

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SECOND DAY

(Wednesday, January 21, 2015)

The Senate met at 11:07 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Bettencourt, Birdwell, Burton, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

Pastor Randy Weaver, Lone Star Cowboy Church, Montgomery, offered the invocation as follows:

Lord, today, we, the State of Texas acknowledges You so that You, our heavenly Father, will direct our path. Bless Lieutenant Governor Dan Patrick and all Senators and their families. We pray that our faith, trust, confidence, and legislation of justice would uncompromisingly agree with Your word, so Your blessings would continue to be poured out on this great State of Texas, that these United States of America as a nation would be united for Your glory, that we would be a nation of the people, by the people, and not just for the people, but for the glory of the God that created the people. Once again, the winds of change are blowing through this great state. As we live in this visible world of families and people, cities and nations, the kingdoms of this world, help us to realize that You have called us to commit to a kingdom we have not yet seen and that status in this world does not guarantee status in the kingdom of heaven. Teach us to love the broken without the compromise of mortality, to say with Patrick Henry, not only give us liberty but give us moral liberty or, if necessary, give us death. We know from history and from Your word that the nation that forgets God will surely die, that our success is not by political might nor by military power but by Your spirit, saith the Lord. As these great legislators navigate on a thoroughfare full of detours and distractions, may Your wisdom always rule over our reason. Today, as we declare that Texas is open for business, may we always understand that the most important business is the Father's business. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

PHYSICIAN OF THE DAY

Senator Campbell was recognized and presented Dr. Mitchell Finnie of Shavano Park as the Physician of the Day.

The Senate welcomed Dr. Finnie and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate Robb Elementary School third- and fourth-grade student council members and high school students from 16 school districts across South Texas representing the Pioneers Youth Leadership program led by Real County Judge Garry Merritt.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, January 21, 2015 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 44 Miller, Doug

In memory of U.S. Army Sergeant Gilberto Lopez Sanchez of New Braunfels.

HCR 45 Geren

Granting the legislature permission to adjourn for more than three days.

SCR 3 Whitmire Sponsor: Kuempel

Providing for procedures for the canvass of votes for the governor and lieutenant governor and the inauguration of the governor and lieutenant governor, and inviting the governor to address a joint session of the legislature on January 15, 2015.

SCR 4

Whitmire

Sponsor: Kuempel

Granting the legislature permission to adjourn for more than three days during the period beginning on Thursday, January 15, 2015, and ending on Tuesday, January 20, 2015.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

RECESS

On motion of Senator Whitmire, the Senate at 11:16 a.m. recessed until 12:30 p.m. today.

AFTER RECESS

The Senate met at 12:39 p.m. and was called to order by the President.

SENATE RESOLUTION 39

Senator Eltife offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, That the Rules of the Senate of the 83rd Legislature are adopted as the Permanent Rules of the Senate of the 84th Legislature with the following modifications:

SECTION 1. (a) Amend Rule 2.02 as follows:

RESTRICTIONS ON ADMISSION

Rule 2.02. (a) While the Senate is in session, only the following persons shall be admitted to the floor of the Senate inside the brass rail:

- (1) the Lieutenant Governor and the Lieutenant Governor's family;
- (2) members of the Senate and their families;
- (3) the Secretary of the Senate and the Secretary's family;
- (4) Sergeants-at-Arms of the Senate and officers of the Senate;
- (5) members of the House of Representatives; and
- (6) the Governor and the Governor's family.

(b) While the Senate is in session, the following persons shall be admitted to the floor of the Senate but are required to remain behind the brass rail:

- (1) employees of the Senate and the House of Representatives when on official business;
- (2) the Governor's executive staff;
- (3) the President and Vice-President of the United States;
- (4) United States Senators and members of Congress;
- (5) Governors of other states;
- (6) Justices of the Supreme Court and Judges of the Court of Criminal

Appeals;

- (7) the Secretary of State; and

(8) duly accredited newspaper reporters and correspondents, radio commentators, and television camera operators and commentators who have complied with Rule 2.04. [Persons hereinafter named and no others shall be admitted to the floor of the Senate while the Senate is in session provided that persons other than members of the Lieutenant Governor's family, a Senator's family, members of the House of Representatives of the State of Texas, and Sergeants at Arms of the Senate shall be required to remain behind the brass rail: Members of the Senate and their families, the Secretary of the Senate and family, employees of the Senate and House of Representatives when on official business, Representatives, the Governor, the Governor's family and executive staff, the Lieutenant Governor and family, the President and Vice President of the United States, United States Senators and members of Congress, Governors of other states, Justices of the Supreme Court, Judges of the Court of Criminal Appeals, the Secretary of State, and duly accredited newspaper reporters and correspondents and radio commentators and television camera operators and commentators who have complied with Rule 2.04.]

(c) It is ~~[shall be]~~ the special duty of the President to see that officers and employees remain on ~~[upon]~~ the floor of the Senate only when actually engaged in the performance of their official duties.

(d) Only ~~[Such persons other than]~~ the Lieutenant Governor and members of the Senate ~~may [shall not be permitted to]~~ work for or against any proposition before the Senate while on the floor.

(b) Amend Rule 2.06 to read as follows:

EXCEPTIONS

Rule 2.06. (a) Upon request by any member, the President may permit special guests on the floor of the Senate for the purpose of a recognition or resolution. No member may be granted an exception under this subsection more than three times per session.

(b) This article shall not apply to any person who is invited to address the Senate when in session or to any person who desires to appear before any committee while going to or returning from the session of said committee or to the Governor while delivering an official message. This article shall not apply during the inauguration of the Governor and other public ceremonies provided for by resolution of the Senate.

(c) Amend Rule 8.03 to read as follows:

CONGRATULATORY, MEMORIAL, AND COURTESY RESOLUTIONS

Rule 8.03. (a) Congratulatory and memorial petitions and resolutions, after a brief explanation by the author or sponsor, shall be considered immediately without debate unless otherwise ordered by a majority of the members present.

(b) Upon request by any member, the presiding officer may [shall], at an appropriate time during the proceedings, recognize guests of such member in the ~~[Senate Chamber or]~~ gallery.

(c) Any member may request and the Secretary of the Senate shall provide a maximum of five copies of a courtesy recognition certificate for each person or group so recognized by the presiding officer.

(d) The number of times a member may be recognized for a resolution under Subsection (a) of this rule is limited to 10 per session. This limit includes an exception granted under Rule 2.06(a) that involves only a recognition of special guests on the Senate floor.

SECTION 2. Amend Article VII by adding the following rule:

LIMITATION ON BILLS RAISING REVENUE

Rule 7.26. All bills for raising revenue shall originate in the House of Representatives. (Constitution, Article III, Section 33)

SECTION 3. Amend Rule 9.06 to read as follows:

BILLS AND RESOLUTIONS PROHIBITED FROM

PLACEMENT ON THE LOCAL AND UNCONTESTED CALENDAR

Rule 9.06. The Administration Committee may not place a bill or resolution on the Local and Uncontested Calendar if it:

(1) creates a new department or subdivision of a department unless the bill or resolution is purely local in nature and does not require the expenditure of state funds; ~~[or]~~

(2) contains an appropriation; ~~[or]~~

(3) is contested; or

(4) is a joint resolution proposing an amendment to the Texas Constitution.

SECTION 4. (a) Rule 11.02 is amended to read as follows:

LIST OF STANDING COMMITTEES AND SUBCOMMITTEES

Rule 11.02. (a) At the beginning of each regular session, the President shall appoint the following standing committees with the number of members indicated:

STANDING COMMITTEES

(1) Committee on Administration (7 members)

(2) Committee on Agriculture, Water, and Rural Affairs ~~[and Homeland Security]~~ (7 ~~[5]~~ members)

(3) Committee on Business and Commerce (9 members)

(4) Committee on Criminal Justice (7 members)

(5) ~~[Committee on Economic Development (7 members)]~~

~~[(6)]~~ Committee on Education (11 ~~[9]~~ members)

(6) ~~[(7)]~~ Committee on Finance (15 members)

~~[(7)]~~ ~~[(8)]~~ Committee on Government Organization (7 members)

~~[(9)]~~ Committee on Health and Human Services (9 members)

(8) ~~[(40)]~~ Committee on Higher Education (7 members)

~~[(9)]~~ ~~[(41)]~~ Committee on Intergovernmental Relations (7 ~~[5]~~ members)

~~[(10)]~~ ~~[(12)]~~ Committee on Jurisprudence (7 members)

~~[(13)]~~ Committee on Natural Resources and Economic Development (11 members)

(11) ~~[(44)]~~ Committee on Nominations (7 members)

~~[(12)]~~ ~~[(15)]~~ Committee on Open Government (5 members)

~~[(16)]~~ Committee on State Affairs (9 members)

(13) ~~[(47)]~~ Committee on Transportation (9 members)

~~[(14)]~~ ~~[(48)]~~ Committee on Veteran Affairs and Military Installations (7 ~~[5]~~ members)

(b) From the members of the Committee on Veteran Affairs and Military Installations, the President shall appoint a Subcommittee on Border Security consisting of 3 members.

(b) Amend Rules 11.11(a) and (c) to read as follows:

(a) The chair of each committee and subcommittee shall keep or cause to be kept under the chair's direction an accurate record of the proceedings of his or her committee, and the same shall be open for inspection to any member of the Legislature and to the public. Each committee meeting shall be recorded in audio format and in audiovisual format when available ~~[on magnetic tape]~~.

(c) It shall be the duty of the committee clerk, with the assistance of other committee staff members, to keep a permanent, accurate written record of committee proceedings and to transcribe the ~~[magnetic tape]~~ recordings of committee hearings as ordered by the committee or subcommittee. It shall be the responsibility of the committee clerk to see that one copy of the transcript of proceedings and one copy of the permanent record be kept in the committee files, one copy of each be given to the Secretary of the Senate, and three copies of each be placed in the Legislative Reference Library. Such records shall be a matter of public record.

SECTION 5. (a) Amend Rule 4.07 to read as follows:

REFUSAL OF MEMBER CALLED TO ORDER TO BE SEATED

Rule 4.07. Whenever a member is called to order by the President of the Senate or by the presiding officer then in the chair in accordance with Rule 4.06 and such member fails to sit down and be in order but continues disorderly, it shall be the duty of the Sergeant-at-Arms and/or the Sergeant's assistants upon the direction of the presiding officer to require such recalcitrant member to take his or her seat and be in order. Any member who persists in disorderly conduct after being warned by the presiding officer may, by motion duly made and carried by three-fifths ~~[two-thirds]~~ vote of the members present, be required to purge himself or herself of such misconduct. Until such member has purged himself or herself of such misconduct, the member shall not be entitled to the privileges of the floor.

(b) Amend Rules 5.11(a) and (b) to read as follows:

(a) Any bill, resolution, or other measure may on any day be made a special order for a future time of the session by an affirmative vote of three-fifths ~~[two-thirds]~~ of the members present.

(b) A special order shall be considered at the time for which it is set and considered from day to day until disposed of, unless at the time so fixed there is pending business under a special order, but such pending business may be suspended by a three-fifths ~~[two-thirds]~~ vote of all the members present. If a special order is not reached or considered at the time fixed, it shall not lose its place as a special order. All special orders shall be subject to any Joint Rules and Rule 5.10.

(c) Amend Rule 5.13 to read as follows:

SUSPENSION OF THE REGULAR ORDER OF BUSINESS

Rule 5.13. No bill, joint resolution, or resolution affecting state policy may be considered out of its regular calendar order unless the regular order is suspended by a vote of three-fifths ~~[two-thirds]~~ of the members present.

(d) Amend Rule 6.08 to read as follows:

MOTIONS TO REFER OR COMMIT

Rule 6.08. Any bill, petition, or resolution may be referred from one committee or subcommittee to another committee or subcommittee if the motion is approved by the chairs of both committees involved and by a three-fifths [~~two-thirds~~] vote of the members present and voting. Any bill, petition, or resolution may be committed to any committee or subcommittee at any stage of the proceedings on such bill, petition, or resolution by a majority vote of the elected members of the Senate. A bill or joint resolution committed to a committee or subcommittee while on third reading shall be considered as on its second reading if reported favorably back to the Senate.

When several motions shall be made for reference of a subject to a committee, they shall have preference in the following order:

First: To a Committee of the Whole Senate

Second: To a standing committee

Third: To a standing subcommittee

Fourth: To a special committee.

(e) Amend Rule 6.15(a) to read as follows:

(a)(1) A vote on final passage of a bill, a resolution proposing or ratifying a constitutional amendment, or a resolution other than a resolution of a purely ceremonial or honorary nature, shall be by record vote, with the vote of each member entered in the journal.

(2) A vote on all motions to suspend or comply with a constitutional procedure [~~the constitutional three day rule~~], all questions requiring a vote of two-thirds of the members elected, all motions on whether to concur in House amendments to Senate bills, and all motions on whether to adopt a conference committee report shall be by record vote, with the vote of each member entered in the journal.

(3) Upon all other questions [~~requiring a vote of two-thirds of the members present, including a motion to suspend the rules~~], the presiding officer shall determine if there is objection and, if so, call for the yeas and nays, but they shall not be entered into the journal unless required under Subsection (b) of this rule. If no objection is made, the journal entry shall reflect a unanimous consent vote of the members present without necessity of a roll call of yeas and nays.

(f) Amend Rule 8.02 to read as follows:

REFERRAL TO COMMITTEE

Rule 8.02. Petitions, concurrent and joint resolutions, and resolutions setting or defining legislative or state policy or amending the Senate Rules shall be referred to an appropriate standing committee when introduced and shall not be considered immediately unless the Senate so directs by a three-fifths [~~two-thirds~~] vote of the members present. The motion to consider such petition or resolution immediately is not debatable.

(g) Rule 11.17(c) is amended to read as follows:

(c) The sponsor of a bill or resolution for which a minority report is filed or a member signing the minority report must move to have the bill or resolution placed on the calendar within 10 calendar days after the date on which the committee's vote was taken. An affirmative vote of three-fifths [~~two-thirds~~] of the members present is

required for the motion to carry. If the motion fails or is not made within the time allowed, the bill or resolution is dead and may not be considered again during the session.

(h) Amend Rule 12.10 to read as follows:

SECTION-BY-SECTION ANALYSIS

Rule 12.10. Each conference committee report, regardless of its subject matter, must have attached thereto a section-by-section analysis showing the disagreements which have been resolved by the conference committee. This analysis must show for each and every disagreement in parallel columns: (1) the substance of the House version; (2) the substance of the Senate version; and (3) the substance of the recommendation by the conference committee. No action shall be taken on any conference committee report in the absence of such analysis, except by an affirmative vote of three-fifths [~~two-thirds~~] of the members present, with the yeas and nays thereon to be recorded in the journal.

(i) Amend Rule 16.01 to read as follows:

DEFINITIONS

Rule 16.01. The terms "unanimous consent," "four-fifths of the members of the Senate," "four-fifths of the members present," "two-thirds of the members of the Senate," "two-thirds of the members present," "three-fifths of the members present," "a majority of the members of the Senate," and "a majority of the members present" are defined as follows:

(1) "Unanimous consent" means the consent of all of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(2) "Four-fifths of the members of the Senate" means four-fifths of the 31 elected members of the Senate.

(3) "Four-fifths of the members present" means four-fifths of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(4) "Two-thirds of the members of the Senate" means two-thirds of the 31 elected members of the Senate.

(5) "Two-thirds of the members present" means two-thirds of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(6) "Three-fifths of the members present" means three-fifths of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(7) [~~6~~] "A majority of the members of the Senate" means a majority of the 31 elected members of the Senate.

(8) [~~7~~] "A majority of the members present" means a majority of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(j) Amend Rule 16.06 to read as follows:

MATTERS REQUIRING VOTE OF TWO-THIRDS OF MEMBERS PRESENT

Rule 16.06. A vote of two-thirds of the members present shall be required to:

(1) impeach any officer; (Constitution, Article XV, Section 3)

(2) pass a Senate bill that has been returned by the Governor with objections; Rule 6.20 (Constitution, Article IV, Section 14) See note to Rule 6.20.

(3) confirm an appointee of the Governor, unless otherwise directed by law; (Constitution, Article IV, Section 12)

(4) adopt an amendment at third reading of a bill or a joint resolution. [~~5~~] Rules 7.19 and 10.02.

~~[(5) suspend the floor privileges of a member of the Senate; Rule 4.07~~

~~[(6) suspend the regular order of business; Rule 5.13~~

~~[(7) excuse absentees; Rule 5.03~~

~~[(8) set a matter for special order; Rule 5.11~~

~~[(9) place a minority report on the calendar; Rule 11.17~~

~~[(10) rerefer a bill to another committee; Rule 6.08~~

~~[(11) suspend the section by section analysis on conference committee reports; Rule 12.10~~

~~[(12) suspend or rescind any rule of the Senate unless the rules specify a different majority; Rule 22.01~~

~~[(13) consider immediately petitions, concurrent and joint resolutions, or resolutions setting or defining legislative or state policy. Rule 8.02. See note to Rule 8.02.]~~

(k) Amend Article XVI by adding a new Rule 16.07 to read as follows and renumbering the other rules of that article and cross-references to those rules accordingly:

MATTERS REQUIRING VOTE OF
THREE-FIFTHS OF MEMBERS PRESENT

Rule 16.07. A vote of three-fifths of the members present shall be required to:

(1) suspend the floor privileges of a member of the Senate; Rule 4.07

(2) excuse absentees; Rule 5.03

(3) set a matter for special order; Rule 5.11

(4) suspend the regular order of business; Rule 5.13

(5) rerefer a bill to another committee; Rule 6.08

(6) consider immediately petitions, concurrent and joint resolutions, or resolutions setting or defining legislative or state policy; Rule 8.02

(7) place a minority report on the calendar; Rule 11.17

(8) suspend the section-by-section analysis on conference committee reports; Rule 12.10

(9) suspend or rescind any rule of the Senate unless the rules specify a different majority. Rule 22.01.

(l) Amend Rule 22.01 to read as follows:

SENATE RULES

Rule 22.01. It shall require a vote of three-fifths [~~two-thirds~~] of the members present to suspend any rule of the Senate, unless the rules specify a different majority. A majority of the members of the Senate may amend the Rules of the Senate by adoption of a Senate Resolution amending the rules, which resolution has been referred to and reported from a committee as otherwise required by these rules. Rules [~~16.06 and~~] 16.07 and 16.08. [~~See note to Rule 16.06.~~]

SR 39 was read.

Question: Shall **SR 39** be adopted?

Senator Eltife requested and was given approval by the President to divide the question of the adoption of **SR 39** to take a separate vote on Section 5 of the resolution.

Question: Shall Section 5 of **SR 39** be adopted?

Section 5 of **SR 39** was adopted by the following vote: Yeas 20, Nays 10, Present-not voting 1.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Eltife, Fraser, Hall, Hancock, Huffines, Huffman, Kolkhorst, Lucio, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor.

Nays: Ellis, Garcia, Hinojosa, Rodríguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Present-not voting: Estes.

Question: Shall the resolving clause and Sections 1, 2, 3, and 4 of **SR 39** be adopted?

The resolving clause and Sections 1, 2, 3, and 4 of **SR 39** were adopted by the following vote: Yeas 27, Nays 4.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Eltife, Estes, Fraser, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Van de Putte, West, Whitmire, Zaffirini.

Nays: Ellis, Garcia, Rodríguez, Watson.

REASON FOR VOTE

Senator Rodríguez submitted the following reason for vote on **SR 39**:

The Senate rule necessitating a two-thirds vote of the Members present to bring a bill up for floor debate has been an honored tradition for over half a century. Among other benefits, it is generally acknowledged that the rule fosters civility, a willingness to compromise, and a spirit of bipartisanship. This is not a tradition we should abandon lightly. We are making a dramatic deviation from our history and creating a precedent for future legislators that may damage the role and operation of the Senate for generations. As Members of the Senate, our state's upper chamber, we have taken pride in holding ourselves above partisanship and the ability to focus on the best interests of Texas.

However, today's rule change means that we no longer have to strive for consensus, and the majority can effectively ignore one-third of this body. Which third will be ignored when this rule change is adopted? The Senators who comprise the Senate Hispanic Caucus and the Senate Democratic Caucus represent nearly 60 percent of all Hispanics and African Americans in Texas. These Senators will be unable to prevent a bill from coming to the floor. One-third of us in this body also represent minority-majority districts. One-third of us are elected by ethnic and racial minorities, and we strive our very best to give those minorities a voice in the Texas Legislature.

Without the traditional Two-thirds Rule, our voice and their voice will be diminished. No longer will the Senators that represent the vast majority of African Americans, Hispanics, and Asians in Texas be able to stop legislation that could be viewed as trampling their rights. We saw this before in 2011, with passage of the state's voter identification legislation. Senate Bill 14 passed without consideration of the Two-thirds Rule, and the law was found to be retrogressive and in violation of the Voting Rights Act by not only one but two federal courts. In fact, the removal of the Two-thirds Rule's tradition for S.B. 14 was cited in the judge's opinion striking down the law as a violation of the Voting Rights Act and the Equal Protection Clause of the 14th Amendment as intentionally discriminatory. In the opinion, the judge stated:

While the rule may not be enforced for insignificant matters, and has been suspended by agreement for politically sensitive votes, it is unprecedented to suspend that rule for contentious legislation as important as SB 14. Senator Uresti testified that the rule had been in place at least five decades and he had never seen it waived for any other major legislation, and Senator Ellis considered it a 100-year honored tradition.

What lessons did we learn from this? Apparently, none. Instead, the majority of Members in this body are choosing to double down on the retrogression of minority representation and essentially minimizing the rule in a manner that legislators who represent minority interests cannot use it.

Some may say this change in tradition has nothing to do with minority rights or racial politics and that it's just a partisan maneuver. This is the same excuse we have used to justify every action that undermines minority voting rights. We have used this excuse every redistricting cycle and then the courts strike down the map—and yet we do it again the next round. It's not just politics when you change a rule in place for over half a century that ensures minority legislators and legislators representing majority-minority districts have a say when it comes to bringing a bill to the floor.

Of course, in this context, we know that "minority" doesn't just mean racial and ethnic minorities. The protection afforded by upholding the Two-thirds Rule is important for non-partisan reasons. For instance, the minority can be a divide between urban and rural Members, especially when it comes to issues like water, roads, rural schools, and expansion of gambling. It's for reasons like this that Members of this body, Republican and Democrat alike, have opposed efforts to repeal the Two-thirds Rule in the past.

As history shows, a piece of legislation doesn't often split this body purely on partisan grounds; instead, most often, Members have negotiated with one another and arrived at a consensus that benefited *all* Texans. Quite simply, when minority voices have a place in the discussion, the public benefits by passage of better public policy. There are countless examples of how the Two-thirds Rule has benefited Texas by creating better and more thoughtful legislation. One clear example is when Lt. Gov. Patrick worked to pass House Bill 5 last session. Because of the Two-thirds Rule, it resulted in then-Senator Patrick working with Democrats to make the bill better.

Now it's been said by some in this body that the Two-thirds Rule has been used to obstruct and impede legislation that the Republican majority wants to pass. This has been the main argument for changing the Two-thirds Rule. Let's think about this. In contrast to H.B. 5, the 2011 voter identification bill (S.B. 14) was enacted without the

Two-thirds Rule. What was the result? A strictly partisan vote. Subsequently, the legislation has been struck down by two federal courts—with judges appointed by Republican Presidents—as violation of the Voting Rights Act and the U.S. Constitution. If there had been a Two-thirds Rule and a reason for working with one another, perhaps we could have crafted a law that would have passed constitutional muster.

Now, by eliminating the need for any real bipartisan compromise, we are doing Texas a terrible disservice. No longer will the majority be required to deliberate thoughtfully about the myriad issues that will come before this body; rather, they are willingly abdicating their responsibility to lead and turning it over to their political caucus—or consolidating that power in the President of the Texas Senate.

So, as we begin to usher in this era of trampling the will of the minority, what impact will it have on our democracy? Nearly four in five Americans in June—78 percent—disapprove of the way Congress is handling its job, marking the 45th consecutive month that more than two-thirds of Americans have given Congress a thumbs down. Americans' high level of disapproval is less about what Congress is doing rather than what Congress isn't doing: putting aside partisan bickering and working together to get things done. Unfortunately, the Texas Senate is going down the path of Congress.

By forcing this rule change, the majority is escalating partisanship to a new level. They are so concerned with getting an agenda accomplished and making good on campaign promises that they are willing to burn down the institutions and the traditions that made the Texas Senate one of the greatest deliberative bodies in the country—traditions that have built a strong Texas.

For these reasons, I voted against the changes in the Senate Rules that alter the Two-thirds Rule to a Three-fifths Rule.

RODRÍGUEZ

REASON FOR VOTE

Senator Watson submitted the following reason for vote on **SR 39**:

SR 39 has implications of far greater consequence than the ability to bring up a bill under the longstanding tradition of the so-called Two-thirds Rule. The changes made under SR 39 will make it easier for the Members in the majority to shut out Texans from the legislative process. This resolution lowers the vote threshold needed to silence public testimony; hold hearings without notice; or vote on bills without giving Senators or the public enough time to review the changes. I cannot support a measure that could reduce public participation in the proceedings of the Texas Senate. For these reasons I voted against Section 5 of the resolution.

Additionally, I voted "no" on the Preamble and Sections 1 - 4 for the reason that more could have been done to create greater transparency. For example, I proposed a change that would have required a 24-hour layout period for committee substitutes so that Senators and members of the public that have come to testify can see changes to a bill before it is voted out of committee. Another proposal would have required certain conference committees to meet in public so that the people could follow changes to

the legislation. Those proposals were not included in the resolution and the Senate missed an opportunity, as it was otherwise changing its rules, to open up and make the Senate more accessible for Texans.

WATSON

REASON FOR VOTE

Senator Ellis submitted the following reason for vote on **SR 39**:

This is an extremely sad day, my friends. Let's be honest about what we're really doing here.

First of all, we're detonating decades of Senate tradition, traditions which have made the Texas State Senate a great deliberative body.

A place where you have to work together to bring a real consensus to move forward on an issue.

Sometimes that takes years—believe me, I know—but when the Senate is ready on a controversial issue, that means Texas is ready.

It's a real shame that we're here today on this.

I understand that you think this issue is extremely important, but over the years I've had a long list of bills that I think are extremely important and I couldn't get to 21 votes either.

I could get to 19 easily, but not 21.

But I had to listen to my fellow Members, work with them, and find consensus.

Why? Because I needed two-thirds. Now, if I did what you're trying to do here, I could have ignored others' concerns and simply rammed the bill through.

But that's not what the Texas Senate is about.

Today, we are being told to ignore that tradition and re-write the rules. And for what?

Let's be perfectly clear what you are doing and the message you're sending. By getting rid of the Two-thirds Rule, you are saying we have an emergency. That there are issues of such primary and immediate importance that the rules and traditions of the Texas Senate must be dissolved in order to address them.

Now, are we shunting aside the rules to help families pay their bills because the breadwinner has lost their job and they're worried about how to keep the lights on? No.

Are we pushing them aside to help those who have lost their health insurance and can't get themselves or their kid to the doctor? No.

Are we pushing them aside to help families deal with the soaring costs of college? No.

Are we doing it to pass legislation to make our air cleaner to breathe and our water safer to drink? No.

Are we doing it to build better schools for our children? No.

Are we doing it to help people stay in their homes and protect them from foreclosure? Absolutely not.

We're doing it in order to pass only the most purely partisan bills sought by only the most partisan few.

Yet here we are.

Every session, especially in recent years, we spend a lot of time complaining about Washington, D.C., about the inability of Congress to get anything done in the face of constant, partisan bickering and gridlock.

Members, I fear that by changing the rules that made us different—made our body operate more effectively—we are walking down the path toward D.C.

I thought we didn't like how Washington operated. Why are we doing our best to emulate them?

I will close with this warning—a warning our mommas told us when we were little children wanting to have our way and our way only: beware what you ask for, because you just might get it.

I've been in this body for 25 years, and this place has changed a lot over that time. My first regular session, the partisan breakdown was 22-9 in favor of the Democrats.

Now, I understand that most if not all of us will be gone from this body—if not this Earth—25 years from now.

But think about what you're leaving your successors. That's the tradition we hand down to future Senators.

You have a 20-11 partisan advantage and if this is what you really want to do, you can do it. But what you are telling your successors is: run over the other side when you can.

If you can't win through debate, slam it through.

But remember what your momma told you. Be careful what you ask for and what precedent you set, because you just might get it.

As Texas' longest-serving Lieutenant Governor, Bill Hobby, wrote, "The biggest mistake I made as president of the Texas Senate was trying to circumvent the Senate's two-thirds tradition in 1979 . . . Anything that doesn't have the support of two-thirds of the Senate is seldom a good idea."

ELLIS

REASON FOR VOTE

Senator West submitted the following reason for vote on **SR 39**:

Mr. President, Members, with today's vote to change the procedure by which a bill comes to the Senate floor, the majority party has delivered the death blow to a longstanding Senate tradition. A tradition that has forced us to work together. A tradition that has fostered understanding and limited public vitriol. A tradition that has forced us to seek compromise. To build consensus. To consider points of view that may not be common in our districts.

Of course, I'm talking about the Two-thirds Rule.

There was no watershed moment when the Senate adopted the Two-thirds Rule. Up until around 1947, the Senate operated on a calendar and took up bills in order. Gradually, procedure shifted. Under Lieutenant Governor Shivers, from 1947-49, "special orders" were used more frequently to take up specific bills at a particular time and avoid chubbing. In 1951, under Lieutenant Governor Ramsey, special orders were abandoned, and instead the suspension of the regular order of business became the norm. Because it took two-thirds to suspend, the number 11 became the number to block.

Effectively, the Senate has operated during regular sessions under a requirement that two-thirds of its Members supported consideration of a bill since 1951. Sixty-four years. That ends today.

"It's not a dramatic change" some will suggest. "We're just handling our business the way they do in Washington, D.C." Does that line of reasoning give anyone pause? Do we really want to use the incredibly dysfunctional legislative bodies in Washington as a model for the way we handle our business here in Texas? In an NBC/Wall Street Journal poll released just yesterday, only 16% of the American people approve of the job Congress is doing. The 113th Congress, which concluded in December 2014, was the second least productive since 1947, trailing only its immediate predecessor, the 112th. Again, I ask you, is this something we want to emulate?

We have witnessed the steady erosion of the rule over the past few sessions, it's true. Partisan issues like Voter ID and emotional ones like abortion were exempted from the Two-thirds Rule through special orders or disuse of a blocker bill. Is it any coincidence, that in the absence of a requirement to negotiate, this body produced legislation that has been tied up in court almost since the day it left the Chamber? But still, for the bulk of our work, the tradition remained, and the Senate acted in concert more often than not. That ends today.

Members, I believe that the action taken by the majority today will do irreparable harm to the Senate. This injection of pure partisanship into our fundamental operating procedure will, to use a legal definition of the concept of irreparable harm, cause an injury that is certain and great—one that is actual and not theoretical. That the injury will occur, is based on simple mathematics. There are 20 Republicans in the Senate, and 11 Democrats. By moving the percentage of Members whose support is required for a bill to be heard on the floor from two-thirds to three-fifths, we effectively remove the ability of the political minority to affect the process. Our constituents, who have in many cases been packed together through aggressive redistricting schemes, are essentially disenfranchised. First, their will is frustrated at the ballot box, and now, the extension of their will, as expressed by the representatives they can choose, will be frustrated as well.

The "Two-thirds Rule" is a Senate tradition that has served us well. The change to the rule adopted today is the triumph of partisan politics over policy. The gradual transformation of the collegial, thoughtful, and productive Texas Legislature into a Washington, D.C.-style arena dominated by harsh rhetoric, unwillingness to collaborate, and the tyranny of the majority is complete. Members, this is a regrettable day. You may find yourself on the wrong side of a big issue before this body. And that issue might not be strictly partisan. It could be urban versus rural. It could be funding schools versus funding transportation. It could be water for farmers versus water for drinking. And because of what we did today, it just got harder for you to get a seat at the table. The need to compromise is diminished. And that's a shame.

WEST

REASON FOR VOTE

Senator Huffines submitted the following reason for vote on **SR 39**:

Today's debate was important for the future of Texas and for the future of the Texas Senate, and the rules resolution adopted sets the Senate on a trajectory to achieve great things for Texas.

I recognize and deeply appreciate the hard work and thoughtful, collaborative approach taken by Chairman Eltife in authoring this resolution. I also greatly appreciate the time and effort of the Rules Working Group: Senators Fraser, Hancock, Hinojosa, Nelson, West, and Whitmire. This rules resolution is the product of very hard work, deep thought, and collaboration, so to each of you and to all of the Senators who weighed in on these rules, I say thank you.

I'm proud to have supported this rules resolution chiefly because these rules will allow for a serious focus on policy. These rules create a foundation for more open, transparent debates on the merits of legislation—with up or down votes on passage to engrossment. This session, thanks to the rules adopted by the Senators, we will make better use of our time, which of course, is really our constituents' time. These rules also make Senate recognitions and honors more meaningful for those being honored, and for the families of those who we pause to remember and memorialize.

These rules adopted by the Senators establish a level and fair set of policies and procedures by which we will all conduct ourselves in pursuit of the outcomes our voters and constituents demand and deserve.

HUFFINES

REMARKS ORDERED PRINTED

On motion of Senator Watson and by unanimous consent, all remarks regarding **SR 39** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Secretary of the Senate: Senate Resolution 39 adopting the permanent rules of the Senate by Eltife.

President: The Chair recognizes Senator Eltife to explain the resolution.

Senator Eltife: Thank you, Mr. President and Members. Members, before I explain in detail the contents of the resolution before us, I want to give you a little background on how the resolution was developed and how we got here. I don't have to tell you how hard those special sessions we had two summers ago were on the Senate. It was a tense time for all of us, and it occurred on more than a few occasions. Too many special sessions, too many committees, too many resolutions, and we need better decorum on the floor. At the end of every session since I've served in the Senate, we would all say the same thing as we left, we need to look at the rules of the Texas Senate. At the end of the Second Called Special Session of the 83rd Legislature, I proposed SR 71, resolution, and in that resolution a clause that authorized the Chair of Administration to appoint a Senate working group to study the permanent rules of the Senate. The proposal for the working group passed unanimously. As Chair of Administration for the working group, I appointed seven bipartisan Members of the Texas Senate. The common goal amongst those seven Members was to make the Senate function better. Over the last year and a half, I have had dozens of conversations with many of you on how we can make the Senate better. As we started this session, we have spent more time discussing the rules than in any other session I have been a part of. I've tried to be fair and open to all ideas. All the Members have spent time and effort the past few days working to help craft the rules that will make the Texas Senate a better governing body. In particular, I've had many conversations about the effect of changing the Two-thirds Rule. I want to share some of my

conclusions with you. I have been an advocate of the two-thirds tradition from the beginning of my tenure in the Senate. I've seen the rule used to prevent bad legislation from coming to the Senate floor. And, generally speaking, the process of having to count your votes to get to 21 invariably makes you have to listen to the concerns of others, and many times results in better legislation. I have been grateful that the Senate tradition gives me an equal voice, along with all the Members of the Senate and the Lieutenant Governor in deciding what bills are heard on the floor. And when I return to my district after a difficult session, I can explain exactly what I am for and what I'm against, and I know I participated in every decision determining which bills come to the floor. Unfortunately, what I've seen happening over the last 10 years is that we are experiencing an increased number of ways to get around the Two-thirds Rule, such as special orders and special sessions. I would argue that in many of these cases we just could not reach a compromise and the legislation died in the Senate, or on occasion or two, killed by a filibuster. Now, I'm not blaming anyone for using the parliamentary rules and tools at our disposal. But I do think we need to take a step back and look at how we operate the Texas Senate. While the two-thirds tradition lets the Senate set its agenda during a Regular Session, we cede that authority to the Governor when we are in a special session. We must work on the rules that allow the Senate to govern in Regular Session and complete our work in a timely manner. As we all know, it is in special session that the pressure mounts for additional items to be added to the call that the Senate has no control over. Keep in mind that should the Senate adopt these rules today, we will still have in place a supermajority requirement at three-fifths. I want to repeat that. We will still have a supermajority requirement in the Texas Senate at three-fifths. Over the years I have worked to make this Senate function. I have reached across the aisle, many times at a political cost to me. I have always done what I thought was in the best interest of my constituents, in the best interest of this state, and in the best interest of the Texas Senate. Let's be honest, this discussion to change the Two-thirds Rule did not just happen overnight. This has been a topic of discussion since my first session in 2005. I can tell you that on the Republican side, every session since 2005, the number of my Republican colleagues wishing to change the Two-thirds Rule has increased, session after session, to the point, as we all know, it's become a part of campaigns in Republican State Senate primaries. This session we start with eight new Republican Members of the Texas Senate, and most all of them have discussed this issue on the campaign trail. Over 40 percent of this body is a freshman or sophomore Senator. We have to state the obvious, the trend toward changing the two-thirds vote has been growing over time. The rules are put in place by a majority of the Texas Senate. I've tried my best to reach out to every Member of this body and at the same time be mindful that we need to formulate rules that at least 16 Members of this body can support. I think one more time I'll repeat, if the resolution is adopted, the Texas Senate will still require a supermajority and 13 Members of this body can still block any piece of legislation. But it isn't just the Two-thirds Rule we are discussing in this resolution, it is also that legislation we are considering on the Senate floor hasn't always been vetted by our committees. Members, we have too many committees. For the past two sessions, as Chair of Administration, I have recommended cutting down our standing committees. My concern has been because we have too many committees, Members have too

many places to be at the same time. And in some cases, it's very difficult to get a quorum, which means we're not all there to hear the public testimony and we're not all there when the amendments are laid out and discussed. When we do manage to get a quorum, we too frequently vote bills out just to move the process along, with the expectation that it will get fixed on the floor. Members, committees are supposed to shelve bad ideas and turn good ideas into great ideas before they ever get to the floor of the Texas Senate. The number of committees needs to be reduced. With regard to resolution and floor guests, we realize that we all want to honor and celebrate our constituents through the resolution process. And it's appropriate that we honor Texans whether we are memorializing fallen soldiers or just congratulating the local high school basketball team for their accomplishments. But it is not appropriate to have so many resolutions and recognitions that we lose focus of those we are honoring and then, in turn, do a disservice to those we're trying to recognize. If we're going to honor Texans and organizations on the floor of the Texas Senate, let's limit the number of resolutions that we do during session and properly give our honorees the attention they deserve. So, you'll find in this resolution a limit on the number of resolutions and floor guests each Member can have during session. But before I sound like I am complaining too much about how we run the Senate, let me be clear, I think the Senate does work. Our working group, along with the entire Senate, set out to try to improve on how we function in the Texas Senate. I believe the rules resolution before you will help our Senate function better while keeping the calendar system we all support intact. I support the three-fifths change because it's part of a reform package. I can't stress enough how much the change in committee structure, we hope, will empower Members to more fully participate at the committee level and how the process will continue to improve legislation that hits the floor. The resolution before you is very similar to the one sent to your offices last week. I appreciate all the comments and rules proposals that have been submitted by all the Members. Working together we've all come up with a better rules package. We may not all support all of the sections of this rule package, but I hope we can agree that working together, the Senate will be a better place and we can govern better for the citizens we represent. Members, at the end, I'm getting ready to go over, briefly, the different section changes, and I do want to point out that after we have discussion on the resolution, I'm going to request of the Presiding Officer, Mr. President, that we have a division of the questions so that we may vote on changes to the two-thirds requirements separately from the other provisions in the resolution. Briefly, Members, you've got this on your desk, section by section summary of the rules resolution. I know you'll have questions, so I won't spend a lot of time on it, but I will briefly go through it. Section 1 deals with restrictions on admission. This change seeks to clarify our existing admission rules because as currently written, they're very unclear. Number two, Rule 2.06 provides an exception to the admissions rule to allow floor guests for recognitions and resolutions but limits the exception to three times per Member per session. Number three, Rule 8.03 clarifies that Members can request the recognition of gallery guests at the discretion of the Presiding Officer. In Section 2, Limitation on Senate Bills Raising Revenue, new Rule 7.26 restates the constitutional provision requiring all bills for raising revenue to originate in the House. This is known as the origination clause. Section 3, local calendar eligibility, prohibits the consideration of

constitutional amendments on the local calendar. The Senate currently has a long-standing policy preventing the consideration of JRs, so that this rule just codifies the existing practice. Section 4, standing committees, this changes the standing committees that you've all seen and been given a copy of, as proposed by the Lieutenant Governor. Number two, voting of committee meetings, it deletes archaic language referring to magnetic tape, requires audio recordings in all cases and audio-visual recordings when available. Under Section 5 is where you'll find the changes to the three-fifths changes. And you'll see changes to specific rules outlined in number one, changes to general suspension requirement under two, under three, conforming changes to Article 16. This is important on this number three, Members, because this just basically in Article 16 restates the vote requirements throughout the rules to provide an appendix, that's what that is. Number four changes record vote requirements. This updates Rule 6.15(a) to clarify the record votes are held on a constitutional suspension and procedures. And that's kind of a quick outline of the main changes in the resolution. And with that, Mr. President, I'm happy to answer questions.

President: Senator Watson, for what purpose do you rise?

Senator Watson: Questions of the author of the resolution.

President: Senator Eltife.

Senator Eltife: I yield.

Senator Watson: Thank you, Senator. And I want to start off by thanking you for the hard work, and I'm glad that you took a moment to point out what the process has been. You've spent a lot of time, and I think everybody is appreciative of that kind of time, so thank you for doing what you've done.

Senator Eltife: Thank you, Senator Watson.

Senator Watson: And I do believe session after session, particularly as you have chaired the Administration Committee, you have dedicated yourself to making sure that the Senate runs well, and that's greatly appreciated. I'm going to start with Section 5 of the resolution, and I want to start with the concept of what you have generically referred to, and I think we all generically refer to, as the Two-thirds Rule. And I want to ask a couple of questions about that because when we refer to the Two-thirds Rule, as you did in your outline, correct me if I'm wrong, but what we're referring to there is the requirement that is located in Rule 5.13; 5.13 is suspension of the regular order of business. It's a calendaring, if you will. And Rule 5.13 says that no bill, joint resolution, or resolution affecting state policy may be considered out of the regular calendar order unless the regular order is suspended by a vote of two-thirds of the Members present. That is the Two-thirds Rule that generally is talked about when we talk about the Two-thirds Rule in the Senate. Is that correct?

Senator Eltife: That is correct.

Senator Watson: And how long has that practice or tradition—and part of what we do is we file in the Senate what's referred to as a blocker bill, the Lieutenant Governor will refer that to committee, it gets voted out of committee and gets on the calendar quickly, and that becomes the bill that every bill behind that has to have currently a two-thirds vote in order to make it to the floor.

Senator Eltife: If you're going to take something out of order, correct. That's right.

Senator Watson: So, how long has that practice and tradition been in place?

Senator Eltife: Well, Senator, I can only speak to my time in the Texas Senate. That's what I'll speak to. And it's been in place since I've been here, but since I've been here, we've gone around that rule on several occasions.

Senator Watson: Well, and I want to ask about that a little bit. There are, as we indicate that we're going to, we're talking about making a change in the rule, there are ways that have been utilized to get bills to the floor that otherwise might have been blocked by a third of the Members present is, and that's what you're saying.

Senator Eltife: I believe that's what I was saying.

Senator Watson: Through special order or being brought up—

Senator Eltife: Right.

Senator Watson: —in a special session, and the rules even allow for a mechanism to have a special order to get around situations where someone believes that they've been unnecessarily or unfairly blocked on a bill making it to the floor.

Senator Eltife: There are all kind of things you can do throughout these rules.

Senator Watson: And some of them are far more of a scalpel approach than a, more of a ax approach to changing that rule so that bills can make it to the floor. Things like a special order, which we had on redistricting and voter ID, and allowed those bills to make it to the floor.

Senator Eltife: Is that a question?

Senator Watson: It is. You've seen that happen, haven't you?

Senator Eltife: I've seen all kind of ways to maneuver around the Two-thirds Rule. That's why I think we need better rules so we're not constantly looking for ways around the Two-thirds Rule.

Senator Watson: Well, let me ask it this way, then. Since you have publicly stated that you believe the Two-thirds Rule has been good for bringing about consensus, causing additional deliberation, those sorts of things, if you're trying to solve a problem of some, a handful of bills that can't make it to the floor, wouldn't it be better to use the scalpel approach than to just have a blanket change in the Two-thirds Rule, which does bring about such deliberation and consensus?

Senator Eltife: No, I think you want consistency throughout the rules. And so, that's why we've taken the blanket approach.

Senator Watson: Now, you indicated that part of the reason this is being brought forward now is that Members and the President have campaigned on the issue of changing 5.13, the so-called Two-thirds Rule.

Senator Eltife: Well, I don't know if they went out on the campaign trail and talked about 5.13, but I—

Senator Watson: They've talked about what we've identified as the Two-thirds—

Senator Eltife: —exactly.

Senator Watson: –Rule.

Senator Eltife: The Two-thirds Rule has become a campaign subject in Republican primaries. There is no doubt about that.

Senator Watson: Would you agree with me, Chairman Eltife, that whatever we do in our rules, one of the things we should do is protect against efforts that weaken transparency on behalf of the public being able to see what it is we're doing, public notice, and the ability for Senators to know what it is that they're voting on?

Senator Eltife: I'm all about transparency, and I think that's why you've seen Members thank me for this process.

Senator Watson: I think you've had a–

Senator Eltife: Because it has been a very open process.

Senator Watson: –but the point being, and my question is, would you agree with me that we shouldn't weaken the ability to have openness and transparency or Members to know what it is they're voting on, unless we've got an, and, we shouldn't do away with protections or make it easier to abandon protections without a good reason?

Senator Eltife: Well, that's a blanket statement. Give me a specific and I'll answer it, I mean.

Senator Watson: Okay, well, let me, let me give you one.

Senator Eltife: We all want transparency. It's such a buzzword out there that we all get in front of a TV camera and say, I'm for transparency, I want you to see everything government's doing. So, we're all for transparency.

Senator Watson: Well, let's talk about a couple then. Because when we talk about the Two-thirds Rule and we look at the resolution, we've identified what the so-called Two-thirds Rule is. But what this resolution does is it changes, I think, everywhere our rules say two-thirds of the Members present, it changes that to three-fifths. Is that correct?

Senator Eltife: I think if you look through the, I don't know if every place but I believe almost every place.

Senator Watson: Okay.

Senator Eltife: Look through the, we have a flow chart for you.

Senator Watson: Actually, you have what appears to be a side-by-side.

Senator Eltife: There you go.

Senator Watson: Well, let's talk about side-by-sides for a minute. One of the places that the rule gets changed is Senate Rule 12.10, which is a section by section analysis of conference committee reports. Do you agree that our rule currently says, essentially, that no conference committee report can be adopted without a section by section breakdown that compares the House version and the Senate version and clearly specifies which version the conference committee adopted?

Senator Eltife: Yes.

Senator Watson: It's our current rule.

Senator Eltife: Okay.

Senator Watson: And what we're doing with this proposed resolution is we would be changing so that it would be easier to abandon that rule by dropping it from two-thirds requirement to set aside that rule to a three-fifths requirement.

Senator Eltife: So, you think requiring 19 Members to approve that rule versus 21 makes it less transparent?

Senator Watson: What I'm suggesting is there's a purpose for that rule which is to make sure that all of the Members can make a comparison, much like what you've provided us here, and we are now being offered the opportunity to weaken the protection by reducing the number of people it takes to abandon that protection.

Senator Eltife: I just don't view it that way. I think 19 Members, a supermajority of the Senate, is ample number of Members for that rule. I think that's fine.

Senator Watson: Well then, Senator—

Senator Eltife: And I don't think that weakens or lessens the transparency.

Senator Watson: —do you know of anyone that campaigned on doing away with the two-thirds, the two-thirds requirement for a layout of section by section analysis on conference committee reports?

Senator Eltife: Well, let me put it this way, Senator Watson. People campaign on ideas, and they're elected to lead, and then they're sent to represent the 700,000 people, their constituents. And I can tell you this, that there's real concern amongst, in the Republican primary voters, about the fact that our supermajority is now 21. I wasn't on the ballot, but I know the Members that I've spoken to that were on the ballot, it's been an issue with their voters. So, I don't think the voters read the rule book, and, furthermore, the rules are actually for the Members of this Senate to govern ourselves and how we operate. So, I think those voters picked the person with the ideas that they believed in and sent them to the Texas Senate. And my observation is in the Republican primaries this was an issue.

Senator Watson: Well, let's talk, let me ask if this was then, let's ask, let's talk about something specific to the voters.

Senator Eltife: Alright.

Senator Watson: One of the things that your resolution would do is it would change Senate Rule 22.01, which is the so-called de', what I call anyway—

Senator Eltife: Catchall.

Senator Watson: —the default, catchall—

Senator Eltife: That's correct.

Senator Watson: —default rule.

Senator Eltife: That's right.

Senator Watson: And what that says is that if a rule doesn't otherwise specify what's necessary to set it aside—

Senator Eltife: Correct.

Senator Watson: –it takes two-thirds.

Senator Eltife: Correct.

Senator Watson: Now, we have a side-by-side here, but this side-by-side doesn't include those rules that would fall in the catchall.

Senator Eltife: That's correct.

Senator Watson: So, for example, Rule 11.10, that is a rule regarding public notice of a committee meeting. This would say it no longer takes 21, it takes, instead, a lesser number to abandon that rule regarding public notice of committee meetings. Is that correct?

Senator Eltife: That's correct.

Senator Watson: Rule 11.18 is the rule regarding the requirement for a public hearing. This resolution would make it easier because it would take a lesser number of votes to abandon the rule related to the requirement of a public hearing, if we pass this resolution. Is that correct?

Senator Eltife: Yes, Sir.

Senator Watson: Rule 7.09 requires a fiscal analysis or a fiscal note to accompany a bill so that we know the impact that the bill has on our Senate budget. The resolution we have in front of us would make it easier to abandon that requirement by reducing the number of Senators it would take to suspend that rule.

Senator Eltife: Any rule that is not specified in the rule book comes under the catchall, so it will go from 21 to 19.

Senator Watson: And I understand that. But I think it's important for us to point that out since it's not part of the side-by-side–

Senator Eltife: I think that's–

Senator Watson: –and it falls–

Senator Eltife: –correct.

Senator Watson: –into a catchall. And because I do think that the public is watching.

Senator Eltife: I hope they are.

Senator Watson: And I do think that several, and, frankly, the new Members that you referred to in your opening comment, we've got eight new Members, that one of their very first votes will be to reduce the requirement necessary to abandon the rule on public notice of committee meetings, the rule, the requirement for a public hearing, the requirement for a fiscal note, and, for that matter, the rule that bars lobbyists from the floor or how we deal with a Senator who accepts a bribe. And I think it's important for people to know that that is in this, because when we talk about just the Two-thirds Rule, that's a very specific thing. But we're now taking this to changing the way we vote on transparency and openness in government. You won't deny, will you, that it will be easier to throw out a rule that's intended to add openness and transparency–

Senator Eltife: I do not—

Senator Watson: —that 19 is 21.

Senator Eltife: —I do not believe that this is going from 19 votes, 21 votes to 19 is less transparent. The fact of the matter is, Senator Watson, most of my constituents think it's majority rule in the Texas Senate. They think 16 people can do whatever they want. So, now we're going from 21 to 19. I don't think dropping it from 21 to 19 is one iota less transparent. I do not believe that.

Senator Watson: Making it easier to abandon a rule that requires transparency could, can, in fact, lead to less transparency—

Senator Eltife: I just—

Senator Watson: —and there ought to be a burden that if you're going to change the rules to make it easier, to make it easier to abandon transparency and things of that nature, there ought to be a good reason for it other than just the idea that I don't think it'll be that big a difference. I do appreciate the time you spent on this, and I appreciate your answering my questions.

Senator Eltife: Senator Watson, and I appreciate you. You had some great ideas and some have been incorporated, and I appreciate you working with me.

Senator Watson: Thank you.

Senator Eltife: Thank you, Senator Watson.

President: Senator Ellis, for what purpose do you rise?

Senator Ellis: To ask a few questions, Mr. President.

President: Senator Eltife.

Senator Eltife: I yield.

President: Senator Ellis.

Senator Ellis: Senator, I, too, appreciate the time that you put into this. I just want to ask a couple of general questions about process, not digging into the specifics right now. What's your sense of how long the two-thirds tradition, because that's really the gist of what we are debating and discussing today. What's your sense of how long that tradition has been in place?

Senator Eltife: You know, Senator Ellis, you would know better than I would know. I've been here since '05, I think, seems like a lot longer than that. But, I've been here since '05 and, you know, ever since I've been here it's been in place. I've read stories that go back to the '40s and '50s. And I've read stories and articles where they've gone around it on several occasions. But I would not have the history you would have on that.

Senator Ellis: I think we could debate it 100 years, maybe the blocker bill tradition started in about '47 or '49. Is it fair to say that this is a big change from the way this body has operated before?

Senator Eltife: Yes, I would, I would definitely say that.

Senator Ellis: Okay. In terms of process, do you think to change something as big as this, it would have been a good idea in this age of, as you refer to it, transparency, everything is transparent, to have had a public hearing to let your constituents and my constituents have some input? Maybe they would have some thoughts on why it was a good idea 100 years ago or when the place was created.

Senator Eltife: You know, Senator, I would respectfully disagree with you on that. I think we are elected to come to the Texas Senate and represent our district and lead. These rules are adopted by the Members of the Texas Senate to govern ourselves. That's what these rules are for. These are the Members' rules. And so, I—

Senator Ellis: So, you don't think a public hearing would have been a good idea?

Senator Eltife: —I, no, I respectfully disagree. I think—

Senator Ellis: That's reasonable.

Senator Eltife: —this is how we govern ourselves.

Senator Ellis: Reasonable minds can differ. Is it fair to say that this vote sets the stage, it is one of the most important things we will do as a body because this lays out the road map for what we will and will not accomplish?

Senator Eltife: I would agree with that. And I would agree, and I would state again that this is a total package, that I have not really liked the way the Senate has functioned since I've been here. I, I think every session it's gotten a little worse. And I'm hopeful that this entire package, less resolutions, more attention on the floor, less committees, two-thirds to three-fifths, no special sessions, I'm hopeful that the Texas Senate will govern and be a better example to the citizens of the State of Texas of how we should govern and solve the problems of this state.

Senator Ellis: Senator, you and I, we're not House-broken, we came out of local government to the Senate. You do know what a calendars committee essentially is.

Senator Eltife: I do.

Senator Ellis: Trying to get our bills out of the other Chamber.

Senator Eltife: Mine disappear every year over there, I've never figured out how that works.

Senator Ellis: Do you think it's fair to say that this two-thirds tradition, in many ways, pretty much made the Senate as a whole the calendars committee for the Texas Senate?

Senator Eltife: That's correct. That's why I want to preserve a supermajority.

Senator Ellis: So, Senator, I'm curious to know how many times the working group met as you drafted something that clearly is going to set the road map for what we accomplish or don't accomplish, is clearly a big deal. We will agree it's been in place for a long time. How many times did this working—

Senator Eltife: Well, I'll put it to you—

Senator Ellis: —committee—

Senator Eltife: —this way—

Senator Ellis: –meet as a committee?

Senator Eltife: –put it to you this way, before I answer that question. I've been here, 2005 was my first Regular Session, and countless specials. Throughout that entire period we have never, since I've been here, spent more time discussing the rules of the Texas Senate than right now. Most time we walk in, there's no discussion, we adopt the previous year's rules, no one even talks about it. We have spent a lot of time with all the Members discussing these rules. The working group met once and then we kept circulating documents, and I tried to include the entire body with those documents and all those drafts. And I believe, I wanted to thank Senator Watson. By the way, our working group was a bipartisan group. It was Senator West, Senator Hinojosa, Senator Whitmire, Senator Fraser, Senator Nelson, Senator Hancock, and myself. And, Senator Watson, we were welcoming any of the Members that wanted to sit in on it, and we thank Senator Watson for helping us with that.

Senator Ellis: Senator, you do know there'd be very little reason to discuss the rules if you weren't changing them. So, I mean, I've only been here 25 years, but if we were just readopting the rules we had the last session, there'd be very little reason to discuss them. I mean, you hope people will read them.

Senator Eltife: Well–

Senator Ellis: Or read them at some point.

Senator Eltife: No, Senator Ellis, every session there's been discussion of changing the Two-thirds Rule, every session I've been here.

Senator Ellis: Yeah, I'm just making a point that if there were no major changes in these rules today, there'd be very little reason to have this discussion that we're having now. Would you agree with that?

Senator Eltife: A good discussion.

Senator Ellis: Senator, if this two-thirds tradition is pretty much our version of a calendars committee, we didn't have that in local government. Was there any thought, or maybe you all did talk to other state legislative bodies around the country? You know, if you or I have a bill, I always want to ask, well, who else does it this way, what works, what came out of it that was good, what came out of it that was bad. I mean, did the working group look around the country to see if in other states where they don't have a calendars committee, how, how they do it? Was there some comparative analysis to make a change this big?

Senator Eltife: No, Senator Ellis, we didn't. And what we started with, and if you may remember, when I proposed the working group to the entire Senate at the end of the last special session, the whole reason I proposed this working group is because I felt like the Senate was not functioning properly and was dysfunctional. And you know the vote on adding that to SR 71 was unanimous. Every Member of this Senate agreed we need to look at our rules. We weren't trying to reinvent the body, we were trying to look at where we've had failures, and how we can fix those failures. So, that's what we started with. We didn't want to go look to reinvent the wheel, we

wanted to fix what was broken. And that's why although we had some great amendments from people on this floor, a lot of them we didn't include in the rules because we didn't feel like there was anything we were trying to fix.

Senator Ellis: Senator, what is our partisan makeup now, 20-11?

Senator Eltife: That sounds right.

Senator Ellis: Okay. And you're going to go to 19 to bring a bill up. If the makeup was 19 on your side of the aisle, respectfully, or if it was 18, do you think you would still have consensus on your side of the aisle, very distinguished Members, to go to 19?

Senator Eltife: I think we probably would. I do. And I think, you know, it's, you want to look at the partisan makeup of the Senate, I totally get it and understand it and appreciate it. But we have to be honest about a lot of the bills that hit the floor of the Senate, we don't vote along party lines. I can tell you, I can look at every Member of this body, and I've given most every one of the Democratic Members a vote for a bill at one time or another. And I think if anyone on this floor can stand up and say they are independent voter and doesn't always vote party line, you're looking at him. So, the thought that because we go to 19 and there are 20 Members, it's the panacea of the world and everything's going to be beautiful for the Republicans, it's just not true.

Senator Ellis: Well, Senator—

Senator Eltife: It's a, it's not minority party by Democrats, Republicans. It's about the minority interest of a specific piece of legislation. Be it urban versus rural, be it less votes you need to get your smoking ban out of this body, that you've worked so hard for over the years, always trying to get to 21. Maybe there's 19 Members that'll help you pass that smoking ban. So, it's not just about Republican versus Democratic issues. That's not what it's about. It's about better governing.

Senator Ellis: I would respectfully say to you, Senator, that really is what it's about. Do you have any concerns that by changing the rules that've been in effect all this time, and going to 19, when the other side of the aisle gets into power, they'll get to 16 before they get to 19, your side will probably get to, I mean, you're going to go down at some point. You know, I may not still be here or if I am I may not know I'm here, but, I mean, do you have a fear that that's what we're doing? I mean—

Senator Eltife: No.

Senator Ellis: —how could anybody else listening to this discussion who follows government, they know what this is about.

Senator Eltife: Senator Ellis, there are some Members on this floor right now that would like to go to majority. Right now. But there are also Members of both sides who have fought for supermajority. And that's what we have the votes for. You know, I think, what I hope comes out of this, I hope, I don't have all the answers, don't have a crystal ball, I hope that if we pass this rules resolution today, I hope we have a good session, and I hope we get all our legislation passed that all of us want to help this state be a better place. And I hope we have no special sessions. I don't think we can predict the future 'till we get through this session. But we have to remember that every

session we come back, we pass a new set of rules. We have a chance to vote on the rules again. All I can do is try to propose what I think is in the best interest of the Senate and try to get to 16 votes. And that's what I've proposed.

Senator Ellis: Last question, because obviously you and I disagree on this, Senator, and we're good friends, by the way, and I'll get my chance to speak against it at the appropriate time. I happen to represent a district, for the most part, that's little more urban than your district. You know, the old battles here used to be between the rural and the urban areas to some extent, even when it was dominated by one party back then. Do you have any concerns representing a district that is not quite as urban as the one I represent, that what you do is put a more rural district at a disadvantage by going to the 19 instead of 21?

Senator Eltife: I'm still very comfortable that we have a supermajority in the Texas Senate. I'm not concerned because we have a 19-vote threshold now. I'm comfortable with that.

Senator Ellis: One last point. You mentioned earlier about the collegiality that we have here. You know, we always get up and say the honorable Senator, and how much you respect the work, that you always say you respect my work before you kill my bill.

Senator Eltife: The first time I got in trouble with the previous Lieutenant Governor is when I co-filed a bill with you, by the way.

Senator Ellis: How well I recall. That's why it makes it difficult for me to have to debate you, but, obviously, I've got strong reservations about this. Do you think that that two-thirds tradition has played a key role in getting us to be more civil, more gentile, more respectful of one another because one minute I may give you a vote to bring a bill up and pray to God that it does not pass and the next minute you may be on opposite side of that?

Senator Eltife: I would say that I think the 19 votes will still get us that same ability in the Texas Senate, and I will also say that I think some of the special sessions we had were not a pretty sight for this body and that I don't want to see that happen again.

Senator Ellis: Well, keep hope alive, but we'll see. Thank you.

Senator Eltife: Thank you, Senator Ellis.

President: Senator Van de Putte, for what purpose do you rise?

Senator Van de Putte: Thank you, Mr. President. Will the gentleman yield?

Senator Eltife: Yes, absolutely, Senator Van de Putte, Mayor.

Senator Van de Putte: Thank you, Mr. Chairman. First of all, congratulations and thank you for the process that you were used, and certainly throughout the interim. This was a topic of discussion, and I wanted to just ask a few questions about the Section 5 and then go to the other sections, if possible. So, in my 24 years in the Legislature, that Senate tradition of the threshold by which to bring up a floor debate was always an enigma for Members of the House as they had that calendars committee. So, in essence, the Senate was its own calendars committee. A lot has changed in 24 years. The most brutal, the most emotional, and the most difficult

battles have never been partisan. They've been about water, those that have it and those that don't. So, I want to ask you a very, very important question because for us, our water resources are going to be the most important topics of discussion. In still having a supermajority by the change in the rules to now 19, do you believe that those topics such as junior water rights, interbasin transfers, will be an easier or a more difficult topic for Members of this Senate?

Senator Eltife: I don't think it changes.

Senator Van de Putte: Given the makeup and the intense urbanization and our population centers, do you believe that the change in the supermajority from 21 to 19 would also have an effect on the issues that are nonpartisan which have been discussed in earlier legislative sessions? Maybe not while you were here, but certainly in prior battles with court decisions on school finance, the subject of mandatory consolidation of rural school districts, would that cause you or cause us any concern from a supermajority of 21 to 19?

Senator Eltife: I don't think it will, and I'll tell you why. Because every time I've had to find 11 votes to support my district, I've ended up finding a whole lot more. Anytime I go to a Member of this Senate who's a friend of mine, and I've got a dilemma with my district, or trying to protect water for rural Texas, or when we were doing school finance and Senator Duncan put together a group to make sure rural school districts were taken care of, every time we get way past 11 because I go to a Senator on this floor who may be from Houston and I say, I need help, they're hurting my district. I always get help. So, I'm very comfortable with the supermajority at 19. I'm very comfortable with that.

Senator Van de Putte: And my final question on this is that with respect to those issues which are exceedingly important to the population, bringing that supermajority from 21 to 19, with respect to expansion of gaming, you still have no concern or this body has no concern about lowering that threshold.

Senator Eltife: No, I don't.

Senator Van de Putte: Well, Senator, thank you very much. I appreciate that and notice that I am not worried about the partisan issues. I realize for my Republican colleagues that it was definitely a campaign issue. As I traveled the state last year, it was a campaign issue. But the majority of the decisions that are really those partisan ones, you're right, have been gotten around by some mechanism. So, I appreciate your honesty and your diligence in trying to make sure that what we see is going to be consistent. I still think we will have as many special sessions, given the fact that we are bound by court decisions as well. Thank you for that, and I'd like to ask you about the other portions of that.

Senator Eltife: Absolutely, Senator.

Senator Van de Putte: Thank you for the leeway. On Rule 2.06, the exceptions, I know that what you've continued to try to alleviate, and certainly the Members with a number of resolutions and things that we have here on the floor, bringing more meaning and value to those guests that we do bring. My question is one of particular that comes before, as Chair of the Veteran Affairs and Military Installations

Committee, as that Chair usually brings the type of resolutions to the floor that are with the whole Senate. In March, we honor our Vietnam veterans and this March, in particular, we will have an anniversary that is very significant. Usually late January and February, we have our wounded warriors. We ask Senators if they have constituents to come and honor those. On January 29th, we'll have the honor of having Taya Kyle, the widow of Navy SEAL Chris Kyle, in Austin for the viewing of *American Sniper*, her recognition and that of the Frog Foundation named in his honor, which we had a bill passed last year, usually the committee Chair of that and then others. My question is, knowing the limitations per Senator, I wanted to make sure that the new Chair of this committee would have that leeway to act when we, as a body, really must recognize the efforts of those men and women who have given us this ability to have a representative democracy in the first place, and that it wouldn't count against that Senator for their personal limitation of three times per session, or the recognition without bringing them to the floor for those 10 times. Can you assure me that it's not the intention to limit those types of special recognitions that may be brought by the future Chairman of that committee?

Senator Eltife: Yes, and the recognitions in the gallery are unlimited as long as the Presiding Officer recognizes the Member. What we're trying to do more than anything is scale back the number of resolutions and floor guests, because we're not paying attention and, quite frankly, it's embarrassing when we have a resolution or guests on the floor and three Members are out here. So, you know, what we're trying to do is narrow the number of resolutions, narrow the number of floor guests, and let's be attentive and appreciative to what's going on on the floor. To answer your question, of course, we would take that into consideration, and we'll pass that on to the Administration Committee, and we'll find a way to make something like that work, absolutely.

Senator Van de Putte: Thank you, Mr. Chairman.

Senator Eltife: Thank you, Senator.

Senator Van de Putte: I shall miss our debates.

President: Senator West, for what purpose?

Senator West: Will the Senator yield?

Senator Eltife: Absolutely, Senator West.

Senator West: Just a couple of questions. We have been trying to figure out exactly how long this rule has been in place. It's my understanding that it's been in place for over 64 years, would you differ with that?

Senator Eltife: No, Sir. If you're telling me that, I believe it.

Senator West: Based on the research from my staff, it's been in place for over 64 years. How did we come up with three-fifths? Are there other legislative bodies that use three-fifths?

Senator Eltife: You know, we didn't look at other legislative bodies. I know that we wanted to maintain a supermajority, and that was the goal, to maintain the supermajority. The majority of the Members did not want to go to majority. They wanted to maintain the supermajority, and that's what a lot of Members brought up, quite frankly, was the 19.

Senator West: I recall in the past that when we had discussions, at least, about taking out the Two-thirds Rule that we looked to the U.S. Senate, and I think that they have a three-fifths requirement. Are you familiar with that?

Senator Eltife: I'm not familiar with the U.S. Senate.

Senator West: Okay, but you would agree that if we're copying after the Congress, that's a pretty dysfunctional body. Wouldn't you agree with that?

Senator Eltife: That's a given, yes.

Senator West: That's a given, okay. So, if we're copying anything after the Congress, after the federal government, as it relates to procedure, then that's a bad model to utilize. Wouldn't you agree with that?

Senator Eltife: I would agree with that.

Senator West: Okay. Now, and first of all, thank you for your work, as everyone's already said, but I want to make certain that it's real clear that when we did meet, all of us agreed on all of the other proposed rule changes. But there was not really agreement, at least amongst, well, I think myself and a couple of other Members of the committee, as it relates to changing the Two-thirds Rule. Is that correct?

Senator Eltife: That is absolutely correct.

Senator West: And so, when we had that discussion, we decided to put those changes in a separate section and do a different vote.

Senator Eltife: Aside. That's right.

Senator West: Thank you very much.

Senator Eltife: Thank you, Senator West, and thank you for your help on the working group.

President: Are there any other questions? If not, Senator Ellis, if you are ready, you are recognized to speak on—

Senator Ellis: Thank you, Mr. President. I respectfully rise to speak against the rules that this Senate will probably adopt today, based on the good counting of Senator Eltife. Members, I think it's a sad day for the Senate and one that we will look back on and regret. I've been around this Chamber since 1975, when I came here to go to graduate school, and I was an intern for the then-Lieutenant Governor of Texas, Bill Hobby, I might add, the longest-serving Lieutenant Governor in the history of this state. I think you could make the argument that the conservative thing to do today would be to conserve the traditions of the Texas Senate that, in my humble opinion, have worked fairly well. I think, Senator Eltife or Members, if you look at the 600 bills that I've had the privilege of being the lead author on, some of them have been things as mundane as clearing up liability for left turn of a motor vehicle. But by and

large, some of them have been fairly heavy bills like the Michael Morton Act from last session or the Hate Crimes Bill that blew up this Chamber every session for a decade. And the real issue there was whether or not we could include sexual orientation in the bill as a protected group. It was a law and order bill, Senator Eltife. I would make the argument, although I didn't see it then, I see it now, maybe that bill was not ripe, and maybe when I put that bill in, in 1991, I hadn't really made the case, and maybe I hadn't made the case in '93, '95, '97, or '99. In 2001, maybe it was ripe. I don't think that there are very many issues that come up in this body that are good ideas and ought to become law if you can't get 21 votes. The conservative thing to do would be to keep the rules in place, the important ones, this two-thirds tradition, that has helped this state become the powerhouse that it is. Look, I understand elections, and I know some of you had tough primaries, you know, you may not believe it, but there was time in my life when I had some tough ones as well. And a lot of times, I hope my constituents will forgive me, we all say a lot of strange stuff when we're running, real leadership is when you get to the table. If you have the privilege of being one of 31 people in one of the smallest legislative state bodies in the country, you make decisions for the long haul and not just for the moment. I mentioned it earlier, the other side's going to get to 16 at some point. What you do today, how could they not change it? You know, somebody's going to make a motion at the end of this to put this in the record. They'll be able to read, and even if they can't, they'll be able to see it on video and audio. What you're doing today by discarding the two-thirds tradition is making this legislative body operate very much the way they operate in Washington, D.C. You can dance around it all you want. We're all good people, and we all have to make tough decisions, but it's the wrong thing to do. When I worked for Bill Hobby in 1979, I was a staffer when he decided to ditch the two-thirds tradition to change voting to help Governor John Connally win the Republican nomination for President of the United States. Thinking about not today's debate, but really I'm going to roast Governor Hobby at an event later on tonight, I went back and read his book. Amazing read, by the way. So many of the issues that we still have to deal with this session, he went through them in excruciating detail in his book. Learned a lot of things, Kevin, including learned the reason when we walk up 32 steps coming up to the Betty King Room, 31 of those steps are in honor of the 31 seats that we occupy on this floor, and that last step is in honor of the Presiding Officer. I saw this quote in Bill Hobby's book: The biggest mistake I made as President of Texas Senate was trying to circumvent the Senate's two-thirds tradition in 1979. The Senate Rules are designed to create an orderly process that respects the rights of individual Members. They've lasted this long because they do the job well and considered a need for compromise in the legislative operation. Trampling the rights of the minority is never a good idea, but despite my bad experience, it has happened over and over again. Members, it's a bad vote. And even if you don't see it now, I hope when you write your book, you'll have the same courage and sense of purpose and the honesty that Bill Hobby had when he made that mistake. I would respectfully ask you to consider voting against the rules that are being recommended today.

Senator Eltife: Thank you, Senator Ellis.

President: Chair recognizes Senator Lucio to speak on the resolution.

Senator Lucio: Mr. President, I, too, got here in the early 1990s, 1991 to be exact. I've seen many changes, Members, and one of the things that we always felt was important is for us to have consensus when we're able to reach a decision on what legislation we would move through this body. Looking back at some of the very important pieces of legislation that I personally carried, one of the first ones was life without parole. It took me three sessions, three legislative sessions to pass that bill and put it into law. Then I also picked up a bill that I thought was extremely important for the autistic children of this state to be able to have early intervention treatments so that they could put their little lives in order. Again, Members, it took me three legislative sessions to pass that bill because I was one vote short, just like I was in the life without parole bill. During that same period of time in the early 2000s, 2005, I believe, I had a bill that I felt was extremely important because it gave us an opportunity to see every section of the state with a little representation on the TxDOT commission, which handles billions of dollars for this state. Again, I don't know why the number three comes up, it took me three legislative sessions to pass that bill and finally gave Governor Perry an opportunity to add two more Members to that. I submit to you the day that hopefully in the very near future—Senator Ellis, because I know you've worked harder than anyone on this body, since the early 1990s when I first met you—we can pass, maybe, a bill that does away with the death sentence in this state, and we're really serious about life. That is an issue that we need to take up in the near future as well, and so many others, Members, I can relate to. Times have changed. When I first got here, Senator, it was 23 Democrats and eight Republicans. And I remember Ike Harris, Cyndi Krier, who helped me pass my first bill in the Senate, and so many others that were serving at that time, eight of them in particular, that I reached out to and I felt they needed to be part of the process, our Republican brothers and sisters. I've always felt that way. That this is one body, one state, under God, which I hope we can continue to look at, seriously, because our faiths should be every part of our decision-making here in this body. And I like what's happened this week, a Holy Mass for our leaders, to bless them and the Legislature, yesterday's speeches which alluded to God, the almighty, and what we have right above the President's podium: In God we trust. And I trust that we will do the right thing this session and that we will show Texas that we really are brothers and sisters that can come together regardless of where we come in this state and do the right thing for them. I know that a lot of kids suffered because of my bill not passing, and the testimony that was offered gave me a lot of emotional nights where I couldn't sleep. I hope that when these bills come to the table, Members, you can remember some of us that have struggled so much to be able to do the right thing for the children of this state, for the older citizens of this state, and for those that are not as fortunate as we are, for many, many that go to bed hungry. I hope you can remember, because I intend to articulate those issues fully during this legislative session. Thank you, Mr. President.

President: Thank you, Senator. The Chair now recognizes Senator West to speak on the resolution.

Senator West: I, too, rise, Mr. President and my friend, to speak against this, at least Section 5—

Senator Eltife: Yes, Senator West.

Senator West: —of the rules as it relates to changing the two-thirds. Everybody's already talked about the tradition, so I won't be repetitive as it relates to that, but by this vote today, Members, we are doing irreparable harm to this body. Harm is going to be in terms of a procedure that has served us well over the years, in terms of forcing us to reach across the party lines, reach across different types of ideological thoughts to try to find consensus. We no longer need to find that. And I will wager each and every one of you, you will find yourself during this legislative session on the wrong end of this particular rule. We've already talked about the dynamics. Most of the issues we deal with here are not partisan, and I understand elections have consequences. The reality is that most Republicans who won this time around ran on the Two-thirds Rule. In the past there were not enough Republicans here in this body that we could, number one, get the votes in order to pass this particular Two-thirds Rule. You have it now. The elections have consequences. And I think the consequences of this vote will be great. One thing, and Senator Ellis mentioned this, the only thing that's permanent in life is change. And change will come. And the question is, once that change comes, what will be the rules then? When we look at what we're doing today, you think about the U.S. Congress and the U.S. Senate, I think, Senator, that they have a three-fifths rule, you agree with me, that Congress is dysfunctional. The vitriol is apparent each and every day. Members don't even talk to one another. I would hope that this body never gets to that particular low level of public service. I understand elections have consequences. But I would never have thought that just because elections have consequences, that we as Members of this august body would do something so detrimental, from my vantage point, to destroy a tradition that has held this body in good stead. The vote today, the sure vote today, to do away with the Two-thirds Rule is a death knell in many instances to collegiality, consensus building in the Texas State Senate, and will do irreparable harm to this body. I ask for your vote against Section 5 of the rules.

President: Thank you, Senator West. Chair recognizes Senator Watson to speak on the resolution.

Senator Watson: Thank you, Mr. President. Again, Senator Eltife, thank you for your hard work on this. Members, I'm not going to be repetitive with regard to the Two-thirds Rule, all I want to do is, I want a moment of focus. The Two-thirds Rule is, as Senator Eltife and I agreed and most of you already know, is the rule that we talk about when we talk about the tradition of suspending the regular order of business to bring a bill to the floor. It's in essence, as been pointed out, a calendar aspect to how we do our business. A lot has been said about that and I don't want to be repetitive. What I want to focus us on is the fact that the resolution goes well beyond just the Two-thirds Rule. What has happened is, everywhere that the rules say two-thirds of the Members present, that is being reduced to three-fifths. So, if there's a problem that someone wants to solve with regard to the Two-thirds Rule, the calendaring rule, the rule that gets bills to the floor, the question has to be asked: What are the problems we are trying to solve with regard to all of the other rules, and what are the unintended consequences when we do that? Instead of using a rifle, we're using a shotgun when it comes to anything that says two-thirds, and I think we ought to take a moment, and

we ought to look at what that does. I will start off by saying, that as we're here today, we can all have a debate about whether 21 is the right number or 20 is the right number or 19 or 22. None of us are going to be able to say what is the right number, but what we know is that currently we use 21 as the baseline for saying, we're not going to allow you to do away with the rule, suspend a rule, abandon a rule, unless you have 21 votes. So, before we reduce that requirement, before we make it easier to abandon a rule, we ought to be in a situation where we're at least asking, what would be the unintended consequence. And let's be honest, 21 to 19 is a drop, 21 to 19 does make it easier to abandon a rule, 21 to 19 is a step away from protection that a rule will not be abandoned. We're going to have to defend the vote about why we made it easier to abandon certain rules, and I will say to you, clearly, if it doesn't really matter going from 21 to 19, then there's no reason to do it. The truth is that it does matter. It makes it easier to skip over an important rule. And let's talk about some of those rules. I've pointed out, and Senator Eltife was good to answer my questions with regard to this, but in some specific instances, it makes it easier to abandon the rule to have a section by section analysis when we may need that. And I will tell you, when we get down to the end of the session, that section by section analysis on conference committee reports is very important to us as Members. But maybe more importantly, maybe more importantly, go through some of these rules that the catchall makes it easier to abandon. It is true that right now you need two-thirds to suspend the rule regarding public notice of committee meetings, to suspend the rule regarding the requirement of a public hearing, to suspend the rule barring lobbyists from having access to the Senate floor, the rule regarding discipline of a Senator who accepts a bribe, the rule requiring a fiscal analysis or a fiscal note, or the rule requiring that a conference committee report be furnished to each Senator 48 hours prior to action being taken on them. My point, Members, is the Two-thirds Rule, the calendaring rule has now seeped into rules related to public notice and the requirements for public hearing, to rules related to fiscal notes on the bills that we're going to be voting on. Before we make it easier to abandon a rule, we should have a good reason for doing it. And while some reasons have been put forward on doing away with the calendaring Two-thirds Rule, no reasons have been given for why we would do away or make it easier to abandon a rule regarding public notice or fiscal notes or any of those things that I've pointed out. We all run in campaigns and, yes, I agree with Senator Eltife that the constituents probably aren't reading the rules, they are instead watching us and relying upon us to make sure we're passing rules that keep this building open to them, that make sure we have sunshine, and make sure that we're being transparent. The public is watching, and I encourage you to vote against this resolution because part of what it does is make it easier for a group of people to abandon a rule that will allow the public to watch. Thank you, Mr. President. Thank you, Senator Eltife.

Senator Eltife: Thank you, Senator Watson.

President: Chair now recognizes Senator Rodríguez to speak on the resolution.

Senator Rodríguez: Thank you, Mr. President, Members. First of all, I apologize, I'm nursing a cold, so please bear with me if I sound different to you than I've sounded in the past. And I think my voice, as I hear it, is sounding different. I'm not going to repeat the benefits of the rule that have already been talked about at length. I

think we all understand the notions of bipartisanship, of working together, building consensus, reaching compromise. I happen to believe, as some of my colleagues do, that this is a tradition that should not be lightly abandoned. We are making a dramatic deviation from the way this body has been operating throughout a long history, Members, a very long history. Whether it's 50 years, 64 years, Senator Watson, or 100 years, as I think Senator Ellis has said before, in federal court no less, it's still a very long time that this rule has been in effect. And so, I'm afraid that what we're doing here is creating a precedent for future legislators that may damage the role of the Senate for generations to come. So, the Senate is supposed to be above partisanship, this is for our new Members from the House, we're supposed to be above partisanship. As the Lieutenant Governor said yesterday, this is the greatest deliberative body on Earth, in this country for sure, and it should be focused on the best interest of this state. But this rule change means we don't have to strive for consensus, for compromise, working together, and we can effectively ignore a third of this body, essentially. Now, Chairman Eltife, I should have started out by congratulating you for your forthrightness and your willingness to work with everyone, and you always have shown that. I have a tremendous respect for you, and it hasn't changed one bit, in fact, it has increased as a result of the work that you have done on this work on the rules. But, Members, I think this needs to be said, and I know people don't like to talk about this, but I want to call your attention to this fact, which third in this body is going to be ignored or affected when we have this rule change? May I suggest to you that the Senators representing the Senate Democratic Caucus, the Senate Hispanic Caucus, that is the Democratic Senators in this body, represent nearly 60 percent of all Hispanics and African Americans in Texas. These Senators will be unable, as a result of this change, to prevent a bad bill from coming to the floor, and we all have seen bad bills. There are a third of us in this room that represent minority-majority districts. There are a third of us that are elected by ethnic and racial minorities, and we strive our very best to represent those minorities and to give them a voice in this body, in this Texas Legislature. Without the traditional Two-thirds Rule, I suggest to you that our voice and their voices will be regressed. No longer will the Senators that represent the vast majority of African Americans, Hispanics, and Asians in Texas be able to stop legislation that would be viewed as trampling on their rights. We saw this before in 2011 with the passage of the state's voter ID legislation, Senate Bill 14. It passed without consideration, as we all know, of the Two-thirds Rule, and the law was found to be retrogressive and in violation of the Voting Rights Act by not one, but two federal courts, including one that was a majority Republican-appointed federal court, I might add, panel. In fact, the removal of the two-third rules tradition for Senate Bill 14 was cited in the judge's opinion striking down that law as a violation of the Voting Rights Act and the equal protection clause of the 14th Amendment as intentionally discriminatory. In that opinion, the judges said, and I quote: While the rule may not be enforced for insignificant matters, and has been suspended by agreement for politically sensitive votes, it is unprecedented to suspend that rule for contentious legislation as important as Senate Bill 14. So, some may say that this change in tradition has nothing to do with minority rights or racial politics, right, and that it's just a partisan maneuver. Now, this is the same excuse that we have used to justify every action that undermines minority voting

rights. We use this excuse every redistricting cycle, Members, and then the courts strike down the map, and yet we do it again the next round. It's not just politics when you change a rule in place for a half century that ensures minority legislators and legislators representing majority-minority districts, that have a say when it comes to bringing a bill to the floor. And of course, as has already been mentioned, we know minorities are not just the racial and ethnic minorities, the protection afforded by upholding the Two-thirds Rule and the blocker bill tradition is important for nonpartisan reasons. For instance, the minority can be a divide between suburban and rural Senators, as has already been pointed out, especially when it comes to things like water and water infrastructure, as Senator Van de Putte pointed out, rural schools, and somebody else raised gambling. It's for reasons like these that Members of this body, Republican and Democrat alike, have opposed the efforts to repeal the two-thirds in the past. It isn't so often that a piece of legislation will cleanly split this body purely on partisan grounds. Instead, most often we Senators have managed to negotiate with one another and arrive at a consensus that benefits all Texans. Quite simply, when minority voices have a place in the discussion, the public benefits by passage of a better public policy. So, for example, when Lieutenant Governor Patrick wanted to pass House Bill 5 last session, because of the Two-thirds Rule it resulted in then-Senator Patrick working with Democrats to make the bill better; 31 Senators voted for it. All of us did because it was a better bill, and I think Senator Patrick has acknowledged that, excuse me, Lieutenant Governor Patrick, Mr. President. Now, it's been said by some in this body that the Two-thirds Rule has been used to obstruct and impede legislation that the Republican majority wants to pass. We heard this several times on this floor and out of this floor. This has been the main argument, Chairman Eltife, for changing the Two-thirds Rule. But now, let's think about this. In contrast to House Bill 5, the voter ID bill that I referred to earlier, Senate Bill 14, in 2011 was enacted without the Two-thirds Rule. So, what was the result? A strictly partisan vote. The legislation has been struck down by two federal courts, as I pointed out, in violation of the Voting Rights Act and the Constitution. If there had been a Two-thirds Rule and a reason for working with one another, and there were plenty of amendments that were offered by the Democrats that were rejected, perhaps we could've crafted a law that would've passed constitutional muster. Now, by eliminating the need for any real bipartisan compromise, we do Texas a terrible disservice. No longer will the majority be required to deliberate thoughtfully about the myriad issues that will come before this body. Rather, they're willing to abdicate their responsibility to lead and turn it over to their caucus or consolidate that power in the President of the Senate. And let me say something else that's already been mentioned, as we begin to usher in this era of avoiding the will of the minority, what impact is this going to have on our democracy? Nearly four in five Americans in June, just this past June, 78 percent, Mr. President, disapprove of the way Congress is handling its job, marking the 45th consecutive month that more than two-thirds of Americans have given Congress a thumbs down. Americans' high level of disapproval is less about what Congress is doing, less about what Congress is doing than about what it isn't doing, putting aside partisan bickering and getting things done. That's what causes the public concern. Members, I hate to say this, but I think we're going the way of Congress. The Senate by adopting this change will be escalating partisanship to a new level. We are so

concerned with getting an agenda accomplished and with making good on campaign promises, we are willing to burn down the institutions and the traditions that make the Texas Senate one of the greatest deliberative bodies in this country, traditions that built a strong state. Now, let me close, Mr. President, if I may, and Members. The other day, one of my friends and colleagues quoted Madison for the proposition that we, in fact, ought to drop the rule down to a majority of 16 and cited Madison for the proposition that this supported doing away with a Two-thirds Rule. Let me just finish by quoting Madison here, because I think it's relevant to this discussion. In fact, I think Madison foreshadowed that the Two-thirds Rule is one of the best checks that we have in this state, Mr. President, against the tyranny of the majority because he said in Federalist Paper 51: It is of great importance in a Republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. If a majority be united by a common interest, the rights of the minority will be insecure. In a society under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign as in a state of nature, where the weaker individual is not secured against the violence of the stronger. So, what Madison was talking about is the tyranny of the majority faction, of the majority faction, which is what I think we are moving towards in adopting this rule. So, for those reasons, Members, I respectfully ask you to consider your vote and vote against the adoption of this resolution. Thank you, Mr. President.

Senator Eltife: Thank you, Senator Rodríguez.

President: The Chair recognizes Senator Garcia.

Senator Garcia: Thank you, Mr. President, and first of all, Chairman Eltife, I, too, want to thank you for all your hard work and thank you especially for answering some of my concerns, even today. And I'm glad that we were able to address those. But I do rise, frankly, with a sad and deep, saddened heart. I'm really just very disappointed that we've come to this place that we are today. I still remember, and new Members, thank you that you're here because I'm no longer the rookie, but I know that when I first got here, I was greeted first by our Senate Secretary, Patsy Spaw, and she explained to me all the traditions of the Senate. I visited with Senator Nelson, I visited with Senator Zaffrini, I visited with all of you that were here. And many of you emphasized to me that the best part about, of being a Member of the Texas Senate was its tradition. And embodied in that, almost all of you, to a one, talked about the Two-thirds Rule. In fact, some of you explained to me that that's probably what separated the Senate from the House. And that's what separated my previous positions, either as County Commissioner where all I needed was two votes or my position in city government where I needed eight votes. You said this is what really protects your voice. And, Mr. Chairman, you said earlier that this, the Two-thirds Rule has been a topic of discussion. Well, you're right. It has. But, for me, it's always been positive, it's always been about ensuring the balance, it's always been about keeping the integrity of the Senate. It's been about better bills. I never heard that it was broken. So, I have to disagree with you on that. Maybe it was a day I was in the lounge or wasn't in the lounge, but I didn't hear it. Everything I heard about the Two-thirds Rule was good. And let's be honest with each other. It wasn't just about the Democrats that

have a list of bills that we were blocking, because the Republicans have a list of bills, too. It works both ways. So, all I'm saying is that for someone who's here new, y'all convinced me. I drank the Kool-Aid. I believed it. And I'm not sure that as you put it, Republican primary voters have spoken. I'm not sure that that's reason enough to change a rule that's been around, whether it's 10, 15, or 20, or 100 years. If it's worked, and I think it has for both sides, and it's worked for that very, very key thing that you mention in your opening remarks, it was so that everyone would have an equal voice. Because, if we don't, then I think that Senator Rodríguez, and some of the other Senators have talked about, you know, the people that we represent in our districts, you're shutting that voice. And, yes, Republican voters spoke, and the candidates are speaking, but there were still millions of other people who voted on the other side, and we cannot shut those down. So, for me, it's about some of the issues that Senator Watson has talked about, in terms of transparency, it's about the tradition, and it's about that great Kool-Aid you all sold me on. And I'm going to keep, tell Mary to keep serving it to us in the lounge, because I hope someday that you all will change your minds because, at the end of the day, you're going to have to be careful what you ask for. So, with that, it saddens me to say, but I'll have to vote against the rules, and I hope someday we go back to drinking that Kool-Aid. Thank you.

Senator Eltife: Thank you, Senator Garcia.

President: I believe this is the last speaker before the Dean will close. Senator Huffman.

Senator Huffman: Thank you, Mr. President. And I rise in support of your resolution, Senator Eltife. And I felt the need to just add one more voice to this issue in response to what Senator Garcia has said, and I believe Senator Watson, as well. And that is that we are doing this because of the Republican primary voters, and I think it would be unfortunate for us to give that message to the state. We represent different districts, and I can say my voters in Senate District 17 have actually not come to me and been really pushing this issue that they would like to see me vote to get rid of the two-thirds vote. To the contrary, some of my most conservative constituents have contacted me and asked me not to vote for this resolution. I have had to make, this is a tough decision for me, because I certainly have respected this institution, and I've been among those to have used the two-thirds vote to kill, what I promise you, has been some very bad legislation from the viewpoint of a conservative. But, I believe that my responsibility to my district is to be a just, a fair, and an effective Senator. And, frankly, the Senate has been dysfunctional under the Two-thirds Rule. And so, I vote today, I will vote with Senator Eltife on his resolution, because, remember, we are still going to have a supermajority, but hopefully, we will be able to function as a Senate more effectively. But again, the message should not be we are doing this, we're changing the Senate because of Republican primary voters, because, in my opinion, that is not a correct statement. Thank you, Mr. President.

President: Thank you, Senator. I have no other lights, so, Dean Whitmire, close?

Senator Whitmire: Well, I knew what I wanted to say until Senator Huffman just gave her talk, and now I'm a little confused because I swear I've heard repeatedly, even from the author of the resolution, that elections matter, and it was even detailed how many new Republican Senators we have. But I certainly respect your right to your opinion, and you understand your primary voters a lot better than I do. Mr. President, I have a long version and I have a short version and I think I will compromise and do, let me be serious for a moment. Having served in this body, and if you haven't picked up, I know my Members who've served with me, and the freshmen will learn soon, I respect this institution right after my faith and my family. I mean, I've seen hundreds of Senators come and go. And it's not my opinion, or just my opinion, but it's the opinion of people, statesmen, men, women, diverse group of men and women, I'm looking right at Barbara Jordan, who have proclaimed this to be the most deliberative body on Earth, most deliberative body on Earth. And, ladies and gentlemen, it's my humble opinion, after 32 years here, 10 years in the House watching this body, it's largely because of the Two-thirds Rule. And I'll spend a little time this afternoon because I want us to slow down. This is monumental. Barbara Jordan, after serving several terms in Washington, someone asked her, how do you like being a U.S. Congresswoman? I miss the State Senate. I miss the State Senate. We worked together, we deliberated, we slowed things down. And let me digress for a moment. I just use a lot of country logic and common sense. I swear the last couple of days, certainly in the speeches yesterday, we heard repeatedly and correctly that this is the greatest state in the nation. We're leading the nation with our economy, our new jobs, people are moving here by the thousands daily. We're having less lawsuits. Just tell me, I could, y'all could help me with the things we brag about. Now, isn't it interesting, all that occurred where we stand today, and we did it all under a Senate rule called the Two-thirds Rule, that made us slow government down. That's one of our strengths, colleagues. Patriots, I know you campaigned to do away with the Two-thirds Rule because that became a Republican primary issue, but you also campaigned on less government, which I agree with. We got way too many statutes. And I'm going to shock some of you today, we're ahead of where we were two years ago. With all the new Members that campaigned against more government, we're about 125 new proposed laws, Mr. Bettencourt, than we were two years ago. You know what we're really fixing to do? We're going to enhance the opportunity to take your liberties away from you. Are we not going to still deliberate? Of course we are. But we're not going to be the most deliberative body that we were before today. And what I was saying while ago, the people who have served here, A. M. Aikin, people that we've got statues round this building built to, they know that the Two-thirds Rule served the public and this body. In all due respect, not the people that have been here one day, and I hope you serve as long as you and your constituents want, but people who have hundreds of years of experience, let me emphasize something, and it's just my experience and country logic, what makes us the Texas State Senate is that we're forced to deliberate. That's why, I would also suggest, we serve four-year terms. The persons that wrote the Constitution wanted us to not have a two-year term where you have such a reaction to hot-button issues. We, we need to slow down. That's what makes us not a city council or a commissioners court or a Texas House, is we're forced to slow down. Now, let me just give you a brief history lesson. I give you my

word, I can't cite an example of where either party abused the Two-thirds Rule. I heard one of my colleagues recently say, now we'll be able to do what we haven't been able to do the last 10 years. My colleagues in the majority party, I can't think anything you haven't been able to do because of that rule. You know, I was talking about that great economy that we brag about, we're the reddest of states. We have a very conservative social set of laws. You passed pro-life, gun laws, Senator Birdwell, it wasn't a Democratic group using two-thirds that blocked your bill. I had a number of Republicans ask me to please keep your campus carry off the Senate floor using the Two-thirds Rule. We've had a special order. Session before last, Senator Williams comes to my office at 7:30 in the morning, say, I want you to be the first to know, we're going around the Two-thirds Rule and do voter ID. You passed voter ID. Two-thirds didn't get in your way. We've had special sessions the last two called sessions. We go into the special, Senator Davis filibustered the education bill the last night. We came back in, immediately passed it, even won, even more to the majority party's liking, without the two-thirds. Then, we had what we all witnessed two years ago, with no rules in the special. So, I don't see how, I don't even know what we're trying to fix. We're living in the greatest state, we brag, we give speeches about it. We work in the most deliberative body. But also, let me wrap it up by saying I understand elections matter. I will also tell my freshmen that they'll hear me say this several times during the session. I will agree that this proposal, changing the two-thirds blocker bill, and then as Senator Watson's pointed out, is consistent throughout the rules, being changed is probably not nearly as bad as some of us think. Did you hear me? I'm agreeing. Going from 21 to 19 is certainly chipping away at our authority, but it's probably not as bad as I'm standing here making it out to be because we're still going to deliberate, we're still going to have to work the floor. But I'd also suggest, Senator Eltife, it's not nearly as good as some of my other colleagues think changing it is going to be. It's going to be different. And one last thing, we keep talking about 21 and 19. I think I've got to emphasize what it's really doing. It's changing the number of us that can block something. And you might say, well heck, that's exactly, now you're fixing to make the Republican primary, Mr. President's argument. No, I'm not talking about a partisan group of Senators. I have seen Senators get together, 11 of them, soon to be 13, and make the Attorney General come over here and talk legislation. I've seen this, Bob Bullock, when he was State Comptroller, and John Leedom, one of the first Republicans in the Senate, out of Dallas. I saw him have Bullock in the back room because he had 11 Senators on a piece of paper. And if Bullock didn't agree to conduct an audit on some of the state agencies through his office, they were going to hold up the budget. So, you can talk 21 and 19 all day long, but let me just tell you what's really sad, from someone who likes to be effective and represent my district. You got eight new Senators on this floor, Paul. You could pick up a couple of the sophomores that got here last session, 11 of y'all could pretty much run state government. Let that sink in a minute, Mr. Hall. You got eight freshmen, pick up a couple of your allies that got here two years ago, or some that have been here for years, like the Presiding Officer, that think and maybe support your position, you could bring state government to its knees and demand that your district's views and representation be heard. Keep that in mind. Now, here's the good news, because I think I just painted a pretty bleak picture, if you're trying to really represent your

district with all the force and power that you can muster. Elections matter, I understand, and we're going to go forward in this session, Mr. President, but it can be changed back. It can be changed back before next session. I would argue when we see a political shift in this state, and I'm not necessarily talking about a Democratic, Republican to Democratic shift, because it looks like that's going to take a hell of a lot longer than I ever thought. I do plan to be here, though. It could be a philosophical shift. It could be more of a shift to the urban interest. It could be a shift to people that want to spend more on social services. It could be a significant shift and that set of Senators could change it. Mr. President, let me first say, this is a proud moment, not because of what we're fixing to do but because this body is conducting itself with dignity, respect for one another. Senator Eltife, I've never seen deliberation on the rules in my 32 years. It just didn't occur. And Senator Ellis pointed out that perhaps is because we just always rubber-stamped the previous session rules. There has been discussion in circles about changing the rules, but never has this process been allowed to go forward. So, I thank you on behalf of the body. I thank the Senators for being very dignified. This is the way we should conduct our business. And, Mr. President, I guess it's a new day.

Senator Eltife: Thank you, Dean Whitmire.

President: Thank you, Dean. Senator Eltife, do you wish to make any closing remarks?

Senator Eltife: No, Sir.

President: Members, Senator Eltife has requested a division of the question to allow Members to take a separate vote on Section 5. Section 5 makes the three-fifths change. The Chair's determined that the resolution is divisible. The question will be divided as follows: The first question you will be voting on will be the adoption of Section 5 of the resolution dealing with the three-fifths change. The second question will be on the adoption of the resolving clause along with Sections 1, 2, 3, and 4. There will not be a final vote after. These two votes will conclude. Any questions? Members, Senator Eltife moves adoption of Section 5 of the resolution. There being 20 ayes and 10 nays, Section 5 of the resolution is adopted. Members, Senator Eltife now moves the adoption of the resolving clause located on page 1 of the resolution, and also moves the adoption of Sections 1, 2, 3, and 4. There being 27 ayes and 4 nays, the resolving clause and Sections 1 through 4 are adopted. Members, the Senate having considered all parts of the resolution, the resolution is adopted. Congratulations, Senator Eltife.

Senator Eltife: Mr. President, if I may, I'd like to thank all the Members, specifically the working group, Senator West, Senator Hinojosa, Senator Whitmire, Senator Nelson, Senator Fraser, Senator Hancock, for their tireless efforts on the working group. And for every Member of the Senate, as Senator Whitmire said, it was a very nice discussion, which I haven't seen on the rules since I've been here. So, thank you all for your efforts. Thank you, Mr. President.

HOUSE CONCURRENT RESOLUTION 45

The President laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED, That the 84th Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period on Thursday, January 22nd, 2015, and ending on Monday, January 26th, 2015.

WHITMIRE

HCR 45 was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted without objection.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:35 p.m. agreed to adjourn, in memory of Scott Crane and Elva Longoria Cortez, upon conclusion of Monday's session, until 11:00 a.m. Tuesday, January 27, 2015.

CO-AUTHOR OF SENATE BILL 219

On motion of Senator Schwertner, Senator Nelson will be shown as Co-author of **SB 219**.

CO-AUTHOR OF SENATE BILL 233

On motion of Senator Schwertner, Senator Hinojosa will be shown as Co-author of **SB 233**.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 5

On motion of Senator Estes, Senators Bettencourt, Birdwell, Campbell, Creighton, Nelson, and Schwertner will be shown as Co-authors of **SCR 5**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 34 by Hinojosa, In memory of Linda Bridges.

SR 35 by Hinojosa, In memory of Valdemar Gomez.

Congratulatory Resolutions

SR 21 by Nelson, Recognizing Marcus Edward Hill for receiving a Texas Agricultural Lifetime Achievement Award.

SR 22 by Zaffirini, Recognizing the La Vernia Greenhand FFA Quiz team for winning first place in a state competition.

SR 24 by Uresti, Recognizing Pioneers Youth Leadership, Incorporated, on the occasion of its Pioneers State Leadership Forum.

SR 25 by West, Recognizing the 25-year members of Delta Sigma Theta Sorority, Incorporated, honored by the Dallas-Fort Worth Metroplex Chapters.

SR 26 by West, Recognizing Ola Comins for being honored by the Dallas-Fort Worth Metroplex Chapters of Delta Sigma Theta Sorority, Incorporated, as a 70-year member.

SR 27 by West, Recognizing the 50-year members of Delta Sigma Theta Sorority, Incorporated, honored by the Dallas-Fort Worth Metroplex Chapters.

SR 28 by West, Recognizing Julia Jordan for being honored by the Dallas-Fort Worth Metroplex Chapters of Delta Sigma Theta Sorority, Incorporated, as a 75-year member.

SR 29 by West, Recognizing Mae Cora Peterson for being honored by the Dallas-Fort Worth Metroplex Chapters of Delta Sigma Theta Sorority, Incorporated, as an 80-year member.

SR 30 by Nichols, Recognizing the 100th anniversary of the Texas A&M Forest Service.

SR 31 by Hinojosa, Congratulating Dana Lechner for being selected as the 2015 Firefighter of the Year.

SR 32 by Hinojosa, Recognizing Elizabeth Chu Richter for being named president of the American Institute of Architects for 2015.

SR 33 by Hinojosa, Commending Michael Mohun III for achieving the rank of Eagle Scout.

SR 36 by Schwertner, Recognizing Saint Joseph Catholic School in Bryan on the occasion of its 120th anniversary.

Official Designation Resolutions

SR 20 by Schwertner, Celebrating Texas Nurse Anesthetists Week.

SR 23 by Nelson, Celebrating Children's Advocacy Centers of Texas Legislative Day at the Capitol.

SR 38 by Schwertner, Recognizing Gratitude Initiative Day at the State Capitol.

RECESS

On motion of Senator Whitmire, the Senate at 2:35 p.m. recessed until 2:00 p.m. Monday, January 26, 2015.

APPENDIX

RESOLUTIONS ENROLLED

January 21, 2015

SCR 3, SCR 4, SR 20, SR 21, SR 22, SR 23, SR 24, SR 25, SR 26, SR 27, SR 28, SR 29, SR 30, SR 31, SR 32, SR 33, SR 34, SR 35, SR 36, SR 38, SR 39