

The Texas Legislature

Structure and Organization

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Functions of Legislative Bodies

- Articulate the general demands of society
- Represent the needs of special segments of the society- whether organized or unorganized
- Frame and give approval to the laws
- Allocate the resources of society (tax and spend)

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Basis of Representation

Selection Criteria

- Types of Districts
 - Multi-member- used in House prior to the 1970's for urban areas only
 - Single-member- Prior to 1970's rural districts only. All Senate/ House after 1970's
- Types of Constituencies
 - Racial/ethnic
 - Economic
 - Religious
 - Geographical- sole method for legal drafting of districts today (although the way the districts are drawn can create homogenous districts of a particular nature)

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Roles of a Representative

- Delegate- votes as s/he believes the district wants
- Trustee- votes consistent with personal beliefs
- Advocate- votes wishes of major supporters/contributors
- Politico- combination of the three roles

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Structure of the TX Legislature

- Bicameral-
 - Senate- 31 members elected for 4 year terms (overlapping terms for Senators)
 - House- 150 members elected for 2 year term (all members run at the same time)
- Sessions
 - Regular sessions- 140 days every two years in odd year
 - Special sessions- 30 days when called by Governor

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Organizational Issues for Legislative Bodies

- Level of professionalism
 - Citizen Legislature vs. Professional Legislature
- Degree of partisan organization
 - Partisan vs. Non-partisan

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Models of Legislative Organization

- Citizen Legislature
 - Low pay
 - Limited length sessions
 - Limited staffing
- Professional Legislature
 - Full time members
 - No limits on sessions
 - Adequate staffing

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Legislative Organizational Models

- Partisan organization- parties responsible for selection of
 - Leadership
 - Committees
 - Staffing
- Non-Partisan organization- parties play only limited role in
 - Leadership
 - Appointment to committees/ chairs
 - Appointment of staff/legislative agencies

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Texas Legislature Compensation

- Salary- set by Texas Constitution at \$7200/ year
- Per diem- governed by IRS allowable. Set annually by the Texas Ethics Commission.
- Travel- same mileage rates as state employees when on Legislative business
- Retirement- must have 12 years service. Calculated on 2.3% x years service x salary of district judge (A form of deferred compensation)

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Duties of the Legislature

- Legislative- pass laws
- Amendment of Constitution- propose amendments by 2/3 vote of both chambers
- Electoral function
- Directory and supervisory functions
 - Legislative Audit Committee (State Auditor)
 - Sunset Commission
- Investigatory function
- Impeachment

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Non-Constitutional Duties of Members

- Services for constituents
- Oversight- through staff and committees
- Research- through staff and committees

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Presiding Officers of the Texas Legislature

- House
 - Speaker- elected by the members
 - Speaker pro-tem- appointed by Speaker
 - Officers- appointed by Speaker
- Senate
 - Lt. Governor- elected by voters
 - President pro-tem- elected by Senate (seniority is a major factor)
 - Senate officers- elected by the Senate

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Powers of Presiding Officers

- Appoints **all** committees (standing, special, interim)
- Refers bills to committee
- Approves appointment of employees
- Organizes calendars for legislative action
- Recognizes speakers (persons who may speak on issues)
- Rules on points of order

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Types of Committees in the TX Legislature

- Standing- membership established at beginning of session
- Special (investigatory)- created with a special mandate
- Interim (study)- operates during interim only
- Statutory- established by law
 - Legislative Budget Board
 - Legislative Council
 - Legislative Audit Committee

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Legislative Staff

- Session staff
 - Senate- variable allowance set by Senate Administration Committee for each Senator
 - House- fixed allowance for each House member for staff and office expense
- Office expenses
 - Senate- "reasonable expenses"
 - House- part of overall allowance
- Interim- same arrangement, but reduced amounts

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Standing Committees

- Senate
 - 14 Standing Committees
 - Three are not substantive committees
 - Administration
 - Nominations
- House
 - 35 Standing Committees
 - Five of these are procedural
 - Calendars
 - General Investigations & Ethics
 - House Administration
 - Local and Consent
 - Rules and Resolutions
 - 2 Select Committees

<http://www.capitol.state.tx.us>

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Statutory Committees

- Legislative Budget Board
 - <http://www.lbb.state.tx.us/>
- Legislative Council
 - <http://www.tlc.state.tx.us/>
- Legislative Audit Committee
 - <http://www.sao.state.tx.us/lac.html>

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Staffing for Legislative Committees

- Staff of the Statutory Committees
 - Legislative Budget Board
 - Legislative Council
 - Legislative Reference Library
- Staffing for selected standing committees
 - All committees during sessions
 - Reduced staffing during interims except for committees with special mandates

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Legislative Role of Governor

- Declare legislative emergencies
- Address legislature
- Call special sessions
- Veto legislation

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Legislative Reform-
Proposals generally proposed by “experts”

- Full-time legislators
- Better informational services
- Improved mechanics- rules, role of presiding officers, limits on local and special legislation, lobby control

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Main Steps of the Legislative
Process in Texas

- Drafting the proposals
 - Introduction and referral
 - Committee actions
 - Floor consideration
 - *Conference committee**
 - Governor’s action
 - *Override of veto**
- *these actions do not occur on every bill*

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Types of Legislative
Instruments

- Bills- (HB- House Bill, SB-Senate Bill)
 - established or amends law, appropriates money
 - passed by both houses in same form, signed by Gov
- Joint Resolutions (HJR/SJR)
 - proposes constitutional amendments
 - 2/3 of both houses, vote by people
- Concurrent Resolutions (HCR/SCR)
- Simple Resolutions (HR/SR)

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Drafting of Bills

- Major sources of legislative proposals
 - Interest Groups
 - Agencies of the executive branch
 - Legislative staff and committees- Legislative Budget Board, Legislative Council, standing committees, interim committees
 - Individual members

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Introduction and Referral

- Introduced by members only
 - filed with the Secretary of Senate or Clerk of House
- Referred to committee
 - referred by presiding officer on recommendation of parliamentarian.
 - Each house can override presiding officer by majority vote

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Committee Action

- **Hearing**
 - Requested by author (sponsor) of bill
 - May be set by several methods, depending on committee
- **Purposes of hearing**
 - Determine facts
 - Allow expression of public opinion
- **Subcommittee consideration**
 - Automatic in House
 - Optional in Senate

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Committee Actions

- **Options for committees**
 - Report bill without amendment
 - Report bill with amendments
 - Report substitute for bill
 - Vote to report unfavorably
 - Do not vote on the bill

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Floor Consideration

- **House of Representatives**
 - **Calendar Committees**
 - General Calendar Committee
 - Local and Uncontested Committee
- **Senate**
 - No calendar committee, uses suspension of rules procedure

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House Calendar Committee

- **Scheduling options (Calendars of the House)**
 - Emergency Calendar
 - Major State Calendar
 - Constitutional Amendments
 - General State and Area
 - **Local Calendar**
 - **Consent Calendar**
 - Last two are referred to Local and Uncontested Committee

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Type of Actions on Floor

- **Second Reading**
 - Bill debated
 - Amendment by a majority vote
- **Third Reading**
 - Separate legislative day except on 4/5 vote
 - Amendments require 2/3 vote

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Conference Committee

- Requires majority vote of both houses to grant conference
- Members appointed by presiding officers
- Majority of committee members agree to conference report
- Majority of members from both houses must approve final report

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Governor’s Action

- Governor has 10 days to
 - Sign bill
 - Veto bill
- After 10 days it becomes law without Governor’s signature
 - If bill is received during last 10 days of session, Governor has 20 days to decide what to do

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Override of Veto

- Extremely rare- only twice in last 50 years
- Requires 2/3 vote of both houses

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