

RULES OF THE SENATE COMMITTEE ON BUSINESS AND COMMERCE 83rd Legislative Session

1. Committee

The Senate Committee on Business and Commerce (the Committee) shall consist of nine members. (SR 11.02(3)). During the 83rd Regular Session of the Legislature, the Committee shall meet at the discretion of the Chair of the Committee (the Chair) in the Capitol Extension, Room E1.016, Austin, Texas. The meetings shall be regularly scheduled at the discretion of the Chair. At the discretion of the Chair, the Committee shall also meet as needed.

2. Subcommittees

The Chair shall be empowered to appoint special subcommittees to study a particular bill, resolution, groups of bills or resolutions, or issues or interim charges and report recommendations to the Committee (all references to the term "bill" or "bills" in the Committee Rules include references to resolutions, including Senate Resolutions, Senate Concurrent Resolutions, House Concurrent Resolutions, Senate Joint Resolutions, and House Joint Resolutions). The Chair may serve as chair of a special subcommittee. (SR 11.05).

3. Conflict of Rules

The rules of the Texas Senate (Senate Rules), insofar as applicable, shall apply to matters not covered by the rules of the Committee (Committee Rules). If there is a conflict between the Senate Rules and the Committee Rules, the Senate Rules shall prevail. (SR 11.07(b)). Each subcommittee appointed by the Chair may adopt its own rules insofar as such rules do not conflict with the Senate Rules or the Committee Rules. In the absence of its own rules, a subcommittee shall be governed by the Senate Rules and the Committee Rules.

4. Attendance

The Chair, as well as the chair of any subcommittee, shall keep accurate and permanent records of the attendance of the Committee members. (SR 11.08). The records shall be made available to the Senate, a member of the Senate, or the public upon request.

5. Quorum

A majority of the Committee or any subcommittee shall constitute a quorum, and no action shall be taken on any bill in the absence of a quorum. (SR 11.09). It is permissible to hear public testimony in the absence of a quorum. Unless otherwise provided for in these rules, a majority vote of the quorum present shall be necessary for a motion to prevail. A motion that a bill, with or without amendments, be reported favorably shall require a majority vote of the Committee to prevail.

6. Records of Meetings

A permanent record shall be kept of the proceedings of the Committee or any subcommittee, including all record votes taken on motions and amendments considered. The records shall be made available to the Senate, a member of the Senate, or the public upon request.

7. Bill Referral to Subcommittee

The Chair may refer bills to a subcommittee at the Chair's discretion. (SR 11.05). In addition, a bill may be re-referred from one subcommittee to another at the discretion of the Chair.

8. Subcommittee Reports

After a bill has been referred to a subcommittee, the subcommittee shall, within a reasonable time, recommend one of the following to the Committee: (1) that the bill, with amendments, if any, should pass and be printed; (2) that the bill should not pass; or (3) that the bill should be considered only by the whole Committee. All reports of a subcommittee shall be furnished in writing to the members of the Committee at least 24 hours prior to the meeting of the Committee at which the bill will be considered by the Committee. The Committee may, by a majority vote of its members, accept or reject a subcommittee report. If a subcommittee does not schedule a bill for a hearing, the bill shall not come before the full Committee unless the Chair, at the Chair's discretion, recalls a bill for Committee consideration. In this event, no hearing shall be held unless it has been posted in accordance with the 24 hour posting requirement of the Senate Rules (Rule 11.10), unless the rule has been suspended by a two-thirds vote of the Senate, a quorum being present.

9. Senate Sponsor

The Senate sponsor of a House measure shall be determined by the Chair, in consultation with the House author of the measure. (SR 11.14(a)).

10. Bill Setting

The Chair may set bills for hearing at the Chair's discretion. (SR 11.13). Preference may be given to bills presented entirely upon written testimony of the witnesses or upon oral testimony consuming no more than five minutes. No bill referred to the Committee shall be set for hearing until the Chair has received from the author or sponsor a written Request for Hearing and a written summary of background information on the bill. No bill shall be heard in the Committee unless it has been posted in accordance with the 24 hour posting requirement of the Senate Rules (Rule 11.10), unless that rule has been suspended by a two-thirds vote of the Senate, a quorum being present.

11. Order of Hearing Bills

The order in which posted bills are heard shall be at the discretion of the Chair. The order of hearing bills on the Committee agenda may be altered by the Chair.

12. Public Hearings

All hearings of the Committee and subcommittees shall be open to the public, and notice of the hearing of all bills shall be posted in the manner provided for in the Senate Rules. (SR 11.18(a); SR 11.10). Each member of the Committee shall receive at least 24 hours notice of all Committee and subcommittee hearings, unless the 24 hour posting rule has been suspended by a two-thirds vote of the Senate, a quorum being present.

13. Committee Votes

The Chair, at the Chair's discretion, may recognize any member of the Committee for a motion on any measure before the Committee. The Chair, at the Chair's discretion, may defer a vote on any bill before the Committee. The Chair may defer a vote on any measure that has been significantly altered through amendment or substitute such that, in the Chair's opinion, the fiscal note may be significantly affected.

14. Committee Action

A majority of the membership of the Committee shall be necessary for a motion to report a bill favorably. (SR 11.15). With a quorum being present, motions to amend or adopt a substitute shall require a majority vote of the members present. The Chair may declare a time certain to record a vote or votes on a motion or motions to report bills.

15. Witnesses

By a record vote of not less than two-thirds of the Committee members, the Committee shall have the power to compel the attendance and testimony of witnesses or to compel a person, agency, or corporation to produce any book, record, document, or other evidence in his, her, or its possession and control before a proceeding of the Committee. (SR 11.20(a)). A bill author or sponsor should report the number of witnesses expected to testify to the Committee Clerk prior to the hearing of the bill. When possible, testimony by witnesses before the Committee or a subcommittee of the Committee should be submitted in writing at the time of the hearing, or in advance thereof. All parties appearing before the Committee or a subcommittee, as the case may be, shall swear by oath or affirm that the testimony they give is true and correct, all of which information is contained on the Witness Registration Form, which the witness shall fill out and return to the Committee Clerk before presenting testimony. (SR 11.18(b)).

16. Testimony of Members of the Legislature

At any meeting of the Committee or any subcommittee, any member of the Senate may be permitted to testify on matters before the Committee, including the final consideration of any subcommittee report by the Committee, and may be permitted to question any witness. (SR 11.18(c)). At the discretion of the Chair, any member of the Texas House of Representatives may be permitted to testify on matters before the Committee and may be afforded the courtesy of questioning witnesses who appear before the Committee.

17. Time Limits on Debate

The Chair may place time limits on testimony and debate at Committee hearings. (SR 11.18(e)). At the discretion of the Chair, time limits may be placed on witness testimony to allow all parties the opportunity to testify in a timely manner.

18. Recorded Testimony

All hearings held by the Committee or any subcommittee shall be recorded. (SR 11.11(a)).

19. Minority Reports

The Senate Rules shall govern the requirements for the submission of minority reports. (SR 11.17).

20. Bill Analysis

A legal and non-partisan bill analysis shall be prepared for each bill prior to consideration by the Committee. (SR 7.12(b)(10)). Such analysis shall include in summary form: (1) background information on the proposed bill; (2) a statement of the purpose of the bill; (3) a section-by-section analysis of the content of the bill; (4) a statement generally describing the scope of and the reasons for any rulemaking authority delegated to a state officer, department, agency, or institution; and (5) a notation of whether the bill proposes new law or amends existing law. The author or sponsor of the bill shall have the responsibility of providing the Committee staff with the background information, purpose statement, and the reasons for delegating rulemaking authority. Such information shall include an estimate of the number of witnesses expected to testify at the hearing of the bill. Such information shall be in written form. The Chair prefers that the request for hearing and the background information be submitted electronically via the Committee's hearing request and background templates.

21. Fiscal Notes

At the discretion of the Chair, a bill may be heard by the Committee or a subcommittee without a fiscal note, but no final vote shall be taken on any bill until a fiscal note is attached to the bill. The Committee Clerk shall assist in obtaining fiscal notes. (SR 7.09).

22. Impact Statements

Pursuant to the Senate Rules, if the director of the Legislative Budget Board has determined that an impact statement is required for any bill, the impact statement shall be attached to the bill prior to a final vote by the Committee. (SR 7.09).

23. Committee Staff

The Chair shall prepare and submit a budget to the Senate Committee on Administration and employ adequate staff to carry out the functions of the Committee and subcommittees, if any. The Committee staff shall keep permanent and accurate records of all Committee or subcommittee proceedings. (SR 11.11(c)). The Committee staff shall notify Committee or subcommittee members and other interested parties of the time, place, and agenda of all Committee or subcommittee hearings. The Committee staff shall

file all Committee reports with the appropriate officers of the Senate or the Legislature. (SR 11.12). The Committee staff shall ensure that all members of the Committee or subcommittees are furnished with an accurate bill analysis for each bill scheduled for Committee consideration, request fiscal notes for each bill to be heard by the Committee, prepare and distribute minutes of each meeting of the Committee, and complete reports on bills and resolutions for delivery to the Calendar Clerk.

24. Provisions for News Coverage

Media coverage is permitted, but may be limited by the Chair to the extent necessary to allow for orderly conduct of a hearing.

25. Written Communications

Written communications to the Chair or the Committee staff should be sent to the Senate Committee on Business and Commerce office, Sam Houston Building, Room 370, Austin, Texas.

John Carona, Chairman

Troupe Brewer, Clerk

Adopted _____