

**HOUSE COMMITTEE ON HOUSE ADMINISTRATION  
TEXAS HOUSE OF REPRESENTATIVES  
INTERIM REPORT 2008**

**A REPORT TO THE  
HOUSE OF REPRESENTATIVES  
81ST TEXAS LEGISLATURE**

**TONY GOOLSBY  
CHAIRMAN**

**COMMITTEE CLERK  
FRITZ REINIG**

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Committee On  
House Administration

December 22, 2008

Tony Goolsby  
Chairman

P.O. Box 2910  
Austin, Texas 78768-2910

The Honorable Tom Craddick  
Speaker, Texas House of Representatives  
Members of the Texas House of Representatives  
Texas State Capitol, Rm. 2W.13  
Austin, Texas 78701

Dear Mr. Speaker and Fellow Members:

The Committee on House Administration of the Eightieth Legislature hereby submits its interim report for consideration by the Eighty-first Legislature.

Respectfully submitted,

A handwritten signature in cursive script that reads "Tony Goolsby".

Tony Goolsby, Chairman

Helen Giddings, Vice Chair

A handwritten signature in cursive script that reads "Drew Darby".

Drew Darby

A handwritten signature in cursive script that reads "Linda Harper-Brown".

Linda Harper-Brown

A handwritten signature in cursive script that reads "Debbie Riddle".

Debbie Riddle

A handwritten signature in cursive script that reads "Bill Zedler".

William "Bill" Zedler

A handwritten signature in cursive script that reads "Charles 'Doc' Anderson".

Charles "Doc" Anderson

A handwritten signature in cursive script that reads "Juan Escobar".

Juan Escobar

A handwritten signature in cursive script that reads "Donna Howard".

Donna Howard

A handwritten signature in cursive script that reads "Hubert Vo".

Hubert Vo

A handwritten signature in cursive script that reads "John Zerwas".

John Zerwas

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## INTRODUCTION

At the beginning of the 80th Legislature, House Speaker Tom Craddick appointed eleven members to the Committee on House Administration. The committee membership includes the following members:

Representative Tony Goolsby, Chair  
Representative Helen Giddings, Vice Chair  
Representative Charles "Doc" Anderson  
Representative Drew Darby  
Representative Juan Escobar  
Representative Linda Harper-Brown  
Representative Donna Howard  
Representative Debbie Riddle  
Representative Hubert Vo  
Representative William "Bill" Zedler  
Representative John Zerwas.

Pursuant to House Rule 3, Section 20, the Committee on House Administration must vote to adopt the annual budget for each house department and has jurisdiction over:

- (1) administrative operation of the house and its employees;
- (2) the general house fund, with full control over all expenditures from the fund;
- (3) all property, equipment, and supplies obtained by the house for its use and the use of its members;
- (4) all office space available for the use of the house and its members;
- (5) the assignment of vacant office space, vacant parking spaces, and vacant desks on the house floor to members with seniority based on cumulative years of service in the house, except that the committee may make these assignments based on physical disability of a member where it deems proper;
- (6) all admissions to the floor during sessions of the house;
- (7) all proposals to invite nonmembers to appear before or address the house or a joint session;
- (8) all radio broadcasting and televising, live or recorded, of sessions of the house;
- (9) the electronic recording of the proceedings of the house of representatives and the custody of the recordings of testimony before house committees, with authority to promulgate reasonable rules, regulations, and conditions concerning the safekeeping, reproducing, and transcribing of the recordings, and the defraying of costs for transcribing the recordings, subject to other provisions of these rules;
- (10) all witnesses appearing before the house or any committee thereof in support of or in opposition to any pending legislative proposal; and
- (11) the following state agency: the State Preservation Board.

During the interim, the committee held a public hearing and heard testimony from House personnel and other interested parties. The committee wishes to express its appreciation to these parties for their input and assistance.

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**COMMITTEE ON HOUSE ADMINISTRATION**

**INTERIM STUDY CHARGES**

**CHARGE** Study and make recommendations for alternative voting devices in the Texas House Chamber.

**CHARGE** Study and make recommendations with assistance from the State Energy Conservation Office on ways to conserve electricity and water in the Texas State Capitol.

**CHARGE** Review potential sites for monuments on the Texas State Capitol grounds.

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**CHARGE ON ALTERNATIVE VOTING DEVICES**

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## BACKGROUND AND OVERVIEW

The Texas House of Representatives implemented electronic voting procedures beginning in the 1920s, which alleviated a time-consuming and lengthy roll call vote on every issue. Electronic voting consists of three buttons on the legislator's desk that allow him to vote yes, no, or present by pushing the corresponding button. The vote is then instantly noted on two voting boards located in front of the chamber. House rules accord members the flexibility to vote from locations on the House floor other than their desks.<sup>1</sup> This occurs typically when members are momentarily away from their desks consulting with constituents and/or colleagues or attending to other House business. In those instances, the member either gives prior instructions to a trusted colleague or gives signals from across the chamber that are carried out on his behalf by another member on the voting machine at the member's desk.

The House rules likewise give a member control of his own machine in that the machine can be locked.<sup>2</sup> Furthermore, there are remedies within the House rules should a member's vote be mistakenly entered or cast contrary to his or her intent on an issue.<sup>3</sup>

In 2007, a local Austin, Texas news broadcast featured a story which showed isolated shots of House members operating colleagues' machines. The report did not allege nor is there evidence that any member's voting instructions had not been followed or that any member was not properly operating in accordance with the House rules. The media report generated a great deal of attention about the issue, now commonly referred to as "ghost voting." The resulting public interest prompted the Committee on House Administration to consider a variety of options to minimize the practice and reduce the difficulty for House members to get to their desks in time to vote from that location.

The committee researched options, studied procedures in other states, and consulted experts to evaluate ways to eliminate or reduce the practice of "ghost voting" with minimal disruption of a member's non-voting duties. The committee's objective is to further the cause of government transparency, ensure the integrity of the voting process and still maintain a reasonable level of convenience for members to visit with their constituents, participate in meetings, and complete state business.

### *Summary of Testimony*

Julia Bass, Texas House of Representatives, Journal Clerk

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<sup>1</sup> House Rule 5, Sec 45. "Presence in House Required in Order to Vote --- A member must be on the floor of the house or in an adjacent room or hallway on the same level as the house floor in order to vote." See also, Explanatory Notes following Rule 5, Sec 47 indicating that the harm sought to be avoided is a vote recorded in the journal contrary to the intent of the absent member.

<sup>2</sup> See Rule 2, Sec 7(5) and Rule 5, Sec 46.

<sup>3</sup> See House Rule 5, Sec 52 and Rule 5, Sec 53.

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- From the 79th to the 80th Legislative Session, as a result of a rules change, the number of record votes more than doubled. The 79th Regular Session logged 986 record votes; the 80th Regular Session logged 2054 record votes.
  - To make it easier for members to vote on every issue without the need to be constantly at their desk, House Administration could place voting stations at other locations.
    1. Locations to consider would be in the back of the House Chamber, the members' lounge or restroom.
    2. With these extra voting stations, members could use fingerprint scanners or a card data device.
      - A. If fingerprint scanner system is used, member's fingerprints would be pre-registered in the system in advance and electronically stored, so that votes register rapidly and will then display on the voting board.
      - B. The technology has been used in Oregon since 1995, with one-third of members participating. However, Oregon does not have "rapid fire" amendments like we do in Texas.
      - C. System would be voluntary because members do not have to give their fingerprints. If members want to vote at alternate voting stations rather than at their desk, a fingerprint scan would be needed.
      - D. Card data devices are used to vote in the U.S. Congress.
  - Allowing more time to vote could also decrease ghost voting record.
  - Producing an approximate schedule of bill consideration so that members know when certain bills will be voted on could greatly benefit members and their constituencies. However, based on current House procedure, the concept of scheduling bills might be flawed due to unforeseen delays in bill debate and the consideration of amendments.

Terry Keel, Texas House of Representatives, House Parliamentarian

- Voting machine came to the Texas House in 1922.
- Rare but infamous instances have occurred where deceased members have been "recorded" as having voted.
- Historically, there have been no allegations of a betrayal of trust or fraudulent ghost voting between members.
- Members can currently lock their machines, enter a statement in the journal as to how they would have voted, or can change their vote with unanimous approval.
- The journal constitutes the official vote record, not the voting board.
- The voting procedures of the Texas House currently make it one of the most transparent legislative bodies in the United States.



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- Though integrity of the House is not an issue, the appearance of impropriety needs to be addressed.
  - The committee has the discretion to buy and implement alternative voting stations but can be overruled by the full House membership.
  - The utilization of alternative voting stations might reduce the number of times members would operate another member's device and may thereby increase public confidence in the process.
  - The House might need a second bell to notify members when the House is about to go on the calendar.

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**CHARGE ON ENERGY CONSERVATION AT THE TEXAS CAPITOL**

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## BACKGROUND AND OVERVIEW

Given the rising cost and demand of all types of fossil fuels, it has become imperative for government agencies and for our nation's citizens to play a role in energy conservation. During the upcoming 81st Legislature, the Texas House anticipates addressing the issue in various types of conservation legislation. However, the Committee on House Administration foresees an opportunity for the Texas Legislature to set the example for the rest of the state by reigning in energy consumption throughout state government facilities, including the Texas Capitol, and by seeking innovative ways to take advantage of renewable energy sources. These efforts will try to reduce the Texas House's carbon footprint and, in turn, save taxpayer money.

The committee's vision for a more environmentally-sound Texas Capitol prompted an invitation for input from state agencies and private companies on how the Capitol complex can become a more efficient player in real energy conservation.

### *Summary of Testimony*

#### Dub Taylor, Comptroller of Public Accounts, Division on State Energy Conservation

- Lighting, mechanical, plumbing and electrical services provide the most significant opportunity for energy conservation in state buildings.
- Conservation has a behavioral component. (ex. turning off lights)
- Efficiency requires utilizing technology to conserve.
- *Energy Savings Performance Contracting*: This involves hiring a professional contractor to perform an analysis of the building, create a solution, obtain the necessary equipment and install it, and ensure that it will work. By doing this there is an opportunity to offset future operating costs. The Texas Department of Transportation, the Department of Public Safety, and the Parks and Wildlife Department are examples of agencies currently utilizing ESPC.
- Buildings should undergo a re-optimization analysis every year, where detailed information on building operations is obtained and recommendations to fix identified problems are solicited.

#### King Moon, Johnson Controls, Regional Sales Manager

- Water conservation and utilizing renewable energy sources such as solar, geothermal, or wind power will help reduce energy costs.
- Performance contracts can assess the situation, suggest changes to be made, monitor the changes, and if there is an anomaly, inform the client.

#### Dane Parker, Dell Computers

- Offered the following options to conserve energy and lower costs:

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1. IT infrastructure rooms, such as server rooms or data centers, consume 10-20 times more energy than most. Replacing three or four machines with one machine that can do the same amount of work (utilization of virtualization), adding new servers which are more efficient, and effectively keeping these rooms at a cool temperature will reduce their energy consumption.
  2. Turn off hard drives when not being used; invest in software to automatically do this.
  3. Replace computer monitors with more energy efficient ones.
  4. Modify thermostat settings in buildings.
  5. Turn off lights not being used.
  6. Replace faucets with low-flow ones.
  7. Install waterless urinals in men's restrooms.
  8. Recycle; put out less trash bins to encourage more recycling.
  9. Bring own water/coffee cups from home.
  10. Print on both sides of paper.
  11. Purchase water sensors that will prevent overwatering of the lawn (in case of rain, for example).

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**CHARGE ON POTENTIAL MONUMENT SITES ON STATE CAPITOL GROUNDS**

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## BACKGROUND AND OVERVIEW

The Texas Capitol grounds host a number of historical monuments paying tribute to the many citizens who have devoted their lives to the Lone Star State. Efforts are underway to add additional monuments to the Capitol grounds. The 77th Legislature passed House Concurrent Resolution 38, authored by State Representative Kino Flores and sponsored by State Senator Mario Gallegos, authorizing the creation of a monument on the Capitol grounds to commemorate the contributions of Tejanos to the State of Texas. The Committee on House Administration hopes to advance the effort to place a monument on the Capitol grounds that will serve as a fitting salute to Tejano history and its role in shaping Texas.

### *Summary of Testimony*

Dr. Catetano Barrera, Tejano Monument, Inc.

Andres Tijerina, Tejano Monument, Inc.

Jaime Beaman, representing himself

- A recommendation is needed from the State Preservation Board.
- Eight resolutions supporting the request for the monument on the South lawn have been issued and more are expected.
- The State Preservation Board must give final approval to proceed.
- The monument will be authentic.
- The monument, as designed, meets the requirements by the State Preservation Board of being less or equal to 574 squared feet.