

TEXAS SENATE PRACTICE

Containing the Standing Rules and Precedents of the Texas Senate, together with Practice Notes, Congressional Precedents, and references to provisions of the Texas Constitution and laws, Opinions of the Texas Attorney General and decisions of the Supreme Court, the Court of Criminal Appeals and the Courts of Appeals of Texas.



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FIRST EDITION, NEWLY REVISED FOR THE EIGHTY-FIFTH LEGISLATURE



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TEXAS SENATE PRACTICE
First Edition, Newly Revised

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[¶ 4] **Rule 1.01. PRESIDING OFFICER OF THE SENATE.** The Lieutenant Governor of the State of Texas shall by virtue of office be President of the Senate (*Constitution, Article IV, Section 16*) and decide all questions of order subject to appeal by any member. The President shall have control of such parts of the Capitol as have been or may be set apart for the use of the Senate and its officers. The President shall have the right to name a member to perform the duties of the chair, but such substitution shall not extend beyond such time as a majority of the Senators present vote to elect another member to preside, and if a majority of the Senators present so vote, the member called to the chair by the Lieutenant Governor or by the President Pro Tempore of the Senate shall vacate the chair, and the member elected by a majority shall preside until the Lieutenant Governor or President Pro Tempore shall take the gavel and preside.

CROSS-REFERENCES

- Appeals, Rule 20.02.
- Lieut. Governor decides questions of order in first instance, Rule 5.15.
- Lieut. Governor gives casting vote, Rule 6.18.
- Lieut. Governor as Senate President, Tex. Const. art. IV, § 16.
- Lieut. Governor as participating member of Committee of the Whole, Rule 13.03.
- Parliamentary authorities, Rule 20.01.

PRACTICE NOTES

[¶ 5] **EXTENDED ABSENCE OF PRESIDENT PRO TEMPORE REQUIRES ELECTION OF A NEW OFFICER.** — If the Lieut. Governor and President Pro Tempore will be absent for a short time, either may make a written designation of a Senator to occupy the chair. 49 Tex. Legis. Man. 288 (1945). For the form of designation, see [¶ 6]. The early practice was to administer the Constitutional oath to the temporary Presiding Officer, but that is no longer done. See 42 Tex. Legis. Man. 444 (1931). If the President Pro Tempore will be absent for an extended or indefinite period, the Senate elects another. 49 Tex. Legis. Man. at 288.

[¶ 6] **FORM FOR DESIGNATING TEMPORARY PRESIDING OFFICER.** — This form is used for designating a temporary presiding officer under this Rule:

"April 5, 2—
"Senator A—B—
"Senate Chamber
"Austin, Texas
"Senator: In accordance with the provisions of Senate Rule 1.03, you are named to perform the duties of the Chair during my absence from the Senate or until the Senate otherwise directs.
"Respectfully,
"C—D—
"President pro tempore"

See, e.g., 49 S.J. Reg. 515 (1945).

CONGRESSIONAL PRECEDENTS

[¶ 7] **SENATOR PERFORMING DUTIES OF CHAIR RETAINS RIGHTS AS INDIVIDUAL SENATOR TO PARTICIPATE IN PROCEEDINGS.** — A Senator serving as Presiding Officer may exercise the individual rights of a Senator to make procedural motions and raise procedural objections. Riddick at 1030-1031. Thus, a

Senator may, in an individual capacity as a Senator, object to unanimous consent request. *Id.* at 1030. Or the Senator may make a point of order of no quorum or withdraw the point of order of no quorum pending a determination of a quorum. See *id.* at 1031.

[¶ 8] **Rule 1.02. PRESIDENT PRO TEMPORE.** The Senate shall, at the beginning and close of each session, and at such other times as may be necessary, elect one of its members President Pro Tempore, who shall perform the duties of Lieutenant Governor in any case of absence or disability of the Lieutenant Governor. (*Constitution, Article III, Section 9*)

CROSS-REFERENCE

Elections by Senate, Const. art. III, § 41; Rule 1.05.
 President *pro tempore*, Const. art. III, § 9.

PRACTICE NOTES

[¶ 9] DEAN OF THE SENATE. — Under long-standing practice, the senator with the longest continuous service has always been addressed by the Presiding Officer and senators as the “Dean of the Senate.” The Dean is responsible for convening and presiding over the Senate in caucus; he is usually recognized during debate in preference to other members; and he is recognized to make procedural motions, such as the motion to adjourn.

[¶ 10] PRESIDENT PRO TEMPORE ELECTED IN

CONGRESSIONAL PRECEDENTS

[¶ 11] PRESIDENT PRO TEMPORE; APPOINTMENTS BY. — The President pro tempore may be authorized to make appointments by order or resolution of the Senate, concurrent resolution of the two Houses, or statute. Riddick 1020.

[¶ 12] —; ELECTION OF. — A majority vote is required to elect a President pro tempore; a plurality is not sufficient. Riddick 1021. Since the Constitution does not prescribe the method for electing a President pro tempore, the Senate may use ballots, roll calls, or resolutions. *Id.* at 1022. The election of a President pro tempore, an officer named in the

SENIORITY ORDER. — Under its long-standing practice, the Senate elects the senator with the most seniority who has not already held the position. If all current senators have held the position, the Senate then elects the Dean and restarts the process. In the event that the office of the Lieutenant Governor becomes vacant, the President Pro Tempore is responsible for convening the Committee of the Whole Senate. See Rule 1.03, *infra*.

Constitution, is privileged and has precedence over unfinished business, but the Senate by majority vote may proceed to the consideration of the non-privileged business. *Id.* at 1022. A motion to adjourn to a time certain may be made pending the election of a President pro tempore. *Id.*

[¶ 13] —; SIGNING OF BILLS AND RESOLUTIONS BY. — The Senate may authorize the President pro tempore to sign enrolled bills during recesses or after adjournments, including an adjournment sine die. Riddick at 1023.

[¶ 14] **Rule 1.03. VACANCY IN THE OFFICE OF LIEUTENANT GOVERNOR.** If the office of Lieutenant Governor becomes vacant, the President Pro Tempore of the Senate shall convene the Committee of the Whole Senate within 30 days after the vacancy occurs. The Committee of the Whole Senate shall elect one of its members to perform the duties of the Lieutenant Governor in addition to the duties of Senator until the next general election. If the Senator so elected ceases to be a Senator before the election of a new Lieutenant Governor, another Senator shall be elected in the same manner to perform the duties of the Lieutenant Governor until the next general election. Until the Committee of the Whole Senate elects one of its members for this purpose, the President Pro Tempore shall perform the duties of the Lieutenant Governor. (*Constitution, Article III, Section 9*)

CROSS-REFERENCE

Election by secret ballot permissible, [¶ 561].
 Elections by Senate, Const. art. III, § 41; Rule 1.05.
 Selection of acting Lieut. Governor, Const. art. III, § 9(a).

PRACTICE NOTES

[¶ 15] ELECTION OF ACTING LIEUTENANT GOVERNOR. — Lieut. Governor Perry vacated his office on Dec. 21, 2000, to become Governor on the resignation of George W. Bush. That day, President pro tempore Rodney G. Ellis issued a call under this Rule and the Constitutional rule for the Senate to convene as a Committee of the Whole on Dec. 28, 2000, to elect a Senator as acting Lieut. Governor until the 2002 general election.

The Senate convened Dec. 28 and adopted a caucus report containing the balloting rules, which provided for the use of secret ballots. See [¶ 561]. On [4]

the eighth ballot, by a vote of 16-15, the Senate elected William R. Ratliff of Mt. Pleasant over David McA. Sibley of Waco to perform the duties of the office. The Committee’s minutes were not printed in the Journal. Sen. Ratliff took the Constitutional oath of office from the Chief Justice of the Supreme Court of Texas.

Forms and proceedings related to the election of Sen. Ratliff are reprinted beginning at page 195, *infra*. Other documents are on file at the Legislative Reference Library.

[¶ 16] RESERVED FOR EXPANSION