

R E S O L U T I O N

1 WHEREAS, the house desires to adopt penalties to reduce the  
2 frequency with which members absent themselves without leave for  
3 the purpose of impeding the action of the house while ensuring that  
4 members' constitutional rights are protected, all penalties herein  
5 are proportional to the proscribed conduct, and members'  
6 constitutional responsibilities as legislators are not unfairly  
7 impaired; now, therefore

8 BE IT RESOLVED by the House of Representatives of the 89th  
9 Legislature, that Rule 5, Section 3, of the permanent rules of the  
10 House of Representatives of the 89th Legislature is amended to read  
11 as follows:

12 Sec. 3. LEAVE OF ABSENCE. (a) No member shall be absent  
13 from the sessions of the house without leave, and no member shall be  
14 excused on his or her own motion.

15 (b) A leave of absence may be granted by a majority vote of  
16 the house and may be revoked at any time by a similar vote.

17 (c) Any member granted a leave of absence due to a meeting of  
18 a committee or conference committee that has authority to meet  
19 while the house is in session shall be so designated on each roll  
20 call or registration for which that member is excused.

21 (d) If a member is absent without leave for the purpose of  
22 impeding the action of the house, the member is subject to one or  
23 more of the following:

24 (1) fines as provided by this section;

- 1           (2) payment of costs incurred by the sergeant-at-arms;  
2           (3) reprimand;  
3           (4) censure; ~~[or]~~  
4           (5) recalculation of seniority as provided by this  
5 section;  
6           (6) loss of designation of appointment as a chair or  
7 vice-chair as provided by this section; or  
8           (7) expulsion in the manner prescribed by Section 11,  
9 Article III, Texas Constitution.

10           (e) Unless the house excuses the payment by a majority vote,  
11 each member who is absent without leave is liable to the house for:

12           (1) a fine in an [the] amount equal to three times the  
13 per diem set by the Texas Ethics Commission for each day of a  
14 regular or special legislative session under Section 24a(e),  
15 Article III, Texas Constitution ~~[of \$500]~~ for each calendar day of  
16 absence; and

17           (2) the member's pro rata share of the costs incurred  
18 by the sergeant-at-arms to secure the attendance of absentees.

19           ~~(e-1)~~ (1) Unless the house excuses the following penalty,  
20 each member who is absent without leave while the house is operating  
21 under a call ordered under this rule shall forfeit the pro rata  
22 portion of the member's monthly operating budget for each calendar  
23 day of absence.

24           (2) If a penalty under this subsection is not excused,  
25 the Committee on House Administration shall direct the House  
26 Business Office to debit the member's operating budget by the  
27 amount calculated under this subsection.

1       (e-2) (1) Unless the house excuses the following penalty by  
2 a majority vote, each member who is absent without leave for at  
3 least two consecutive days while the house is operating under a call  
4 ordered under this rule loses the member's designation under Rule  
5 1, Section 15(a), and Rule 4, Section 2(a)(7), appointment under  
6 Rule 1, Section 15(d), and appointment under Rule 4, Section 44, as  
7 a chair or vice-chair.

8               (2) If a penalty under this subsection is not excused:  
9 (A) a member losing a designation or appointment is not eligible for  
10 a new designation or appointment until the convening of the next  
11 legislature; and,

12               (B) the speaker or appointing authority, as  
13 applicable, may designate or appoint a new chair or vice-chair in  
14 the same manner as the original designation or appointment.

15       (e-3) (1) Unless the house excuses the following penalty by  
16 a majority vote, each member who is absent without leave for at  
17 least three consecutive days while the house is operating under a  
18 call ordered under this rule shall have the member's seniority  
19 under Rule 3, Section 14(a)(6), and Rule 4, Section 2(3),  
20 recalculated to reduce the member's seniority by two (2) years for  
21 each calendar day of absence.

22               (2) If a penalty under this subsection is not excused:  
23 (A) the chief clerk shall revise the roster prepared under Rule 2,  
24 Section 1(b)(5), to reflect all recalculated seniority; and

25               (B) if a member's recalculated seniority falls  
26 below another member, the Committee on House Administration may  
27 allow members to re-select offices and parking spaces based on

1 recalculated seniority.

2           (f) The Committee on House Administration shall notify a  
3 member of the total amount of fines and costs for which payment is  
4 not excused. A member must pay the amount stated in the committee's  
5 notice by making payment of that amount to the House Business  
6 Office not later than the third business day of the first calendar  
7 month after the date of the committee's notice. A member may not  
8 make any payment from funds in the member's operating account or  
9 from funds accepted as political contributions under Title 15,  
10 Election Code. If a member does not make full payment as required  
11 by this subsection, the committee shall direct the House Business  
12 Office to reduce the amount of the monthly credit to the member's  
13 operating account established under the housekeeping resolution by  
14 30 percent in each month that any amount of a fine remains past due  
15 and owing. When a member has made full payment as required by this  
16 subsection, the committee shall direct the House Business Office  
17 to restore the impounded funds to the member's operating account  
18 subject to any limitations on the carrying forward of unexpended  
19 funds established by the housekeeping resolution.

20           (g) Before a member is expelled under this section, the  
21 matter shall be referred to the Committee on House Administration  
22 for investigation and report. A report issued under this  
23 subsection shall not be considered by the house until a printed copy  
24 of the report has been provided to each member of the house at least  
25 24 hours before consideration.

26           (h) The penalties prescribed by this section are not  
27 exclusive and this section does not preclude the imposition of any

1 other penalty allowed by the house rules or the Texas Constitution.

Vasut	Schofield
Bonnen	McQueeney
Morgan	Alders
Bell of Montgomery	Bell of Kaufman
Buckley	Bumgarner
Cook	Cunningham
Darby	DeAyala
Dorazio	Dyson
Fairly	Frank
Gerdes	Harless
Harris Davila	Hayes
Hefner	Hickland
Holt	Hopper
Hull	Hunter
Isaac	Landgraf
Leo Wilson	Little
Lopez of Cameron	Louderback
Lowe	McLaughlin
Metcalf	Meyer
Noble	Olcott
Oliverson	Orr
Patterson	Paul
Pierson	Richardson
Schatzline	Schoolcraft
Shaheen	Shofner
Slawson	Smithee
Spiller	Swanson
Tepper	Tinderholt
Toth	Troxclair
VanDeaver	Villalobos
Virdell	Wharton
Wilson	

H.R. No. 128

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Speaker of the House

I certify that H.R. No. 128 was adopted by the House on September 3, 2025, by the following vote: Yeas 80, Nays 28, 1 present, not voting.

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Chief Clerk of the House