

SUBJECT: Prohibiting Legislature from meeting on Martin Luther King, Jr. holiday birthday

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 8 ayes — Marchant, Madden, J. Davis, B. Cook, Elkins, Goodman, Lewis, Villarreal

0 nays

1 absent — Gattis

WITNESSES: None

BACKGROUND: Texas Constitution, Art. 3, sec. 5(a) requires the Legislature to meet every two years in regular session at such time as provided by law. Government Code, sec. 301.001 establishes the first day of the regular session as the second Tuesday in January in odd-numbered years. Texas Constitution, Art. 3, sec. 24(b) limits the regular session to 140 days.

Current law does not prohibit the Legislature from meeting on legal holidays. During each regular legislative session, seven legal state holidays occur: Martin Luther King, Jr. Day, Confederate Heroes Day, Presidents' Day, Texas Independence Day, San Jacinto Day, and Memorial Day, plus an optional holiday for Cesar Chavez Day.

DIGEST: HB 530 would prohibit the Legislature from meeting on a legal holiday for the observance of Dr. Martin Luther King, Jr.'s birthday.

The bill would take effect September 1, 2003.

SUPPORTERS SAY: In 1983, President Ronald Reagan signed the bill establishing the third Monday in January as the Martin Luther King, Jr. National Holiday, and the Texas Legislature made the day a state holiday in 1991. All across the United States, citizens of all walks of life set aside this day to honor and celebrate Dr. King's memory and legacy. It is important that the Legislature honor this day

to signify that the State of Texas values the ideas and principles that serve as the foundation for freedom, dignity, and opportunity for all people.

While the Legislature generally meets on holidays that occur on weekdays, in recent sessions neither the House nor the Senate has met on MLK Day. Prohibiting the Legislature from meeting on this day would not interfere with the Legislature's regular order of business, because this date occurs early in the session when little substantive work is being done.

Enacting a statute to prohibit the Legislature from convening on MLK Day during a regular session would be within the Legislature's authority and establish a clear policy. Conversely, if the Legislature were to enact such a prohibition and then determined that it needed to meet on MLK Day, the Legislature's internal operating rules could supersede the statute, if necessary.

**OPPONENTS
SAY:**

The Legislature needs to retain the flexibility to convene on any day during its regular session to meet the state's needs. State law does not prohibit the Legislature from meeting on any other state holiday. For example, the Legislature usually convenes on Presidents' Day, even though the legacy of Presidents Washington and Lincoln is worth honoring.

If the Legislature decided it was not in the state's best interest to meet on a certain day, such as MLK Day, it would be better to adopt an internal operating rule than to place the prohibition in statute.

NOTES:

The 77th Legislature in 2001 considered an identical bill, HB 399 by Giddings, which passed the House and was reported favorably by the Senate Administration Committee, but died on the Senate Intent Calendar. The 76th Legislature in 1999 considered an identical bill, HB 3552 by Giddings, which passed the House but died in the Senate Administration Committee.