

## Deadlines, Exceptional Votes and Blocker Bills

Posted At : May 10, 2011 1:06 PM | Posted By : TexasLRL

Related Categories: Legislative process

As the 140 days of the regular session draw near an end, a variety of deadlines, rules, and legislative procedures begin to play a larger role in the legislative process.

### Deadlines

With just three weeks remaining in the session, a series of deadlines will begin to affect the legislative process. The end of session deadlines are set in the [House](#) and [Senate](#) rules.

This week, Thursday May 12 is the last day for the House to consider second reading House bills and House joint resolutions on the Daily or Supplemental Calendar; Friday, May 13 is the last day for the House to consider consent House Bills on second reading and all third reading House bills and House joint resolutions on the supplemental calendar.

The month of May includes so many dates of interest that the Texas Legislative Council has prepared a calendar showing [deadlines for action under the House and Senate rules](#).

Other significant dates and deadlines can be found on the Texas Legislative Council's [Dates of Interest](#) page.

### Exceptional votes

While many issues are decided in the Legislature by a simple [majority vote](#), the [Texas Constitution](#) and the [House](#) and [Senate](#) rules include provisions for situations which require a supermajority. Exceptional votes may require approval by a certain fraction of the members present and voting on a particular question or it may require approval by a portion of all members eligible to vote, whether or not they are present.

Some of the issues which require approval by a supermajority include:

#### Three-fifths of members present and voting

- Appropriate amounts from the Economic Stabilization Fund for previous purpose during the current biennium [Constitution III, § 49-g\(k\)](#)
- Appropriate amounts from the Economic Stabilization Fund for the succeeding biennium when the revenue estimate is lower than the revenue estimate for the prior biennium [Constitution III, § 49-g\(l\)](#)

#### Two-thirds of members present and voting

- Appropriate amounts from the Economic Stabilization Fund at any time for any purpose [Constitutional III, § 49-g\(m\)](#)
- Amend a bill on third reading [House rule 11 § 5](#), [Senate rules 7.19](#) and [10.02](#)
- Suspend the rules, except when another vote is specified [House rule 14 § 5](#) and [Senate rule 22.01](#)
- Suspend the regular order of business [Senate rule 5.13](#)

### Two-thirds of members qualified

- Enact a general or special law granting the power of eminent domain [Constitution I, § 17\(c\)](#)
- Immediate effect for a bill; [Constitution III, § 39](#) , [House rule 8 § 19](#) and [Senate rule 16.05](#)
- Adopt a joint resolution proposing a constitutional amendment [Constitution XVII, § 1](#) , [House rule 9 § 1](#) and [Senate rule 10.02](#)

### Four-fifths of members present and voting

- Suspend the rule requiring bills to be read on three several days [Constitution III, § 32](#), [House rule 8 § 8](#), and [Senate rule 7.18](#)
- Introduce bills and joint resolutions, except local bills, emergency appropriations, and emergency matters submitted by the governor, after the first 60 days of the session [House rule 8 § 8](#)

### Four-fifths of Members qualified

- Suspend the constitutional order of business [Constitution III, § 5](#)
- Allow the consideration of bills during the first 60 days of a regular session [Constitution III, § 5](#) and [Senate rule 7.13](#)
- Introduce bills and joint resolutions, except local bills, emergency appropriations, and emergency matters submitted by the governor, after the first 60 days of a session [Constitution III, § 5](#) and [Senate rule 7.07](#)

Consult the [Texas Constitution](#) and the [House](#) and [Senate](#) rules for more information on exceptional votes. [Article XVI of the Senate rules](#) includes a list of votes required to adopt motions; a chart summarizing these requirements is included in the Senate Research Center's [Legislative Lexicon](#)

### Blocker bills and the 2/3 rule

The use of a blocker bill is a tradition in the Texas Senate. Blocker bills are bills that are introduced and passed out of committee as early as possible in a legislative session in order that they may occupy the first position on the calendar.

The blocker bills for the 82nd R.S. are [SB 445](#) and [SJR 18](#).

[Senate rule 5.13](#) provides: "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 two-thirds of the members present."

With a blocker bill at the top of the regular order of business, at least two-thirds of the senators present must vote to begin debating a measure before it can come to the floor. Bills that do not enjoy substantial support cannot make it past the blocker bill.

Wednesday and Thursday are designated [House bill days](#) in the Senate and on these days a House bill is found at the top of the calendar; there is no permanent blocker bill

for House bills on a House bill day. The Senate may continue to bring bills up for consideration out of the regular order of business, in which case the House bill at the top of the calendar may serve as a temporary blocker bill for House bills. If the House bill at the top of the calendar comes up for consideration during the course of the day, the next bill on the calendar may in turn be treated as a blocker bill.