CHAPTER 25

The Texas Legislature

LEARNING OBJECTIVES
After reading this chapter you should be able to

• Define the key terms at the end of the chapter.
• List the powers and duties of the Legislature, as set forth in the Texas Constitution.
• Describe the unique features of being a Texas Legislator as compared to other states.
• Explain how a bill becomes a law in Texas.
• Outline the process by which legislators are elected and how long they serve.
• Describe the two primary forms of legislative oversight and the impeachment process.
• Explain what is meant by reapportionment and redistricting
• Compare and contrast the history of Texas as a one-party state to its current status as a two-party state.
• Describe how the Speaker of the House and the Lieutenant Governor lead the legislature and influence the committees.
• Discuss the role of lobbyists on the legislature and what could be done to change that.

THE TEXAS LEGISLATURE AND SCHOOL FINANCE REFORM
Paying for schools has always been a tough issue for Texas. We don’t want to pay too much, but we want to make the most of what we have. With our conservative nature, raising taxes has always been problematic, and never more so than in the last few years. Property owners have always complained of high taxes, so the only alternative was to shift the tax burden to someone else. With business so good, it seemed only natural, that businesses would get stuck with the extra burden, which is what happened. Of course this is really just another way to expand the burden to everyone, since all the businesses will just pass along the costs to consumers. So in the end, the burden of school finance was lightened for property owners, and placed in the pockets of consumers.

CHAPTER OVERVIEW
No matter what people say about the legislature, it remains the most powerful branch of the Texas government. Since it affects almost every aspect of society in Texas, including schools, regulations of business and taxes, it only makes sense to understand what it does and how it does it. We will start with an overview of the Legislature’s structure and organization, then move on to the allocation of power. We will finish with a look at the legislative process and how the legislature develops policy and the budget every two years. No matter what you think of the legislature, Texas politics revolves around it.
The Structure and Organization of the State Legislature

The founders of the 1876 Constitution feared a strong executive, so they made sure to place most of the power in the hands of the legislature. Just like the U.S. Congress, the Texas legislature is a bicameral body with a Texas House of Representatives (150 members) and a Texas Senate (31 members). Texas House members serve for two years in office, while Texas Senators have four years in office. The qualifications for both houses are minimal, but what do you expect for a part-time legislator?

Unlike much of the rest of the country, the Texas legislature remains a part-time governmental entity. Both houses meet in session every other year, and only for 140 working days. Supporters of this method point to the advantages of limiting government, allowing members to pursue outside interests and jobs, and saving the state lots of money. Detractors argue that the practice is out dated and is the reason why Texas moves from one crisis to the next. Another argument against continuing this practice is that it places an extraordinary amount of reliance on special interests, who take full advantage of their access. Additionally, without enough time to do their jobs, the Governor is compelled to call special sessions of the legislature on a fairly regular basis. Although the part-time legislature may have worked for much of the 19th and 20th centuries, it seems to be struggling to fulfill its duties in the first few years of the 21st century.

Responsibilities of the Legislature

The main duty of a legislator is to act as a representative for the people of their district. Those who act on the wishes of their citizens are known as instructed delegates, but those who act upon matters in a way that benefits Texas as a whole are known as trustees. Either way, we send our representatives to Austin to create laws and adopt a two year budget.

There are five major steps for a bill to pass, before it becomes law: introduction, committee process, floor action, conference committee action and the governor’s action. Every bill must be introduced by a member of the legislature, and must pass through both house of the legislature. Once a bill is introduced, it goes to a committee to be “marked up.” Once all changes are made, the bill should be approved by the committee and sent to the floor of the chamber for debate. If it passes both house with a majority vote, then most bills go to a Conference Committee, where all discrepancies are worked out. Once the committee agrees upon a compromise, they send the bill back to both houses for final approval, and then send the bill to the Governor’s office. The Governor can sign the bill into law, let the bill become law without their signature, or veto the bill. In addition to this heavy legislative session, members of the legislature also perform some oversight duties.

The Texas legislature has no time for actual oversight of the Texas agencies, so it must oversee through two indirect methods; accounting oversight and policy oversight. With accounting oversight, the legislature traces how agencies manage and spend their money. With policy oversight, the legislature reviews reports to see if their policies are having the effects that they intended for them. In addition, the legislature will watch many of the elected officials, and they do have the power to call themselves into session for an impeachment proceeding. Although this has rarely occurred, it has been done.

Reapportionment and redistricting occur every decade after the federal census. Reapportionment is needed to make sure everyone is represented fairly, and that every representative will represent about the same number of people. Redistricting redraws the boundaries of each district, so that the area they represent contains about the same number of people as every other area. Usually there is no question about the number of people in every district, but representatives do worry about the kinds of people are in every district. Ideally, districts should be drawn to represent the people proportionally, but both sides would rather be disproportional, to benefit their party. This kind of gerrymandering occurs every ten years, and is why most redistricting plans end up in the courts, with Texas judges making the final decisions on what is and what is not fair.
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Power and Politics in the Texas Legislature

Historically, the Texas Legislature has been dominated by conservative Democrats, but now it is dominated by conservative Republicans. For one hundred years, Texas mirrored the rest of the southern states and allowed conservative Democrats to run the Texas government. It was during the 1970’s that conservative Republicans took advantage of some opportunities and were able to elect Bill Clements to the Governor’s office. By 2000, Republicans controlled every statewide office and the Texas House. Two years later, they grabbed the Texas Senate too, and now have complete control of Texas government. Although republicans have the upper hand at the moment, the changing demographics of Texas keep things competitive and promises to make politics a lively occupation in the next twenty years as the republican majority is eroded.

The most powerful members of each house are their leaders; the Speaker of the House and the lieutenant governor in the Texas Senate. Most people consider the lieutenant governor to be the most powerful official in Texas, due to their responsibilities in both the Texas Senate and the Texas Executive. Both leaders preside over their house, appoint members to committees and schedule bills for debate. These powers allow them to control both houses and gain the loyalty and obedience of many members. Probably the most powerful influence of the lieutenant governor rests with his leadership role on the Legislative Budget Board. Money equals power, and the lieutenant governor has a huge amount of say in how much is spent and what it is spent on. Although both leaders exert an enormous amount of influence and power, they cannot control everything all the time, and many members will work their own agendas in committee and/or during the floor debates.

Committees in Texas are much different than Congress. Instead of specializing in one or two areas, Texas Legislators can be moved to a new committee every session. Unlike Congress, which is highly partisan, the Texas legislative leaders appoint members of both sides to chair committees. Of course, the party in control will appoint members of their own side to the more important committees. However, due to their temporary nature, legislators rely heavily on outside groups for information and support.

Special Interest Groups play a vital role in the Texas Legislature, as they have access to expertise and specialized knowledge about a great many things. The legislators count on the interest group’s expertise and knowledge to make decisions about bills going through the legislature. Yet at the same time this allows interest groups the opportunity to present their own interpretation of that information. Additionally, interest groups provide contributions, volunteers, services in-kind and endorsements to candidates. There have been several instances where interest groups have corrupted some legislators, so this is a very big problem for Texas government.

KEY TERMS
bicameral legislature
biennial sessions
special session
instructed delegate
trustee representation
conference committee
legislative oversight
reapportionment
gerrymandering
redistricting
one-party state
Speaker of the House
lieutenant governor
ad hoc committee
interim committee
Legislative Budget Board
two-thirds rule
Sharpstown Scandal
Dirty Thirty

RESEARCH AND RESOURCES

Do you have any idea who represents you in the Texas Legislature. Don’t you think it is time you found out. It’s easy enough to do. Go to the Legislative website <www.capitol.state.tx.us> and look for the “Who Represents Me?” box on the right-hand side of the page. Submit your address and it will list both your federal and state representatives with contact information for you.

You will also find links to the biographies of the Legislature’s leaders:
Speaker of the House Tom Craddick - <http://www.house.state.tx.us/speaker/welcome.htm>
Lieutenant Governor David Dewhurst - <http://www.senate.state.tx.us/75r/LtGov/Ltgov.htm>

Three very important Boards for citizens and members of the legislature:
Legislative Budget Board - <http://www.lbb.state.tx.us/>
Legislative Reference Library - <http://www.lrl.state.tx.us/>
Texas State Library - <http://www.tsl.state.tx.us/>

All these links are good for information on bills, campaign funding, history, etc… Of course, there will not be any bills until the next session in January of 2009.

A couple good links for general information:
About Texas - <http://www.tsl.state.tx.us/ref/abouttx/index.html>

USING YOUR KNOWLEDGE

1. Using the resources suggested above, learn about the leaders of the legislature. One is chosen by the people of Texas to lead, and one is chosen by their chamber to lead. Which is which. Since they are in positions of power, why not write them and let them know what they are doing well, and what you think they should work on next session.

2. Do you know which committees your representatives are on. First, find out who your State representative and senator are, then look up committee assignments, and see which ones they are on. Do their committees cover something that you are concerned about. If so, write and tell them how you feel, and if you have a solution.

3. Go to the Legislative Budget Board’s website and see if you can find Budget 101: A Guide to the Budget Process in Texas. Read the section on Strategic Planning. Do you agree with the reasoning behind this process. Do you feel more comfortable with this knowledge. Would you do something different. Next research the process for creating and approving a budget in Texas. Who else is
involved besides the Texas Legislature and what is their role. As you can see from this simple exercise, there are lots of people involved in creating, authorizing and approving the Texas budget.

GETTING INVOLVED
If you are truly interested in politics as a career, then interning/volunteering during a legislative session is a must. From January to May in every odd-numbered year the Texas Legislature is in session and they need student volunteers to help in Austin. Talk to your state representative or state senator and see what you need to do to apply. You may even be able to get college credit for your experience, so talk to your instructors and college before you go. In addition to finding this a very rewarding experience, you will gain valuable knowledge and make many friends and contacts, which will help you after you finish up college.

SAMPLE EXAM QUESTIONS

Multiple-Choice Questions
1. What political term do we use to describe our two-house legislature?
   a. dual domed  
   b. binomial  
   c. dual chambered  
   d. bicameral  
   e. biennial
2. Which of the following is a “nickname” for the Texas Legislature?
   a. the big house  
   b. citizen legislature  
   c. dual domed dungeon  
   d. the true heart of Texas  
   e. legislative lottery
3. Which of the following is not a qualification for being a state representative in Texas?
   a. Must be at least 26 years old.  
   b. Must be a U.S. citizen (born or naturalized).  
   c. Must be a resident of the state for at least two years.  
   d. Must have lived in their district for at least one year.  
   e. All are qualifications for being a state representative.
4. What do we call a session of the legislature called by the Governor outside of their regular meeting time?
   a. ad hoc session  
   b. Texas bull session  
   c. extraordinary session  
   d. special session  
   e. extraneous session
5. What is the primary function of the Texas Legislature?
   a. Apply the law.  
   b. Make law.  
   c. Oversee executive agencies.  
   d. Regulate businesses.  
   e. Interpret the law.
6. If a bill plans to raise taxes, what entity must be the first to initiate the bill?
   a. Texas Senate
   b. Texas Governor
   c. Texas Comptroller
   d. Texas voters
   e. Texas House of Representatives

7. How many times must a bill be read to each legislative house before a final vote?
   a. one time
   b. two times
   c. three times
   d. four times
   e. five times

8. What is the main function of the Conference Committee?
   a. to work out differences between two versions of a bill
   b. to set standards of conduct in both houses during the session
   c. to create a schedule of committee meetings acceptable to both houses
   d. to inform the governor of current and future legislation
   e. to generate reports about all the new bills passed by the legislature

9. What action by the Texas Governor allows him to delete items from appropriations bills?
   a. line-item veto
   b. party-line veto
   c. gubernatorial veto
   d. power veto
   e. late session veto

10. Who is the only Texas Governor to be successfully impeached by the Texas Legislature?
    a. Bill Connelly
    b. James Ferguson
    c. Clayton Williams
    d. Preston Smith
    e. James Hogg

11. What process describes the reallocation of congressional seats among the states?
    a. remanagement
    b. reduction
    c. redesignation
    d. reassignment
    e. reapportionment

12. What term would describe a fair redistricting process with districts divided evenly?
    a. balanced
    b. plateaued
    c. proportionally
    d. regularized
    e. tactful

13. Currently, how many women are serving in the Texas House of Representatives?
    a. 25
    b. 33
    c. 42
    d. 50
    e. 55
14. How many Hispanics are currently serving in the Texas Senate?
   a. 6
   b. 8
   c. 11
   d. 12
   e. 15

15. What entity chooses the Speaker of the House?
   a. Texas Senators elect the Speaker
   b. Texas Representatives elect the Speaker
   c. Texas Governor appoints the Speaker
   d. Texas Railroad Commission appoints the Speaker
   e. Texas Voters elect the Speaker

16. Who assigns Senators to committees and designates the committee chairperson?
   a. The Texas Governor
   b. The Texas Lieutenant Governor
   c. The Speaker of the House
   d. The Texas Attorney General
   e. Texas’ Congressional Delegation

17. What term describes a special committee appointed to address a specific policy problem?
   a. special committee
   b. oversight committee
   c. mandate committee
   d. condiment committee
   e. ad hoc committee

18. What do we call the Texas Senate rule that prevents any legislation from being considered for debate unless two-thirds of the members vote for consideration?
   a. two-thirds rule
   b. senatorial courtesy
   c. rule of conditions
   d. rule of standardization
   e. rule of debate

19. Which elected official is considered the most powerful politician in the state of Texas?
   a. The Texas Governor
   b. The Texas Lieutenant Governor
   c. The Speaker of the House
   d. The Texas Attorney General
   e. The Texas Comptroller

20. Committee leadership assignments have less to do with authority and more to do with what?
   a. campaign contributions
   b. knowledge and expertise
   c. loyalty to presiding officer
   d. popularity in the legislature
   e. loyalty to your party
21. Which of the following committees has a jurisdiction so broad as to allow almost any piece of legislation to be assigned to it?
   a. Business and Commerce Committee
   b. Reclamation Committee
   c. Environmental Committee
   d. State Affairs Committee
   e. Finance Committee

22. How many permanent committees are currently operating in the Texas House of Representatives?
   a. 22
   b. 36
   c. 50
   d. 64
   e. 78

23. What 1971 stock fraud scandal was Frank Sharp at the heart of?
   a. Savings and Loan Scandal
   b. Fraudulent Stock Scandal
   c. DFW Bank Scandal
   d. Los Lobos Scandal
   e. Sharpstown Scandal

24. Which group of legislators worked tirelessly in the 1970’s to bring reform and ethical standards to the Texas Legislature?
   a. Nifty Nineteen
   b. Dirty Thirty
   c. Uniform Unit
   d. Covert Twenty-Eight
   e. Ethical Eighty

25. What is the biggest ethical issue for the legislature today?
   a. Campaign contributions by interest groups
   b. Partisan politics
   c. Adultery
   d. Perjury
   e. Full financial disclosure

**Essay Questions**

1. Discuss the advantages and disadvantages of a 140 day session for the legislature every other year. In your opinion, is this a good thing, or a bad thing. Why or why not?

2. Differentiate between an instructed delegate and trustee representation. Which do you prefer, and why?

3. Explain why the recent round of redistricting was so difficult in Texas.

4. Discuss the two methods of oversight by the Texas legislature and why it is so hard for them to supervise the Texas Bureaucracy.

5. Explain why Interest Groups and lobbyists are able to exert so much influence on the Texas legislature.
ANSWERS TO MULTIPLE-CHOICE QUESTIONS

1. d
2. b
3. a
4. d
5. b
6. e
7. c
8. a
9. a
10. b
11. e
12. c
13. b
14. a
15. b
16. b
17. e
18. a
19. b
20. c
21. d
22. b
23. e
24. b
25. a