

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

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...

ne 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

ne 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

Special Session Rules

- 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 may 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.

Special Session Rules

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.

Special Session Rules

- ▶ 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.

Special Session Rules

Another common point of order is what is called the *Re 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.

Special Session Rules

Rule 8 Sec. 3

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. Craddick, 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

PT 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

PT 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

PT 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)

PT Priority: Abolition of Abortion

- ▶ The 85th session had 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.

PT 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

PT Priority: Protect Religious Liberties

- ▶ 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:

PT 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.

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Important Dates of the 85th Legislative Session

- Monday, November 14, 2016 — Start of legislation prefiling
- 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

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85th Legislature Regular Session
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Bill: SB 1

Legislative Session: 85(R)

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

Caption Version: Introduced

Caption Text: General Appropriations Bill.

Author: Nelson

Sponsor: Zerwas

Subjects: State Finances--Appropriations (I0746)

Senate Committee: [Finance](#)

Status: Out of committee

Vote: Ayes=15 Nays=0 Present Not Voting=0 Absent=0

House Committee: [Appropriations](#)

Status: Out of committee

Vote: Ayes=26 Nays=0 Present Not Voting=0 Absent=1

Senate Conferees: Appointed (04/18/2017) [Nelson](#) (Chair) | [Hinojosa](#) | [Huffman](#) | [Kolkhorst](#) | [Schwertner](#)

House Conferees: Appointed (04/20/2017) [Zerwas](#) (Chair) | [Ashby](#) | [Davis, Sarah](#) | [Gonzales, Larry](#) | [Lonqoria](#)

Actions: (descending date order)

Viewing Votes: [Most Recent House Vote](#) | [Most Recent Senate Vote](#)

	Description	Comment	Date ▼	Time	Journal Page
E	Effective on 9/1/17		06/12/2017		
E	Signed by the Governor/line item veto		06/12/2017		4245
E	Sent to the Governor		06/01/2017		4244
E	Sent to the Comptroller		05/29/2017		4243
H	Signed in the House		05/28/2017		6029

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House: Adjourned sine die

Tuesday, June 13th, 2017

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Name	Time	Capitol Channel*	Date	Notes
Currently there are no upcoming events for today.				

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