

4HMKT 120

TEXAS A&M
AGRILIFE
EXTENSION



*Understanding the
Texas Legislative
Process*

A 4-H Members Guide for Participating in Texas 4-H Congress

Texas, Our Texas

*Texas, our Texas! All hail the mighty state!
Texas, our Texas! So wonderful, so great!
Boldest and grandest, withstanding every test;
O empire wide and glorious, you stand supremely blest.*

CHORUS

*God bless you, Texas! And keep you brave and strong.
That you may grow in power and worth, throughout the ages long.*

*Texas, O Texas! Your freeborn single star.
Sends out its radiance to nations near and far.
Emblem of freedom! It sets our hearts aglow.
With thoughts of San Jacinto and glorious Alamo.*

*Texas, dear Texas! From tyrant grip now free,
Shines forth in splendor your star of destiny!
Mother of heroes! We come your children true.
Proclaiming our allegiance, our faith, our love for you.*

—Words by Gladys Yoakum Wright and William J. Marsh

—Music by William J. Marsh

Table of Contents

Facts About Texas	4
A Short History of the Capitol	5
The Texas Senate	6
The House of Representatives	7
Advocacy: “There Oughta Be a Law...”	8
How to be More Effective in the Advocacy Process	8
Basic Steps in the Legislative Process	9
Process for a Bill.....	11
Reading Statutes and Bills	19
How Texas 4-H Congress Works	29
Texas 4-H Congress Legislative Roles	32
Legislative Glossary	35

Produced in part by the
Texas 4-H Youth Development Program

Resources for handbook taken from:
Citizen Handbook, How the Texas Legislature Works

Educational programs of the Texas AgriLife Extension Service are open to all people without regard to race, color, sex, disability, religion, age, or national origin.
The Texas A&M University System, U.S. Department of Agriculture, and the County Commissioners Courts of Texas Cooperating

Facts About Texas

From: Citizen Handbook, How the Texas Legislature Works

CAPITOL CITY:	Austin. Established as capitol of the Republic of Texas in 1839.
POPULATION:	As of July 2004, the population of Texas was estimated at 22,490,022.
STATE FLOWER:	Bluebonnet
STATE BIRD:	Mockingbird
STATE TREE:	Pecan
STATE MOTTO:	“Friendship”
STATE SONG:	“Texas, Our Texas”
STATE SEAL:	The Seal of the State of Texas consists of a star of five points encircled by olive and live oak branches, and the words “THE STATE OF TEXAS.”
STATE NICKNAME:	Texas is known as the Lone Star State because of the single star in its flag.
STATE HISTORY:	Texas was first claimed by Spain in 1519 and opened for Anglo-American settlement in 1821. During that time, Texas was under French rule from 1685 to 1690. In 1821 Mexico gained independence from Spain, beginning a series of politically turbulent years. Under the Mexican Constitution of 1824, Texas was joined politically to the state of Coahuila, giving Texas a minority voice in its government. On March 2, 1836, 41 delegates to the first Constitutional Convention adopted Texas’ Declaration of Independence, beginning the transition to becoming an independent republic. The period ended 50 days later, on April 21, 1836, at the Battle of San Jacinto, where the Texas Army defeated the Mexican Army led by General Santa Anna. Texas remained a republic for almost a decade until annexation by the United States in 1845. Texas remained a state until 1861 when it seceded from the Union to become part of the Confederacy. Texas was readmitted to the United States in 1870.
AREA:	267,339 square miles, of which 263,644 are land and 3,695 are water. It is the second largest state of the United States.
BOUNDARIES AND SHORELINE:	The boundaries measure 4,137 miles, of which 624 are tidewater coastline.
DIVISION OF STATE:	254 counties; Brewster County, with 6,208 square miles, is larger than both Connecticut and Rhode Island combined.

A Short History of the Capitol

From: Citizen Handbook, How the Texas Legislature Works

The history of Texas government spans over 150 years. The first Congress of the Republic of Texas met in October 1836, in a large dog-trot house located in Columbia-on-the-Brazos (today's West Columbia). After Texas achieved statehood in 1845, the 20 senators and 66 representatives of the Texas Legislature convened the first regular session February 16 to May 13, 1846, in a single-story wood structure that stood at Eighth and Colorado, three blocks south of the current Capitol site in Austin. The state's first Capitol was completed in 1853, a plain limestone structure in a Greek Revival style, three stories tall and capped by a small dome.

The current Texas State Capitol sits majestically on the 25.96 acres of parkland originally selected for the Capitol of the Republic of Texas in 1839. After a fire destroyed the old Capitol, advertisements placed in six Texas newspapers and newspapers in St. Louis, Chicago, and New York solicited plans for a new Capitol. Detroit architect E.E. Myers won the bid. The new structure was to house all of state government.

The building is modeled after the National Capitol in Washington, D.C. It is shaped in the form of a Greek cross with the east to west corridors and the north to south wings intersecting at the rotunda on the first floor. It stands three stories above the basement, with a fourth, central story running north to south. Standing approximately 311 feet from ground level to the toes of the Goddess of Liberty atop the cast-iron and granite dome, the building measures 566 feet, six inches long by 288 feet, ten inches wide at its largest dimension.

Specifications for the Capitol required the building to be constructed of native Texas stone. Originally, limestone was to be used. Limestone's instability; however, forced builders to opt for the more durable red granite transported from Marble Falls in Burnet County.

The State of Texas traded three million acres of public land in the Panhandle, later known as the famous XIT Ranch, in exchange for materials and the building of the Capitol. It took 4,000 train carloads of Texas red granite, 11,000 carloads of limestone, and seven miles of oak, pine, cherry, cedar, walnut, ash, and mahogany to build the Capitol. The roof is constructed of 85,000 square feet of copper.

Ground-breaking ceremonies were held March 2, 1882. The cornerstone of the building was laid on March 2, 1885, and weighed 12,000 pounds. The dedication ceremony was held May 16, 1888, at which point the Capitol was opened to the public.

After over a century of use, the Capitol underwent an extensive restoration and preservation process between 1990 and 1995. Today, the Capitol has been restored to its original 19th century beauty and brought to modern fire and safety standards. In addition, a new four-story underground extension to the north of the Capitol was completed in January 1993. It provides much needed office and parking space for Senate and House members, and a legislative and support staff that has outgrown the space limitations of the original building.

Excavators removed 680,000 tons of rock from the ground to make room for the extension which houses 215,000 square feet of usable office space in the top two floors. The lower two floors house a parking garage. There are 15,740 square feet of granite, 316,000 square feet of concrete surfaces, and 56,760 square feet of terrazzo in the Capitol Extension.

The Texas Capitol was designated a National Historic Landmark in 1986.

For more information about the Capitol, contact the State Preservation Board at (512) 463-5495, or write to the SPB at P.O. Box 13286, Austin, Texas 78711.

The Texas Senate

From: Citizen Handbook, How the Texas Legislature Works

The Senate Chamber, located in the east wing of the Capitol, is the setting for negotiation, debate and legislative action by 31 senators. As established by the Texas Constitution, a senator must be at least 26 years of age, a citizen of Texas five years prior to election, and a resident of the district from which elected one year prior to election. Each senator serves a four-year term—one-half of the Senate membership is elected every two years.

As presiding officer of the Senate, the lieutenant governor is officially called the President of the Senate. The lieutenant governor is elected by a statewide popular vote to serve a four-year term of office. The lieutenant governor is not a member of the Senate, and votes only in case of a tie. The lieutenant governor appoints all chairs and members of Senate committees, and refers all bills to committee. The lieutenant governor also schedules most bills for consideration on the Senate floor. Bills which are local or uncontested are scheduled by the Senate Administration Committee. The Senate holds the power of advice and consent on gubernatorial appointments to state boards and commissions.

There are several rules a senator must follow when speaking for or against a bill. A senator must rise and be recognized by the presiding officer before addressing members of the Senate. After being recognized by the presiding officer, the senator (1) must remain standing at his or her desk; (2) must speak on relevant topics to the issue or bill at hand; and (3) may yield the floor to another member for questions. In some instances, such as when the Senate has resolved into a Committee of the Whole Senate, the lieutenant governor may “step down” from the podium to participate in the debate of a topic. When this occurs, a senator is asked to “step up” and preside over the Senate.

The Senate elects officers, who are not members of the Senate, to carry out various duties necessary to the legislative process. The Senate parliamentarian assists the presiding officer in matters of procedure and Senate rules. The secretary of the senate reads all bills before the Senate and calls roll for attendance and voting. The calendar clerk and journal clerk act as assistants to the secretary of the senate and record bills and Senate actions, each sitting at a large desk on either side in front of the podium. The sergeant-at-arms maintains decorum in the chamber, and the doorkeeper stands at the main entrance doors to the Senate Chamber to announce messengers or delegations from the House, or the arrival of the governor.

The House of Representatives

From: Citizen Handbook, How the Texas Legislature Works

There are 150 members of the Texas House of Representatives elected for two-year terms, running for reelection in even numbered years. As established by the Texas Constitution, members must be at least 21 years of age, a citizen of Texas for two years prior to election, and a resident of the district from which elected one year prior to election.

The speaker of the House is the presiding officer, elected by a majority of House members. The speaker appoints chairs and members of all House committees, and refers all bills to a committee. Bills are scheduled for consideration on the House floor by the Calendars Committee. All legislation raising revenue must originate in the House.

A House member who is sponsoring a bill for debate on the floor goes to the front podium just below the speaker's desk to explain the bill. Other House members who wish to ask questions or make points pertaining to the measure go to the podium at the rear of the chamber.

Only the House may originate charges of impeachment, which must be tried by the Senate. Also, all joint sessions of the Senate and House are held in the House Chamber.

The speaker must rise to put a question before the House prior to a vote. The speaker has the same right as other House members to vote, but may withhold action in order to cast the deciding vote to make or break a tie. The speaker decides on all questions of order; however, such decisions are subject to an appeal to the House made by any 10 members. No member may speak more than once on an appeal unless given leave by a majority of the House.

Advocacy: “There Oughta Be a Law...”

From: Citizen Handbook, How the Texas Legislature Works

How do legislators get ideas for changing the laws or creating new ones? From you. There are several ways to get involved in the legislative process in order to make known your ideas, needs, support and nonsupport of the issues.

Before Elections:

1. Meet the candidates in your district and ask them about issues of importance to you.
2. If the candidate merits your support, contribute your time and resources.

Before Legislative Session:

1. Phone the district office of your legislator(s) or write and express your opinion on issues or specific bills to be proposed.
2. Meet with the legislative staff.

During Legislative Session:

1. Meet with legislators in their offices and talk about a certain bill you either support or do not support.
2. Attend hearings on specific bills and register and/or testify for or against the bills.
3. Telephone, write and send e-mails to your legislator, when necessary, regarding legislation.
4. Keep the issue before the public with speeches and media coverage, if possible.
5. Meet or telephone the staff of the legislator or committee regarding legislation.
6. Check often on the progress of the bills of interest to you.

Between Legislative Sessions:

1. Invite the legislator to a local program in your area.
2. Form a coalition of persons in your area and support issues of mutual concern.
3. If necessary, discuss with your legislator the possibility of the legislator sponsoring a bill reflecting an issue of importance to you.

How to be More Effective in the Advocacy Process

From: Citizen Handbook, How the Texas Legislature Works

DO make sure your legislator knows people who are affected by the bill or issue.

DO meet and talk with legislators’ staff—they are there to keep their bosses informed on the issues.

DO be honest, direct, positive and brief—be specific, and know your facts.

DO remember to write your legislator after a visit or action on a piece of legislation.

DO write out a one-page statement for your legislator or the press to use in getting out the facts on an issue. Provide facts that tell “who, what, where, when and why.”

DON’T neglect the fact that there are other issues or problems your legislator is working on.

DON’T hesitate to admit it when you don’t know all the facts, but indicate you will find out.

DO write letters to the editor or submit an article to the opinion column of your newspaper.

DON’T press for results on the first visit.

DO have reasonable priorities; compromise, it’s a long process.

DON’T be offended in the event of a cancelled appointment with a legislator—things are unpredictable and hectic during session.

Basic Steps in the Legislative Process

From: Citizen Handbook, How the Texas Legislature Works

The procedures by which laws are adopted are governed by the Texas Constitution and by rules adopted by each house (the Senate and the House of Representatives) of the legislature at the beginning of each session. The Texas Constitution requires that a bill must be read on three separate days in each house before it can become effective.

The first reading of a bill occurs when the bill is introduced and referred to a committee. Many bills are not reported by a committee and are considered “dead” for the session. Second reading occurs when the bill has been heard by a committee, favorably reported, the author has moved that all necessary rules be suspended to consider the bill on the floor and the members of the body have approved the motion by the requisite vote. In order for a bill to be read the third time on the same calendar day, an affirmative vote of four-fifths of the members present is required.

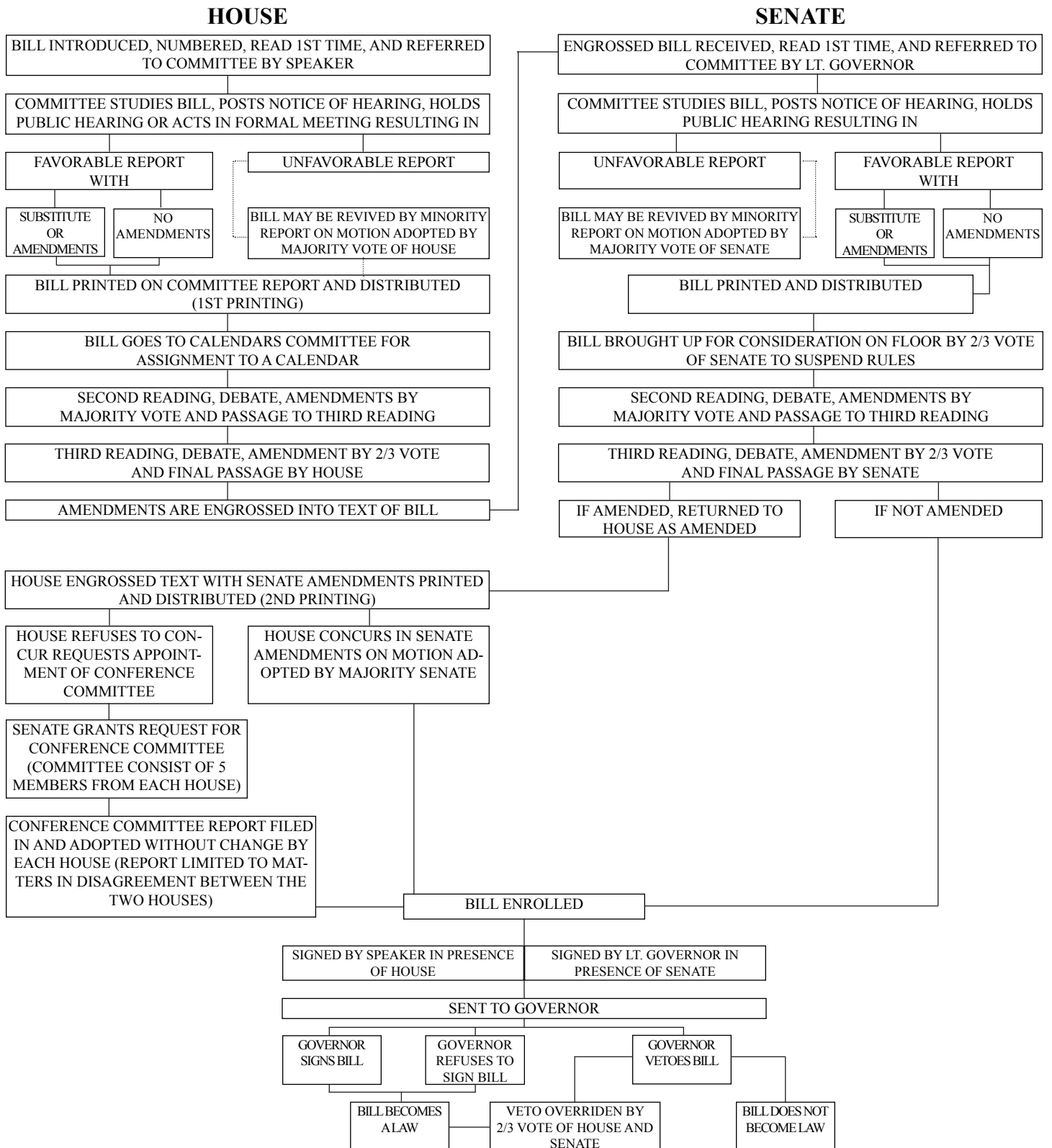
If a House bill is amended by the Senate, or a Senate bill is amended by the House, the bill is returned to the house of origin for concurrence on the amendments or the appointment of a conference committee to adjust the differences between the House and Senate versions of the bill.

When a bill is finally approved by both houses, it is enrolled in final form, signed by the presiding officers of both houses, and sent to the governor. Within 10 days after receiving the bill, the governor may approve the bill by signing it or may veto the bill and return it to the house of origin with a statement of objections. If the governor fails to either sign or veto a bill within 10 days, the bill becomes law. However, if the bill is passed within the last 10 days of a session, the governor has 20 days after the end of the session to sign or veto the bill. A vetoed bill may be passed over the governor’s objection by an affirmative two-thirds vote of both houses.

Basic Steps in the Legislative Process

From: *Citizen Handbook, How the Texas Legislature Works*

This diagram displays the sequential flow of a bill from the time it is introduced in the House of Representatives to final passage and transmittal to the Governor. A bill introduced in the Senate would follow the same procedures in reverse.



Process for a Bill

From: Guide to Texas Legislative Information, Texas Legislative Council, November 2008

The Texas legislative process is governed by the Texas Constitution, applicable statutes, and the rules of procedure of the senate and house, and the different phases of activity typically occur within a prescribed timetable. The rules of procedure are adopted by the respective chambers at the beginning of each session. The following is a general summary of the legislative process.

How a Bill Originates

A legislator may draft legislation personally or obtain the services of professional staff of the Texas Legislative Council or the engrossing and enrolling department of the senate. Legislation may also be prepared by organizations or individuals with a particular interest in certain matters. The bill, the most common type of legislative document, is the only means by which laws may be enacted, amended, or repealed. The Legislative Budget Board drafts the general appropriations bill. All bills except for general appropriations bills are limited to a single subject.

A bill may originate as the idea of a single legislator or may grow out of the recommendations of a standing or special committee of the legislature that has conducted interim studies on specific issues of legislative interest. The presiding officers of the house and senate specify interim charges for house and senate committees and any additional authority and duties necessary to carry out the charges, and those committees are required to submit interim reports on their charges before the next session. Special interim study committees may consist entirely of legislators from one chamber or, in the case of a joint committee, of legislators from both the house and senate. A presiding officer also may appoint citizen members and other public officials of state and local governments to a special interim committee to augment its legislative membership for the purpose of conducting a special study. A special interim study committee usually expires on the release of its final report or when the next legislature convenes, whichever occurs first.

Introducing a Bill

A bill may be introduced by any member of the legislature in the member's own chamber, and the steps in a bill's progress in each chamber are basically the same. A bill passed by one chamber must proceed to the other for passage before going to the governor for approval or veto.

To introduce a bill in the house of representatives, a state representative first must file the required number of copies of the bill with the chief clerk of the house, who sequentially numbers each bill in the order in which it is received. The house rules of procedure permit unrestricted introduction of bills during the first 60 calendar days of each regular session. After the 60-day deadline, the introduction of any bill in the house, other than a local bill or a bill relating to a matter declared by the governor to be an emergency, requires the consent of at least four-fifths of those members present and voting.

To introduce a bill in the senate, a senator first must file the required number of copies of the bill with the secretary of the senate, who sequentially numbers each bill in the order in which it is received. The senate rules of procedure also permit unrestricted introduction of bills during the first 60 calendar days of each regular session. After the 60-day deadline, the introduction of any bill in the senate, other than a local bill or a bill relating to a matter declared by the governor to be an emergency, requires the consent of at least four-fifths of the membership of the senate.

The Role of Committees

The size of the legislature and the volume of work confronting it each session make thoughtful deliberation on all proposed measures by the entire membership a difficult task. For this reason, the basic business in both chambers is conducted according to the committee system. Committees are created in the rules of procedure of the respective chambers to consider introduced bills and to advise on their disposition. A large number of bills are never reported out of committee. Thus, committee action is the first crucial step in the process by which a bill becomes law.

Referral to a Committee

When a bill is introduced or is received from the opposite chamber for consideration, it is read for the first time by its caption only and is referred by the speaker or lieutenant governor to an appropriate committee.

In the house rules, each committee is assigned jurisdiction over a specific subject matter, and the speaker refers legislation to house committees based on those subject matter jurisdictions. The senate rules do not specify subject matter jurisdictions for senate committees. The lieutenant governor may refer legislation in the senate to any standing committee or subcommittee, although unofficial subject matter jurisdictions are usually followed.

Committees are formed at the beginning of the regular session and generally consist of 5 to 29 members. For committees of the house of representatives, membership of most committees is determined in part by seniority and in part by appointments by the speaker. Each representative sits on at least one committee, and most representatives sit on two or three committees. The house in the 80th Legislature had 40 standing substantive and procedural committees.

For committees of the senate, membership is determined entirely by appointments by the lieutenant governor. Senators generally sit on three or four committees each, and the senate in the 80th Legislature had 15 standing committees.

A bill requiring extensive analysis may be assigned to a subcommittee of the standing committee to which the bill has been referred. Subcommittees are appointed by the committee chair from the standing committee's membership. After concluding its deliberations on a bill, the subcommittee may submit a written report to the full committee.

Immediately after a bill has been referred to committee, a determination must be made as to whether a fiscal note or other impact statement is required, and if so, the Legislative Budget Board prepares the note or statement. In preparing the note or statement, the Legislative Budget Board may consult the state agencies affected by the legislation. In the house, the fiscal note must be attached to the affected bill before a public hearing on the bill may be held, and if the bill is reported from committee, the fiscal note must be attached to the bill as part of the committee report when it is printed and distributed to the members of the house. A bill may proceed through the legislative process before an impact statement is completed, but a copy of the impact statement must be distributed to the members as soon as it has been completed. Senate practice is for a copy of the fiscal note to be provided to the committee members before a final vote on a bill in committee is taken. The fiscal note is included as part of the senate committee report.

The Committee Process

All committee business on a bill is required to be conducted in open meetings. No official action or vote may be taken except in a meeting that is open to the public. The house rules permit a house committee or subcommittee to meet: (1) in a public hearing where testimony is heard and where official action may be taken on bills, resolutions, or other matters; (2) in a formal meeting where the members may discuss and take official action without hearing public testimony; or (3) in a work session for discussion of matters before the committee without taking formal action. The senate rules do not provide for different types of meetings but do specify that a public hearing must be held on a bill before it can be reported from committee. Testimony may be heard and official action may be taken at any meeting of a senate committee or subcommittee.

A house committee or subcommittee holding a public hearing during a legislative session must post notice of the hearing at least five calendar days before the hearing during a regular session and at least 24 hours before the hearing during a special session unless the house posting rules have been suspended by a vote of the members on the house floor, in which case an announcement of the hearing may be made on the house floor. If a house committee or subcommittee is convening for a formal meeting or a work session, written notice must be posted and transmitted to each member of the committee two hours in advance of the meeting, or an announcement must be filed with the journal clerk and read in the house while the house is in session. A senate committee or subcommittee must post notice of a meeting at least 24 hours before the meeting.

Committee Reports

After considering a bill, a committee may choose to take no action or may issue a report on the bill to the house or

senate. Committee reports are advisory only and may take several forms. The committee may recommend passage of the bill without amendments, or it may recommend amendments to the bill or even substitute a new bill for the original document. The committee report includes a record of the committee's recommendations and vote regarding house or senate action on the bill, including the recommendation regarding placement on a calendar; the text of the bill as reported by the committee, which may be the introduced text or a substitute; any proposed amendments; a detailed bill analysis; a fiscal note or other impact statement; and other attachments as necessary.

In the house, all committee reports are referred to the committee coordinator, who forwards them to the printer. After being printed, a copy of the house committee report printing is placed in the post office box of each member of the house. The chief clerk then delivers a certified copy of the committee report to the appropriate calendars committee (the Committee on Calendars or the Committee on Local and Consent Calendars) for placement of the bill on a calendar for consideration by the full house. Calendars committees are given wide discretion in scheduling bills for floor consideration.

The senate rules also require committee reports to be printed. After being printed, a copy of the senate committee report printing is placed in the bill book on each senator's desk in the senate chamber. Except for the role of the Senate Committee on Administration in scheduling local and noncontroversial bills for consideration, there is no equivalent to a calendars committee in the senate. The senate's regular order of business lists all bills and resolutions that have been reported from a senate committee in the order in which they were reported. During a regular session, the regular order of business is merely a listing of bills that are eligible for consideration because the senate rules provide that a bill on the regular order of business may not be brought up for floor consideration unless the senate author or sponsor of the bill has filed with the secretary of the senate a notice of intent to suspend the regular order of business for consideration of the bill.

House Calendars and List of Items Eligible for Consideration

House calendars. The house rules provide for four types of printed calendars:

1. the Daily House Calendar, which contains a list of new bills and resolutions scheduled by the Committee on Calendars for consideration by the house and which must be distributed to the members 36 hours before the house may consider those measures (24 hours during special sessions);
2. the Supplemental House Calendar (prepared by the Committee on Calendars), which must be distributed two hours before the house convenes and which may contain: (a) measures passed to third reading on the previous day; (b) measures on the Daily House Calendar for a previous day that were not reached for consideration; (c) measures on the Daily House Calendar for the current day; (d) postponed business from a previous day; and (e) notice to call from the table a measure laid on the table subject to call on a previous day;
3. the Local, Consent, and Resolutions Calendar, which must be distributed to the members 48 hours before the listed measures may be considered and which contains a list of local or noncontroversial bills scheduled by the Committee on Local and Consent Calendars for consideration by the house; and
4. the Congratulatory and Memorial Calendar, which must be distributed 24 hours before those measures may be considered and which contains a list of congratulatory and memorial resolutions scheduled by the Committee on Rules and Resolutions for consideration by the house.

The Supplemental House Calendar, because it includes the measures listed on the Daily House Calendar, is the primary agenda followed by the house during its deliberations. The Local, Consent, and Resolutions Calendar and the Congratulatory and Memorial Calendar are special calendars that are prepared approximately once a week during the last half of a regular session.

The house rules provide for seven categories that may be used to group bills and resolutions on the calendars. Those categories, listed in order of priority, are the: (1) emergency calendar; (2) major state calendar; (3) constitutional amendments calendar; (4) general state calendar; (5) local, consent, and resolutions calendar; (6) resolutions calendar; and (7) congratulatory and memorial resolutions calendar. Within each category, senate bills and resolutions are

required to be listed on the calendars separately from house bills and resolutions, and consideration of senate bills and resolutions on senate bill days (Wednesdays and Thursdays) has priority in the order specified by house rule.

Except during the latter part of the regular session, when calendars become especially lengthy, the house normally considers all measures listed on its calendars before adjourning or recessing for the day.

List of items eligible for consideration. This list is prepared by the chief clerk of the house, upon request of the speaker, when the volume of legislation warrants (normally during the last few weeks of a regular session). The list, which must be distributed six hours before it may be considered, contains: (1) house bills with senate amendments eligible to be considered; (2) senate bills for which the senate has requested the appointment of a conference committee; and (3) conference committee reports eligible to be considered.

Senate Agenda and Intent Calendar

Senate agenda. The senate agenda includes the following information:

1. notice of intent, giving the number, author or sponsor, and short caption for each measure that may be considered during the day's session;
2. list of senate bills returned from the house with amendments;
3. status of bills in conference committees, giving a short caption and brief history of the action on the bills;
4. local and uncontested bills calendar;
5. gubernatorial appointments to boards and commissions that have been reported favorably from the Senate Committee on Nominations and are awaiting confirmation by the senate;
6. committee hearings scheduled, including short captions for all measures scheduled to be considered by the committees;
7. regular order of business, listing all bills and resolutions that have been reported favorably from committees in the order in which they were reported to the senate;
8. miscellaneous announcements;
9. senate floor action, giving the numbers and short captions for and action taken on all measures brought up for consideration during the previous legislative day;
10. senate committee action, giving the same information for all measures considered by committees on the previous day; and
11. morning call, which includes senate and house bills and resolutions on first reading and referral to committee, the introduction and consideration of memorial and congratulatory resolutions, messages and executive communications, and other motions.

Copies of the senate agenda (usually referred to as "green books" because they are printed on green paper) are available the morning of each legislative day.

Intent calendar. Senate rules require that bills and resolutions be listed on the regular order of business and be considered on second reading in the order in which committee reports on the measures are submitted to the senate. During a regular session, the senate adopts a further rule specifying that before a bill or joint resolution may be brought up for floor debate out of its regular order, notice of intent must be filed with the secretary of the senate by 3 p.m. on the last preceding calendar day the senate was in session. A senator may give notice on no more than three bills or resolutions before April 15 and on no more than five bills or resolutions on or after April 15. Senate rules direct the secretary of the senate to prepare a list of all legislation for which notice has been given. The list, called the

Intent Calendar, must be made available to each senator and to the press not later than 6:30 p.m. on the day the notice is filed. No bill or resolution may be considered on its first day on the Intent Calendar, and a vote of two-thirds of the senators present is required before any of the measures listed on the Intent Calendar may be debated. The senate rules do not require measures to be brought up for consideration in the order listed on the Intent Calendar, and the senate routinely considers only a portion of those measures listed on the Intent Calendar for a given day. A senator must give notice from day to day for a measure that was not brought up for consideration to remain on the Intent Calendar. Any provision of the senate rule governing the Intent Calendar may be suspended by a vote of four-fifths of the members present.

Floor Action

The first floor consideration of a bill occurs on its second reading. After it is read the second time, again by caption only, the measure is subject to debate and amendment by the entire membership of the chamber. On second reading, a bill may be amended by a simple majority of those members present and voting. If no amendment is made, or if those proposed are disposed of, the final action on second reading of a bill is a vote on its passage to engrossment, if the bill is being considered in the chamber in which it was introduced, or passage to third reading, if the bill is being considered in the opposite chamber. The bill then is laid before the body for a third reading and final passage. A bill may be amended again on third reading, but amendments at this stage require a two-thirds majority of the members present for adoption.

Although the Texas Constitution requires a bill to be read on three separate days in each chamber before it can have the force of law, this constitutional rule may be suspended by a four-fifths vote of the chamber in which the bill is pending. In such cases, the bill is given an immediate third reading following the vote to pass the bill to engrossment or third reading. The senate routinely suspends the constitutional provision in order to give a bill an immediate third reading. The house, however, rarely suspends this provision, and third reading consideration of a bill in the house normally occurs on the day following second reading consideration.

After a bill has been read a third time, a vote is taken for final passage. If the bill receives a simple majority vote, it is considered passed, and the chief clerk of the house or the secretary of the senate, as appropriate, certifies the bill's final passage, noting on it the date of its passage and the vote by which it passed. When the bill is passed in the originating chamber, the bill is engrossed (all corrections and amendments are incorporated into it), and an exact and accurate copy of the engrossed bill is prepared and sent to the opposite chamber for consideration.

Consideration of Local and Noncontroversial Bills

The house and senate rules both provide for special calendars for the consideration of local and noncontroversial bills. The calendar used for consideration of these bills in the house is the Local, Consent, and Resolutions Calendar, which is set by the Committee on Local and Consent Calendars. A standing committee may recommend, when reporting a bill or resolution, that the measure be sent to the Committee on Local and Consent Calendars for placement on an appropriate calendar. Such a recommendation requires the unanimous consent of all the committee members present when the measure is reported from committee. Measures that are eligible for consideration by the Committee on Local and Consent Calendars are bills that are local as defined by the house rules and bills and resolutions to which no opposition is anticipated. If the Committee on Local and Consent Calendars determines that a measure is not eligible for placement on the Local, Consent, and Resolutions Calendar, it has the power to transfer the measure to the Committee on Calendars. Local, Consent, and Resolutions Calendars normally are prepared for consideration by the house once a week during the last half of the regular session. These calendars usually are lengthy, but consideration of them is expedited because debate is limited and amendments to measures on these calendars may not be offered unless they have first been approved by the Committee on Local and Consent Calendars. A measure may be removed from the Local, Consent, and Resolutions Calendar if debate exceeds 10 minutes or if five or more representatives object to the consideration of the measure.

The calendar used for consideration of local and noncontroversial bills in the senate is the Local and Uncontested Calendar, which is set by the Senate Committee on Administration. A measure may not be considered by the Senate Committee on Administration for placement on the Local and Uncontested Calendar unless both the author or sponsor of the measure and the chair of the committee from which the measure was reported file a written request for placement on the Local and Uncontested Calendar with the Senate Committee on Administration. Measures that are

eligible for consideration by the Senate Committee on Administration are bills that are local as defined by the senate rules and bills and resolutions to which no opposition is anticipated and which do not contain an appropriation. Local and Uncontested Calendars normally are prepared for consideration by the senate once or twice a week during the last half of the regular session. Measures on the Local and Uncontested Calendar are considered without a suspension of the regular order of business, which generally is required for consideration of legislation in the senate. As in the house, consideration of Local and Uncontested Calendars in the senate is expedited because the measures on these calendars usually are not debated and amendments to measures on these calendars are prohibited. A measure may be removed from the Local and Uncontested Calendar if two or more senators object to the consideration of the measure.

Return of a Bill to the Originating Chamber

After a bill has passed through committee deliberation and three readings in the opposite chamber, the bill is sent back to the originating chamber. A new copy of the bill is not prepared; rather, any amendments are simply attached to the bill. If no amendments were adopted by the second chamber, the bill is enrolled (prepared for signing). The enrolled bill then is signed by both presiding officers in the presence of their respective chambers and sent to the governor. Any bill making an appropriation must be sent to the comptroller of public accounts for certification before going to the governor.

When a bill that has been amended by the opposite chamber is returned to the originating chamber, the originating chamber must concur with all of the amendments made by the opposite chamber before the bill can be enrolled. If the originating chamber does not concur with some or all of the opposite chamber's amendments, it may request the appointment of a conference committee to resolve the differences between the house and senate versions of the bill.

Conference Committee

If a conference committee is requested, the presiding officers each appoint five members from their respective chambers to serve on the committee. The senate rules require that at least two of the senate conferees be members of the senate committee from which the bill was reported. A conference committee's charge is limited to reconciling differences between the two chambers, and the committee, unless so directed, may not alter, amend, or omit text that is not in disagreement. Nor may the committee add text on any matter that is not in disagreement or that is not included in either version of the bill in question. After the committee has met and reached an agreement, a report is submitted to both chambers for approval or disapproval. The report must be approved by at least three conferees from each chamber and must contain the text of the bill as approved by the conference committee, a side-by-side analysis comparing the text of the compromise bill to both the house and the senate versions, and the signatures of those members of the conference committee who approved the report. A conference committee report is not subject to amendment but must be accepted or rejected in its entirety.

Should the proposed compromise remain unacceptable to either chamber, it may be returned to the same conference committee for further deliberation, with or without specific instructions, or the appointment of a new conference committee may be requested. Failure of the conference committee to reach agreement kills the measure. If the conference committee report is acceptable to both chambers, the bill is enrolled, signed by both presiding officers in the presence of their respective chambers, and sent to the governor.

Governor's Action

Except in the case of a bill sent to the governor within 10 days of final adjournment, upon receiving a bill, the governor has 10 days in which to sign the bill, veto it, or allow it to become law without a signature. If the governor elects to veto the bill and the legislature is still in session, the bill is returned to the chamber in which it originated with an explanation of the governor's objections. A two-thirds majority in each chamber is required to override the veto. If the governor neither vetoes nor signs the bill within the allotted time, the bill becomes law. If a bill is sent to the governor within 10 days of final adjournment, the governor has until 20 days after final adjournment to sign the bill, veto it, or allow it to become law without a signature.

Effective Date

Section 39, Article III, Texas Constitution, provides that "No law passed by the Legislature, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of the session at which it

was enacted, unless the Legislature shall, by a vote of two-thirds of all the members elected to each House, otherwise direct.” If an act does not specify an effective date, the act becomes effective on the 91st day after the date of final adjournment.

If the act specifies an effective date earlier than the 91st day after adjournment, and the effective date rule is suspended, the act becomes effective on the specified date. If the act specifies that it has immediate effect, and the effective date rule is suspended, the act becomes effective on the date of the last action necessary for it to become law, which is: (1) the date the governor approves the act; (2) the date the governor files the act with the secretary of state (having neither approved nor vetoed it); (3) the date the appropriate period for gubernatorial action expires, if the governor fails to act within that period (Section 14, Article IV, Texas Constitution); or (4) in the event of a veto, the date the veto is overridden.

The act can specify an effective date after the 91st day after adjournment without suspending the effective date rule, make the effective date contingent on an event or the expiration of a specified period after that event takes place, or make it contingent on the adoption of a proposed constitutional amendment. Parts of a bill can take effect on different dates, or particular sections or applications of an act may be delayed or accelerated.

Filing and Publication of Laws

Once an enrolled bill or concurrent resolution is signed by the governor, or the governor allows a bill to become law without a signature, the executive clerk to the governor forwards the bill or resolution to the Office of the Secretary of State (SOS), where it is considered “filed” once the secretary of state signs it. A joint resolution is not submitted to the governor for signing and is filed directly with the secretary of state. Official signed copies of enacted bills and resolutions can be viewed online at www.sos.state.tx.us/statdoc/bills.

On filing, the original signed bill or resolution and a copy are sent to the SOS Statutory Documents Section. There, the original signed documents are microfilmed and sent to be bound. The bound documents are stored at the Texas State Library and Archives Commission.

Copies of enacted bills and joint and concurrent resolutions are compiled, certified, and sent to Thomson West for inclusion in the General and Special Laws of the State of Texas, also called the “session laws.” SOS staff assign a session law chapter to each enacted bill based on the date the bill is filed with the secretary of state; bills that are filed on the same date are placed in chronological bill number order for chapter number assignment. The Texas Legislative Council and Thomson West incorporate the changes made by enacted bills into their compilations of Texas statutes and codes.

Other Legislation—Resolutions

While the bill is the most common type of legislation, three types of resolutions, which follow somewhat different processes, also are used by the legislature. Resolutions are used to handle specific activities of the legislature and are commonly used to propose amendments to the Texas Constitution; take care of housekeeping functions; convey congratulations or condolences to individuals or groups in the state; express legislative intent; express an opinion or sentiment on matters of public interest; give direction to a state agency or official; or call upon certain governmental agencies, offices, or units such as the U.S. Congress to take a specific course of action. They are legislative instruments that must be introduced, assigned numbers, and acted on by the legislature. Except for concurrent resolutions, they are not sent to the governor for signing, and the governor cannot veto them. The three types of legislative resolutions are joint resolutions, concurrent resolutions, and simple resolutions.

Joint Resolutions

Joint resolutions are used to propose amendments to the Texas Constitution, ratify proposed amendments to the U.S. Constitution, or request a constitutional convention to propose amendments to the U.S. Constitution. Joint resolutions proposing amendments to the Texas Constitution require a vote of two-thirds of the total membership of each chamber for adoption. Other joint resolutions require a simple majority vote in each chamber for adoption. A joint resolution takes the same course through both chambers as a bill and is like a bill in all respects, except that, in the house, if it receives the required number of votes at any reading after the first reading, the resolution is passed. Three readings are required to pass a joint resolution in the senate. Joint resolutions passed by the legislature are not submitted to

the governor for signing but are filed directly with the secretary of state. An amendment to the Texas Constitution proposed by an adopted joint resolution does not become effective until it is approved by Texas voters at a general election.

The secretary of state conducts a drawing to determine the order in which the proposed constitutional amendments will appear on the ballot.

Concurrent Resolutions

A concurrent resolution is used when both chambers have an interest in a particular matter. Such resolutions may originate in either chamber but must be adopted by both. Concurrent resolutions may be used for matters affecting operations and procedures of the legislature, such as joint sessions or adjournment sine die. They also are used to memorialize (petition) the U.S. Congress, give directions to a state agency or officer, express views of the legislature, or express congratulations or condolences. Concurrent resolutions, except those that pertain solely to matters between the two chambers, must be submitted to the governor for approval.

Simple Resolutions

Simple resolutions pertain to matters considered by the chamber of origin only. They are used for such purposes as adopting or changing rules of procedure or expressing congratulations or condolences.

Reading Statutes and Bills

From: Reading Statutes and Bills by the Research Division of the Texas Legislative Council, 81st Legislature

STATUTES

Bills, the legislative documents used to pass or amend laws, are read in the context of existing statutes. Understanding existing law and how it is affected by a bill is fundamental to reading and understanding a bill. With a basic understanding of how to read the statutes, you will be better prepared to read and understand a bill.

Following each legislative session, each bill passed by the legislature and not vetoed by the governor becomes effective according to the terms outlined in the bill or general effective date provisions in the state constitution. Once effective, the text of the bill becomes law. Such law can be found in the session laws, the 30 codes that are organized by topic, or Vernon's Texas Civil Statutes.

The session laws include the full text of each bill as passed by the legislature. In the published volumes of session laws, each bill is assigned a chapter number that corresponds with the order in which the bill was enacted. This designation is often used to identify a specific bill from a specific session, such as House Bill 1125 (Chapter 981, Acts of the 74th Legislature, Regular Session, 1995).

Texas has revised its statutes four times: 1879, 1895, 1911, and 1925. The 1925 revision organized the statutes into a unified code. Each statute was titled and assigned a sequential article number that corresponded with its alphabetized title. This organization was published and bound in black volumes known as Vernon's Texas Civil Statutes by the same third-party publisher used today - West Group.

Subsequent additions to the law were incorporated into the organization established in 1925. To maintain the integrity of the statutes' numerical and alphabetical organization, West often added letters to the end of article designations for new laws relating to the same subject matter. Before long the statutes had become unwieldy and illogical in their numbering and organization.

In 1963, the legislature charged the Texas Legislative Council with conducting an ongoing nonsubstantive revision of the 1925 statutes. Under the revision program the statutes are arranged into topical codes (e.g., Family Code or Health and Safety Code) and numbered using a system that accommodates future expansion of the law. In addition, the revision eliminates repealed, invalid, and duplicative provisions. The few 1925 statutes that have not been incorporated into a code may be found in Vernon's Texas Civil Statutes.

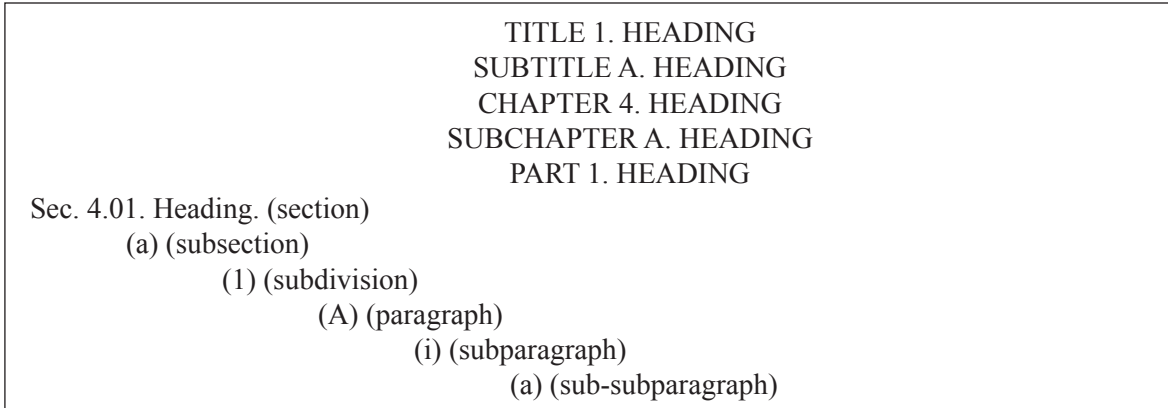
In contrast, certain bills enact new law without reference to a code or statute section. These laws can be found only in the session law volumes, which are published and bound by the West Group as the General and Special Laws. However, most bills amend codes or the uncodified statutes, and the changes they make are incorporated into the appropriate code or Vernon's Texas Civil Statutes.

West Group publishes the printed sources for the statutes - the Vernon's Texas Civil Statutes (for those laws yet to be revised) and the Vernon's Texas Codes Annotated. The Vernon's volumes contain pocket parts, which are temporary additions to each volume that reflect changes in the statutes that have occurred since the hardbound volume was last published. Pocket parts are found in the back of the appropriate hardbound volume.

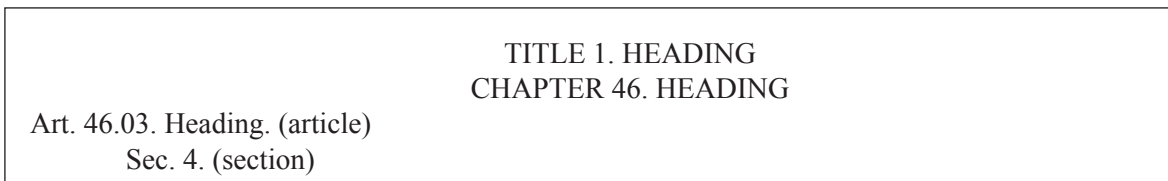
The statutes are most easily accessed online via the Texas Constitution and Statutes website or Premise. Premise, which is produced by the West Group, includes the historical and amendatory annotations found in the Vernon's volumes. Premise also has a complete table of contents for the entire body of statutes, including notations for the sections of code that have been reserved for future expansion of the law. However, the Texas Constitution and Statutes website is maintained by Texas Legislative Council staff and is more quickly updated and corrected.

How Codes and Statutes Are Organized

Most codes are organized as follows:



Some codes, such as the Code of Criminal Procedure, are organized by articles:



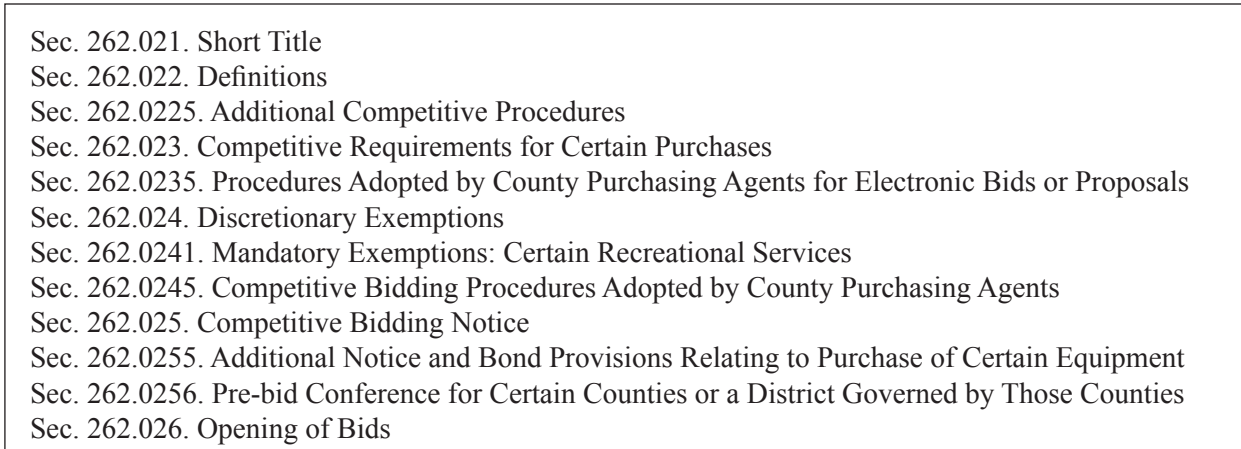
The uncodified statutes found in the Vernon's Texas Civil Statutes volumes are less consistent, but follow organizational schemes similar to those above.

How to Read a Statute

Many statutes are straightforward and easily understood. Others are complicated and difficult to comprehend. Often the difficulty is because of the way the statute is constructed rather than because of the complexity of the subject matter. Long complex sentences, numerous cross references, dependent subdivisions, and phrases that except application of the statute can make the meaning difficult to follow.

Below are a few tips to help you when you first read a statute. Develop a habit of reading each statute at least three times. First, read it straight through without stopping. Then read it more carefully, using the following techniques to aid in your understanding. Finally, read it straight through once more.

- Check for the context of the statute. Think of the statute as one in a series and scan the table of contents to see what sections precede and follow the section you are reading. If there is a short title section (usually at the beginning of the chapter or subchapter), read it.



- Look for a definitions section (if present, it is usually found at the beginning of a chapter or subchapter) and read it. Make sure you understand references to general terms like “department,” “agency,” or “executive director.” A definition may be used in the statutes to avoid repetition of a long term, for example, using the term “department” to refer to the Texas Department of State Health Services. Other sources for existing definitions are the Code Construction Act (Chapter 311, Government Code), which applies to all codes enacted as part of the legislature’s statutory revision program; Chapter 312, Government Code, which applies to civil statutes generally; and Section 1.07, Penal Code, which is among several provisions of that code that apply to penal laws generally.
- Read the complete heading (code/title/chapter/subchapter/section) to establish how the section fits into the entire code’s organization.

VERNON’S TEXAS STATUTES AND CODES ANNOTATED
 LOCAL GOVERNMENT CODE
 TITLE 8. ACQUISITION, SALE, OR LEASE OF PROPERTY
 SUBTITLE B. COUNTY ACQUISITION, SALE, OR LEASE OF PROPERTY
 CHAPTER 262. PURCHASING AND CONTRACTING AUTHORITY OF COUNTIES
 SUBCHAPTER C. COMPETITIVE BIDDING IN GENERAL

Sec. 262.023. Competitive Requirements for Certain Purchases

- Pay close attention to the statute’s format and organization. Look for breaks in the text. Assume everything in the statute has meaning, including punctuation and format.
- Look for keywords:
 - important “action” words such as “may,” “shall,” or “must” that establish whether a provision is required or authorized
 - exceptions to the application of the statute, signaled by keywords such as “only,” “under,” “over,” “more than,” “less than,” “if,” or “unless”
 - a series ending in “and” or “or” that indicates whether all the elements of the series are included or only one of the elements needs to be included to satisfy the series.
- Do not skip over words that you do not know or fully understand. Do not rely on context for the meaning of a word about which you are unsure. Do not assume a word (e.g., “person”) has the same meaning that it has in everyday conversation.
- Read through cross-referenced sections in their entirety. If a cross-reference is to an entire chapter or subchapter, read through the chapter’s or subchapter’s table of contents and definitions section to learn the context. In the following example, without reading the cross-referenced Section 93.011, the reader will not know the circumstances under which the savings bank has closed.

Sec. 93.012. EFFECT OF CLOSING. (a) A day on which a savings bank or one or more of its operations are closed under Section 93.011 during all or part of its normal business hours is considered to be a legal holiday to the extent the savings bank suspends operations.

BILLS

The Texas Constitution provides that “[n]o law shall be passed, except by bill.” As a result, the bill is the exclusive means by which the legislature may enact, amend, or repeal a statute.

Enacted bills can be accessed via the Texas Legislative Information System (TLIS —legislative resource) on Capweb and Texas Legislature Online (TLO—public resource). Bills that have been filed but have not made it through the entire legislative process also can be accessed via TLIS or TLO. Hard copies of bills are distributed to members of the legislature at certain stages of the legislative process.

How Bills Are Organized

Most bills are organized into sections.

SECTION 1. Subtitle H, Title 3, Education Code, is amended by adding Chapter 155 to read as follows:

CHAPTER 155. SEVERE STORM RESEARCH AND PLANNING CENTER. . .

Sec. 155.003. ADMINISTRATION. (a) The commission shall administer the center.
(b) The commission shall . . .

Long bills use *articles* to group related sections of a bill:

ARTICLE 1. TRANSFER OF DUTIES TO COMPTROLLER

SECTION 1.01. Sections 2151.002, 2151.003, and 2151.004, Government Code, are amended to read as follows:

Sec. 2151.002. DEFINITION [~~DEFINITIONS~~]. . . .

ARTICLE 2. DEPARTMENT OF INFORMATION RESOURCES

SECTION 2.01. Section 35.102(c), Business & Commerce Code, is amended to read as follows:

In a bill, the sections and articles of the bill are spelled out in full in all capital letters; this formatting helps distinguish bill sections from the sections and articles of the statutes being amended by the bill.

Parts of a Bill

Each bill is composed of three basic parts: introductory language, substantive provisions, and procedural provisions.

Introductory language. Certain components are required to be included in every bill. These are referred to collectively as introductory language and include the heading, title or caption, and enacting clause. Here is an example of a bill's introductory language:

By Smith

H.B. No. 1

A BILL TO BE ENTITLED
AN ACT

relating to the penalty for criminal trespass.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

For purposes of understanding the bill, the caption is the most important part of the introductory language because it serves as an immediate explanation of the bill's subject matter. The heading indicates the chamber in which the bill was introduced, the bill's author, and the bill number.

Substantive provisions. Following the introductory language are the substantive provisions of the bill. A bill may include a short title, a statement of policy or purpose, definitions, principal operative provisions, and enforcement provisions. We'll revisit some of these provisions within the context of learning to read a bill, but some provisions merit further explanation here.

- **Short title.** A short title is neither required nor appropriate for most bills, but sometimes is included in a bill to provide a convenient way of citing a major, cohesive body of law that deals comprehensively with a subject. Here's an example from the Agriculture Code:

Sec. 58.001. SHORT TITLE. This chapter may be cited as the Texas Agricultural Finance Act.

- Statement of policy or purpose. A statement of policy or purpose is neither required nor appropriate for most bills, but may sometimes be included when a substantial body of new law is introduced or when the operative provisions of a short bill do not clearly indicate what the bill is intended to accomplish. Here’s an example from the Health and Safety Code:

Sec. 773.201. LEGISLATIVE INTENT. The legislature finds that a strong system for stroke survival is needed in the state’s communities in order to treat stroke victims in a timely manner and to improve the overall treatment of stroke victims. Therefore, the legislature intends to construct an emergency treatment system in this state so that stroke victims may be quickly identified and transported to and treated in appropriate stroke treatment facilities.

- Definitions. A bill may include an entire section dedicated to definitions of terms that apply to a code, a title, a chapter, or a subchapter, or it may define terms in a statutory subsection that apply only to that statutory section.
- Principal operative provisions. There are two categories of principal operative provisions. Administrative provisions relate to the creation, organization, powers, and procedures of the governmental units that enforce the law. Substantive provisions grant or impose on a class of persons rights, duties, powers, and privileges, and may govern conduct by establishing either a mandate or a prohibition.
- Enforcement provisions. An enforcement provision prescribes a punishment for violating a mandate or a prohibition. Such a provision generally establishes a criminal penalty, a civil penalty, an administrative penalty, injunctive relief, or civil liability as a consequence of violating the mandate or prohibition.

Bills can amend the codes and statutes by adding new language or changing existing language. Provisions that directly amend an existing statute must follow two format conventions. First, the amendatory language describing the statute being amended, also called the recital, must refer to the official citation of that statute.

SECTION 1. Article 12.01, Code of Criminal Procedure, is amended to read as follows:

Second, the rules of the senate and house of representatives require new language to be underlined and deleted language to be stricken through and bracketed so the reader can compare the current version of the law with the proposed version.

SECTION 1. Section 1702.169, Occupations Code, is amended to read as follows:

Sec. 1702.169. FIREARM RESTRICTIONS. A commissioned security officer other than a person acting as a personal protection officer may not carry a firearm unless:

(1) the security officer is:

- (A) engaged in the performance of duties as a security officer; or
- (B) traveling [directly] to or from the place of assignment;

(2) the security officer wears a distinctive uniform indicating that the individual is a security officer; and

(3) the firearm is in plain view[, except as provided by Section 1702.206].

Bills also can amend the law by repealing existing provisions. Repealers work by citing the portion of law to be repealed and may appear as an entire bill section or as a subsection within a bill section. Be cautious as these provisions can be overlooked when reading a bill.

SECTION 4. The Automobile Club Services Act (Article 1528d, Vernon’s Texas Civil Statutes) is repealed.

(See Section 3.11 of the Texas Legislative Council Drafting Manual for a complete discussion of repealers.)

Procedural provisions. There are three types of procedural provisions: severability provisions, saving and other transition provisions, and effective date provisions. Some are of temporary significance, and they are not incorporated

into the codes or revised statutes, but appear only in the session laws.

There are two types of severability provisions: severability clauses and nonseverability clauses. They have been used in bills to resolve the question of whether, when part of a statute is held to be invalid, the remainder of the statute is invalid. There is no practical need for severability clauses since Sections 311.032 and 312.013, Government Code, provide that all statutes are severable unless specifically declared otherwise. However, severability clauses still occasionally appear in bills.

Nonseverability clauses are used to make it clear that parts of a statute are meant to be treated together and rise and fall together under a constitutionality challenge. There are general nonseverability clauses, which declare that none of the provisions of an act are severable, and special nonseverability clauses, which declare that specific provisions are not severable.

SECTION 3. NONSEVERABILITY. Section 1 of this Act, prohibiting the manufacture of widgets without a license, and Section 2 of this Act, imposing a tax on the manufacture of widgets, are not severable, and neither section would have been enacted without the other. If either provision is held invalid, both provisions are invalid.

(See Section 3.13 of the Texas Legislative Council Drafting Manual for a complete discussion of severability and nonseverability clauses.)

A saving provision “saves” from the application of a law certain conduct or legal relationships that occurred before or existed on the effective date of the law. The most common saving provision applies to criminal or civil offenses:

SECTION 9. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

A transition provision provides for the orderly implementation of legislation to avoid the confusion that can result from an abrupt change in the law. A common type of transition provision provides instruction for the transfer of powers and duties from one agency to another; another common type directs an agency to adopt rules or procedures required by a general substantive provision. Both can be found in the following example:

SECTION 5.03. . . . (b) In accordance with the transition plan developed by the Texas Department of Transportation and the Texas Department of Licensing and Regulation under Subsection (a) of this section, on January 1, 2008:

(1) all functions and activities performed by the Texas Transportation Commission and the Texas Department of Transportation relating to tow trucks, towing operations, or vehicle storage facilities immediately before that date are transferred to the Texas Department of Licensing and Regulation;

SECTION 5.04. Not later than April 1, 2008, the Texas Commission of Licensing and Regulation shall adopt rules relating to an original application for a permit or license under Chapter 2303, Occupations Code, as amended by this Act, and Chapter 2308, Occupations Code, as added by this Act.

The Texas Constitution provides that a law may not take effect “until ninety days after the adjournment of the session at which it was enacted” unless the legislature provides for an earlier effective date by a vote of two-thirds of the membership. There are six basic types of effective date provisions: immediate effect, a specific effective date before the 91st day, a specific effective date after the 91st day, an effective date contingent on an event or expiration of a period of time, an effective date contingent on passage of another bill or constitutional amendment, and an effective date contingent on an appropriation. Additionally, parts of a single bill may take effect on different dates. Occasionally, a bill will have no effective date provision; in that case, it is effective on the 91st day after adjournment. (See Section 3.14 of the Texas Legislative Council Drafting Manual for a more thorough discussion of effective date provisions.)

A bill also occasionally has an “emergency clause.” The need to include an emergency clause in a bill was eliminated by constitutional amendment in 1999, so it may be ignored if it appears.

How to Read a Bill

Scanning the substantive provisions of a bill for certain features can provide valuable information quickly, in much the same way that the caption informs you about a bill’s general subject matter.

- Check to see if the bill is adding new language, amending existing language, or both, by looking for underlined or stricken and bracketed language. If you are reading the session laws, new language is indicated by italics rather than underlining. Without even reading for comprehension, simply noticing the amount and placement of underlining or italics and bracketing will give you an idea of the bill’s complexity. If the bill intersperses new language, such as individual words or qualifying phrases, throughout an amendable unit, the bill may be more difficult to understand than a bill that simply adds an entire new section or subchapter. This does not necessarily mean that the subject matter or effect of the bill is more complicated, but what the bill is doing may be less apparent.
- Look for definitions. This can help determine the scope of a bill and provide clues about its focus. What agencies or entities are involved? Is the bill directed at a particular group?
- Scan the amendatory language (recital) for each bill section. Is the bill adding or amending just one section or article of the statutes? Is it adding or amending a subsection? Is it adding an entire subchapter or chapter? Is it making a series of similar changes to sections in different codes or different chapters of one code?
- Check for repealers. What provisions is the bill repealing? How many repealers are there? Is the bill replacing one chapter or subchapter with another?
- Refer to the surrounding statutes to put the bill or bill section in context. The following is an interpretation of a bill without reference to the statutes:

A health care provider forfeits its claim for reimbursement if the payment claim is filed later than the 95th day following the date on which the health care services were provided.

The following is an interpretation of the same bill after referring to the statutes:

A workers’ compensation health care provider forfeits its claim for reimbursement for health care services provided to an injured employee if the payment claim is filed later than the 95th day following the date on which the health care services were provided.

In many cases you will recognize much of what the bill is doing after following these steps. As examples, let’s review three bills. Our first example is House Bill 3378, Acts of the 77th Legislature, Regular Session, 2001.

H.B. No. 3378

A BILL TO BE ENTITLED
AN ACT

relating to composition of the Texas Department of Mental Health and Mental Retardation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 532.001(b), Health and Safety Code, is amended to read as follows:
(b) The department also includes community services operated by the department and the following facilities:

- (1) the central office of the department;
- (2) the Austin State Hospital;
- (3) the Big Spring State Hospital;
- (4) the Kerrville State Hospital;
- (5) the Rusk State Hospital;
- (6) the San Antonio State Hospital;
- (7) the Terrell State Hospital;

- (8) the North Texas State Hospital;
- (9) the Abilene State School;
- (10) the Austin State School;
- (11) the Brenham State School;
- (12) the Corpus Christi State School;
- (13) the Denton State School;
- (14) the Lubbock State School;
- (15) the Lufkin State School;
- (16) the Mexia State School;
- (17) the Richmond State School;
- (18) the San Angelo State School;
- (19) the San Antonio State School;
- (20) [the Amarillo State Center;
- [(21) the Beaumont State Center;
- [(22)] the El Paso State Center;
- (21) [(23) the Laredo State Center;
- [(24)] the Rio Grande State Center; and
- (22) [(25)] the Waco Center for Youth.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

House Bill 3378 is fairly simple to assess by employing the scanning techniques. The caption clearly establishes that the bill relates to the composition of the Texas Department of Mental Health and Mental Retardation. The amended statute is simply a list of facilities that are included in the department. The underlining and bracketing should immediately indicate that facilities are being removed from the list.

In essence, House Bill 3378 amends the Health and Safety Code to remove the Amarillo State Center, the Beaumont State Center, and the Laredo State Center from the list of facilities included in the Texas Department of Mental Health and Mental Retardation.

Our next example is House Bill 2724 from the 80th Legislature.

H.B. 2724

A BILL TO BE ENTITLED
AN ACT

relating to the hours for the wholesale delivery or sale of beer in certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 105, Alcoholic Beverage Code, is amended by adding Section 105.052 to read as follows:
Sec. 105.052. SALE OF ALCOHOL BY DISTRIBUTOR'S LICENSEE IN CERTAIN METROPOLITAN AREAS. In addition to the hours specified for the sale of alcohol in Section 105.05(b), the holder of a general, local, or branch distributor's license whose premises is located in a county with a population of 1.8 million or more or in a county adjacent to a county with a population of 1.8 million or more may sell, offer for sale, or deliver alcohol beginning at 4 a.m. on any day except Sunday.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

You can learn what the bill is about just from scanning the caption and the section heading to Section 105.052, Alcoholic Beverage Code. The caption tells you that the bill will affect the hours for the wholesale delivery or sale

of beer in certain counties. You may infer from this that the bill will either extend or reduce the hours during which wholesale delivery or sale of beer can occur. Note the use of the word “certain” in the caption and the section heading. This is a keyword alerting you to the fact that the bill will not affect all counties, and those affected will be defined or described in the bill.

Now note that the added statutory language begins with “in addition to the hours” Clearly the bill is adding to the hours during which wholesale delivery or sale of beer can occur. So now you have two items to look for in the body of the bill when you read for comprehension: the counties to which the bill applies and the new hours during which delivery or sale can occur.

Also note that the new hours are in addition to the hours specified in Section 105.05(b), Alcoholic Beverage Code. When you read for comprehension, you should read that section to obtain even more context for the changes made by the bill.

(b) A person may sell, offer for sale, or deliver alcohol between 7 a.m. and midnight on any day except Sunday. On Sunday he may sell beer between midnight and 1:00 a.m. and between noon and midnight, except that permittees or licensees authorized to sell for on-premise consumption may sell alcohol between 10:00 a.m. and noon if the alcohol is served to a customer during the service of food to the customer.

In summary, House Bill 2724 amends the Alcoholic Beverage Code to authorize the holder of a general, local, or branch distributor’s license whose premises is located in a county with a population of at least 1.8 million or in a county adjacent to such a county to sell or deliver beer beginning at 4 a.m. on any day except Sunday. This is in addition to any other period during which the sale or delivery of beer is authorized.

Now let’s review a slightly more difficult bill, Senate Bill 1613 from the 80th Legislature.

S.B. No. 1613

A BILL TO BE ENTITLED
AN ACT

relating to the payment of damages awarded against members of local governments, including directors of soil and water conservation districts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 102.001, Civil Practice and Remedies Code, is amended to read as follows:
Sec. 102.001. DEFINITIONS. In this chapter:

(1) “Employee” includes an officer, volunteer, or employee, a former officer, volunteer, or employee, and the estate of an officer, volunteer, or employee or former officer, volunteer, or employee of a local government. The term includes a member of a governing board. The term does not include a county extension agent.

(2) “Local government” means a county, city, town, special purpose district, including a soil and water conservation district, and any other political subdivision of the state.

SECTION 2. The amendment by this Act of Section 102.001, Civil Practice and Remedies Code, is intended to clarify rather than change the existing law.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

Two things about Senate Bill 1613 should stand out immediately. First, the caption explains that the bill relates to the payment of damages awarded against certain members of local governments. Notice that the bill achieves its purpose

by amending the definitions section of Chapter 102, Civil Practice and Remedies Code. To fully understand Senate Bill 1613, you need to read the surrounding statutes. What are the damages to which the bill refers? What is the subject matter of Chapter 102? You should look up that chapter and, at the very least, read through the subchapter and section headings to understand the context of the bill.

Second, note that the bill is not actually making a change in the law. The statement of intent in SECTION 2 makes that clear. This is a rare example. The bill's single purpose is to clarify the law.

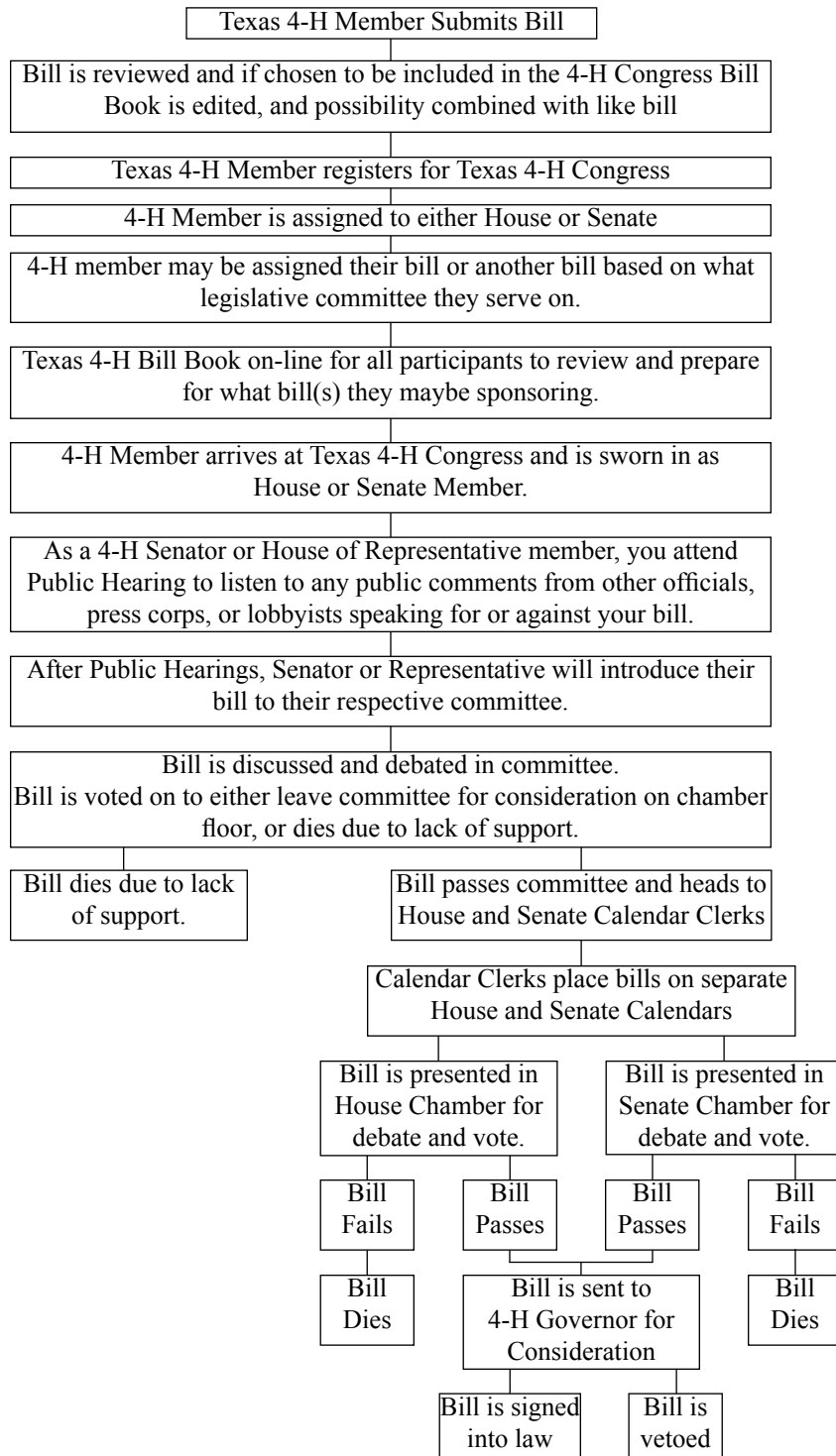
Senate Bill 1613 clarifies that the authority of a local government to pay actual damages awarded against one of its employees and to provide legal counsel in a suit for such damages may be exercised by a soil and water conservation district on behalf of a member of the district's governing board.

This publication is a basic guide to an overall method of reading and understanding a bill. The examples we've used are fairly typical and a good starting point, but this publication is not intended to provide an answer to every question you may have, or to cover every scenario you may encounter, as a reader. For a more comprehensive guide to understanding and analyzing the codes and legislative documents, the reader may refer to the Texas Legislative Council Drafting Manual, available online at: <http://www.tlc.state.tx.us/legal/dm/draftingmanual.pdf> or in hard copy from the council's document distribution office at (512) 463-1144.

How Texas 4-H Congress Works

In the prior sections it has been explained how the Texas House of Representatives and Senate write, submit, debate and decide on bills. Because the Texas State Legislature meets for a period of several months they have more time to dedicate to each bill. Due to the fact that Texas 4-H Congress is only seventy-two hours, the process that a bill follows is much abbreviated, but yet similiar in some form. This section will help a 4-H member develop an understanding of how to develop a bill for Texas 4-H Congress, as well as know what to expect if they decide to attend Texas 4-H Congress as a delegate.

The Texas 4-H Congress Process



Beginning with the 2010 Texas 4-H Congress, a 4-H member or group, regardless if they are planning on attending Texas 4-H Congress, can submit a bill for the bill book. This allows all 4-H members to have a learning experience in the civic education process.

Researching an issue for a Texas 4-H Congress Bill

Texas 4-H Congress is a mock legislative event that allows the young people of Texas to experience and learn first-hand the legislative bill process. This process can include gaining knowledge of what laws and regulations are currently in place, and those laws that would help make Texas a better place to live. The strength of the event comes from the quality of the bills that are submitted for consideration by the 4-H members. Therefore, 4-H members are encouraged to plan ahead, research, and prepare for the event.

In preparing to develop and write a bill it is important to research a topic that is personal, yet it is an issue that is affecting the citizens of Texas. This could include topics in the area of education, public health and safety, highways and transportation, judiciary (court system), government finance and appropriations, or the environment. In researching a topic, it should be seen if an existing law or regulation is already in place that addresses the issue. If a law is not currently in enforce, then information on the cost of enacting a law, who would enforce it, and to what levels should the penalty be for those not abiding by the law will need to be researched and decided on. Each of these factors should be in line with other like laws and regulations.

As a 4-H member researches a specific bill or issue it is important to remember that Texas 4-H Congress is addressing issues affecting Texas. Issues that are more nationally or global should not be submitted as a bill due to the lack of the state government not being able to enforce federal laws.

All research done for a bill should be from research based sources. While personal situations can help establish the purpose of the bill, research supporting the need, the enforcement, and penalties should all come from sources that can be documented as being research based.

Preparing a Bill for Texas 4-H Congress

Once the research has been completed, the bill is ready to be written. For the purpose of Texas 4-H Congress, the following parts should be included in the bill:

- **Caption:** serves as an immediate explanation of the bill's subject matter. Should be no more than one sentence.
- **Main Object or Purpose of Bill:** this helps the reader understand the purpose of the bill, the main principle of the bill, and how important it is to the health and well-being of the state. The purpose should be no more than three or four sentences in length.
- **Definitions of Key Terms included in bill:** the author of the bill should provide a definition of terms that are used in the bill that need to be explained so the terminology supports and clarifies the purpose and intent of the bill. Definitions should be kept to one or two sentences per definition, if possible.
- **Penalties or Punishment for the Bill:** the author will need to define and list the level of the punishment (felony, misdemeanor, etc) and the level of the fines for each of the punishment levels. Penalties and punishment should be in line with similar or like laws already in place.
- **Funding Provisions for the Bill:** a detailed description should be written into the bill for any expenses it will take to enact or enforce, and where those funds will come from. If the law will generate funds, where and who (agency/department/office) will be responsible for managing the funds and/or program.

Special sections of the bill (this could be optional based on your bill)

- **Repeal of a Current Law:** based on research conducted by author it may be determined there is already a law or statute in place that needs to be repealed so this bill can take its place. This section will list the current law or statute that will be deleted. (Use actual Texas Statutes).
- **Special instructions about the enforcement and/or administration of the law:** If the bill becomes a law

are there any special rules or guidelines that will be necessary to put in place to enforce or manage the law. If so, please describe in a brief paragraph form any instructions.

Below is a sample of a bill that will be presented for consideration during Texas 4-H Congress

By: Yianitsas, Austin County	H.B. 145
By: Hill, Castro County	S.B. 245
A BILL TO BE ENTITLED AN ACT	
non-edible plant bio-fuels.	Caption
BE IT ENACTED BY THE 4-H LEGISLATURE OF THE STATE OF TEXAS	
Section 1. This act shall ensure that all bio-fuels are created from non-edible plant materials, so that all edible plant materials can be used solely for human consumption, and are not limited in product quantity.	Main Objective/Purpose
Section 2. Definitions: A. Bio-Fuels: Mixture of volatile, flammable hydrocarbons derived from plant material or animal waste and used as fuel. Some long-exploited biofuels, such as wood, can be used directly as a raw material that is burned to produce heat.	Definitions
Section 3. Failure to comply will result in: 1st Offense: Immediate shutdown of the plant until action has been taken to correct the offense and it has been properly inspected. 2nd Offense: Will result in the loss of government funding.	Penalties & Punishment
Section 4. This act shall be funded by the state government in the amount of two million dollars.	Funding Provision
Section 5. All laws in conflict with this act are hereby repealed.	Repelling of any current laws.
Section 6. This act shall become effective upon passage by the legislature and approval by the Governor, or upon its otherwise becoming a law.	Special Instructions

Texas 4-H Congress Legislative Roles

GOVERNOR

The Governor is responsible for recommending certain bills he/she wishes to be passed, urging defeat of others, and approving or vetoing bills passed by the 4-H Legislature.

Specific duties are:

1. Review all bills in the 4-H Legislature Bill Book. Develop “package” or list of bills which he/she would like to see passed.
2. Make a brief (about 10 minutes) address to the joint session on first day which recommends the Governor’s program. This should be a persuasive address of what the governor would like to see passed and accomplished. May also use this as an opportunity to emphasize opposition to certain bills.
3. During the Legislative session, the Governor should observe the House and Senate sessions and committee meetings. The Governor may request the opportunity to speak briefly to the House and Senate separately on a particular bill. He/she should work closely with his floor leaders.
4. Shortly after the beginning of the Legislative session on Tuesday, the Governor will begin receiving bills which have passed both houses. The Governor shall immediately decide whether to: (a) Approve the bill by signing it or (b) Disapprove the bill by vetoing it.
5. The Governor signs bills which he/she approves and announces those which have been vetoed in the presence of the closing joint session in the House Chambers. The passed bills will be presented to a representative to the Governor’s Office.

LIEUTENANT GOVERNOR (PRESIDENT OF THE SENATE) and SPEAKER OF THE HOUSE

The presiding officer in each house is very important. He or she should be impartial and familiar with the rules of procedure.

In many ways, the presiding officer is like a “traffic cop” to ensure that there is a smooth flow of legislation. The basic duties are:

1. To maintain order in each house; to call the house to order; announce the business before the house.
2. To state the question before the house and to call for the vote. The presiding officer announces the vote, even though the votes are counted by the clerk of the house or secretary of the senate. It is the chair’s privilege to announce the result.
3. To sign all bills and resolutions which are to be sent to the Governor and which have passed the house.
4. The Speaker is a full member of the House and may vote on any question.
5. The Lieutenant Governor is not a member of the Senate and may vote only in the case of a tie.
6. If the Lieutenant Governor must leave his chair, the President pro tempore assumes it. The Speaker may designate a member to preside if he must leave his chair.

STATE SENATOR AND STATE REPRESENTATIVE

Every delegate will be a state senator, a state representative, or an appointed official during the 4-H Legislature.

The duties of a state senator and state representative are very similar. Your role is to represent the people of your geographic area, that is, your country, district and your state.

Duties are:

1. Read and be familiar with the bills detailed in the Texas 4-H Legislative Bill Book.
2. Try to decide which bills you feel strongly about. Think of good points to be made in debate for and against these bills.
3. Push hard to get your bill adopted in committee and adopted in the house and senate. Think of ways to get your bill adopted, what arguments to use, the members of the house and senate you need to talk with, and what motions you should make to get your bill considered.
4. Oppose strongly those bills which you think are bad and should be defeated. Oppose them in committees, on the floor, in discussions with individual members, etc.
5. Attend the committee meeting to which you are assigned.
6. Attend the sessions of the house to which you are assigned. Listen, participate, and help the good bills get passed; the bad ones defeated. Every representative or senator may speak only once on a particular bill unless there is no other debate on that bill.
 - 5 minutes - authorship and/or sponsorship speech
 - 3 minutes - regular debate
 - 2 minutes - summation speech by author

Special Note:

Members are reminded that the purpose of the 4-H Legislature is to learn how our State Legislature operates through participation

in a mock session. Congress delegates are not meeting to argue over technicalities in parliamentary procedure. Please keep in mind that time is limited and should be used to discuss the substance of bills, rather than minor details. Total debate time on a bill may also have to be limited. The presiding officer has the final say on all matters. Cooperation is necessary for a successful Texas 4-H Congress.

GOVERNOR'S FLOOR LEADERS

The Governor will have floor leaders in each house to communicate the governor's feelings on various bills. These floor leaders are members of the Texas 4-H Council that will also serve as chairman of the house and senate committees.

A floor leader can vote, make motions, and do everything else a legislator can since he or she is a member of the legislature. In addition, the floor leaders will:

1. Participate in debate on various bills, indicating those bills which are supported strongly or opposed strongly by the governor.
2. When the governor wishes to speak to one of the houses on some of the legislation, one of the floor leaders will seek recognition and say:
"Mr. (or Madam) Speaker (or Mr./Madam President in the Senate), I do hereby move that the House (or Senate) stand in recess to await an address by the Governor."

SERGEANT-AT-ARMS

The sergeant-at-arms is responsible for securing the attendance of the representatives/senators, enforcing order on the floor, maintaining the decorum of the House/Senate Chambers and assisting all officers in carrying out their administrative functions. The sergeant's office may utilize a staff of assistant sergeants, and House/Senate pages and porters.

The sergeant's office distributes supplies, materials, and mail; assists the senatorial/representative offices with their statewide mailing and maintains an inventory of equipment and supplies.

SECRETARY OF THE SENATE and CLERK OF THE HOUSE

While the Secretary of the Senate and Clerk of the House are not members of their respective houses and therefore cannot vote, they are important. They handle the paperwork of each house. They are in charge of all assistant clerks and the reading clerks.

Their duties are:

1. To keep the original copies of bills in proper order to be taken up by the house according to the calendar.
2. To properly mark on the original copy of a bill the action taken by the house.
3. To sign the messages to the other house.
4. To inform the presiding officer of the results of a vote so that the presiding officer may announce the result. The announcement of the results is the duty of the presiding officer; the clerk/secretary informs the presiding officer.
5. To maintain a journal of proceedings of what has happened in the house.
6. On division of the house votes, to direct the counting of the votes.

READING CLERK

The Secretary of the Senate and Clerk of the House in the 4-H Legislature shall also serve as reading clerk.

The primary duty is to read the short titles of the bills and resolutions, to read messages from the governor and from the other house, and to call the roll. A good reading voice and ability is essential.

The reading clerk is not a member of either house and cannot vote.

JOURNAL CLERK

The journal clerk in the house and the senate serves directly under the house clerk and secretary of the senate, respectively. The basic duties are to keep a running record of the actions of each house by noting the motions made, the votes taken, the messages received. A journal will be provided for this purpose.

The clerk does not take down the contents of the debate, that is, who expressed this opinion and that opinion. Rather, the journal is a record of the official actions:

- bills introduced
- names of senators or representatives who speak for or against a bill
- messages received from the Senate, House, Governor, etc.
- reports made by committees, etc.
- At the close of the session, the journal clerk compiles the permanent journal of the current 4-H legislature including bills considered and action taken.

CALENDAR CLERK

The Calendar Clerk in the house and in the Senate serves directly under the House Clerk and the secretary of the senate, respectively.

The primary duty is to prepare and distribute a “calendar” or order of business for each day the House and Senate is in session. The “calendar” includes the chronological order of bills and resolutions reported favorably by standing committees.

The Calendar Clerk also acts as custodian of all House/Senate bills after they are introduced and until they are finally passed or failed. After signing by the presiding officers, bills or resolutions are sent to the other house or presented to the Governor.

PRESS CORPS

Members of the press corps have the responsibility of reporting the actions of the different areas of the Texas 4-H Legislative in a daily newspaper. In addition to preparing the daily newspaper, press corps members will work jointly with Technology Team in getting information, photographs, and updates posted to the Texas 4-H Congress website in a timely manner.

Press corps members are not considered members of the legislature and during the sessions will not have access to the floor.

LOBBYISTS

Lobbyists serve an important role in the direction of bills during Texas 4-H Congress. As a group, Lobbyists will select certain bills to lobby for their passage, or failure during Texas 4-H Congress. By means of explaining the positives and negatives of particular bills through discussions at the public hearings, messages to the members, the lobbyists reception, and individual conversations the Lobbyist will persuade members to vote in certain directions.

Legislative Glossary

From: Guide to Texas Legislative Information

Act—A public law enacted by the Texas Legislature. A bill that has been passed by both houses of the legislature and presented to the governor becomes law if it is signed by the governor, if it is not signed by the governor within a specified period of time, or if the governor vetoes the bill and the veto is overridden by a two-thirds vote in each house.

Action —A description of a step that a bill undergoes as it moves through the legislative process.

Adjournment—The termination of a meeting. Adjournment occurs at the close of each legislative day upon completion of business, with the hour and day of the next meeting set before adjournment. (See Recess.)

Adjournment sine die—See Sine die.

Adoption—Approval or acceptance; usually applied to amendments or resolutions.

Advice and consent—Procedure by which the senate gives approval or confirms appointments made by the governor to state offices.

Amendment—Any proposed alteration to a bill or resolution as it moves through the legislative process. Amendments to a measure can be proposed by members in their assigned committees or by any member of a chamber during that chamber’s second reading or third reading consideration of the measure.

Apportionment—The proportionate distribution of elected representation in the U.S. Congress among the states.

Appropriation—An authorization by the legislature for the expenditure of money for a public purpose. In most instances, money cannot be withdrawn from the state treasury except through a specific appropriation.

Author—The legislator who files a bill and guides it through the legislative process.

Bicameral—Used to refer to a legislature consisting of two houses, such as the house of representatives and the senate.

Biennial—Occurring every two years; a term applied to the scheduled regular session of the legislature.

Bill—A type of legislative measure that requires passage by both chambers of the legislature and action by the governor. A bill is the primary means used to create and change the laws of the state. The term “bill” also is used generically in TLIS on the legislative intranet and in TLO on the Internet to refer to the various types of legislative measures that may be introduced during a legislative session. Bill types include: senate and house bills, senate and house joint resolutions, senate and house concurrent resolutions, and senate and house resolutions.

Bill analysis—A document prepared for all bills reported out of committee that explains in nonlegal language what a bill will do. A bill analysis may include background information on the measure, a statement of purpose, and a detailed analysis of the content of the measure.

Bipartisan—A term used to refer to an effort endorsed by both political parties or a group composed of members of both political parties.

Calendar—A list of bills or resolutions that is scheduled or eligible to be taken up for consideration on a specified date by the members of a chamber.

Calendar day—A day of the year on which the legislature may be in session.

Called session—See Session.

Caption—A statement that gives the legislature and public reasonable notice of the subject of a bill or resolution. For bills and joint resolutions, the first sentence of the text that summarizes the contents of the bill or resolution. For other types of resolutions, a brief description of the contents of the resolution.

Chair—A legislator appointed to preside over a legislative committee. A traditional designation for the member currently presiding over a house of the legislature or one of its committees.

Chamber—The place in which the senate or house of representatives meets. Also a generic way to refer to a house of the legislature.

Chief clerk—The chief administrative officer of the house of representatives, who supervises the legislative departments of the house. The chief clerk is the custodian of all bills and resolutions in the possession of the house and is responsible for keeping a complete record of their introduction and all subsequent house actions taken on them throughout the legislative process.

Coauthor—A legislator authorized by the primary author to join in the authorship of a bill or resolution. A coauthor must be a member of the chamber in which the bill was filed.

Committee—A group of legislators, appointed by the presiding officer of the house or the senate, to which proposed legislation is referred or a specific task is assigned.

Committee report—The text of a bill or resolution and its required attachments that is prepared when the measure is reported from a committee for further consideration by the members of the chamber. The committee report includes the recommendations of the committee regarding action on the measure by the full house or senate and generally is necessary before a measure can proceed through the legislative process.

Committee substitute—A complete, new bill or resolution recommended by a committee in lieu of the original measure. A committee will report a committee substitute rather than a bill with a large number of individual amendments when the committee wishes to make a substantial number of changes to the original measure. The committee substitute must contain the same subject matter as the original measure.

Companion bill—A bill filed in one chamber that is identical or very similar to a bill filed in the opposite chamber. Companion bills are used to expedite passage as they provide a means for committee consideration of a measure to occur in both houses simultaneously. A companion bill that has passed one house then can be substituted for the companion bill in the second house.

Concurrence—When the originating chamber votes to accept, or concur in, the amendments made by the opposite chamber.

Concurrent resolution—A type of legislative measure that requires passage by both chambers of the

legislature and generally requires action by the governor. A concurrent resolution is used to convey the sentiment of the legislature and may offer a commendation, a memorial, a statement of congratulations, a welcome, or a request for action by another governmental entity. (Concurrent resolutions are used also for administrative matters that require the concurrence of both chambers such as providing for adjournment or a joint session. These types of concurrent resolutions do not require action by the governor.)

Conference committee—A committee composed of five members from each chamber appointed by the respective presiding officers to resolve the differences between the house and senate versions of a measure when the originating chamber refuses to concur in the changes made by the opposite chamber. On reaching an agreement, the conferees issue a report that then is considered for approval by both chambers.

Conference committee report—The text of a bill and its required attachments that is issued when a conference committee has completed its work in resolving the differences between the house and senate versions of a measure.

Congratulatory and Memorial Calendar—A list of congratulatory and memorial resolutions scheduled by the House Committee on Rules and Resolutions for consideration by the house that must be distributed to the members 24 hours before the house convenes.

Constituent—A citizen residing within the district of an elected representative.

Constitutional amendment—A change to the state constitution. A constitutional amendment can be proposed by the legislature in the form of a joint resolution that must be adopted by both houses of the legislature by a two-thirds vote and be approved by a majority of the voters to become effective.

Convene—To assemble or call to order the members of a legislative body.

Cosponsor—A legislator who joins with the primary sponsor to guide a bill or resolution through the legislative process in the opposite chamber. A cosponsor must be a member of the opposite chamber from the one in which the bill was filed.

Council document number—The unique number assigned to a bill or resolution draft prepared by the Texas Legislative Council. If a filed bill or resolution has been prepared by the council, the number will appear in the lower left corner of the document.

Daily House Calendar—A list of new bills and resolutions scheduled by the House Committee on Calendars for consideration by the house that must be distributed to the members 36 hours before the house convenes during regular sessions and 24 hours before the house convenes during special or called sessions.

District (representative)—A geographic division of the state made on the basis of population and in accordance with conditions dictated by state and federal law for the purpose of equitable representation of the people in a legislative or other body.

Duplicate bill—A bill that is identical to a bill filed in the same chamber.

Election—The process of choosing government officials by a vote of the citizens.

Enact—To pass a law.

Enacting clause—A clause required by the Texas Constitution to precede the body of each bill. The enacting

clause follows the caption and must read as follows: “Be it enacted by the Legislature of the State of Texas:”.

Engrossed—The stage in a bill’s legislative progress when it has been passed by the chamber in which it was filed and all amendments to the bill have been incorporated into the text of the bill, which is then forwarded to the second chamber for consideration.

Enrolled—The stage in a bill’s legislative progress when it has been passed by both chambers of the legislature in identical form and is prepared for signature by the presiding officers of both chambers. If the bill is not passed in identical form by both chambers, any changes made by the opposite chamber must be accepted by the originating chamber or a conference committee report must be adopted by both chambers before the bill can be enrolled.

Ex officio—Used to refer to a member of a governmental body who holds his or her position on that body as the result of holding another governmental position.

Filed—The stage in a bill’s legislative progress when it is given a bill number and introduced into the legislative process. Members of the house of representatives file bills with the chief clerk of the house. Senators file bills with the secretary of the senate.

First reading—See Reading.

Fiscal note—An estimate, prepared by the Legislative Budget Board, of the probable costs that will be incurred as an effect of a bill or joint resolution.

Fiscal year—A 12-month period at the end of which accounts are reconciled. The fiscal year for state agencies in Texas begins on September 1 of each year and ends on August 31 of the following year.

Floor—A traditional term for the meeting hall of either chamber.

Floor action—Action taken by either chamber on a bill reported by a committee. Subject to rules adopted by the respective chamber, its members may propose amendments, enter debate, seek to promote or prevent a bill’s passage, and vote on its final passage in that chamber.

Formal meeting—A meeting of a house committee or subcommittee during which official action may be taken on any measure or matter before the committee or subcommittee.

Gerrymander—To divide a state, county, or other political subdivision into election districts in an unnatural manner to give a political party or ethnic group advantage over its opponents. **House of representatives**—The lower chamber of the Texas Legislature, consisting of 150 members elected from districts of roughly equal population, all of whom are elected every two years for two-year terms.

Intent Calendar—A list of bills and resolutions for which senators have filed with the secretary of the senate written notice to suspend the regular order of business for consideration. Normally, a bill may not be brought up for consideration by the full senate unless it is listed on the Intent Calendar.

Interim—The period between regular legislative sessions.

Interim committee—A group of legislators appointed by the presiding officer of the house or senate when the legislature is not in session that studies a particular issue or group of issues for the purpose of making

recommendations to the next legislature.

Introduced—Used to refer to the version of a bill or resolution as it was filed in the house or the senate.

Joint committee—A committee composed of members from each chamber appointed by the respective presiding officers. Joint committees normally are created by special proclamation issued by the speaker and lieutenant governor for the purpose of studying a particular issue or group of issues when the legislature is not in session. Joint committees rarely, if ever, are created during a session, and house and senate rules do not permit bills and resolutions to be referred to a joint committee.

Joint resolution—A type of legislative measure that requires passage by both chambers of the legislature but does not require action by the governor. A joint resolution is used to propose amendments to the Texas Constitution, to ratify amendments to the U.S. Constitution, or to request a convention to propose amendments to the U.S. Constitution. Before becoming effective, the provisions of joint resolutions proposing amendments to the Texas Constitution must be approved by the voters of Texas.

Journal—The official publication that records the legislative proceedings of each chamber, including record vote information. The journal of each chamber is printed daily in pamphlet form and subsequently compiled and indexed for publication in bound volumes after the conclusion of a regular or special session of the legislature.

Lame duck—An elected official who has been defeated for reelection or who has chosen not to run for reelection but whose current term has not yet expired.

Last action—The description of the most recent step a bill has gone through in the legislative process.

Legislative day—The period from convening after an adjournment until the next adjournment. The house or the senate may convene for a daily session in the morning, recess for lunch, and adjourn that same evening, completing a legislative day on the same calendar day. However, if a chamber recesses at the end of the day, that particular legislative day continues until the next time the chamber adjourns.

Legislature—The lawmaking body of the State of Texas. It consists of two chambers, the house of representatives and the senate. The Texas Legislature convenes in regular session at noon on the second Tuesday in January of each odd-numbered year for no more than 140 days.

List of Items Eligible for Consideration—Prepared by the chief clerk of the house, on request of the speaker, when the volume of legislation warrants (normally during the last few weeks of a regular session). The list must be distributed six hours before it may be considered and contains: (1) house bills with senate amendments eligible to be considered; (2) senate bills for which the senate has requested the appointment of a conference committee; and (3) conference committee reports eligible to be considered.

Lobby—The act of a person or group of persons (lobbyists) seeking to present their views on an issue to the members of the legislature and its committees and working for the passage or defeat of proposed legislation.

Local and Uncontested Calendar—A list of local or noncontroversial bills scheduled by the Senate Committee on Administration for consideration by the senate that must be distributed to the senators by noon of the day preceding the day the calendar is to be considered.

Local, Consent, and Resolutions Calendar—A list of local or noncontroversial bills scheduled by the House Committee on Local and Consent Calendars for consideration by the house that must be distributed to the

members 48 hours before the house convenes.

Majority—A number of members that is greater than half of the total membership of a group and that has the power to make decisions binding on the whole. There are two types of majorities that may be required for legislative approval of bills and other actions—a simple majority and an absolute majority. A simple majority consists of more than half of those members present and voting. An absolute majority consists of more than half of those members entitled to vote, whether present or absent.

Motion—A formal suggestion presented to a legislative body for action by one of its members while the body is meeting.

Nonpartisan—Free from party domination.

Omnibus bill—A bill regarding a single subject that combines many different aspects of that subject.

Override—To set aside or annul, as to override a veto.

Pairing—A procedure for voting whereby, under a formal agreement between two members, a member who will be present for a vote agrees with a member who will be absent for a vote that the member who is present will not vote but will be “present, not voting.” When two members are paired, the journal reflects how each member would have voted. Two members may be paired only if one would have voted “aye” and one would have voted “nay” on a particular measure or motion.

Passage—Approval of a measure by the full body.

Point of order—A motion calling attention to a possible breach of the procedural rules.

Prefiling—Filing of bills and other proposed legislation before the convening of a session of the legislature.

President of the senate—The presiding officer of the senate. The state constitution provides that the lieutenant governor serves as the president of the senate.

Privilege of the floor—Permission to view the proceedings from the floor of the chamber rather than from the public gallery.

Pro tempore or pro tem—Temporarily; literally, “for the time.” The term is used particularly to apply to a temporary presiding officer of either the house or the senate.

Public hearing—A meeting of a house or senate committee or subcommittee during which public testimony may be heard and formal action may be taken on any measure or matter before the committee or subcommittee.

Quorum—The number of members required to conduct business. Two-thirds of the elected members constitute a quorum in each chamber. A majority of the appointed members of a committee forms a quorum for the purpose of conducting committee business.

Reading—The presentation of a bill before either chamber by the recital of the caption of the bill. The Texas Constitution requires that every bill be read in each chamber on three separate days. Until a bill is finally passed, it will be in the process of a first, second, or third reading. The first reading of a bill is the point in the process when the bill is referred to committee by the appropriate presiding officer. The second reading of

a bill is the first point in the process when the entire membership of a chamber has the opportunity to debate the bill and amend it by majority vote. The third reading of a bill is the next point in the process when the entire membership of a chamber may debate a bill and the final opportunity the members of a chamber have to offer amendments to the bill.

Recess—A temporary termination of a meeting. Recesses are called for short breaks (e.g., for lunch or dinner) or occasionally at the close of a daily session to allow the legislative day to continue into the next calendar day. (See Adjournment.)

Reconsideration—A procedure by which the house, senate, or one of its committees may, after approval by majority vote, repeat the vote on an action previously taken to either annul or reaffirm the action.

Record vote—A listing of the individual vote of each member of a committee or the full house or senate on a particular motion or measure.

Redistricting—A geographical division of the state into congressional, state representative, senatorial, or other legislative districts on the basis of the relative distribution of the state's total population. District boundaries must be redrawn every 10 years following the publication of the U.S. census to ensure that districts have approximately equal population.

Regular session—See Session.

Resolution—A formal expression of opinion or decision, other than a proposed law, that may be offered for approval to one or both chambers of the legislature by a member of the house or senate.

Second reading—See Reading.

Secretary of the senate—The chief administrative officer of the senate, responsible for the day-to-day operations of the senate and its departments.

Senate—The upper chamber of the Texas Legislature, consisting of 31 members elected from districts of roughly equal population, one-half of whom are elected every two years for four-year terms.

Senate Agenda—The document prepared daily for the senators and the public that contains the following information: (1) the Intent Calendar; (2) a list of senate bills returned from the house with amendments; (3) the status of bills in conference committee; (4) the Local and Uncontested Calendar; (5) gubernatorial appointments reported favorably from the Committee on Nominations and awaiting confirmation by the senate; (6) committee hearings scheduled, with a list of measures to be considered by the committees; (7) the regular order of business, listing bills that have been reported favorably from committee; (8) miscellaneous announcements; (9) senate floor action from the previous day; (10) senate committee action from the previous day; and (11) morning call items of business.

Sergeant-at-arms—An officer of the house or senate charged with maintaining order and carrying out the directives of the presiding officers and the members.

Session—The period during which the legislature meets. There are two types of sessions. The regular session convenes every two years and may last no more than 140 days. A called session, commonly referred to as a special session, is so designated because it must be called by the governor. A called or special session may last no more than 30 days.

Simple resolution—The type of legislative measure that is considered only within the chamber in which it is filed. It can offer a commendation, a memorial, a statement of congratulations, a welcome, or another statement of legislative sentiment.

Sine die—Literally, “without day.” The term is used to signify the final adjournment of a session of a legislative body. The body adjourns sine die when it adjourns without appointing a day on which to appear or assemble again.

Speaker of the house—The presiding officer of the house of representatives elected from and by the membership of the house at the beginning of each regular session.

Special session—See Session.

Sponsor—The legislator who guides a bill through the legislative process after the bill has passed the originating chamber. The sponsor must be a member of the opposite chamber of the one in which the bill was filed.

Standing committee—A committee created in the rules of either chamber that meets during the legislative session or an interim to consider and report on measures referred or tasks assigned to it by the respective presiding officers.

Subcommittee—A group of committee members, appointed by the chair of a committee of the house or the senate, to which proposed legislation is referred or a specific task is assigned.

Supplemental House Calendar—The primary agenda followed by the house during its deliberations. It is prepared by the House Committee on Calendars and is required to be distributed two hours before the house convenes. The Supplemental House Calendar contains: (1) measures passed to third reading on the previous day; (2) measures on the Daily House Calendar for a previous day that were not reached for consideration; (3) measures on the Daily House Calendar for the current day; and (4) postponed business from a previous day.

Third reading—See Reading.

Veto—The rejection of an enrolled bill by the governor.

Voice vote—A vote during which the presiding officer will request the members who are voting in favor of a measure or motion to respond collectively by saying “aye” and those who are voting against the measure or motion to respond collectively by saying “nay.” **Work session**—A meeting of a house committee or subcommittee during which the members may only discuss measures or matters before the committee or subcommittee. Public testimony cannot be heard and formal action cannot be taken during a work session.