

By: Vasut

H.R. No. 128

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;
8 (7) expulsion in the manner prescribed by Section 11,
9 Article III, Texas Constitution; or
10 (8) any other penalty allowed by the house rules in
11 accordance with Section 10, Article III, Texas Constitution, and
12 this section.

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

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

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

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

27 (2) If a penalty under this subsection is not excused,

1 the Committee on House Administration shall direct the House
2 Business Office to debit the member's operating budget by the
3 amount calculated under this subsection.

4 (e-2) (1) Unless the house excuses the following penalty by
5 a majority vote, each member who is absent without leave for at
6 least two consecutive days while the house is operating under a call
7 ordered under this rule loses the member's designation under Rule
8 1, Section 15(a), and Rule 4, Section 2(a)(7), appointment under
9 Rule 1, Section 15(d), and appointment under Rule 4, Section 44, as
10 a chair or vice-chair.

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

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

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

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

1 (B) if a member's recalculated seniority falls
2 below another member, the Committee on House Administration may
3 allow members to re-select offices and parking spaces based on
4 recalculated seniority.

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

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

1 24 hours before consideration.

2 (h) Before a penalty described by Subsection (d)(8) may be
3 imposed against a member absent without leave:

4 (1) the Committee on House Administration must adopt a
5 motion identifying the specific penalty that will be imposed if a
6 member who is currently absent without leave does not return to the
7 house;

8 (2) the member must fail to return to the house within
9 twenty-four (24) hours of receiving written notice of the adoption
10 of a motion under Subdivision (1); and,

11 (3) the proposed penalty must be referred to the
12 Committee on House Administration for investigation and report
13 subject to the same restrictions set forth in Subsection (g).