making that determination, the speaker shall order the sergeant-at-arms to post an assistant at each first floor entrance to the capitol and other places and advise all persons entering of the determination and the time set for the house to reconvene. The speaker shall also notify the journal clerk and the news media of the action, and the action shall be entered in the house journal. If the speaker is unavailable or unable to act, the authority to postpone reconvening under this section may be exercised by one of the following members, in the order listed below:

- (1) the permanent speaker pro tempore;
- (2) the chair of the Committee on State Affairs; or
- (3) the first available member on the speaker's written

order filed with the chief clerk under Section 10A of this rule.

RULE 16. SPECIAL RULE

[Repealed]

**8. Limiting Hyper-Technical Points of Order**

Almost every member who spoke with the Subcommittee raised concerns about the prevalence of hyper-technical points of order during the 88th Session. According to a report from an outside parliamentarian, more points of order were raised in the 88th Session than any other session in at least the last decade. The Subcommittee is particularly concerned about good public policy dying on hyper-technical points of order outside the control of members or unrelated to legitimate information members of the House could not readily obtain from simply asking the author questions on the floor.

The Subcommittee considered several proposals to end hyper-technical points of order: from as broad as abolishing all bill analyses to as narrow as simply clarifying the standard. The Subcommittee has opted to recommend slightly modifying the standard on overruling hyper-technical points of order to be mandatory, eliminate points of orders on background and purpose, and permit members to provide append information to a bill analysis before it is considered by the House to attempt to potentially cure points of order with the bill analysis created by staff.

RULE 1. DUTIES AND RIGHTS OF THE SPEAKER

CHAPTER A. DUTIES AS PRESIDING OFFICER

Sec. 9. QUESTIONS OF ORDER . . . .

(d) A point of order raised as to a violation of a section of the rules governing committee reports, committee minutes, or accompanying documentation shall [~~may~~] be overruled if the purpose of that section of the rules has been substantially fulfilled and the violation does not deceive or mislead.

RULE 4. ORGANIZATION, POWERS, AND DUTIES OF COMMITTEES

CHAPTER A. ORGANIZATION

Sec. 7. BILL ANALYSIS. (a) Except for the general appropriations bill, for each bill or joint resolution referred to



the committee, the staff of the committee shall be responsible for distributing a copy of a bill analysis to each member of the committee and the author of a house measure at the earliest possible opportunity but not later than the first time the measure is laid out in a committee meeting.

(b) At any time prior to when the calendar including the measure is distributed to members under Rule 6 Section 16(a), the author of a bill or joint resolution may request that the bill analysis include a statement written by the author that includes any additional information the author considers appropriate.

#### CHAPTER C. COMMITTEE FUNCTIONS

##### Sec. 32. FORM OF REPORTS . . . .

(c) Except for the general appropriations bill, each committee report on a bill or joint resolution, including a complete committee substitute, and, to the extent considered necessary by the committee, a committee report on any other resolution, must include in summary or section-by-section form a detailed analysis of the subject matter of the bill or resolution, specifically including:

(1) a statement of the author's intent for filing the bill or resolution. This statement is not subject to a point of order [~~background information on the proposal and information on what the bill or resolution proposes to do~~];

. . .

(g) No question of order shall be sustained that the bill analysis violates these rules if the subject of the violation is corrected by the author in the "author's statement" filed under Section 7(b) or 32(f) of this Rule.

**9. Streamlining Decisions on Points of Order**

Several members raised concerns to the Subcommittee about the inordinate amount of time it takes to rule on, and then issue opinions, on points of order. The House stood at ease for many hours last session awaiting rulings or opinions on points of order. During such time, the House is not conducting any business: wasting members' time.

While the rules permit the House to postpone consideration on a bill to a later time, which may provide a mechanism to allow parliamentarians to rule on a point of order as to a bill, this process is not efficient to resolve *multiple* points of order on a bill or points of order on amendments.

The Subcommittee supports streamlining decisions on points of order. To that end, the Subcommittee proposes the following changes which require certain points of order to be submitted in writing before a bill is taken up so they can be raised efficiently and permits the House to continue work while the decision on a point of order is being reduced to writing for precedential value, so long as the decision is released the same legislative day so that members know the precedential value of decisions before beginning the next second reading calendar.

RULE 1. DUTIES AND RIGHTS OF THE SPEAKER

CHAPTER A. DUTIES AS PRESIDING OFFICER

Sec. 9. QUESTIONS OF ORDER . . . .

(c) Further consideration of the matter or proposition that is the subject of a question of order, and consideration of any other matter or proposition, is prohibited until the speaker decides the question of order and any appeal of that decision has been determined by the house. Provided, while a question of order is pending, the house, by a majority vote of the members present and voting, may adopt a motion permitting the house to proceed with the calendar while the question of order is pending, including further amendments to the same proposition if the subject of the

question of order is an amendment, until the matter is resolved.

~~[Consideration of any other matter or proposition is also prohibited while a question of order is pending, unless the question of order is temporarily withdrawn and the matter or proposition that is the subject of the question of order is postponed.]~~ Withdrawal of the question of order does not prevent any member from raising that question of order when the matter or proposition is again before the house.

(e) When a question of order is pending before the house, only the member who raised the question of order, and one other member designated by that member, and the primary proponent of the matter or proposition to which the question of order applies, and one other member designated by the proponent, may present arguments to the speaker or parliamentarian regarding the question of order. After arguments are concluded, the speaker shall announce whether the point of order is sustained or overruled. The house may conduct business while the parliamentarians prepare a written explanation of the speaker's ruling under Rule 2, Section 9(b-1). This subsection does not limit any remarks that a member may make before the full house if the member is recognized for that purpose.

Sec. 9A. TIMELINESS OF CERTAIN POINTS OF ORDER. (a) The speaker shall overrule a point of order raised as to a violation of a section of the rules governing committee reports, committee minutes, or accompanying documentation if the point of order is

not submitted in writing to the speaker prior to the second reading of the first bill or resolution on the same calendar on which the bill or resolution appears.

(b) The speaker shall overrule a point of order against a bill or resolution not covered by subsection (a), if the point of order:

(1) does not concern violation of a procedural provision of the Texas Constitution;

(2) existed at the time the bill or resolution was first laid before the house on second reading;

(3) was not submitted in writing to the speaker prior to second reading of the bill or resolution; and,

(4) the bill or resolution was not taken up out of the order it was placed on the calendar.

(c) If the speaker receives a point of order in writing under this Section, the speaker shall promptly provide a copy of the point of order to the parliamentarian and the author of the bill or resolution. The speaker shall resolve the point of order in the order in which it was received pursuant to Section 9(e) immediately after the bill or resolution is read by the clerk on second reading.

RULE 2. OFFICERS AND EMPLOYEES

CHAPTER A. DUTIES OF OFFICERS OF THE HOUSE

Sec. 9. PARLIAMENTARIAN . . . .

(b-1) The speaker shall instruct the parliamentarians to prepare an explanation of the speaker's ruling on any point of order [~~to provide to each member a written copy of the speaker's ruling on a point of order~~], including the citation of the authorities relied upon in the grounds for decision. The explanation shall be announced by the speaker in the house prior to adjournment of the same legislative day as the speaker's ruling under Rule 1, Section 9(e). A [~~The~~] written copy of the speaker's ruling and explanation shall be provided to each member through the electronic legislative information system not later than 24 hours after the ruling is announced in the house.

## Vasut #10

### 10. Make Motion for Previous Question a Privileged Motion

Various members raised concerns about the inefficient use of time on the house floor and were frustrated the motion for previous question could only be called with the consent of the speaker. The Subcommittee recommends the following change:

#### RULE 5. FLOOR PROCEDURE

##### CHAPTER C. SPEAKING AND DEBATE

##### Sec. 24. RECOGNITION. . . .

(b) If the speaker denies recognition of a member who seeks recognition on a question of privilege or privileged motion, other than a question of privilege relating to the right of the house to remove the speaker and elect a new speaker, the decision of recognition may be appealed using the procedures provided in Rule 1, Section 9.

#### RULE 7. MOTIONS

##### CHAPTER B. MOTION FOR THE PREVIOUS QUESTION

Sec. 21. MOTION FOR THE PREVIOUS QUESTION. There shall be a motion for the previous question, which shall be admitted only when seconded by 25 members and shall be a privileged motion. It shall be put by the chair in this manner: "The motion has been seconded. Three minutes pro and con debate will be allowed on the motion for ordering the previous question." As soon as the debate has ended, the chair shall continue: "As many as are in favor of ordering the previous question on (here state on which question or questions) will say 'Aye,'" and then, "As many as are opposed say 'Nay.'" As

in all other propositions, a motion for the previous question may be taken by a record vote if demanded by any member. If ordered by a majority of the members voting, a quorum being present, it shall have the effect of cutting off all debate, except as provided in Section 23 of this rule, and bringing the house to a direct vote on the immediate question or questions on which it has been asked and ordered.



## Vasut #11

### 11. Amendments to Postponed Sunset Bills

In practice, the House has considered amendments to sunset bills under Rule 11, Section 6(g), as timely if filed either 24 hours before the bill was first placed onto the calendar *or* 24 hours before the time the bill is taken up after postponement. The Subcommittee recommends codifying this practice into the rule itself to avoid any confusion in the future:

#### RULE 11. AMENDMENTS

##### Sec. 6. FILING AN AMENDMENT. . . .

(g) The speaker shall not recognize a member to offer an original amendment to a bill on second reading if the bill extends an agency, commission, or advisory committee under the Texas Sunset Act unless the amendment has been provided to the chief clerk, in a manner determined by the chief clerk under the direction of the Committee on House Administration, and was available in the chief clerk's office at least 24 hours prior to the time the calendar on which the bill appears for second reading is first eligible for consideration. If the bill was postponed from its place on the calendar where it was first set for consideration by the House, an amendment is in order if it was provided to the chief clerk at least 24 hours prior to the time to which the bill has been postponed.

## 12. Germaneness of Senate Amendments

When a bill is filed in the House, any amendment on the floor is germane if it was germane to either the bill as filed or the bill as it left the committee. This permits the House to effectively unwind action taken by a committee of which it disapproves.

The same is not true for Senate bills. If the Senate files a bill, alters it in committee, and then amends it on the floor, the only version of the Senate bill the House may amend is the version that existed when it left the Senate. The House cannot return a Senate bill to its as-filed state even if the House disagrees with the actions taken by the Senate committee or on the floor. This was precisely an issue the subject of a point of order that was sustained in the 88th Session.

The Subcommittee recommends the following change to the rules to ensure the House treats Senate bills the same way it treats House bills for germaneness:

### RULE 11. AMENDMENTS

Sec. 2. MOTIONS ON A DIFFERENT SUBJECT OFFERED AS AMENDMENTS. No motion or proposition on a subject different from the subject under consideration shall be admitted as an amendment or as a substitute for the motion or proposition under debate. "Proposition" as used in this section shall include a bill, resolution, joint resolution, or any other motion which is amendable.

Amendments pertaining to the organization, powers, regulation, and management of the agency, commission, or advisory committee under consideration are germane to bills extending state agencies, commissions, or advisory committees under the provisions of the Texas Sunset Act (Chapter 325, Government Code).

An amendment to a committee substitute laid before the house in lieu of an original bill is germane if each subject of the

amendment is a subject that is included in the committee substitute or was included in the original bill.

An amendment to a Senate bill, resolution, or joint resolution is germane if each subject of the amendment is a subject that is included in either the version of the measure as it was introduced in the Senate or passed to engrossment.

### 13. One Parliamentarian to Serve the House

Members have raised concerns with the structure and function of the office of parliamentarian. The Subcommittee recommends returning to one parliamentarian supported by assistants. The Subcommittee encourages the speaker of the 89th session to appoint a house parliamentarian who is committed to only offering advice on adherence to the rules, not to advancing a personal ideology.

#### RULE 2. OFFICERS AND EMPLOYEES

##### CHAPTER A. DUTIES OF OFFICERS OF THE HOUSE

Sec. 9. PARLIAMENTARIAN. (a) The speaker shall ~~[may]~~ appoint an individual ~~[not more than two individuals]~~ to serve as parliamentarian subject to confirmation by a majority of the members of the house present and voting during any regular or called session, or a majority of the members of the committee on house administration outside any regular or called session ~~[parliamentarians]~~. The parliamentarian is an officer ~~[parliamentarians are officers]~~ of the house who serves at the pleasure of the house ~~[serve at the pleasure of the speaker]~~. The parliamentarian ~~[parliamentarians]~~ shall advise and assist the presiding officer and the members of the house on matters of procedure. The parliamentarian ~~[parliamentarians]~~ and his or her assistant(s) have a duty of confidentiality to ~~[the speaker and to]~~ each member of the house and shall keep confidential all requests made by members of the house for advice or guidance regarding procedure unless the parties otherwise agree.

(b) (1) The parliamentarian may be removed during any

regular or called session by motion adopted by three-fifths of the membership of the house.

(2) The parliamentarian may be removed outside any regular or called session by motion adopted by three-fifths of the membership of the committee on house administration.

~~[After the initial appointment of the parliamentarians by the speaker, the appointment of a new parliamentarians to fill a vacancy must be approved by a majority of the membership of the house if the appointment is made during a regular or special session. If the appointment to fill the vacancy is made when the house is not in session, the appointment must be approved by a majority of the membership not later than the third day of the first special session that occurs after the date the appointment is made. If no special session occurs after the appointment, approval by the membership is not required.]~~

(b-1) The speaker shall instruct the parliamentarian ~~[parliamentarians]~~ to provide to each member a written copy of the speaker's ruling on a point of order, including the citation of the authorities relied upon in the grounds for decision. The written ruling shall be provided to each member through the electronic legislative information system not later than 24 hours after the ruling is announced in the house.

## Vasut #14

### 14. Limitations on Postponements

In recent sessions, members have attempted to continuously postpone their bill to avoid points of order in a game of cat and mouse or to chub the calendar. The Subcommittee recommends this change to end this practice:

#### RULE 7. MOTIONS

Sec. 15. POSTPONED MATTERS. (a) A bill or proposition postponed to a day certain shall be laid before the house at the time on the calendar day to which it was postponed, provided it is otherwise eligible under the rules and no other business is then pending. If business is pending, the postponed matter shall be deferred until the pending business is disposed of without prejudice otherwise to its right of priority. When a privileged matter is postponed to a particular time, and that time arrives, the matter, still retaining its privileged nature, shall be taken up even though another matter is pending.

(b) No bill shall be in order to be laid before the house after it has been postponed three times under subsection (a). A bill having already been postponed two or more times may be postponed to a certain time for the limited purpose of allowing a senate bill on the same subject to be laid before the house in its place under Rule 6, Section 10, but the house bill remains ineligible for consideration by the House. A member postponing a house bill for this limited purpose may be recognized to speak for not more than one minute in moving to postpone the bill.

Notwithstanding section 14 of this rule, such a motion is not  
debatable.

**15. Procedures for Censure, Expulsion, and Impeachment**

Concerns were raised from members about the absence of specific procedures governing the investigation and presentment of resolutions of censure, expulsion, and impeachment in the House. There are little, if any, rules governing the specific process utilized by the House General Investigating Committee—or the Committee of the Whole if exercised—to investigate and present these disciplinary actions, which can have profound consequences for the House, the individual who is the subject of the investigation, and the people of Texas. While certain modifications to the impeachment process could be pursued by constitutional amendment or statutory change, rules changes are also needed to ensure the process used inside the House affords maximum due process rights and is beyond reproach.

To that end, the Subcommittee recommends the following amendments to the rules governing the investigation and presentment of resolutions of censure, expulsion, and impeachment:

RULE 3. STANDING COMMITTEES

Sec. 13. GENERAL INVESTIGATING (PROCEDURAL).

. . .

(f) In addition to those rules and procedures set forth in this section, the committee shall follow all procedures set out in Rule 17.

RULE 17. CENSURE, EXPULSION AND IMPEACHMENT

CHAPTER A. GENERAL PROVISIONS

Sec. 1. PURPOSE; SCOPE; APPLICATION. This rule shall govern the censure or impeachment of any official, as well as the censure of any member of the house. In the event of any conflict between this rule and any other rule of the house, this rule governs.

Sec. 2. EXERCISED BY RESOLUTION. The house shall exercise its power of censure, expulsion, and impeachment by resolution.



Sec. 3. DISORDERLY CONDUCT. (a) A member shall be deemed to have engaged in disorderly conduct if the member:

(1) after being ruled out of order by the speaker or chair, as applicable, persists in violating these rules or applicable law and, in so doing, impedes or disrupts the proceedings of the house or any committee; or

(2) commits a felony or crime of moral turpitude.

Sec. 4. CENSURE. (a) The house may censure any individual by written admonition for any reason deemed sufficient by a three-fifths vote of members present and voting.

(b) Pursuant to Article III, Section 11, Texas Constitution, the house may include with any censure of a member for disorderly conduct any of the following punishments, which shall be limited to the member's present term:

(1) removal as speaker pro tempore, committee chair, vice chair, member of a committee, or any other appointment by the house;

(2) fine not to exceed \$500 per day per violation; and,

(3) reimbursement of any special expense reasonably incurred by the house to enforce any provision of these rules caused by the member's violation thereof.

Sec. 5. EXPULSION. Pursuant to Article III, Section 11, Texas Constitution:

(a) the power of the house to expel shall only extend to its members;

(b) no member may be expelled except with the consent of two-thirds of the total members of the house;

(c) no member may be expelled a second time for the same offense; and,

(d) no member shall be subject to expulsion if a previous resolution of expulsion for the same offense failed to be adopted by the house.

Sec. 6. IMPEACHMENT. (a) Pursuant to Article XV, Section 1, the power of impeachment is vested exclusively in the house.

(b) No member of the house or the senate may be impeached.

CHAPTER B. INVESTIGATION, REPORT, AND PROPOSED RESOLUTION

Sec. 1. NO PUNISHMENT, EXPULSION, OR IMPEACHMENT WITHOUT REPORT. (a) No member of the house may be punished or expelled except after the House General Investigating Committee issues a report after an investigation into the facts surrounding the grounds for censure or expulsion of the member.

(b) No official may be impeached except after the House General Investigating Committee issues a report after an investigation into the facts surrounding the grounds for censure or expulsion of the member.

(c) The house may suspend this section by a two-thirds vote solely to convene as a committee of the whole to conduct an investigation into the facts surrounding the grounds for censure, expulsion, or impeachment of a member or official and issue a report thereon. Any such proceeding shall be subject to the same provisions set forth in this section that apply to proceedings of the House General Investigating Committee.

Sec. 2. INVESTIGATORS. The committee may delegate all or any portion of an investigation or the taking of testimony to staff. Provided, the committee may not find probable cause or issue any report except upon consideration of the evidence by the committee.

Sec. 3. PROBABLE CAUSE INVESTIGATION. (a) The House General Investigating Committee shall first determine if probable cause exists to support censure, expulsion, or impeachment.

(b) A probable cause investigation shall be confidential. Neither the allegation made, nor testimony or documents considered, in a probable cause investigation may be disclosed by any person other than to the committee, its staff, a witness, the accused, or the accused's counsel. The committee is not required to notify the accused of a probable cause investigation until it is completed.

(c) Upon the completion of a probable cause investigation, the committee shall vote in executive session as to whether

probable cause exists to support censure, expulsion, or impeachment.

(d) The committee shall inform the accused and any complainant of its decision as to whether probable cause exists to support censure, expulsion, or impeachment. Only the accused may publicly disclose the results of any probable cause investigation until a report is issued by the committee.

Sec. 4. PREPARATION OF RECORD. (a) If the committee finds probable cause exists to support censure, expulsion, or impeachment, it shall proceed with preparing a record and report for consideration by the house.

(b) The record shall be comprised of:

(1) a transcript of the sworn testimony of any witness deposed by the committee or the accused; and,

(2) copies of all documents the committee relies upon for its findings or that are submitted by the accused.

(c) The committee may not compel the accused to proffer any testimony or produce any document. Nothing herein shall prohibit the committee from procuring any document from any local or state agency.

(d) The accused shall be entitled to participate in any proceeding relating to the compilation of the record individually or through counsel. The accused shall be entitled, at their discretion, to cross-examine all witnesses, lodge objections to

all evidence, and subpoena any witness or document reasonably necessary to rebut any allegation.

(e) The accused shall be permitted to designate any portion of the record as privileged if it contains information protected by a privilege recognized by Texas law. Any portion of the record so identified shall be redacted from the public record and shall be compiled into a separate privileged record, which shall not be disclosed to anyone other than the members of the house and their staff. Provided, if the house adopts articles of impeachment, the privileged record shall be provided to the secretary of the senate and thereafter shall be subject to the rulings of the senate.

Sec. 5. PREPARATION OF REPORT. (a) Upon the completion of the record, the committee shall prepare a report of its recommendations for the house. The report shall include:

- (1) the identity of the accused;
- (2) the identity of the complainant(s), if any;
- (3) the date the probable cause investigation commenced;
- (4) the committee's vote on the probable cause finding;
- (5) the public record;
- (6) the privileged record;
- (7) the committee's recommendation to the house;
- (8) a proposed resolution of censure, with or without punishment, expulsion, or impeachment; and,

(9) any addendum submitted by the accused pursuant to Subsection (b).

(b) A draft of the report shall be provided to the accused, who shall have at least seven (7) days to submit any addendum to the report.

(c) A copy of the report, other than the privileged record, shall be made available to the public.

(d) A copy of the report shall be provided to the members of the house at least fourteen (14) days prior to consideration of the resolution of censure, expulsion, or impeachment.

#### CHAPTER C. CONSIDERATION OF REPORT AND RESOLUTION

Sec. 1. POINT OF ORDER. No point of order shall be sustained against a resolution unless the committee violated the procedures set forth in these rules. If a point of order is sustained against a resolution, it shall be returned to the committee for correction and may be considered thereafter at any time.

Sec. 2. CONSIDERATION OF RESOLUTION. (a) Any resolution of censure, expulsion, or impeachment, shall be subject to all rules governing consideration of resolutions on the floor of the house.

(b) No amendment to a resolution of censure, expulsion, or impeachment shall be germane if it relates to another person or act not included within the resolution as introduced.

(c) No amendment to a resolution of censure of a member for disorderly conduct may increase or propose a new punishment except

upon the concurrence of two-thirds of the members present and voting.

(d) The motion for previous question shall not be in order for a resolution of censure, expulsion, or impeachment.

(e) The house may not adopt any rule limiting debate on any resolution of censure, expulsion, or impeachment to less than four hours.

(f) Any member, with the second of at least 25 members, may move to refer any resolution of censure, expulsion, or impeachment back to the committee with or without instructions to depose any witness or consider any evidence. Such motion shall be debatable, amendable, and shall be adopted upon the concurrence of a majority of the house. Such motion shall be privileged and must be recognized by the speaker. Provided, not more than one such motion may be raised as to any resolution.

(g) A motion to suspend any provision of this section shall not be in order.

Sec. 3. CONSIDERATION AND VOTING ON RESOLUTIONS OF CENSURE OR EXPULSION OF MEMBERS; SPECIAL PROVISIONS. (a) Any member that is the subject of a resolution of censure or expulsion shall be entitled, at the member's discretion, to address the house for at least thirty (30) minutes and may not be compelled to answer any question from any member.

(b) For any resolution of censure that includes a punishment, the house shall first cast a record vote on each proposed punishment. Any punishment not receiving at least a two-thirds vote of the members present shall be stricken from the resolution.

(c) The house shall finally adopt any resolution of censure or expulsion of a member by record vote.

(d) A motion to suspend any provision of this section shall not be in order.

Sec. 4. CONSIDERATION AND VOTING ON RESOLUTIONS OF IMPEACHMENT; SPECIAL PROVISIONS. (a) Any official that is the subject of a resolution of impeachment shall be entitled, at the official's discretion, to address the house for at least thirty (30) minutes and may not be compelled to answer any question from any member.

(b) The house shall vote on whether to prefer each article of impeachment included within a resolution of impeachment separately by record vote.

(c) A motion to suspend any provision of this section shall not be in order.

CHAPTER D. PRESENTMENT OF ARTICLES OF IMPEACHMENT TO THE  
SENATE

Sec. 1. BOARD OF MANAGERS. (a) The speaker, with the concurrence of the house, shall appoint the chair, vice chair, and



members of the board of managers to present any articles of impeachment preferred by the house to the senate for trial.

(b) The board of managers shall be comprised of eleven (11) members.

(c) In the event of a vacancy on the board of managers caused by the death or resignation of any member, the speaker shall appoint another member to fill the vacancy.

(d) If voluntary dismissal of an article of impeachment is permitted by the senate, the board of managers, by a two-thirds vote of the members, may voluntarily dismiss any article of impeachment.

(e) Within seven (7) days of appointment, the board of managers shall present a copy of the resolution preferring articles of impeachment to the secretary of the senate.

Sec. 2. TRANSFER OF RECORD. The chief clerk shall provide a certified copy of the following to the secretary of the senate within seven (7) days of the presentment of the resolution preferring articles of impeachment by the board of managers to the secretary of the senate:

- (1) the report, including any privileged record; and,
- (2) the journal of the proceedings before the house on the resolution of impeachment.

**REVISIONS TO THE HOUSEKEEPING RESOLUTION**

**1. Elimination of Grounds for Point of Order on Majority Party Chairs**

The Housekeeping Resolution (H.R. 3) was amended in the 88th Session to add a purportedly innocuous provision in Section 5.11 to prohibit the use of house resources for political purposes. This provision was then interpreted to sustain a point of order against an amendment to require majority party chairs when the House Rules were subsequently taken up (H.R. 4). 88 H. Jour. 164 (2023). The point of order was based upon the rule that “a House resolution is not subject to collateral attack” by a subsequent resolution.

Setting aside the merits of the point of order, the Committee believes the Housekeeping Resolution should not be grounds for a point of order against the House Rules. This could be achieved in one of two ways: (1) adopting the House Rules first or (2) amending the Housekeeping Resolution to bypass the collateral attack precedent. If the latter, the Committee recommends this modification to the Housekeeping Resolution:

ARTICLE 11. POINTS OF ORDER

SECTION 11.01. POINTS OF ORDER. No provision of this Resolution shall be construed as to provide the basis for any point of order against a resolution, or amendment, adopting or modifying any rule of procedure for the Texas House of Representatives. The precedent of the Chair at 88 H. Jour. 164 (2023) is hereby abrogated.

## Vasut #17

### 2. Multiple Employees Over Salary Cap

A member raised concerns about why the house limited members to only one employee over the set salary cap. The Subcommittee recommends the following change:

#### ARTICLE 4. EMPLOYEES AND EMPLOYMENT POLICIES

##### SECTION 4.07. COMPENSATION. . . .

(e) A member may exempt no more than two employees [~~one employee~~] of the individual member and, if the member is a chair of a standing or select committee, one employee of the standing or select committee the member chairs from the salary cap imposed by Subsection (d) of this section. Each calendar year the member shall file with the Committee on House Administration a statement designating the exempt employee or employees, as appropriate. During a calendar year after an exempt employee has been designated, the member may exempt a different employee from the salary cap only if the employee previously designated as exempt for the calendar year is no longer employed by the member or committee, as appropriate. The exempt employee may not receive compensation from the operating account of any other committee or member.

## Vasut #18

### 3. Modify Rollover of Budgets

While house budgets have increased in recent years to adjust for inflation, the rollover amount has not changed, which impairs the ability of members to hire staff for session in Austin. The Subcommittee recommends the following change:

#### ARTICLE 5. ACCOUNTING

##### SECTION 5.05. ACCOUNT CLOSING. . . .

(d) Each member may carry forward and have credited to the member's Fiscal Year 27 [~~25~~] Operating Account the unexpended balance of the member's Fiscal Year 26 [~~24~~] Operating Account, not to exceed \$30,000 [~~\$20,000~~]. If the member is the chair of a committee, the member may transfer and have credited to that committee's operating account all or part of that unexpended balance, not to exceed \$30,000 [~~\$20,000~~], and may have the remainder of that amount credited to the member's Fiscal Year 27 [~~25~~] Operating Account.

## **COMMENTS ON CERTAIN PROPOSALS NOT INCLUDED**

While the Subcommittee incorporated many of the proposals it received into the recommendations above, the Subcommittee wanted to provide commentary on a few of the proposals that were not otherwise included in this Report.

### **1. Committee Structure**

Two proposals were made to modify the jurisdiction of the committees of the House. The Subcommittee did not believe it prudent to weigh in on this issue until the speaker of the 89th session is selected. But the Subcommittee encourages the Republican nominee for speaker of the 89th session to confer with the caucus on the jurisdiction of committees prior to the adoption of the rules.

### **2. Committee Appointments**

Five proposals were made to modify how and when committees are appointed.

As to how, some proposals called for the elimination of seniority selections or expansion of seniority selections to procedural committees. Some proposals called for allocation of committee appointments between the speaker (a small number of positions) and the caucuses (most committee posts and selection of chairs and vice chairs). The Subcommittee thought these changes were sweeping and novel, but did not have a particular recommendation on them.

As to when, a proposal was made to *require* the speaker to appoint committees by the fourteenth day of session. The Subcommittee does not believe such a requirement is necessary in the rules but does encourage the speaker of the 89th session to make appointments by the fourteenth day of session.

### **3. Speaker Donations**

A proposal was submitted to prohibit the speaker from donating to members. The Subcommittee concluded this proposal was outside the jurisdiction of the Subcommittee since it would have to be implemented in statute.

### **4. Handling of Committee Substitutes**

Four proposals were submitted to modify how committee substitutes were handled in committee. Concerns were raised about individuals not being clear on what the

language in a committee substitute was that was under consideration. The Subcommittee thought there may be unintended consequences of addressing this issue with rule changes—including creating additional grounds for hyper-technical points of order, but the Subcommittee does encourage committees to post copies of committee substitutes online during hearings so the public can access them.

## **5. Expediting Consideration of Legislation**

Nine proposals were submitted to expedite consideration of legislation. The Subcommittee supports taking up and passing the legislative priorities of the Republican Caucus early in the session.

The Subcommittee does not believe rules changes are necessary to achieve expedited passage of such priorities, but rather existing rules, the Governor’s designation of emergency items, a resolution suspending the constitutional order of business and/or the commitment of the speaker and those members of the caucus who are committee chairs may accomplish this result without rule changes that could have unintended consequences.

## **6. Reducing Chubbing**

Members raised concerns with the use of chubbing (a/k/a intentional delay) by members of the minority party. While the Subcommittee appreciates the concerns raised, the Subcommittee believes: (1) the rules should not be amended to wholesale bar the ability of the minority party to be heard through amendments and debate and (2) existing rules can already be applied to limit debate or amendments when pursued to delay or disrupt the house’s orderly proceedings rather than address the merits of legislative proposals.

## **7. Starting on Time**

Members expressed concerns with the speaker’s failure to promptly call the house to order under Rule 1, Section 2. The Subcommittee does not believe an amendment to this rule is needed but does admonish the speaker to promptly call the house to order at the precise time the house adjourned or recessed to at its last sitting without delay. Members’ time should not be wasted waiting on the speaker to take the dais.

## **8. Recognition of Members**

Two proposals were submitted regarding the recognition of members. During the 88th Session, the speaker relied on congressional precedent to refuse a member’s request for

a matter of personal privilege and called another member out of order to address the house. The Subcommittee believes its amendment on precedent may address the former situation, and the Subcommittee believes the existing rules and appeals therefrom may address the latter situation.

## **9. Member Budgets**

Members raised concerns about the ability of their budgets to afford wage inflation in the Austin market. The Subcommittee does not express any opinion on whether house budgets should or should not be increased. The Subcommittee though notes the Senate has routinely increased its budgets, while the House has not kept up. The Subcommittee suggests the House consider tying its member budgets to a set percentage of the budgets for members of the Senate to maintain parity.

## **10. Not Exhaustive**

Finally, the Subcommittee would again note that the absence of a proposal from this Report does not necessarily mean the members of the Subcommittee support or oppose the proposal. The Subcommittee welcomes the members of the Caucus to proffer such other amendments as they deem prudent as the House convenes to consider adopting its rules.