A Special Session Primer

BY THE RPT LEGISLATIVE COMMITTEE
Recap of Regular Session
Recap of Regular Session

Bills Relating to RPT Priorities that have gone to the Governor:

- **SB 16**  Nichols/Huffman
  Relating to the removal of a fee for the issuance of an original, duplicate, modified, or renewed license to carry a handgun.
  *Signed by the Governor; Effective 9/1/17*

- **SB 8**  Schwertner | Campbell | Kolkhorst | Nelson | Perry
  Relating to certain prohibited abortions and the treatment and disposition of a human fetus, human fetal tissue, and other tissue resulting from pregnancy; creating a civil cause of action; creating offenses.
  *Sent to Governor, 5/28*

- **HB SB 1*  Nelson**
  General Appropriations Bill
  *Sent to Governor, 6/1*
  (*SB1—the budget bill—the full amount from the 2015 budget is being authorized again for border security measures, totaling $800 million.*)
Recap of Regular Session

Bills Relating to RPT Priorities that have gone to the Governor:

- **SB21** Birdwell | Bettencourt | Campbell | Creighton | Hancock | Huffines | Perry | Seliger | Taylor, Larry
  Relating to the qualifications, duties, and limitations of Texas delegates to a convention called under Article V of the United States Constitution.
  *Signed by the Governor, effective immediately*

- **SB 4** Perry
  Relating to the enforcement by certain governmental entities of state and federal laws governing immigration and to the duties of law enforcement agencies concerning certain arrested persons.
  *Signed by the Governor, effective 9/1/2017*
  *Enacts Priority in its entirety*

- **HB 89** King, Phil | Goldman | Alvarado | Davis, Sarah
  Relating to state contracts with and investments in companies that boycott Israel.
  *Signed by the Governor, Effective 9/1/2017*
Recap of Regular Session

Bills Relating to RPT Priorities that have gone to the Governor:

- **SB 24**  Huffman/Hancock
  Relating to a privilege from disclosure to governmental units for certain evidence concerning sermons delivered by a religious leader.
  *Signed by Governor, Effective immediately*

- **HB 3859**  Frank | Dale
  Relating to the conscience rights of certain religious organizations and individuals.
  *Sent to the Governor, 5/26*
Recap of Regular Session

Bills Relating to RPT Priorities that will be on the ballot this November:

- SJR 38  Estes
  Rescinding certain applications made by the Texas Legislature to the United States Congress to call a national convention under Article V of the United States Constitution for proposing any amendment to that Constitution.
  Passed Senate and House; Enrolled; Filed with Secretary of State, 5/16
  Will be on the ballot for Constitutional Amendment Election

- *SJR 2  Birdwell | Bettencourt | Campbell | Creighton | Hancock | Huffines | Perry | Seliger | Taylor, Larry
  Applying to the Congress of the United States to call a convention under Article V of the United States Constitution for the limited purpose of proposing one or more amendments to the constitution to impose fiscal restraints on the federal government, to limit the power and jurisdiction of the federal government, and to limit the terms of office of federal officials and members of Congress.
  Passed in the Senate and House; Enrolled; Filed with Secretary of State, 5/11
  Will be on the ballot for Constitutional Amendment Election
  *Enacts Priority in its entirety*
The Call for a Special Session
The Call for a Special Session

- A Special Session is a 30-day long legislative session. It may only be called for by the Governor.
- Lasts up to 30 days, no minimum amount of time.
- Only the items designated on the Governor’s call may be considered.
- All bills that don’t make it all the way through the process in the 30 days are considered dead.
- Governor can call another Special Session after those 30 days.
- The Legislative Council is already drafting bills.
- Pre-filing of the bills will likely start Monday, June 19th, and last through July 17th

“If I’m going to ask taxpayers to foot the bill for a special session, I intend to make it count.” -- Governor Abbott
The Call for a Special Session

Sunset Review Legislation:

- The first order of business will be to renew 5 state regulatory agencies, including the Texas Medical Board, that will lose their charters on Sept. 1st.

- Once this is accomplished, then the next 19 items are triggered...
The Call for a Special Session

- Teacher pay increase of $1,000
- Administrative flexibility in teacher hiring and retention practices
- School finance reform commission
- School choice for special needs students
- Property tax reform
- Caps on state and local spending
- Preventing cities from regulating what property owners do with trees on private land
The Call for a Special Session

- Preventing local governments from changing rules midway through construction projects
- Speeding up local government permitting process
- Municipal annexation reform
- Texting while driving preemption
- Privacy
- Prohibition of taxpayer dollars to collect union dues
- Prohibition of taxpayer funding for abortion providers
- Pro-life insurance reform
- Strengthening abortion reporting requirements when health complications arise
- Strengthening patient protections relating to do-not-resuscitate orders
- Cracking down on mail-in ballot fraud
- Extending maternal mortality task force
Rules regarding a Special Session
1) The Governor "may call at any time and for any reason, although he must state his purpose in the proclamation
calling the legislators to special session."

2) Texas Constitution Article 3, section 40 places no limitation on the number of topics a Governor can designate in
a special session proclamation. All topics need not be listed in a single proclamation: the governor many expand
his/her call to include additional topics at any time. (Legislation was allowed on 153 topics during the 43rd
Legislature, 1st Called Session and 72 topics during the 72nd Legislature, 2nd Called Session.)

3) Texas Constitution Article 3, section 40 limits special sessions to a maximum of thirty days but imposes no minimum.
(The 1st called session of the 38th Legislature met for only one hour. No legislation was enacted.)

4) Texas House leadership and committee appointments will remain the same but the House members will vote on
retaining the same rules they created in the regular session on the first day of the special session.

5) All legislation filed will receive new bill number assignments, even if it contains the exact same language as a bill
previously filed in the regular session.
Word of the Day!

- GERMANE — Relevant

Amendments are said to be germane or non-germane to a bill.
Special Session Rules

Germane-ness:

- Per the House parliamentarian, ANY bill may be filed, even if not germane. Those not germane to the Governor’s Call would, however, be subject to a point of order just like anything.

- However, a point of order is only called by the members—hence an ordinarily non-germane bill could *in theory* go through if no House member objected and called the point of order.
The Senate does not ordinarily use germaneness and points of order to kill bills, which likely explains why when a house bill goes to the Senate, the Senate often tacks on additional items that the House can either concur with or not.

If the two do NOT concur, and the two companion bills go to a “conference committee”, literally anything could happen...there are few if any rules that really restrict the conferees.
Another common point of order is what is called the One Subject Rule.

- This rule is in the House Rules (but is also specified in the Texas Constitution. However, it can often become a “who says” issue since the Parliamentarian/ Speaker determine the validity of the point of order.
- Again, this is contingent on a member actually calling the point of order.
Section 3. Limiting a Bill to a Single Subject — Each bill (except a general appropriations bill, which may embrace the various subjects and accounts for which money is appropriated or a revision adopted under Article III, Section 43, of the Texas Constitution) shall contain only one subject.

HOUSE PRECEDENTS
BILL CONTAINING MORE THAN SINGLE SUBJECT. — H.B. 2 with senate amendments, relating to the allocation of certain revenue from franchise taxes, motor vehicle sales and use taxes, and taxes on cigarettes and other tobacco products to provide property tax relief and public education, was called up for consideration. The speaker, Mr. Creddick, sustained a point of order that as amended by the senate H.B. 2 contained more than one subject. The ruling noted that, while latitude is given by courts in analyzing legislation for violation of the single-subject requirement of Article III, Section 30, of the constitution, legislation of this importance places a great duty of care upon the legislature to comply with that constitutional requirement and make every effort to ensure that no bill is passed that could reasonably be construed to violate that provision. The bill as it left the house had only one subject: the dedication of certain tax revenue to the reduction of school property tax rates. The senate amendment expanded the subject, authorizing the use of the dedicated funds for a second purpose in the form of an appropriation to the Texas Education Agency to increase funding to schools. This amendment effectively expanded the subject of the bill to include two subjects. The bill with senate amendments violated both Rule 8, Section 3, of the House Rules, and Article III, Section 30, of the constitution. 79 H.J. 3rd C.S. 236 (2006).
Other Terms to Remember:

- **Filibuster**-- a legislative procedure in the Senate where a bill is literally “talked to death.” If a lawmaker can keep the filibuster going until time runs out, a bill will die.
- **Chubbing**– basically the House equivalent of a filibuster.

Texas Legislative Glossary:

http://www.tlc.texas.gov/docs/legref/Glossary.pdf
What to Expect in the Special Session
RPT Priority: Replace Property Tax

Replace the property tax system with an alternative other than the income tax and require voter approval to increase the overall tax burden.

Call item related to priority:
▶ “Property Tax Reform”

Regular Session Bill Number related to call item:
▶ SB 2
RPT Priority: School Choice

Working to advocate for comprehensive school choice in a manner consistent with the RPT Platform.

Call item related to priority:
▶ “School Choice for Special Needs Students”

Regular Session Bill Number related to call item:
▶ HB 1335
RPT Priority: Abolition of Abortion

Abolish abortion by enacting legislation to stop the murder of unborn children; and to ignore and refuse to enforce any and all federal statutes, regulations, executive orders, and court rulings, which would deprive an unborn child of the right to life.

Call items related to priority:
▶ “Prohibition of taxpayer funding for abortion providers”
▶ “Pro-life insurance reform”
▶ “Strengthening abortion reporting requirements when health complications arise”
▶ (“Strengthening patient protections relating to do-not-resuscitate orders”)

Regular Session Bill Numbers related to call items:
▶ HB 1936
▶ HB 1113/SB 20
▶ HB 2962/SB 1602
▶ (HB 2063)
The 85th session had a total of 41 bills that address some aspect of eliminating abortion or regulating its practice in Texas. 14 bills in the Senate and 27 bills in the House.
RPT Priority: Religious Liberties

Protect the citizens of Texas from unlawful encroachments on their First Amendment rights, including Constitutional religious liberty and freedom of speech, and as specified in RPT Platform plank 153.

Call item related to priority:
▶ Privacy (Texas Privacy Act)

Regular Session Bill Number related to call item:
▶ SB 6, HB 2899
We followed many bills that pertained to our religious liberties during the regular 85th Legislative Session, and most didn't make it through both chambers. A few did make it as amendments on to other germane bills.

In short, the following two items on the governor's call could very well be amended to include some of the religious liberty bill language that wasn't passed during the regular session:
RPT Priority:
Protect Religious Liberties

- #1 Sunset legislation - Specifically, having to do with ethics.
- SUNSET—A process established in statute by which state agencies, boards, and commissions are regularly reviewed and reauthorized or eliminated.
- # 13 Privacy - Gov Abbott named House Bill 2899 - Simmons specifically during his press release.
More Resources

85TH LEGE INFO

Important Dates of the 85th Legislative Session

- Monday, November 14, 2016 — Start of legislation prefilin
- Tuesday, January 10, 2017 — 85th Session of Texas Legislature begins
- Friday, March 10, 2017 — Filing deadline for bills
- Monday, May 29, 2017 — Sine Die (last day of legislative session)
- Sunday, June 18, 2017 — Last day governor can sign or veto bills passed during regular session

Bill to Law
A Brief Review of How to Use TLO

TEXAS LEGISLATURE ONLINE
Bill: SB 1

Legislative Session: 85(R)

Last Action: 06/12/2017 Effective on 9/1/17

Caption Version: Introduced
Caption Text: General Appropriations Bill.

Author: Nelson

Sponsor: Zerwas

Subjects: State Finances–Appropriations (10746)

Senate Committee: Finance
Status: Out of committee
Vote: Ayes=15 Nay=0 Present Not Voting=0 Absent=0

House Committee: Appropriations
Status: Out of committee
Vote: Ayes=26 Nay=0 Present Not Voting=0 Absent=1

Senate Conference: Appointed (04/18/2017) Nelson (Chair) | Hinojosa | Huffman | Kolbhorst | Schwertner

House Conference: Appointed (04/20/2017) Zerwas (Chair) | Ashby | Davis, Sarah | Gonzales, Larry | Longoria

Actions: (descending date order)

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Monday, June 19, 2017

10:00 AM

Defense & Veterans’ Affairs

Type: Public Hearing   Location: See below
Live Broadcasts

House: Adjourned sine die

Tuesday, June 13th, 2017

Live streaming video is only available while the meeting is in progress.

Live and Archived video can be viewed on most desktop browsers and a range of popular mobile devices. For additional information on supported platforms, please view the minimum system requirements.

**Todays Events**

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Currently there are no upcoming events for today.
Texas Legislature Online

Senate Live Video Broadcasts

There are no live broadcasts to display at this time.

To watch one of today’s live streaming broadcasts, find your desired program to the left and click the “play” button. Today’s programs are listed by their scheduled start time.

If you experience problems or you have questions about streaming video broadcasts, please see our FAQ page. For a list of recommended system requirements, please see these video streaming suggestions.

You can find notifications of future public hearings and other Capitol events on our Hearings and Events page. If you missed a broadcast or would like to view a program again, you may access the complete archive at the...
Texas Legislature Online

capitol.state.tx.us