

The Legislative Process in Texas

Texas Legislative Council
For the 85th Legislature



The Legislative Process in Texas

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The Legislative Process in Texas

The Texas legislative process is governed by the [Texas Constitution](#), [applicable statutes](#), and the rules of procedure of the [senate](#) and [house of representatives](#) adopted at the beginning of each session by the respective chambers. The different phases of the legislative process typically occur within a prescribed timetable and the following is a general summary of that process. The process described specifies “bill,” although resolutions follow similar steps. See the subsequent discussion regarding the legislative process for joint resolutions, concurrent resolutions, and simple resolutions for differences specific to those documents.

Process for a Bill

How a Bill Originates

A legislator may draft legislation personally (see [Texas Legislative Council Drafting Manual](#)) or obtain the services of professional staff of the [Texas Legislative Council](#) or the engrossing and enrolling department of the senate. Legislation may also be prepared by organizations or individuals with a particular interest in certain matters. The bill, the most common type of legislative document, is the only means by which laws may be enacted, amended, or repealed. All bills, except for general appropriations bills that the Legislative Budget Board drafts, are limited to a single subject.

Only a member of the house of representatives or the senate may introduce a bill into the legislative process. The idea for a bill, however, may originate with a single legislator or may be the result of collaborative study. Since the legislature regularly convenes only every odd-numbered year, members are charged with studying issues of legislative interest in the interim between legislative sessions, and a bill may be drafted from the recommendations of a standing or special committee of the legislature that has conducted interim studies.

The presiding officers of the house and senate specify interim charges for standing [house committees](#) and [senate committees](#) and any additional authority and duties necessary to carry out the charges, and those committees are required to submit interim reports on their charges before the next session. Special interim committees may consist entirely of legislators from one chamber or, in the case of a joint committee, of legislators from both the house and senate. A presiding officer also may appoint citizen members and other public officials of state and local governments to a special interim committee to augment its membership for the purpose of conducting a special study. A special interim committee usually expires on the release of its final report or when the next legislature convenes, whichever occurs first.

Introducing a Bill

A bill may be introduced by any member of the legislature in the member’s own chamber, and the steps in a bill’s progress are basically the same in each chamber. A bill passed by one chamber must proceed to the other for passage before going to the governor for approval or veto.

To introduce a bill in the house of representatives, a state representative must first file the bill with the chief clerk of the house. The [house rules of procedure](#) permit unrestricted introduction of bills during the first 60 calendar days of each regular session. After the 60-day deadline, the

introduction of any bill in the house, other than a local bill, an emergency appropriations bill, or a bill to address emergency matters submitted by the governor, requires the consent of at least four-fifths of those members present and voting.

To introduce a bill in the senate, a senator must first file the required number of copies of the bill with the secretary of the senate, who sequentially numbers each bill in the order in which it is received. The [senate rules of procedure](#) also permit unrestricted introduction of bills during the first 60 calendar days of each regular session. After the 60-day deadline, the introduction of any bill in the senate, other than a local bill, an emergency appropriations bill, or a bill to address emergency matters specifically submitted by the governor, requires the consent of at least four-fifths of the membership of the senate.

The Role of Committees

The size of the legislature and the volume of work confronting it each session make lengthy deliberation on all proposed measures by the entire membership a difficult task. For this reason, the basic business in both chambers is conducted according to the committee system. Committees to consider introduced bills and advise on their disposition are created in the rules of procedure of the respective chambers. Although nearly all bills are referred to a committee, a large number of bills are never reported out of committee. Thus, committee action is a crucial step in the process by which a bill becomes law.

Referral to a Committee

When a bill is introduced or received from the opposite chamber for consideration, it is read for the first time by its caption only and is referred by the speaker or lieutenant governor to an appropriate committee.

In the [house rules](#), each committee is assigned jurisdiction over a specific subject matter, and the speaker refers legislation to house committees based on those subject matter jurisdictions. The [senate rules](#) do not specify subject matter jurisdictions for senate committees, and the lieutenant governor may refer legislation to any senate committee or subcommittee. In practice, however, unofficial subject matter jurisdictions are usually followed.

Committees are formed at the beginning of the regular session. For [committees of the house of representatives](#), membership of most committees is determined in part by seniority and in part by appointments by the speaker. Each representative sits on at least one committee, while most sit on two or three. For [committees of the senate](#), membership is determined entirely by appointments by the lieutenant governor, and senators generally sit on four or five committees.

After a bill has been referred to a house committee, a determination must be made as to whether a fiscal note or other impact statement is required, and if so, the Legislative Budget Board prepares the note or statement. For bills referred to senate committees, fiscal notes are automatically generated and prepared by the Legislative Budget Board. In preparing the note or statement, the Legislative Budget Board may consult the state agencies affected by the legislation. In the house, the fiscal note must be attached to the affected bill before a public hearing on the bill may be held, and if the bill is reported from committee, the fiscal note must be attached to the bill as part of the committee report when it is printed and distributed to the members of the house. A bill may proceed through the legislative process before an impact statement is completed, but a copy of the impact statement must be distributed to the members as soon as it has been completed. Senate practice is for a copy of the fiscal note to

be provided to the committee members before a final vote on a bill in committee is taken. The fiscal note is included as part of the senate committee report.

The Committee Process

All committee business on a bill is required to be conducted in open meetings. No official action or vote may be taken except in a meeting that is open to the public. The [house rules](#) permit a house committee or subcommittee to meet: (1) in a public hearing where testimony is heard and where official action may be taken on bills, resolutions, or other matters; (2) in a formal meeting where the members may discuss and take official action without hearing public testimony; or (3) in a work session for discussion of matters before the committee without taking formal action. The [senate rules](#) do not provide for different types of meetings but do require that a public hearing allowing public testimony be held on a bill before it can be reported from committee. Testimony may be heard and official action may be taken at any meeting of a senate committee or subcommittee.

A house committee or subcommittee holding a public hearing during a legislative session must post notice of the hearing at least five calendar days before the hearing during a regular session and at least 24 hours before the hearing during a special session unless the house posting rules have been suspended by a vote of the members on the house floor. If a house committee or subcommittee is convening for a formal meeting or a work session, written notice must be posted and transmitted to each member of the committee two hours in advance of the meeting, or an announcement must be filed with the journal clerk and read in the house while the house is in session. A senate committee or subcommittee must post notice of a meeting at least 24 hours before the meeting.

Committee Reports

After considering a bill, a committee may choose to take no action or may issue a report on the bill to the house or senate. Committee reports are advisory only and may take several forms. The committee may recommend passage of the bill without amendments, recommend amendments to the bill, or substitute a new bill for the original document.

The committee report includes a record of the committee's recommendations and vote regarding house or senate action on the bill, including a recommendation regarding placement on a calendar; the text of the bill as reported by the committee, which may be the introduced text or a substitute; any proposed amendments; a bill analysis; a fiscal note or other impact statement; and other attachments as necessary.

In the house, all committee reports are referred to the committee coordinator. Each bill, except the general appropriations bill, is delivered to each member electronically. If a member informs the chief clerk in writing that the member also wants paper copies of bills, the chief clerk delivers a paper copy of the bill in the newspaper mailbox of the member as soon as practicable after the electronic copy of the bill is made available for viewing. A printed copy of the general appropriations bill is placed in the newspaper mailbox of each member. The chief clerk then delivers a certified copy of the committee report to the appropriate calendars committee (the [Committee on Calendars](#) or the [Committee on Local and Consent Calendars](#)) for placement of the bill on a calendar for consideration by the full house. Calendars committees are given wide discretion in scheduling bills for floor consideration.

The senate rules also require committee reports to be printed. After being printed, a copy of the senate committee report printing is placed in the bill book on each senator's desk in the senate chamber. Except for the role of the [Senate Committee on Administration](#) in scheduling local and noncontroversial bills for consideration, there is no equivalent to a calendars committee in the senate. The senate's regular order of business lists all bills and resolutions that have been reported from a senate committee in the order in which they were reported. The calendar containing the senate's regular order of business functions more as a listing of bills that are eligible for consideration because the senate's usual practice is to consider bills out of calendar order. The senate rules provide that a bill may not be considered out of order without a suspension of the senate's regular order of business by a vote of three-fifths of the members present. During a regular session, the senate rules further require the publication of an Intent Calendar listing the bills for which authors and sponsors will make motions to suspend the regular order of business for consideration by the full senate.

House Calendars and List of Items Eligible for Consideration

House calendars. The house rules provide for four types of printed calendars:

(1) the Daily House Calendar, which contains a list of new bills and resolutions scheduled by the Committee on Calendars for consideration by the house and which must be distributed to the members 36 hours before the house may consider those measures (24 hours during special sessions);

(2) the Supplemental House Calendar (prepared by the Committee on Calendars), which must be distributed two hours before the house convenes and which may contain: (a) measures passed to third reading on the previous legislative day; (b) measures on the Daily House Calendar for a previous calendar day that were not reached for consideration; (c) measures on the Daily House Calendar for the current day; (d) postponed business from a previous calendar day; and (e) notice to call from the table a measure laid on the table subject to call on a previous legislative day;

(3) the Local, Consent, and Resolutions Calendar, which must be distributed to the members 48 hours before the listed measures may be considered and which contains a list of local or noncontroversial bills scheduled by the Committee on Local and Consent Calendars for consideration by the house; and

(4) the Congratulatory and Memorial Calendar, which must be distributed 24 hours before those measures may be considered and which contains a list of congratulatory and memorial resolutions scheduled by the Committee on Rules and Resolutions for consideration by the house.

The Supplemental House Calendar, because it includes the measures listed on the Daily House Calendar, is the primary agenda followed by the house during its deliberations. The Local, Consent, and Resolutions Calendar and the Congratulatory and Memorial Calendar are special calendars that are prepared approximately once a week during the last half of a regular session.

The house rules provide for seven categories that may be used to group bills and resolutions on the calendars. Those categories, listed in order of priority, are the: (1) emergency calendar; (2) major state calendar; (3) constitutional amendments calendar; (4) general state calendar; (5) local, consent, and resolutions calendar; (6) resolutions calendar; and (7) congratulatory and memorial resolutions calendar. Within each category, senate bills and resolutions are required to be listed on the calendars separately from house bills and resolutions, and consideration of

senate bills and resolutions on senate bill days (Wednesdays and Thursdays) has priority in the order specified by house rule.

Except during the latter part of the regular session, when calendars become especially lengthy, the house normally considers all measures listed on its calendars before adjourning or recessing for the day.

List of items eligible for consideration. This list is prepared by the chief clerk of the house, on request of the speaker, when the volume of legislation warrants it (normally during the last few weeks of a regular session). The list, which must be distributed six hours before it may be considered, contains: (1) house bills with senate amendments eligible to be considered; (2) senate bills for which the senate has requested the appointment of a conference committee; and (3) conference committee reports eligible to be considered.

Senate Agenda and Intent Calendar

Senate agenda. The senate agenda may include the following information:

(1) notice of intent, giving the number, author or sponsor, and short caption for each measure that may be considered during the day's session;

(2) list of senate bills returned from the house with amendments;

(3) status of bills in conference committees, giving a short caption and brief history of the action on the bills;

(4) local and uncontested bills calendar;

(5) gubernatorial appointments to boards and commissions that have been reported favorably from the [Senate Committee on Nominations](#) and are awaiting confirmation by the senate;

(6) committee hearings scheduled, including short captions for all measures scheduled to be considered by the committees;

(7) regular order of business, listing all bills and resolutions that have been reported favorably from committees in the order in which they were reported to the senate;

(8) miscellaneous announcements;

(9) senate floor action, giving the numbers and short captions for and action taken on all measures brought up for consideration during the previous legislative day;

(10) senate committee action, giving the same information for all measures considered by committees on the previous day; and

(11) morning call, which includes senate and house bills and resolutions on first reading and referral to committee, the introduction and consideration of memorial and congratulatory resolutions, messages and executive communications, and other motions.

Intent calendar. Senate rules require that bills and resolutions be listed on the regular order of business and be considered on second reading in the order in which committee reports on the measures are received by the senate. These rules are frequently suspended to take bills and resolutions out of their regular order, which requires a vote of three-fifths of the members present. During a regular session, the senate adopts a further rule specifying that before a bill or joint resolution may be brought up for floor debate out of its regular order, notice of intent must be filed with the secretary of the senate by 3 p.m. on the last preceding calendar day the

senate was in session. A senator may give notice on no more than three bills or resolutions before April 15 and on no more than five bills or resolutions on or after April 15. Senate rules direct the secretary of the senate to prepare a list of all legislation for which notice has been given. The list, called the Intent Calendar, must be made available to each senator and to the press not later than 6:30 p.m. on the day the notice is filed. Before the 130th calendar day of the regular session, the rules may not be suspended to consider a bill or resolution out of order until the second day the measure has been listed on the Intent Calendar. The senate rules do not require measures to be brought up for consideration in the order listed on the Intent Calendar, and the senate routinely considers only a portion of those measures listed on the Intent Calendar for a given day. A senator must give notice from day to day for a measure that was not brought up for consideration to remain on the Intent Calendar. Any provision of the senate rule governing the Intent Calendar may be suspended by a vote of four-fifths of the members present.

Floor Action

The consideration of a bill on the floor occurs on second reading. After it is read the second time, again by caption only, the bill is subject to debate and amendment by the entire membership of the chamber. A bill may be amended on second reading by a simple majority of those members present and voting, and a separate vote is taken on each amendment proposed. After the bill is debated and amended, if applicable, the members vote on the bill. For the originating chamber, the vote on second reading constitutes passage to engrossment. The bill is then considered on third reading for final passage. A bill may be amended again on third reading, but adoption of an amendment at this stage requires a vote of a two-thirds majority of the members present.

Although the [Texas Constitution](#) requires a bill to be read on three separate legislative days in each chamber before it can have the force of law, this constitutional rule may be suspended by a four-fifths vote of the members present from the chamber in which the bill is pending. In such cases, the bill is given an immediate third reading following the vote to pass the bill to engrossment or third reading. The senate routinely suspends the constitutional provision in order to give a bill an immediate third reading. The house, however, rarely suspends this provision, and third reading consideration of a bill in the house normally occurs on the day following second reading consideration.

After a bill has been read a third time, a vote is taken for final passage. If the bill receives a simple majority vote, it is considered passed, and the chief clerk of the house or the secretary of the senate, as appropriate, certifies the bill's final passage, noting on it the date of its passage and the vote by which it passed. When the bill is passed in the originating chamber, the bill is engrossed (all corrections and amendments are incorporated into it), and an exact and accurate copy of the engrossed bill is prepared and sent to the opposite chamber for consideration.

Consideration of Local and Noncontroversial Bills

The house and senate rules both provide for special calendars for the consideration of local and noncontroversial bills. The calendar used for consideration of these bills in the house is the Local, Consent, and Resolutions Calendar, which is set by the [Committee on Local and Consent Calendars](#). A standing committee may recommend, when reporting a bill or resolution, that the measure be sent to the Committee on Local and Consent Calendars for placement on an appropriate calendar. Such a recommendation requires the unanimous consent of all the committee

members present when the measure is reported from committee. Measures that are eligible for consideration by the Committee on Local and Consent Calendars are bills that are local as defined by the house rules and bills and resolutions to which no opposition is anticipated. If the Committee on Local and Consent Calendars determines that a measure is not eligible for placement on the Local, Consent, and Resolutions Calendar, the committee shall transfer the measure to the [Committee on Calendars](#). Normally, Local, Consent, and Resolutions Calendars are prepared for consideration by the house once a week during the last half of the regular session. These calendars usually are lengthy, but consideration of them is expedited because debate is limited and amendments to measures on these calendars may not be offered unless they have first been approved by the Committee on Local and Consent Calendars. A measure may be removed from the Local, Consent, and Resolutions Calendar if debate exceeds 10 minutes or if five or more representatives object to the consideration of the measure.

The calendar used for consideration of local and noncontroversial bills in the senate is the Local and Uncontested Calendar, which is set by the [Senate Committee on Administration](#). A measure may not be considered for placement on the Local and Uncontested Calendar unless both the author or sponsor of the measure and the chair of the committee from which the measure was reported file a written request for placement on the Local and Uncontested Calendar with the Senate Committee on Administration. Measures ineligible for placement on the calendar include bills that are contested in committee, create new departments or subdivisions within state government, or contain an appropriation. Local and Uncontested Calendars normally are prepared for consideration by the senate once or twice a week during the last half of the regular session. Measures on the Local and Uncontested Calendar are considered without a suspension of the regular order of business, which generally is required for consideration of legislation in the senate. As in the house, consideration of Local and Uncontested Calendars in the senate is expedited because the measures on these calendars usually are not debated and floor amendments to measures on these calendars are prohibited. A measure may be removed from the Local and Uncontested Calendar if two or more senators object to the consideration of the measure.

Return of a Bill to the Originating Chamber

After a bill has passed through committee deliberation and three readings in the opposite chamber, the bill is sent back to the originating chamber. A new copy of the bill is not prepared; rather, any amendments adopted by the opposite chamber are simply attached to the bill. If no amendments were adopted by the opposite chamber, the bill is enrolled (prepared for signing). The enrolled bill then is signed by both presiding officers in the presence of their respective chambers and sent to the governor. Any bill making an appropriation must be sent to the comptroller of public accounts for certification before going to the governor.

When a bill that has been amended by the opposite chamber is returned to the originating chamber, the originating chamber must concur with all of the amendments made by the opposite chamber before the bill can be enrolled. If the originating chamber does not concur with some or all of the opposite chamber's amendments, it may request the appointment of a conference committee to resolve the differences between the house and senate versions of the bill.

Conference Committee

If a conference committee is requested, the presiding officers each appoint five members from their respective chambers to serve on the committee. The senate rules require that at least two of the senate conferees be members of the senate committee from which the bill was reported. A conference committee's charge is limited to reconciling differences between the two chambers, and the committee, unless so directed, may not alter, amend, or omit text that is not in disagreement. The committee also may not add text on any matter that is not in disagreement or that is not included in either version of the bill in question. After the committee has reached an agreement, a report is prepared for submittal to the house and senate. The report must be approved by at least three conferees from each chamber and must contain the text of the bill as approved by the conference committee, a side-by-side analysis comparing the text of the compromise bill to both the house and the senate versions, and the signatures of those members of the conference committee who approved the report. A conference committee report is not subject to amendment by the house or senate but must be accepted or rejected in its entirety.

Should the proposed compromise remain unacceptable to either chamber, it may be returned to the same conference committee for further deliberation, with or without specific instructions, or the appointment of a new conference committee may be requested. Failure of the conference committee to reach agreement kills the measure. If the conference committee report is acceptable to both chambers, the bill is enrolled, signed by both presiding officers in the presence of their respective chambers, and sent to the governor.

Governor's Action

Except in the case of a bill sent to the governor within 10 days of final adjournment, on receiving a bill, the governor has 10 days in which to sign the bill, [veto it](#), or allow it to become law without a signature. If the governor elects to veto the bill and the legislature is still in session, the bill is returned to the chamber in which it originated with an explanation of the governor's objections. A two-thirds majority in each chamber is required to override the veto. If the governor neither vetoes nor signs the bill within the allotted time, the bill becomes law. If a bill is sent to the governor within 10 days of final adjournment, the governor has until 20 days after final adjournment to sign the bill, veto it, or allow it to become law without a signature.

The same steps and deadlines are applicable to concurrent resolutions.

Effective Date

[Section 39, Article III, Texas Constitution](#), provides, "No law passed by the Legislature, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless the Legislature shall, by a vote of two-thirds of all the members elected to each House, otherwise direct." If an act does not specify an effective date, the act becomes effective on the 91st day after the date of final adjournment.

If the act specifies an effective date earlier than the 91st day after adjournment, and the effective date rule is suspended by a vote of two-thirds of all members, the act becomes effective on the specified date. If the act specifies that it has immediate effect, and the effective date rule is suspended by a vote of two-thirds of all members, the act becomes effective on the date

of the last action necessary for it to become law, which is: (1) the date the governor approves the act; (2) the date the governor files the act with the Office of the Secretary of State (having neither approved nor vetoed it); (3) the date the appropriate period for gubernatorial action expires, if the governor fails to act within that period (Section 14, Article IV, Texas Constitution); or (4) in the event of a veto, the date the veto is overridden.

The act can specify an effective date after the 91st day after adjournment without suspending the effective date rule, make the effective date contingent on an event or the expiration of a specified period after that event takes place, or make it contingent on the adoption of a proposed constitutional amendment. Parts of a bill can take effect on different dates, or particular sections or applications of an act may be delayed or accelerated.

Filing and Publication of Laws

Once an enrolled bill is signed by the governor, or the governor allows a bill to become law without a signature, the executive clerk to the governor forwards the bill to the secretary of state, where it is considered “filed” once the secretary of state signs it.

On filing, the original signed bill or resolution and a copy are sent to the Secretary of State Statutory Documents Section. There, the original signed documents are microfilmed and sent to be bound. The bound documents are located at the Texas State Library and Archives Commission. Copies of enacted bills and joint and concurrent resolutions are compiled, certified, and sent to the publisher for inclusion in the *General and Special Laws of the State of Texas*, also called the “session laws.” The secretary of state assigns a session law chapter to each enacted bill based on the date the bill is filed with the secretary of state; bills that are filed on the same date are placed in chronological bill number order for chapter number assignment. Joint and concurrent resolutions are not assigned chapter numbers but are compiled in the last volume of a legislature’s session laws.

Other Legislation—Resolutions

While the bill is the most common type of legislation, three types of resolutions, which follow somewhat different processes, are also used by the legislature. Resolutions are used to handle specific activities of the legislature and are commonly used to propose amendments to the Texas Constitution, take care of housekeeping functions, convey congratulations or condolences to individuals or groups in the state, express legislative intent, express an opinion or sentiment on matters of public interest, give direction to a state agency or official, or call on certain governmental agencies, offices, or units such as the U.S. Congress to take a specific course of action. They are legislative instruments that must be introduced, assigned numbers, and acted on by the legislature. The three types of legislative resolutions are joint resolutions, concurrent resolutions, and simple resolutions. Except for concurrent resolutions, they are not sent to the governor for signing and the governor cannot veto them.

Joint Resolutions

Joint resolutions are used to propose amendments to the Texas Constitution, ratify proposed amendments to the U.S. Constitution, or request a constitutional convention to propose amendments to the U.S. Constitution. Joint resolutions proposing amendments to the Texas Constitution require a vote of two-thirds of the total membership of each chamber for adoption. Other joint resolutions require a simple majority vote in each chamber for adoption. A joint resolution follows the same course that a bill follows through both chambers and is like a bill

in all respects, except that in the house, the resolution may be adopted on second reading if it receives the required number of votes. Three readings are required to adopt a joint resolution in the senate.

Joint resolutions adopted by the legislature are not submitted to the governor for signing but are filed directly with the secretary of state. An amendment to the Texas Constitution proposed by an adopted joint resolution does not become effective until it is approved by Texas voters at a general election. The secretary of state conducts a drawing to determine the order in which the proposed constitutional amendments will appear on the ballot.

Concurrent Resolutions

A concurrent resolution is used when both chambers have an interest in a particular matter. Such resolutions may originate in either chamber but must be adopted by both. Concurrent resolutions may be used for matters affecting operations and procedures of the legislature, such as joint sessions or adjournment sine die. They are also used to memorialize (petition) the U.S. Congress, give directions to a state agency, board, or commission, express the views of the legislature, designate an official state symbol, adopt an official place or date designation, or express congratulations or condolences. Concurrent resolutions, except those that pertain solely to matters between the two chambers, must be submitted to the governor for approval and are filed with the secretary of state.

Simple Resolutions

Simple resolutions pertain to matters considered by the originating chamber only. They are used to adopt or change rules of procedure, name a mascot, express congratulations or condolences, or memorialize the U.S. Congress. Simple resolutions may also express the views of a single chamber, initiate a study by that chamber, or urge a state agency, board, or commission to take action.