

PROPOSED HOUSE RULE CHANGES

HR 5 by Wilson, proposing House Rules for the 74th Legislature, would amend the rules used during the 73rd Legislature.

Highlights

The proposed House Rules would:

- increase the number of House committees from 31 to 36, adding committees on Civil Practices, Juvenile Justice and Family Issues, Land and Resource Management, Pensions and Investments and State Recreational Resources;
- require listing in committee minutes and committee reports only those witnesses recognized to address the committee;
- prohibit members absent for a vote from subsequently recording their votes and establish new procedures for recording reasons for a vote in the House Journal;
- allow the primary author of legislation to designate up to four joint authors;
- eliminate the requirement of an author's fiscal statement for local bills;
- revise the provisions regarding fiscal notes and impact statements;
- allow the chair of the Ways and Means Committee to serve on other substantive committees;
- eliminate congratulatory and memorial motions;
- revise the speaker's authority to create select committees;
- provide that members lose committee selection seniority if they fail to take the oath of office within nine days of the start of the session;
- create the House employee position of voting clerk.

Proposed Changes in House Committees

Previous Committees — 31
(Number of members)

Agriculture and Wildlife Management (11)

Appropriations (27)

Business and Industry (11)

Calendars (11)

Corrections (11)

County Affairs (11)

Criminal Jurisprudence (11)

Economic Development (11)

Elections (11)

Energy Resources (11)

Environmental Regulation (11)

General Investigating (5)

Higher Education (11)

House Administration (11)

Human Services (11)

Insurance (11)

International and Cultural Relations (11)

Investments and Banking (11)

Judicial Affairs (11)

Licensing and Administrative Procedures (11)

Local and Consent Calendars (11)

Natural Resources (11)

Public Education (11)

Public Health (11)

Public Safety (11)

Redistricting (11)

Rules and Resolutions (11)

State Affairs (15)

Transportation (11)

Urban Affairs (11)

Ways and Means (11)

Proposed Committees — 36
(Number of members)

Agriculture and Livestock (9)

State Recreational Resources (9)

Appropriations (27)

Business and Industry (9)

Calendars (11)

Corrections (9)

County Affairs (9)

Criminal Jurisprudence (9)

Economic Development (9)

Elections (9)

Energy Resources (9)

Land and Resource Management (9)

Environmental Regulation (9)

General Investigating (5)

Higher Education (9)

House Administration (11)

Human Services (9)

Insurance (9)

State, Federal, and International Relations (9)

Financial Institutions (9)

Pensions and Investments (9)

Judicial Affairs (9)

Civil Practices (9)

Juvenile Justice and Family Issues (9)

Licensing and Administrative Procedures (9)

Local and Consent Calendars (11)

Natural Resources (9)

Public Education (9)

Public Health (9)

Public Safety (9)

Redistricting (9)

Rules and Resolutions (9)

State Affairs (15)

Transportation (9)

Urban Affairs (9)

Ways and Means (11)

Jurisdictional changes

Five new committees would be established, increasing the total from 31 to 36. Some new committees would shift jurisdiction from existing committees, while others would cover newly specified areas. The names of some committees would be changed, some reverting to their names prior to the 73rd Legislature. All committees that now have 11 members would have nine instead.

The Agriculture and Wildlife Management Committee would resume its old name of Agriculture and Livestock. Its jurisdiction over state parks, fish, wildlife and the Parks and Wildlife Department would shift to the new State Recreational Resources Committee.

The jurisdiction of the Judicial Affairs Committee over civil law, civil procedure, administrative law and permission to sue the state would be shifted to the new Civil Practices Committee, which also would gain from Criminal Jurisprudence jurisdiction over civil fines and penalties.

Legislation dealing with the Family Code, now mostly handled by the Judicial Affairs Committee, would be shifted to the new Juvenile Justice and Family Issues Committee, which would also gain jurisdiction over the Juvenile Probation Commission from the Corrections Committee. The new committee's jurisdiction over juvenile delinquency, gang violence and criminal law affecting juveniles would be drawn from committees such as Criminal Jurisprudence, County Affairs and Urban Affairs.

The new Land and Resource Management Committee would have jurisdiction over management of public lands, eminent domain, annexation, zoning and land use regulation, deriving its jurisdiction from such committees as Energy Resources, Environmental Relations and Urban Affairs. The new committee would have jurisdiction over the General Land Office, the Coastal Coordination Council, the Veterans' Land Board, the School Land Board and the Board for Lease of University Lands.

The new Pensions and Investments Committee would gain much of its jurisdiction from the Investments and Banking Committee, which would resume its former name of Financial Institutions. Financial Institutions would gain jurisdiction over state and local bonded indebtedness and the Bond Review Board, the Texas Public Finance Authority (from State Affairs) and the State Depository Board.

Various committee jurisdictions would be revised to reflect changes such as references to new, renamed or abolished agencies.

Committee procedure changes

Committee selection. The chair of the Ways and Means Committee could serve on more than one substantive committee. A member-elect who does not take the oath of office by the end of the ninth day of the regular session would lose any seniority for selecting committees. If a member-elect has not taken the oath by the time committee appointments are announced, any committee appointment for the member-elect would be designated by the district number (pages 47-48).

Sworn statements by witnesses. Current rules require persons, other than members, when appearing before a committee to file a sworn statement with their name, home and businesses addresses and phone numbers, the entity represented and its address, the matter on which the person is appearing and whether the person is appearing for, against or on the matter. Sworn statements must accompany copies of the minutes of the hearing. Those attending hearings will often complete witness affirmation forms to register their views without actually testifying.

The proposed change would require sworn statements only from those who wish to be recognized by the chair to address the committee rather than from those wishing to appear before the committee. The chair would indicate on the statement if the person actually was recognized to address the committee, and only those statements would have to accompany the minutes filed with the chief clerk. Only those witnesses who were actually recognized to address the committee would be listed in the committee report (pages 56-57, 63).

Fiscal notes and impact statements. The author's fiscal statement now required for legislation having a local fiscal impact would no longer be required. Committee chairs would no longer have to request the Legislative Budget Board to prepare a fiscal note immediately after legislation was referred to committee. The LBB would no longer have to forward a copy of a fiscal note to the author or sponsor of legislation. Detailed provisions on the contents of fiscal notes and impact statements would be eliminated.

The LBB would prepare all impact statements. It would prepare actuarial impact statements with the cooperation of the Pension Review Board, which now prepares the statements. It would also prepare water development policy statements, which now are prepared by the Texas Water Development Board and the Texas

Natural Resource Conservation Commission. The chief clerk would no longer be required to forward water district bills to TNRCC.

Impact statements would no longer have to be completed before a hearing could be held on affected legislation, and would only have to be attached on first printing if timely received (pages 9-10, 65-76).

Committee reports. Committee reports would have to include a brief explanation of each amendment adopted by the committee.

Rather than generally describe the scope of any rulemaking authority and the reasons for it, committee reports would include a statement indicating whether or not any rulemaking authority was expressly delegated and identify the specific sections delegating the authority. Committee reports would no longer have to include a statement of the five-year cost for state and local government of implementing any new rules and the economic impact on those affected.

The chief clerk would determine whether the summary of the committee hearing, including the list of witnesses recognized to address the committee, should be included as part of the bill analysis or in a separate section. A complete copy of the summary of committee action would have to be included with the committee report in the first printing of legislation (pages 63-65, 164).

Miscellaneous committee changes. Analyses of legislation required prior to committee hearings would have to be prepared "at the earliest opportunity" (page 49).

The time of filing committee minutes would be time-stamped on the duplicate originals filed with the chief clerk's office. The Appropriations Committee would have five days, rather than three, to file minutes of committee meetings on the general appropriations bill (pages 55-56).

Committee chairs would be required to file with the chief clerk a list of members appointed to a subcommittee for oversight (page 79).

Motions and Motion Calendars

All references to congratulatory and memorial motions and calendars, added to the rules two years ago, would be deleted. The provision requiring that motions be used for purposes other than congratulating or memorializing a current or former

public official or commemorating an event of national or statewide importance would be eliminated (pages 9, 109-112).

Joint Authors and Sponsors

All bills and resolutions could have only one primary author, who could designate, by written authorization filed with the chief clerk, up to four joint authors. Committee chairs would have to designate a primary House sponsor for Senate measures and could designate up to four joint sponsors.

Only the signature of the primary author would appear on the bill as filed. The names of any joint authors or sponsors would appear, following the name of the primary author or sponsor, on all subsequent printings, all House calendars, the House Journal and the Legislative Information System. Committee reports would have to indicate the names of all joint sponsors and cosponsors of Senate measures.

Members seeking to become coauthors of legislation would have to file a form with the chief clerk after obtaining the required written authorization from the author. Members would have to file a form indicating that they had obtained the authorization before they signed the form to be designated a coauthor (pages 63, 138-140).

Late Voting and Reasons for Vote

Current rules allow members who are absent from the House when a vote is cast to record their vote within one hour of the vote if they meet three conditions: they were recorded present prior to the vote, the House has not already adjourned or recessed to another day and adding the vote does not change the result. The proposed rules would repeal the late voting provision (pages 99-100).

Members may now record in the House Journal a reason for their vote or a statement of how they would have voted had they been present. The reason or statement must be filed with the journal clerk within two hours of the vote as long as the House has not adjourned or recessed to another calendar day. The proposed rules would eliminate the two-hour time limit. If timely received, the reason or statement would be printed immediately following the vote. Otherwise, it would be printed in a separate section at the end of the journal for the day on which the member recorded the reason or statement (pages 15, 101).

Other Proposed Changes

Members would be required to file with the chief clerk 11 copies of bills rather than 12. For bills relating to water districts, 13 copies would have to be filed rather than 15 (page 14).

A new House employee position of voting clerk would be created, with duties for recording votes transferred from the reading clerk. The reading clerk would be under the jurisdiction of the speaker, not the journal clerk (pages 16, 18).

Restrictions on the speaker's authority to appoint conference committees would be removed (page 7).

The speaker now may create a select committee by proclamation. The proposed rules would allow the proclamation to be issued at any time. The proclamation could specify the select committee's jurisdiction, period of existence and limitations (page 7-8).

Application to Congress for a convention to amend the U.S. Constitution would have to be in the form of a joint resolution (page 152).

The chief clerk would not have to retain amendments filed for measures recommitted or returned to committee (page 159).

Inserted at the beginning of the rules would be a "Statement of Authorization and Precedence" that the rules are adopted under authority of Art. 3, sec. 11, of the Texas Constitution, which authorizes the House to determine the rules of its own proceedings. The rules would be adopted notwithstanding any statutory provision, and its provisions would be deemed the only requirements binding on the House under Art. 3, sec. 11, notwithstanding any statutory requirements (page 1). (The Senate added a similar provision to its rules for the 74th Legislature).