Generations of Texas students have been taught about bicameralism—the division of the legislature into two equal chambers—and wondered why their teacher was burdening them with such an obscure term. In 2017, legislators did their best to demonstrate the impact of bicameralism as the Texas House and Senate battled enthusiastically over a range of issues. While Americans have been told that the stark differences between Republicans and Democrats are responsible for much of the gridlock in Washington today, there was plenty of conflict and deadlock between the Texas House and Senate, even while both were dominated by Republicans.

At times, the Texas House and Senate seemed to share little except a building. The architecture of the capitol places the Senate in the east wing and the House in the west wing, with the rotunda in the middle keeping them at a safe distance from each other. However, while the Texas Constitution divides the legislature into two different chambers, it also requires that legislation pass both the House and Senate in exactly the same form before becoming law. Put another way, what bicameralism separates must come together for a bill to become law.

One of the issues dividing the two chambers in 2017 was education. The Texas Senate quickly embraced the idea of school vouchers—a system of allowing families to use state dollars to pay for tuition if they want to change schools. Vouchers had long been a favorite issue of some conservative “school choice” advocates. In the House, such plans were not always popular because some Republicans in the 150-member
House represented districts dominated by small towns and rural areas where vouchers are less attractive. These districts do not always have enough students to support the number of schools that voucher plans require to give parents choices if they want to move their students from a public school. The Senate, with only thirty-one members, had few districts dominated by rural areas and leaned toward a reform favored by the more heavily populated cities and suburbs.

The way in which each chamber selects its presiding officer contributed to the conflict between the House and Senate. The Senate was led by Lieutenant Governor Dan Patrick, an elected official who needed support to win the votes of Republicans statewide in the primary. The House had begun the session by reelecting Joe Straus from their own membership. Given the ability to choose for themselves, the House selected a moderate leader more closely connected to business interests than the social conservatives in the party. A tug-of-war began early when Patrick made as one of his highest priorities the so-called “bathroom bill,” which required that people use the bathroom based on their assigned gender at birth. The Texas House, under the leadership of Straus, showed less interest in the controversial subject of transgender people’s use of restrooms, given that a similar North Carolina law had led to a number of entities boycotting that state. Eventually, the House approved a compromise that would have required school districts to provide single-occupancy bathrooms or changing rooms for students who do not want to use the rooms associated with their biological sex. However, this compromise version was not enough to satisfy the Senate, and the bill died at the end of regular session because the two chambers could not agree.

The significance of the basic structure of the legislature is subtle and more important than many Texans realize. The design and rules of the Texas Legislature
determine much of what will happen every session. Texas government was designed to be inherently deliberate and slow moving, and conflicts like those between Dan Patrick and Joe Straus were predestined when the authors of the 1876 constitution opted to keep the bicameral legislature. The structures the authors of the Texas Constitution put in place almost 150 years ago guarantee that legislation will face extensive scrutiny from a wide variety of perspectives before it become law. James Madison, writing in Federalist No. 10, argued that one of the ways to keep the powers of government in check is to pit “ambition against ambition.” In that regard, the conflict between the House and Senate in 2017 may be considered a testament to Madison’s vision, as the ambitions of the state’s political leaders often clashed and held each other in check.

In this chapter, we’ll look at bicameralism and other features of the Texas Legislature to explore how these features shape who wins and who loses in Texas politics. We also will examine the organizational structure of the Texas Legislature, including an overview of the various types of committees as well as their function and structures. We will also consider the role of presiding officers and the impact of political parties in the Legislature. Finally, we will examine the legislative process, comparing the Texas Senate and House of Representatives across different areas that shape legislation, such as calendars, blocking bills, and filibusters.

THE TEXAS LEGISLATURE IN CONTEXT

The legislative branch in Texas is usually referred to as the Texas Legislature, or in Texas as simply the legislature. Like most states, Texas has chosen to have a legislative branch that resembles the U.S. Congress. (See Table 3.1 for a comparison of some of the characteristics of the U.S. Congress and the Texas Legislature.) The Texas Legislature is bicameral, meaning that it is divided into two separate chambers. Of the fifty states, only Nebraska has a single-chamber, or unicameral, state legislature. The lower house in Texas is called the House of Representatives, and the upper house is called the Senate. References to “upper” and “lower” houses developed from the British Parliament, in which the House of Lords represented the nobility of the “upper” class and the House of Commons represented the ordinary citizens of the “lower” class. Despite the revolution against England, these terms somehow carried over into the American experience. Some members of the Texas House and their staff will tell you that the Texas Senate still considers itself the “upper” house—this only feeds the rivalry between the two chambers. Some states use different names for these chambers. For example, in Virginia, the lower house is called the House of Delegates.

The decision to have a dual-chambered state legislature reflects more than just a simple desire to mirror the U.S. Congress. James Madison suggested in The Federalist Papers that the protection of liberty from passionate majorities rests in part with dividing the power of the legislature. Requiring any new law to pass in two chambers makes it more difficult for a majority to abuse its power and take away the rights of a minority.

While all federal systems in the world have bicameral national legislatures, many have unicameral state or regional legislatures. For example, all of the ten provincial legislative assemblies in Canada are unicameral, while the national parliament
is bicameral. Mexico uses a similar system, where each state has a unicameral state legislature even though Mexico’s national Congress is bicameral. Outside North America, unicameral state legislatures are found in Austria, Brazil, Germany, and Malaysia. In Germany, state governments are directly represented in the upper house of the national parliament (the Bundesrat), which consists of members of each state’s executive branch.

In the past, some U.S. states mirrored the relationship between the two houses in the U.S. Congress by making counties the basis of representation in the upper house of the state legislature in the same way states are the basis for representation in the U.S. Senate. However, with 254 counties in Texas, giving each county their own senator was never practical. The Texas Constitution of 1876 specified that no county could have more than one state senator. In 1962, the U.S. Supreme Court rejected counties and other local governments as a basis for representation in state legislatures in the Baker v. Carr (1962) ruling. The court found that the equal protection clause of the Fourteenth Amendment asserts the principle of “one person, one vote,” meaning that the population of state legislative districts must be roughly (give or take 5 percent) equal.2

### Size of the Legislature

Each of the forty-nine states in the United States with a bicameral state legislature has an upper house that is smaller than the lower house. The smaller size of the upper house again mirrors the U.S. Congress; the U.S. Senate, with 100 members, is much smaller than the 435-member U.S. House of Representatives.

The sizes of state legislatures vary because each state determines the best fit for its needs. For example, the Texas Constitution sets the size of the Texas Senate at thirty-one members and the Texas House at 150. As the population of Texas has grown, the legislature has increased the size of the Texas House of Representatives over time to its current 150, a size approved by voters in 1999 when they agreed to amend the state constitution. The size of the membership of a state’s legislature is not proportional to the population of the state. Large-population states such as Texas, Florida, and California do not always have the largest state legislatures. New

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**TABLE 3.1  U.S. Congress and the Texas Legislature: A Comparison**

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>U.S. Congress</th>
<th>Texas Legislature</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>U.S. Senate</td>
<td>U.S. House</td>
</tr>
<tr>
<td>Size of chamber</td>
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<td>435</td>
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<td>Minimum age for election</td>
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<td>Yes</td>
</tr>
<tr>
<td>Resident of district</td>
<td>N/A</td>
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Hampshire, one of the smallest states, has the largest legislature, with 400 members representing about 1.3 million people.

One of the most interesting differences is the relationship between the number of citizens and the number of legislators. In states where there are more legislators relative to the population, each legislator represents fewer people and, in some sense, the legislator is closer to the people. In Texas, with the eleventh-largest legislature and the second-largest population, each member represents an average of almost 156,000 people. The Texas Senate’s thirty-one members each represent about 913,000 people, but in the Texas House of Representatives the ratio is about 189,000 per member. When comparing the ratios of representation to population, Texas ranks forty-ninth in the United States. Thus, Texans are less represented in their own state legislature than citizens of almost every other state. Only California has fewer state representatives per person than Texas.

A practical limitation on the ratio of legislators to population is the fact that extremely large legislatures are difficult to organize. If Texas used the same ratio as New Hampshire, where each member of the state legislature represents over 3,200 people, the Texas Legislature would have to find space for over 8,900 members, a group too large to be managed effectively.

**Legislative Sessions**

The Texas Legislature is one of four state legislatures that do not meet yearly for a regular session, instead convening every two years. Texas joins Montana, Nevada, and North Dakota in having legislatures that meet biennially.³

**Regular Session**

When in regular session, the Texas Legislature meets for 140 days, making the length of its session one of the longest in the country. However, eleven states, including large-population states such as California, Michigan, New York, North Carolina, Ohio, and Pennsylvania, do not limit the length of state legislative sessions.⁴

The length and frequency of legislative sessions shapes how legislatures go about their work. Legislatures that meet annually are able to review the budget each year and make adjustments. The Texas Legislature faces a tremendous amount of work when it meets for its biennial session. As the regular session opens, the legislature faces a backlog of interim appointments made by the governor since the end of the last legislature session as well as budget problems caused by fluctuations in the economy since the last session. Every session the Texas Legislature has to pass a budget and laws that will address the needs of a rapidly growing and changing state for the next two years. One textbook decreed way back in 1966 that the biennial session was “sound enough when it was written into the constitution in 1876, but in the second half of the 20th Century it is unquestionably obsolete.”⁵ Critics of the current system argue that annual sessions would allow the legislature to more effectively oversee the executive branch and help the state to respond more quickly to changes—including mandates from the federal government and changes to the economy. Advocates of biennial session believe that limiting the legislature’s sessions limits their ability to
interfere in the lives of citizens and forces legislators to spend more time living and working under the laws they write.

**Special Sessions**

Often, state legislatures find it necessary to have the legislature meet beyond regular sessions. These special sessions of the legislature may occur after an unexpected event or to complete work on important legislation that did not pass during the regular session. Texas and fourteen other states have rules that allow only the governor to call a special session. In the other thirty-five states, either the governor or the legislature can call for a special session. In some states, such as Alaska and Florida, a supermajority of legislators (usually, two-thirds or three-fifths of the members of each chamber) must agree to hold the special session by filing a petition. Some states, such as Delaware, allow the presiding officers of each chamber to call the legislature into special session. Moreover, a majority of states do not limit the number of days the legislature meets in special session, and there are no limits on the number of special sessions that can be called.

When the Texas Legislature is called into special sessions, each of these sessions is limited to thirty days. The governor summons the legislature into special session by issuing an official proclamation referred to as “the call.” This document gives governors a great deal of power to lead the legislature because it states when the legislature will begin meeting for the special session and the subjects it can consider. If the governor is not satisfied with the work of the Texas Legislature during a special session, the governor may call the legislature back into session as often as he or she wishes. The governor may also add new issues to the call during the session. For example, in 2013, then-governor Rick Perry called legislators to Austin for a special session from May 27 to June 25. He asked for laws to place restrictions on when and where abortions may be performed, to prioritize and fund transportation projects, and to pass a final redistricting plan for the state legislature and Texas’s seats in the U.S. House of Representatives. When a filibuster by Texas senator Wendy Davis blocked action on abortion at the end of the first special session, Perry called the legislature back into session again a few days later, and this time it passed abortion legislation.

**Rights and Privileges**

When the legislature is in session, its members enjoy certain rights and privileges. Article 2, Section 14 of the Texas Constitution provides that “Senators and Representatives shall, except in cases of treason, felony, or breach of the peace, be privileged from arrest during the session of the legislature, and in going to and returning from the same.” In addition, Article 2, Section 21 protects members’ right to speak freely while debating legislation. “No member shall be questioned in any other place for words spoken in debate in either House.” Such protections, known as legislative immunity, originated with parliamentary immunity that emerged from the struggle between parliament and the monarchy. Protecting legislators from arrest ensures that state and local officials cannot interfere with a legislator’s efforts to represent his or her constituents. Similarly, protecting what legislators say during debates ensures that they remain free to say everything they need to as they represent their constituents.
TYPLOGIES OF STATE LEGISLATURES: FULL-TIME AND PART-TIME

Based on factors such as length of legislative session, compensation for legislators, and professional resources, state legislatures may be classified as one of three types: citizen, professional, or hybrid. A citizen legislature seeks to limit the role of a state legislator to a part-time task so that many or most citizens can perform it. Typically, citizen legislatures meet every other year or for only a few weeks each year. The duties of a legislator in these states are about as time-consuming as a part-time job, taking up just over twenty hours a week. Compensation is minimal for citizen legislators (averaging $18,449 a year) and in some cases amounts to no more than reimbursement for travel and other expenses associated with attending legislative sessions. Staffing and other professional resources are minimal. Montana, North Dakota, South Dakota, and Wyoming are states that have citizen legislatures. Another ten states (Idaho, Kansas, Maine, Mississippi, New Hampshire, New Mexico, Rhode Island, Utah, Vermont, and West Virginia) have “lite” versions of part-time legislatures that demand more of a legislator’s time and have more extensive staff support than a traditional part-time legislature.

In contrast, a professional legislature meets annually, often for as many as nine months of the year. In these states, being a member of the state legislature is a full-time occupation and legislators are paid accordingly, since such service effectively precludes holding a job outside. Members of professional legislatures are well compensated, averaging $82,358 among the eleven state legislatures classified as professional. More generous office allowances allow members of the legislature to hire and maintain extensive staffs that typically include secretarial support and researchers. Only California, Michigan, New York, and Pennsylvania have professional legislatures. Another six states (Alaska, Hawaii, Illinois, Massachusetts, Ohio, and Wisconsin) have “lite” versions of professional legislatures where the workload is lighter because sessions are shorter and their districts are smaller.

Texas and most other states fall in between these two extremes and have hybrid legislatures. In Texas and twenty-five other states, the legislature spends less time in session and has a staff budget that is less than half of those of professional legislatures. Members of the legislature receive some compensation. Average compensation in states with this type of legislature is $41,110. In 1991, Texas voters approved a constitutional amendment raising the base pay for Texas legislators to $7,200 a year and creating the Texas Ethics Commission (TEC), which was empowered to recommend future pay raises, subject to approval by the voters. The TEC also establishes “per diem” allowances for members ($190 per day in 2017) to compensate legislators for personal expenses while the legislature is in session, meaning that Texas legislators earned a total of $33,800 for 2017 because they were in session 140 days. Legislators can also receive reimbursement for travel from their home district to Austin and receive coverage under the state health insurance plan offered to all state employees. Legislators who do not ordinarily reside in Austin may use political contributions to pay “reasonable household expenses in Austin.”

In terms of staffing resources, members of the Texas Senate receive an allowance of $38,000 per month to pay for the costs of maintaining offices in Austin and in their district. These funds are used to purchase office equipment and supplies, pay for office space, and provide salaries and other compensation for office workers. On average, members of the Texas Senate keep six staffers employed year-round. Members of the Texas House of Representatives receive $13,250 per month for staff support, enough to provide each...
representative an average staff size of three persons. Legislators may use campaign contributions to supplement staff salaries, and some legislators supplement their regular paid staff with student interns and volunteers.

Although the framers of the Texas Constitution sought to establish a citizen legislature, the Texas Legislature today is classified as a hybrid legislature for several reasons. While salaries in the Texas Legislature may be low, legislators receive one of the most generous retirement plans among the fifty state legislatures. Legislators who have served eight years in the legislature can start receiving benefits at age sixty (or age fifty if they have served twelve years) if they have left the legislature. In 1975, the legislature tied the retirement benefits of elected officials to the salary of state district judges. Their annual retirement income is 2.3 percent of the base compensation of the judges’ salary times their years of service. When the legislature raised the salary of the district judge to $140,000, this made the annual minimum benefit for legislators $25,760 per year after eight years of service in the legislature. Former Speaker Tom Craddick, one of the longest-serving members in the history of the Texas Legislature, qualified for the maximum pension of $140,000 at the end of the legislative session in 2017.

While some members may have generous benefits awaiting them when they retire, the low level of pay does ensure that most legislators will need to make money during their legislative careers. This reflects the principle that government should be in the hands of citizens who must earn a living under the laws they write. However, most Texans simply cannot leave their job for 140 days every other year to serve in the legislature. Many ordinary Texas citizens simply cannot afford to be a legislator while the conditions for other professions are more favorable.

QUALIFICATIONS FOR OFFICE AND LENGTH OF TERMS

The state constitution requires that members of the Texas House of Representatives be at least twenty-one years of age and have been a resident of Texas for two years and a resident of the district for at least one year prior to the election. Election to the Texas Senate requires that a citizen be at least twenty-six years of age and have been a resident of Texas for five years and a resident of the district for at least one year before the election. While the constitution may allow for younger members, the people elected are older. In 2017, no members of the legislature were under thirty. In fact, the youngest senator was forty-five and the average age of a Texas senator was 58.5.10
Like other legislatures, the Texas Legislature has the right to refuse to seat a winning candidate and has the power to decide whether an election is valid. According to the state constitution, “[e]ach House shall be the judge of the qualifications and election of its own members; but contested elections shall be determined in such manner as prescribed by law.” Such refusals are extremely rare. However, several decades ago, a representative from Gillespie County was elected as a write-in candidate. The losing candidate appealed to the Texas House, requesting that it not seat the winner because he had not competed in the primary, had never announced his candidacy, and had never paid a filing fee. The House refused to consider the appeal.

The term of office for members of the Texas House of Representatives is two years. Texas senators are elected every four years, but the elections are staggered so that one-half of the Texas Senate is chosen every two years. An exception to this rule occurs when new senate districts are created by redistricting. After the U.S. Census data are released and the redistricting process to adjust election districts for the legislature is completed, the entire Texas Senate is elected at the next election. Thus, the entire Texas Senate was elected in 2012. Then, by lottery, one-half of the Texas Senate comes up for reelection after just two years—2014 in this case. The other half of the Texas Senate began a four-year term in 2012 and was up for reelection in 2016.

The timing of elections to the state legislature also varies by state. While Texas holds elections in even-numbered years, coinciding with U.S. presidential elections and midterm elections to the U.S. Congress, a few states, including Louisiana, conduct elections to the state legislature in odd-numbered years to separate state politics from national politics.

In the 1990s, some states began imposing term limits on their elected representatives. A term limit legally limits legislators to a specific number of terms after which they are no longer eligible for reelection. Currently, fifteen states have term limits. Some states limit the amount of time an individual may serve in a specific chamber of the legislature. Other states place a limit on the total number of years a person may serve in either chamber of a state legislature. Michigan has the most restrictive limits on the amount of time someone may serve in the state legislature: six years for the lower house of the state legislature and eight years for the upper house. California and Oklahoma limit an individual to serving only twelve years in either chamber.

Texas, along with thirty-five other states, does not have term limits. Proponents of term limits argue that these limits encourage turnover to prevent politicians from making their elected office their primary occupation and thereby losing touch with the needs and concerns of the average citizen. Opponents argue that voters should have the ability to retain quality legislators and can vote bad members out at any point.

As Figure 3.1 reflects, the rates of incumbency in the Texas Legislature have dropped in recent years. The 2012 election saw the lowest rate of incumbency in the recent history of the Texas House of Representatives. This rate of incumbency reflects the impact of the 2011 redistricting of the legislature, with many members running in redrawn districts where voters did not know them. Another bad year for incumbents occurred during the November 2002 elections that saw Republicans win control over both houses for the first time in more than 100 years. Usually Texas senators are equally or more likely to be reelected than their counterparts in the Texas House. This trend held despite redistricting for the 2012 election. These rates of incumbency are quite different from the U.S. Congress, where the U.S. Senate has a lower rate of incumbency than the U.S. House.
One of the key functions of a legislature is representation, or the relationship between the people and their representatives. There are three views on what constitutes an appropriate relationship between a representative and the electorate. According to the delegate approach, the people elect a representative to follow the views of the district. The legislator as delegate is expected to carry out specific tasks and vote as instructed by voters, regardless of his or her own personal beliefs, and should not exercise independent judgment. In contrast, the trustee approach begins by assuming that elected officials have access to information that voters do not. As a result, the representative understands issues from the broader perspective of the best interests of the entire district, state, or country. In this view, the people trust their representative to make the best choices for them. Therefore, the representative, who is better educated about the issue, may go against the wishes of the majority. Finally, the politico approach asserts that a representative follows the wishes of the voting majority on the most important issues while on other issues he or she has more leeway. In the latter case, the representative’s personal beliefs may conflict with those of the majority, and the representative then must choose between conscience and constituency.

Representation Based on Geography

In the United States, representation is based on geography that emphasizes representation of citizens based on where they live. The advantage of geographic representation is that geographic districts provide a direct connection between the representative and the voters. Voters are assumed to share political values and economic interests based on where they live.

**FIGURE 3.1** Rates of Incumbency for the Texas Legislature, 1995–2017

![Graph showing rates of incumbency for Texas Legislature from 1995 to 2017]

State House Districts in Texas for the November 2018 Elections

Microcosm Theory and Demographics

One perspective on representation is microcosm theory. John Adams, the second president of the United States and an early proponent of the theory, believed that a legislature should look like the larger society. The aim is to have the legislature be as close to a perfect representative sample as possible. Microcosm theory holds that, while each individual member cannot truly represent the public at large, collectively the legislature should represent the whole population. In microcosm theory, the assumption is that people with the same ethnic, racial, socioeconomic, or sex/gender background share political values and beliefs, regardless of where they live. The Texas Legislature, then, should “look like” Texas in, among other things, its gender, racial, and educational makeup. If we assume that a legislator’s income, education, race, religion, and gender all shape the decisions that he or she makes, then microcosm theory offers one way of looking at whether the legislature reflects the population. If the legislature looks like the larger society, citizens may accept its legitimacy and decisions more readily. If the legislature does not seem to mirror the larger society, then its legitimacy may be questioned.

In fact, the Texas legislature does not mirror the population. Some of this may be the result of deliberate choices by voters. For example, over 90 percent of the members of both houses of the Texas Legislature in 2017 had completed at least a four-year college degree. This stands in sharp contrast to the 17 percent of Texans overall who hold a degree from a four-year institution of higher learning. In this instance, Texans might have deliberately decided that college-educated Texans are better advocates for their causes.

Gender and Racial/Ethnic Gaps in the Legislature

After women won the right to vote, some politicians argued that women should find influence by electing “the right man.” Microcosm theory suggests that the best way to take measure of the representation of women is by looking at the gender of who is elected, and looking at the representation of women in state legislatures is especially easy because, while racial and other characteristics may vary widely from state to state, every state has close to half males and half females. When the Texas legislature convened in January 2017, only 20.4 percent of the members were female. As Figure 3.3 reflects, Texas is not alone in the underrepresentation of women, and women rarely comprise more than one-third of a state’s legislature. This is not surprising because women have historically been underrepresented in both Texas and national politics. In 2018, 25.4 percent of state legislators and 20 percent of members of Congress in the United States were women. As Figure 3.2 indicates, while that number may be low, it represents a dramatic rise from 1971, when 4.5 percent of legislators were female. Compounding the underrepresentation of women was their treatment once in office. After Edith Williams became the first woman elected to the Texas Legislature in 1922, she found that she had to fight to be treated professionally. In 1926, Margie Neal became the second woman elected to the legislature and the state’s first female senator. She would go on to serve eight years without any other female senators, and the Texas Senate would not have more than one female member until 1987. Even when women were elected to the legislature, they were often marginalized. For example, when Frances Farenthold was the only woman in the Texas House in 1969, capitol guards sometimes assumed she was not a legislator and tried to prevent her from entering the floor of the House.

The demographic makeup of the Texas Legislature is not reflective of the wider population. The legislature is significantly whiter/more Caucasian than the general population. Asian Americans and African Americans in particular have been underrepresented. African
Americans initially enjoyed some representation in the Texas Legislature in the years after the Civil War. In 1869, Texas had two black state senators and twelve black members of the Texas House. However, once Reconstruction ended, disenfranchisement of black voters took hold. African Americans would not serve again in the legislature until the 1966 election brought Barbara Jordan, Curtis Graves, and Joe Lockridge into the Texas House.

In a similar fashion, Tejanos initially held some political power after the Texas Revolution (1835–1836), but these positions soon waned. Despite gains in the overall population, Hispanic representation in the Texas Legislature continues to lag behind that in the wider society. In 2015, about 38.8 percent of Texans identified as Hispanic, while the legislature that convened in Austin was about 22.7 percent Hispanic.

Proponents of microcosm theory might point toward distrust of the state government as a result of the gap between the makeup of the legislature and the population of Texas. As Laredo senator Judith Zaffirini put it, “cumulatively, women comprise half of the population, and cumulatively, we are the mothers of the other half . . . We need a population in the legislature that reflects the population of the state.” Yet critics of microcosm theory point out that representation is not just about social and demographic characteristics of constituents and legislators. Representation is about sharing a wide variety of values and beliefs. Just because a representative differs from the wider population in his or her age, educational background, ethnicity, or religion does not mean that that representative does not share relevant values and beliefs of voters. Even if the state legislature matched its citizens in terms of gender, race, and religion, there may be other aspects of our lives that are more important to how Texans want to be represented in Austin. Certain professions (teachers), interests (hunting), and issues (abortion) might be much more relevant to the laws written in Austin than race, gender, or religion. An evangelical farmer might feel better served by a Buddhist who farms for a living than by a fellow evangelical who works in an office all day.
Barbara Jordan's career in Texas politics represents both personal and institutional victories. Jordan graduated from Boston University Law School. Her first two efforts at winning a seat in the Texas House of Representatives were foiled by a system that chose the twelve members of the House from Harris County at large through a countywide vote that diluted the political strength of minorities. Under this system, even though about 20 percent of Houstonians were African American, none of Harris County's representatives were black. However, the Baker v. Carr (1962) and Reynolds v. Sims (1964) U.S. Supreme Court decisions required that members of the state legislature be elected from districts that were roughly equal in population, thus putting an end to the at-large system. Helped by the newly drawn single-member districts (SMDs) mandated by the court's decisions and by the removal of the poll tax as a barrier to voting, Jordan was elected to the Texas Senate in 1966, the first African American to serve since 1881.

Initially, Jordan faced insults from some legislators, who called her “Mammy” or “the washerwoman” behind her back. However, Jordan’s intelligence and political skills won over many of her fellow legislators, and the Texas Senate unanimously elected her as president pro tempore in 1972. Later that same year, Jordan became the first black woman from the South to win election to the U.S. Senate, and the first African American to serve in the Senate in 1966.

While in the U.S. Congress, Jordan became an important player in the impeachment of President Richard Nixon, delivering a speech in which she declared, “My faith in the Constitution is whole; it is complete; it is total. And I am not going to sit here and be an idle spectator to the diminution, the subversion, the destruction, of the Constitution.” In 1976, she became the first African American woman to deliver the keynote address at the Democratic National Convention, delivering what many observers consider one of the best speeches given at a party convention.

While much of what Barbara Jordan accomplished resulted from her character and intelligence, her political career would not have been possible without the Supreme Court opening the door to more representative legislative bodies through its redistricting decisions that protected the representation of minorities.

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**WINNERS AND LOSERS**

The Texas Legislature was designed to be the heart of representative democracy in Texas. In theory, a citizen legislature protects citizen interests over those of the organized interest groups that so frequently dominate legislatures. In Texas there are several institutional constraints that preclude the establishment of a true citizen legislature. The low level of financial compensation forces most legislators to maintain outside sources of income, and individuals with higher levels of education, higher incomes, and more flexible work schedules can more easily serve in the Texas Legislature. Very few professions have the flexibility that allows you to take 140 days off work every two years (and be ready to take off work for the occasional special session). Given the high cost of modern campaigns, legislators also need to be able to set aside time for fund-raising as they seek reelection. The average citizen generally can’t afford to take the job of a state legislator. Thus, the effort to maintain a “citizen” legislature often falls short and may result in a legislature that does not “look like” Texas. In this regard, the average citizen may end up an accidental loser in the attempt to have a citizen legislature.
At left, Representative Frances Farenthold stands at the podium in the state House of Representatives around 1970. At right, after his election in 1966, Curtis Graves became the first African American to serve in the Texas House since 1899. The demographic makeup of elected officials in the Texas Legislature—then and now—is not representative of the state’s population as a whole.

Sources: (L) Frances Tarlton Farenthold Papers, e.sf.0140, The Dolph Briscoe Center for American History, The University of Texas at Austin; (R) The State Preservation Board, Austin, Texas.

ELECTING THE STATE LEGISLATURE

Most state legislatures and the U.S. House of Representatives employ some type of single-member district (SMD) system where the state is divided into a number of districts equal to the number of members of the chamber. Thus, for elections to the Texas Senate, the state of Texas is divided into thirty-one districts, with each district electing one person to the chamber. For the Texas House of Representatives, the state is divided into 150 districts, with each district electing one representative.

Single-Member District versus Multimember District

Currently, ten states use some form of a multimember district (MMD) system to elect their state legislature. These states are divided into election districts, but some districts elect more than one person to the state legislature. Arizona, Idaho, New Jersey, North Dakota, South Dakota, and Washington have two-member house districts, while Maryland, New Hampshire, Vermont, and West Virginia use a mixture of SMDs and MMDs. Voters normally cast a single vote for their most preferred candidate on the ballot. After the votes are counted, the candidates with the highest vote totals equal to the number of seats in the district are elected. The advantage of the MMD system is that candidates from more than one political party (or faction of a political party) are able to win a seat from the district. Theoretically, this logic applies to racial and ethnic minorities as well. In practice, at least in the American South (including Texas), MMDs have diluted minority representation and allowed whites to overwhelm the state legislature with their candidates.
The Texas House of Representatives originally elected representatives based on counties, with large counties having more than one member of the Texas House of Representatives. Instead of creating separate districts within the county, two or more representatives would represent the entire county. The impact of these MMDs became an important one during the civil rights era of the 1960s. While the U.S. Supreme Court held that the equal protection clause of the Fourteenth Amendment of the U.S. Constitution did not require the use of SMD election systems, the courts found that the MMD system used for the Texas Legislature appeared to depress representation of African Americans and Hispanics.

**The Redistricting Process**

One of the challenges facing the legislature of a changing state is the regular need to redraw district lines. If election district lines for the state legislature did not change as the population grew, then over time some areas will have many more people per representative than other areas. Between 1921 and 1951, the Texas Legislature did not redistrict, despite rapid population growth in some parts of the state. For example, over those thirty years, Harris County’s population grew from 186,667 to 806,701. In *Baker v. Carr* (1962), the U.S. Supreme Court ruled that representation in the state
Texas Legislatures was subject to judicial review if it violated the equal protection clause of the Fourteenth Amendment. In Reynolds v. Sims (1964), the U.S. Supreme Court extended this logic by requiring that both houses of state legislatures represent the population of a state on a one-person, one-vote basis. The principle of one person, one vote requires that the vote of any one person carry the equivalent weight of the vote of any other person.

Today, redistricting in Texas normally occurs every ten years, after the results of the U.S. Census are provided to the states. Redistricting occurs through one of three methods. The simplest is that the legislature itself draws up the new districts. The Texas Legislature is responsible for drawing the lines for its own election districts as well as those for the state’s board of education and the state’s seats in the U.S. House of Representatives. The Texas Constitution requires that Texas legislature districts be contiguous, meaning that all the parts must be connected and a person should be able to travel from one part of the district to another without leaving the district. In addition, districts must respect county boundaries as much as possible. Obviously, allowing members of the state legislature to define their own election districts encourages incumbents to draw district lines to their political advantage, a process referred to as gerrymandering.

If the Texas legislature is unable to pass a redistricting plan for its own districts, the process is handed over to the Legislative Redistricting Board (LRB). This system, and similar ones in states such as Connecticut, Mississippi, and Oklahoma, are called hybrid systems because the redistricting occurs through a combination of the legislature and some other body that includes membership from outside the legislature. The LRB in Texas, which was created by a 1948 amendment to the state constitution, is composed of the lieutenant governor, the Speaker of the Texas House of Representatives, the attorney general, the comptroller of accounts, and the commissioner of the Texas General Land Office. The LRB is only an advisory board that develops a plan for redistricting that must be submitted to the state legislature for approval. The board also becomes involved in redistricting the state legislature when a state or federal court invalidates a plan approved by the state legislature. However, the LRB redistricts only the state legislature. The task of drawing election districts for the members of the U.S. House of Representatives from Texas remains the exclusive domain of the state legislature.

In some states, a commission separate from the legislature has primary responsibility for developing a redistricting plan that the legislature must approve with little or no change to the plan. These states hope to remove partisan politics from the process as much as possible and keep the members of the state legislature from drawing district lines to protect their reelection. Several types of commissions exist. Alaska, Colorado, and Vermont establish a commission from nominations made by the governor, state supreme court justices, and/or members of the legislature. In Arkansas and Ohio, members of the state executive branch, such as the governor and attorney general, make up the commission that develops the redistricting plan. Other states, including Idaho, New Jersey, and Pennsylvania, have commissions appointed by the legislature itself. Finally, a few states rely on a nonpartisan or bipartisan independent commission. These states, which include California and Arizona, remove direct political control from the process even more extensively by having unelected
government officials appoint the redistricting commission. In all of these cases, the commission must develop the redistricting plan for the legislature to approve.

**Redistricting Games**

Efforts at redistricting in the past decade illustrate the politics behind the redistricting process and the state’s conflict with the federal government (see the “Federalism in Action: Texas Redistricting and Federal Law” box). In 2001, Texas faced the unusual situation of divided control of the state legislature, with Republicans controlling the Texas Senate and Democrats controlling the Texas House of Representatives. When two chambers were unable to agree on a redistricting, the LRB developed a proposal that could be voted on by the Texas Legislature. This plan was authored by Attorney General John Cornyn, a Republican, and helped Republicans increase their majority in the Texas House of Representatives.26

Redistricting for U.S. House of Representatives seats also proved contentious. With the Texas Legislature unable to arrive at a consensus, the federal courts stepped in and drew the lines. Following the 2002 elections, Republicans gained control of the Texas House of Representatives and retained control over the Texas Senate. With Republicans now in charge of both houses of the state legislature and the governorship, U.S. House of Representatives majority leader Tom DeLay (R–Sugar Land) proposed to Republican leaders in the state legislature a plan to redistrict Texas that would increase the number of Texas seats controlled by Republicans. After intense debate in the state legislature during the regular session, Governor Rick Perry called the Texas Legislature into special session three times in order to complete redistricting. In the middle of this political drama, Democratic members of the Texas House fled to Oklahoma and later to New Mexico in attempts to prevent the quorum necessary to conduct business. However, the state legislature did eventually pass a mid-decade redistricting plan. In the 2004 elections, the new district lines yielded Texas Republicans a net gain of six seats in the U.S. House of Representatives.

This mid-decade redistricting plan was challenged in federal courts by civil rights groups in Texas who identified three issues. First, the mid-decade redistricting violated the U.S. Constitution. Second, the new districts disenfranchised minority voters by diluting their votes and downplaying their growing strength in violation of the Voting Rights Act of 1965. Third, the district lines were drawn in such a partisan manner as to violate earlier U.S. Supreme Court rulings. In 2006, the U.S. Supreme Court issued a decision in *League of United Latin American Citizens v. Perry* (2006), or LULAC v.
Texas Redistricting and Federal Law

According to Article 1, Section 4 of the U.S. Constitution, “[t]he Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing [sic] Senators.” In practice this has meant that states take the lead in election laws. Still, over the years the federal government has provided some restrictions on drawing election districts.

For example, when Texas gained four seats in the U.S. House of Representatives after the 2010 census, the state drew new districting maps. The U.S. Department of Justice objected to the maps, arguing that they did not create enough majority-minority districts, or districts in which the majority of voters are minorities. Some Texans contended that since much of population gain was in minority populations, at least half of the new districts should be drawn as majority-minority districts. The U.S. Supreme Court, federal courts, state politicians, and civil rights groups all entered the fight to draw new district lines. The Republican Party wanted to protect its advantage in any new district map, and Texas politicians objected to federal oversight of the state’s election laws.

Until 2013, Texas was subject to a provision of the Voting Rights Act of 1965 that required states that had discriminated against minorities in the past to get changes in election laws approved in advance by the Department of Justice. In the summer of 2013, Texas won a major victory when the U.S. Supreme Court eliminated this “preclearance” requirement. The U.S. Department of Justice or citizen groups can still bring court cases against states for redistricting if the state engages in discrimination, but such cases must occur after the fact. In addition, the burden of proof shifts from states with a history of discrimination proving that they are not engaged in discrimination to the national government proving that a state continues to engage in discrimination.

Federal courts continued to rule that the drawing of district lines for partisan advantage remains acceptable as long as the principle of one person, one vote established by the U.S. Supreme Court in Baker v. Carr is followed.

A lot is at stake in the battle over redistricting. Whichever party controls the state legislature can significantly alter the power distribution in the state. Texas no longer has to have changes in its election laws precleared, but the federal government can step in later if those laws are found to disenfranchise a minority. If our recent redistricting battles tell us anything, the next census is likely to bring another round of legislative battles and legal challenges.

How long should states remain under suspicion due to past discrimination?

Social Responsibility

How much gerrymandering should states be allowed to engage in?

Critical Thinking

Perry. The court ruled that the mid-decade redistricting was permissible and held that the Texas districts were not drawn in an excessively partisan manner so as to completely dilute Democratic voters. However, the court did find that some of the district lines violated the Voting Rights Act of 1965, primarily by reducing the strength of Hispanic voters in at least one district. These unacceptable district lines were redrawn to solve the problem identified by the U.S. Supreme Court. Thus, redistricting battles shifted from the tradition of defending the reelection chances of incumbents of both parties to securing partisan control for the majority party.

While the legislature passed bills in the 2011 session that redrew the districts for both houses of the Texas Legislature, the attempt to redistrict Texas’s seats in the U.S.
House of Representatives failed during the 2011 special session in June as the legislature struggled to pass a redistricting plan that both houses could agree upon. The federal courts were pulled into the fray when the Mexican American Legislative Caucus (MALC), consisting of Mexican Americans in the Texas Legislature, filed challenges to the maps that the legislature approved for itself. The challenge from the MALC and other Hispanic civil rights groups was that the districts were designed to dilute Hispanic votes and decrease Hispanic representation, violating the Voting Rights Act of 1965 and the equal protection clause of the Fourteenth Amendment. The federal district court in San Antonio threw out the districts drawn by the Texas Legislature and drew new lines for the Texas Senate, Texas House of Representatives, and Texas’s seats in the U.S. House of Representatives. However, the U.S. Supreme Court blocked use of the districts drawn by the court in San Antonio in order to hear arguments from the

Texas vs Arizona

Redistricting in Texas leaves the process in the hands of the Texas Legislature and the Legislative Redistricting Board (LRB), all elected officials with a vested interest in engineering district lines. For members of the legislature, protecting incumbents of both parties or securing gains for their party in the legislature can be important. For members of the LRB, assisting their party in gaining or retaining control of the legislature also matters. However, the implications for wider issues, such as partisan control over state delegations to the U.S. House of Representatives, are apparent from the recent battles in Texas.

Arizona voters in 2000 approved Proposition 106, which amended the Arizona Constitution to create an independent commission to oversee redistricting for the state legislature and U.S. House of Representatives. The Arizona Independent Redistricting Commission consists of five persons. By law, two members are Democrats, two members are Republicans, and one member is independent. All five must have maintained the same party affiliation, or no affiliation in the case of the independent, for at least the previous three years. In addition, all five members cannot have served as public officials, lobbyists, campaign workers, or political party officials in the three years prior to their appointment. Nominees are compiled by another independent commission charged with making nominations to Arizona appellate courts and are presented to the leadership of the Arizona Legislature for final appointment.

Proposition 106 contains explicit language to specify how the commission carries out the redistricting process. For example, the initial mapping of electoral districts cannot consider party affiliations of voters or the history of voting in existing districts. The commission must follow the guidelines of the Voting Rights Act of 1965, other legislation passed by Congress, and relevant rulings by the courts. District lines are to be compact and to respect the boundaries of existing communities, counties, and cities. Also, districts are expected to be competitive between Democratic and Republican candidates. This provision is tested only after the initial plan is developed. Thus, highly gerrymandered districts that clearly favor one party or another are not possible in Arizona.

How does the system of the Arizona Independent Redistricting Commission attempt to depoliticize the redistricting process?

Critical Thinking

Does Arizona’s system provide better representation of citizens?

Social Responsibility


state of Texas, represented by Texas attorney general Greg Abbott, on the intent of the legislature during the redistricting process.28 In the end, the MALC reached agreement with Abbott, who was tasked with representing the state government and legislature before the courts, but the NAACP did not.29 The spring 2012 primary elections for the political parties to nominate their candidates for the Texas Legislature and U.S. Congress were placed in jeopardy, since elections could not be planned for districts that did not exist. Agreement was reached on new maps in late February, and the primaries were pushed to May 29 to meet the timetables for nominating candidates, voter registration, and ballot preparation.

LEGISLATIVE ORGANIZATION

Legislatures are typically organized around the presiding officers, committees, and party organizations. These institutional features can shape legislation in profound ways by offering legislators a variety of means of manipulating the process. The impact is most evident in the working of the committee system, but chamber leadership positions offer another opportunity for a handful of members to exercise strong influence over bills. While the Texas legislature has historically operated in a relatively bipartisan manner, party organization has become increasingly important in recent years. In the end, institutional “rules” or “organizations” determine what becomes law and who wins and who loses in the legislature itself.

Presiding Officers

The presiding officer of a legislative body is the person most responsible for organizing its work. In Texas these are the Speaker of the Texas House of Representatives and the president of the Texas Senate. Individuals holding these positions possess important powers they can use to shape the agendas of the chambers. This ability to control the agenda influences the likelihood that a bill will become a law.

Lieutenant Governor

The presiding officer of the Texas Senate is the lieutenant governor. This is the most common arrangement in U.S. state legislatures, used in twenty-six of the fifty states. In these states, the lieutenant governor is elected by voters across the state; thus, senators work with a presiding officer chosen for them by voters. Most states with this arrangement give the lieutenant governor limited power over the chamber. Exceptions to these limits are found in the South, including in Texas, where the lieutenant governor is unusually powerful. Twenty-four states allow the membership of the state’s upper house to select one of its members as the presiding officer.

If the lieutenant governor’s position is vacant, as when Lieutenant Governor Rick Perry became the governor after George W. Bush was elected president of the United States, then the Texas Senate can elect a senator to perform the duties of lieutenant governor until the next general election. When the lieutenant governor is unable to attend sessions, the president pro tempore takes over as the presiding officer. The president pro tempore is elected by the membership of the Texas Senate.

The rules of the Texas Senate give the lieutenant governor tremendous power. The lieutenant governor assigns each bill introduced in the Senate to one of the committees.
As the presiding officer, he or she recognizes speakers during debates on the floor of the Texas Senate and also interprets the rules of debate in the Texas Senate. The lieutenant governor appoints, without limitation, members of the committees of the Texas Senate and selects the chairs of those committees. Finally, the lieutenant governor enjoys the right that most presiding officers have to cast a vote in the Texas Senate to break a tie. The lieutenant governor also serves on the Legislative Redistricting Board (LRB) and the Legislative Budget Board (LBB). As discussed elsewhere in this text, these boards play important roles in Texas politics.

The lieutenant governor’s election by the voters of Texas in a statewide election gives the position tremendous political clout beyond the power granted by Senate rules. Unlike individual senators, the lieutenant governor may point to a statewide electoral mandate like the one enjoyed by the governor. Legislation that the lieutenant governor supports will be assumed to reflect the will of the people of Texas because all Texas elected him or her. Thus, the lieutenant governor can claim that senators opposed to him or her in the Texas Legislature are defending the narrow interests of only their district, not the broad interests of all Texans.

Speaker of the House

Once a largely honorary role that rotated between members, the Speaker of the Texas House of Representatives has become one of the most important elected officials in Texas. The Speaker of the House presides over sessions of the Texas House of Representatives. The Texas Constitution requires that the Texas House elect a Speaker from among its members as the first order of business at the beginning of the legislative session. For decades, the election of the Texas Speaker has been bipartisan, with potential Speakers seeking the support of members of both parties. Shortly after the 2018 election, Republican Dennis Bonnen became the presumptive speaker when he revealed that that 81 Republicans and 28 Democrats in the House had declared their support for him as Speaker. While some Republicans wanted to monopolize the leadership of House committees, Bonnen announced that he intended to continue the tradition of naming both Republicans and Democrats to serve as committee chairs.

The powers of the Speaker include presiding over debates on the floor of the House, including deciding whether to recognize a member to speak or introduce a motion. The Speaker’s power also extends to interpretation of the rules of the House—a power that often proves critical late in the session when legislative maneuvering is required. In addition, the Speaker appoints half of the standing committee members, the chairs of standing committees, and members of conference committees from the Texas House. The Speaker may also create select committees. Unlike the lieutenant governor in the Texas Senate, the Speaker’s power to appoint committee members to House committees is somewhat limited, since one-half of the makeup of some standing committees is determined by seniority. The Speaker also assigns bills to the committees. Thus, the Speaker has a great deal of control over committee structure and which bills those committees receive. The ability to appoint interim committees while the legislature is not in session further strengthens the power of the Speaker by letting him or her focus committee work on issues between sessions.

The Speaker also serves on the LRB and appoints some of the members of the LBB, which he or she also cochairs with the lieutenant governor. The Speaker also serves on the
Legislative Council, the legislative agency that assists legislators with bill drafting, computer resources, and policy research. The powers of the Texas Speaker provide members of the House plenty of reasons to work with the Speaker. However, the Texas Speaker has less power in regard to control over standing committees than other Speakers in the Southern states.31

**Political Parties in the Texas Legislature**

Political parties can provide a basis for organizing legislatures because they bring together people with similar political beliefs; the parties are a natural way of lining up support for or opposition to bills. They can also play an important role in the selection of committees and the organization of the work of committees, and they now control the election of the Speaker of the Texas House.

The *party legislative caucus* (usually referred to as *party caucus*) is the organization of members of the political party in each house of the Texas Legislature. Members of the caucus must pay dues to join to pay for operating expenses and staff.

**Democratic Party Organization in the Texas House**

Party caucuses were slow to organize in Texas, just as were the rest of the single-party states in the South where the Democratic Party dominated politics for about a century after Reconstruction. In the Texas House, the creation of the Democratic Party caucus in 1981 signaled a shift in the role of party within the Texas Legislature. The growing number of Republicans spurred Democratic members to organize and discipline party members.32 From 1981 until 1993, many Democratic members did not join the party caucus, and conservative Democrats preferred working on bills with Republicans. By 1993, most Democratic members had found that working on a common position on bills within their own party helped to get legislation passed and served as a counterbalance to the growing influence of Republicans in the chamber. The transition to a more competitive two-party legislature led the Texas Democratic Party, at that time still in the majority, to institutionalize, or formalize, its party organization in the legislature to meet a growing Republican challenge. Democrats hoped that passing bills more effectively might prevent the loss of additional seats to the Republican Party.

**Republican Party Organization in the Texas House**

Republicans did not formally create a party caucus in the Texas House until 1989. Even then, Republicans resisted forming party caucuses in the legislature, in part because they feared focusing on party differences would isolate Republicans and limit their influence.33 Many were still receiving good committee assignments, and some were appointed chairs of committees by Democratic Speakers.

The continued bipartisanship that remained also reflected the power of the Speaker of the Texas House and the lieutenant governor. Both presiding officers continued to
wield tremendous power and remained able to reward Republicans who were loyal to their presiding officer, even when that officer was a Democrat. Thus, Republicans had an incentive to maintain a degree of bipartisan support for the presiding officers in each chamber of the legislature.

Beginning in 2003, Republicans, winning control over the legislature, launched a series of debates and fights within the party over just how much power they should share with the now-minority Democratic members. While power-sharing with Democrats was appealing in some regards, Republicans had pledged to reduce the size of government and cut taxes. Bipartisanship meant compromising on these key issues.

Party Organization in the Texas Senate

Formation of party caucuses in the Texas Senate occurred much later than in the Texas House of Representatives, in part because the Texas Senate is so much smaller and creating formal organizations less necessary. In addition, the Texas Senate had historically been more informal, less structured, and more consensus oriented than the Texas House. Following the creation of party legislative caucuses in the Texas House, the Republicans in 1999 created the first party caucus in the Texas Senate, with Democrats following suit in 2001.34

Party Caucus Organization and Functions

Today, both parties have party caucuses in both houses of the Texas Legislature to facilitate communication among caucus members in discussing bills and amendments and to raise money for campaigns.35 Each party caucus also elects a party caucus chair. The party caucus chair is elected by the caucus to oversee the day-to-day operation of the party. The party caucuses in the Texas House of Representatives also have a floor leader elected by the caucus membership. Deputy floor leaders assist the floor leader. The job of the floor leaders and deputy floor leaders is to encourage members of the party caucus to vote with the party’s position on procedural motion, amendments, and bills. The party caucuses are increasingly using technology to carry out their activities. For example, the Texas House Democratic Caucus uses text messaging to remind members about upcoming votes. Both parties use social media to promote issues with the general public. Thus, party caucuses organize the work of members of the legislature and promote candidates and issues to the general public.

The party caucuses in the Texas House of Representatives conduct research on pending legislation and help draft amendments to bills. When it is time to debate a bill, the caucuses help find members to give speeches on bills or ask specific questions during floor debates. The party caucuses also maintain professional staff who help prepare bills and amendments, develop press releases, and provide logistical support. To fund their activities, the party caucuses may charge dues from their members.36 Because the Texas House of Representatives is larger than the Texas Senate, party organization there is more developed and more relevant.

Special Legislative Caucuses

While party legislative caucuses are organized on party lines, a special legislative caucus is a group of legislators brought together by a common interest and may include
Nebraska possesses the only unicameral state legislature in the United States. All other state legislatures, including Texas, are bicameral. The history of Nebraska’s unicameral legislature dates back to the time of the 1930s and the Great Depression. U.S. senator George William Norris (R–Nebraska) suggested that Nebraska change its state legislature from a bicameral to a unicameral one. According to Norris, bicameralism was a result of the British system, in which the House of Commons and House of Lords represented different citizens’ social classes (aristocracy and commoner), but Nebraska lacked such classes, so there was no reason to have a bicameral state legislature. Norris campaigned all over the state advocating a single-chambered legislature. Voters apparently agreed, and they amended the state’s constitution in 1934 to abolish the lower house, retaining only the upper house. Almost 60 percent of voters approved the change. As a result, the costs of operating the legislature fell in half when the newly unicameral legislature met for the first time in 1937.

In addition, the Nebraska Legislature sits as a nonpartisan legislature. Unlike in Texas, where legislative candidates run with clear party affiliations, candidates in Nebraska do not refer to political party affiliation. The top two candidates in the primary election compete in the general election, with the candidate with the most votes winning the election to the state legislature. Once elected to the Nebraska Legislature, the legislators sit according to geographic location in the state, not by party affiliation as they do in the Texas Legislature and in all other state legislatures. It is important to note that the Republican Party at various levels of government in Nebraska does list candidates running for the Nebraska Legislature who have Republican support. Democratic Party organizations within the state do the same thing.

The nonpartisan nature of the Nebraska Legislature is also a result of the efforts of Norris, the “Father of Unicameralism.” He believed the lack of partisanship allowed the legislators to focus on their own beliefs, not the wishes of party leaders. Norris also believed the nonpartisan approach resulted in legislators paying attention to the needs of their districts, which would better serve the people of Nebraska. This nonpartisan approach was consistent with the Progressive Era belief that political parties were controlled by party leaders, who in turn were assumed to be dominated by big business, labor unions, and organized interests, not the broader body of citizens.

Since the Nebraska Legislature is unicameral and nonpartisan, its legislative process differs as well. For example, a nonpartisan legislature does not need to worry about the balance between Democratic and Republican members on standing committees, as the Texas Legislature does. In addition, the issue of which party controls the chair of each standing committee does not exist. Finally, there is no need to reconcile bills using a conference committee, as in all other states, including Texas. This approach also reflects Norris’s approach to politics. Norris noted that in Nebraska during the days of bicameralism, conference committees consisted of six members who met in secret without any public record of their decisions and produced a bill that legislators could not amend. This suggested to Norris that the political parties were able to hide their agendas and not be accountable to voters. As a result, he believed that conference committees increased the power of interest groups.

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ii. Ibid.
iv. Nebraska Legislature, “History of the Nebraska Unicameral.”
vii. Nebraska Legislature, “History of the Nebraska Unicameral.”
viii. Ibid.
members of both parties and both chambers of the Texas Legislature. Members meet to discuss topics of mutual interest. The roughly thirty caucuses operating in the Texas Legislature today fall into three types. The oldest caucuses are **minority and women’s caucuses**. These caucuses exist to represent the unique concerns and beliefs of women and ethnic groups across a broad spectrum of policy areas and political issues. They include the Texas Legislative Black Caucus (TLBC), the Texas Women’s Political Caucus, and the Mexican American Legislative Caucus (MALC). These caucuses bring together members of the Texas Legislature who share a bipartisan desire to discuss issues affecting women, African Americans, and Hispanics. Often the groups assist in developing new bills or building support for bills that the caucus members believe to be important. The Texas Women’s Political Caucus became inactive in recent sessions of the legislature because the more conservative members and the more liberal members were heavily divided over the issues of abortion and public funding for birth control. As a result, several liberal Democratic members of the legislature formed the Women’s Health Caucus to promote their positions on these issues and others.37

A second type of special legislative caucus is an **ideological caucus**, which is designed to promote a broad ideological agenda. In 1985, when the Democratic Party held the majority, conservative members of the Texas Legislature created the Texas Conservative Coalition. The Legislative Study Group was created in 1993 and works to promote liberal policies. The Texas Progressive Caucus met during the 2011 session to promote issues important to liberals. In 2017, the Texas Freedom Caucus, a new coalition of some of the House’s most conservative members, helped kill off more than 100 bills from the usually noncontroversial local and consent calendar in what some called the “Mother’s Day Massacre.” This was done in retaliation for what they called “petty personal politics.”

The final type of special legislative caucus is the **issue caucus**. An issue caucus exists to promote bipartisan and cross-chamber support for policies and bills that advocate positions in a relatively narrow range of policy areas or political issues that are important to key constituents. One example is the Rural Caucus, which advocates health care, transportation, and education policies favorable to rural Texas. The Sportsmen’s Caucus promotes and protects hunting and fishing rights, and the Texas Farm-to-Table Caucus supports the production and consumption of Texas-made food and beverage products. Some caucuses, such as the Interstate 14 Legislative Caucus, focus on a very narrow issue.

In contrast to political party caucuses, the special legislative caucuses lack a formal role in the legislative process. They do not control appointments of members to committees nor form the organizational basis of choosing chamber leadership. In addition, special legislative caucuses lack the ability to discipline members for voting against the caucus position. Thus, they are often left with secondary strategies, such as giving speeches and lobbying other members of the legislature, to get what they want. The influence of a special caucus varies tremendously by the type of special caucus, degree of organization, and issues addressed by the caucus. The influence and significance vary widely over time as well, depending on the dynamics of a session and the individual issues addressed in a session.
Committees

Like the U.S. Congress, the Texas Legislature utilizes a committee system to assist the legislature in managing its workload. A legislative committee is a subgroup of legislators who handle specific, specialized legislative topics. The presence of committees allows a division of labor so that bills may be reviewed in detail before being considered by the entire chamber. Three broad types of committees exist in the Texas Legislature: standing committees, statutory committees, and special committees.

Standing Committees

The standing committee is the most important type of committee in the Texas Legislature. The Texas Constitution requires that every bill introduced into the legislature must pass through at least one of the standing committees before it can be passed. The standing committees of the Texas Legislature are created through the rules of each chamber. Although standing committees are officially re-created at the beginning of each session when each chamber votes to approve its rules, they are considered permanent committees because they are specifically written into the rules and typically exist across legislative sessions. Standing committees are chamber exclusive—that is, each standing committee is associated with a specific chamber of the legislature and is made up of members from only that chamber. In the Texas Senate, the fourteen standing committees in the 85th legislature had an average of nearly nine members, with committees ranging from seven senators to fifteen. The thirty-eight Texas House standing committees during that session averaged 9.5 members, with committees ranging from seven to twenty-seven members of the House.

A standing committee is considered a substantive standing committee if it is authorized to review and revise policy bills and resolutions before the legislature. Thus, the substantive standing committees influence the substance of what the legislature passes into law. These committees are functionally divided, meaning each committee handles bills in a specific area of government’s function, such as transportation or higher education. Some substantive standing committees will play a role in bills from a variety of areas. For example, every bill in the Texas House of Representatives that authorizes spending money, regardless of the specific policy area, must pass through the Appropriations Committee. The importance of appropriations is reflected in the fact that it has twenty-seven members. The House Ways and Means Committee has jurisdiction over every bill involving tax law.

Another type of standing committee is the procedural standing committee. These committees focus on how the Texas Legislature operates. One procedural standing committee in the House is the Committee on Calendars that determines when a bill will be debated. Others handle rules, or the terms of debate, associated with a bill. Some procedural committees review House organization and administration. Thus, a bill on higher education finance would pass through the two substantive standing committees just named plus the Committee on Calendars and possibly the Rules and Resolutions Committee for a total of four standing committees. Procedural committees also include General Investigation and Ethics, House Administration, Redistricting, and the Local and Consent Calendars.
Given the importance of committees in the legislative process, legislators are very concerned about the committees they are assigned to. Every member of the Texas House of Representatives sits on two or three standing committees, and Texas Senate members sit on at least four. The appointment process for members of the standing committees varies between the Texas House and Texas Senate. The lieutenant governor appoints the members of the standing committees in the Texas Senate.

In the Texas House, the process is a bit more complicated. All members of procedural standing committees in the Texas House are appointed by the Speaker. However, only half the seats on standing substantive committees are appointed by the Speaker, with the rest being assigned based on seniority. Prior to the start of each session of the legislature, members of the Texas House provide the Speaker a list of the committee assignments they prefer. A member is entitled to become a member of the committee of his or her highest preference on which there is an open seniority position.

For much of the legislature’s history, committee appointments were made with little regard for party. Beginning in the 1990s, committee assignments began to gradually shift in the Texas House toward the more party-centered model found in the U.S. Congress. After the Republicans became the majority party in 2003, the practice of allowing the minority party to be a majority on some committees continued. Several committees during the 81st Texas Legislature, which met in 2009, contained a majority of Democratic members, despite Republican control over the legislature. Criticism of Speaker Joe Straus’s leadership of the Texas House led to changes, and Republicans would have a majority of the seats on all standing committees in the Texas House during the 2011 session. However, in 2013, Straus allowed three standing committees to have Democratic majorities, and fourteen committees were chaired by Democrats.

Despite growing partisanship, some power-sharing remains in the Texas Legislature. In 2017, Speaker Straus picked twenty-six Republicans and twelve Democrats to chair the House’s thirty-eight standing committees. This included choosing Democrats to chair important committees, such as Rules and Resolutions and Human Services. In the Senate, Republican lieutenant governor Dan Patrick gave Democrats two of the Senate’s fourteen committees, with Democrat John Whitmire chairing the Criminal Justice Committee and Eddie Lucio Jr. leading Intergovernmental Affairs.

**Standing Committee Organization and Functions**

This power-sharing is significant because committee chairs in Texas can be quite powerful. Presiding over the committee includes the power to determine the order in which bills sent to the committee are considered. As a result, the committee chair may schedule bills that he or she supports early in the legislative session to ensure that they are considered first by the committee. Likewise, the committee chair may move bills that she or he does not support to the end of the committee’s calendar, effectively ensuring that the committee runs out of time before those bills are considered. The chair also establishes the length of debate and the amendment process for each bill. The
committee chair decides how much time is devoted to hearings and oversight of the executive branch and its agencies. This power over the agenda and the flow of legislation in and out of the committee gives the chair of a standing committee tremendous control over the legislative process.

Standing committees perform several important functions for the legislature, including marking up and amending bills. An amendment is a formal change to a bill made during the committee process. Markup is the process by which a committee

<table>
<thead>
<tr>
<th>TABLE 3.2</th>
<th>Standing House Committees in the 85th Texas Legislature</th>
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</thead>
<tbody>
<tr>
<td>Texas House of Representatives</td>
<td></td>
</tr>
<tr>
<td>Agriculture and Livestock</td>
<td>Insurance</td>
</tr>
<tr>
<td>Appropriations</td>
<td>International Trade and Intergovernmental Affairs</td>
</tr>
<tr>
<td>Business and Industry</td>
<td>Investment and Financial Services</td>
</tr>
<tr>
<td>Calendars (procedural)</td>
<td>Judiciary and Civil Jurisprudence</td>
</tr>
<tr>
<td>Corrections</td>
<td>Juvenile Justice &amp; Family Issues</td>
</tr>
<tr>
<td>County Affairs</td>
<td>Land and Resource Management</td>
</tr>
<tr>
<td>Criminal Jurisprudence</td>
<td>Licensing &amp; Administrative Procedures</td>
</tr>
<tr>
<td>Culture, Recreation, and Tourism</td>
<td>Local &amp; Consent Calendars (procedural)</td>
</tr>
<tr>
<td>Defense and Veterans’ Affairs</td>
<td>Natural Resources</td>
</tr>
<tr>
<td>Economic and Small Business Development</td>
<td>Pensions</td>
</tr>
<tr>
<td>Elections</td>
<td>Public Education</td>
</tr>
<tr>
<td>Energy Resources</td>
<td>Public Health</td>
</tr>
<tr>
<td>Environmental Regulation</td>
<td>Redistricting (procedural)</td>
</tr>
<tr>
<td>General Investigating &amp; Ethics (procedural)</td>
<td>Rules and Resolutions (procedural)</td>
</tr>
<tr>
<td>Government Transparency &amp; Operation</td>
<td>Special Purpose Districts (procedural)</td>
</tr>
<tr>
<td>Higher Education</td>
<td>State Affairs</td>
</tr>
<tr>
<td>Homeland Security &amp; Public Safety</td>
<td>Transportation</td>
</tr>
<tr>
<td>House Administration (procedural)</td>
<td>Urban Affairs</td>
</tr>
<tr>
<td>Human Services</td>
<td>Ways and Means</td>
</tr>
</tbody>
</table>

Note: Committees not marked procedural are substantive committees.

goes line by line through a bill to make changes without formal amendments.

Because a committee is not required to report every bill to the whole chamber, committees often kill a bill through inaction. By not sending a bill to the whole chamber, the standing committee in effect ensures that the bill will not become a law. There are two ways in which a standing committee can kill a bill. First, a majority of the members on the committee can vote against it. As a result, the bill dies in committee and does not return to the whole chamber. In addition, a bill may be placed toward the end of the committee's schedule for the legislative session. If the committee runs out of time for the legislative session and fails to act on the bill before the session ends, the bill dies in committee. This ability to kill a bill makes standing committees very powerful. While this power in the standing committees of the Texas Legislature is consistent with that in the U.S. Congress and other state legislatures, it is fairly unique among non-American legislatures. For example, this ability to kill a bill in committee is not typically found in France, Britain, Japan, or Canada, regardless of the level of government, national or regional.

An important function of standing committees in Texas is to conduct **oversight** of the executive branch agencies. Oversight occurs when the legislature reviews functioning and decisions of offices in the executive branch to make sure that the executive branch is following the intentions of the legislature. Because some laws passed by the legislature provide only general guidelines to the executive branch, the specific agency that carries out the law often has discretion to determine exactly how to implement the law.

New administrative regulations are also subject to review by standing committees. For example, if the Texas Parks and Wildlife Department decides to impose a user fee of $5 on everyone who goes fishing at a state park, it is up to the legislature, if it so chooses, to review this decision the next time it meets in regular session. However, the standing committees lack the power to effect changes in new regulations and can only issue advisory opinions, which executive agencies take seriously. Keeping the legislature that writes your agency's budget satisfied is always a good idea, and being consistent with the legislature's intention avoids having the committee, or the legislature, develop new laws to replace administrative regulations.

Committees hold hearings to evaluate legislation and oversee the executive. In these meetings, experts, invited guests, organized interests, officials from other parts of government, and private citizens offer their perspectives on the effectiveness of legislation or executive agencies.

The work of standing committees is enhanced by the research and writing of the committees’ professional staffs. Each standing committee retains a permanent staff

<table>
<thead>
<tr>
<th><strong>TABLE 3.3</strong> Standing Senate Committees in the 85th Texas Legislature</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Texas Senate</strong></td>
</tr>
<tr>
<td>Administration (procedural)</td>
</tr>
<tr>
<td>Agriculture, Water &amp; Rural Affairs</td>
</tr>
<tr>
<td>Business &amp; Commerce</td>
</tr>
<tr>
<td>Criminal Justice</td>
</tr>
<tr>
<td>Education</td>
</tr>
<tr>
<td>Finance</td>
</tr>
<tr>
<td>Health and Human Services</td>
</tr>
<tr>
<td>Higher Education</td>
</tr>
<tr>
<td>Intergovernmental Relations</td>
</tr>
<tr>
<td>Natural Resources &amp; Economic Development</td>
</tr>
<tr>
<td>Nominations (procedural)</td>
</tr>
<tr>
<td>State Affairs</td>
</tr>
<tr>
<td>Transportation</td>
</tr>
<tr>
<td>Veteran Affairs and Military Installations</td>
</tr>
</tbody>
</table>

**Note:** Committees not marked *procedural* are substantive committees.

of up to six people in the Texas House and up to fifteen people in the Texas Senate. A committee's staff helps with research on bills, evaluation of the performance of state agencies, organization of committee meetings, and other tasks essential to the smooth operation of the committee.

There are also staff organizations available to all members of the legislature. Members of the Texas House may use the services of the House Research Organization, while senators can turn to the Senate Research Center. These offices help research issues, draft legislation, and provide information to members of the legislature. The Legislative Reference Library also provides reference and research resources for members of the legislature, committees, and committee staff to use when researching and writing bills.

Standing committees can create subcommittees in order to provide greater efficiency and division of labor. The Appropriations Committee in the Texas House contained five subcommittees during the 2017 session. Four of these subcommittees handled bills associated with particular parts of the state budget, and one subcommittee focused on issues of budget transparency and reform. Likewise, the Higher Education Committee created a subcommittee on students' readiness for the workplace and postsecondary education.

The standing committees sometimes get homework between sessions. After the 2015 regular session, Speaker Straus issued more than 150 interim charges that filled sixty-four pages with directions for thirty-five House committees to look into a broad range of issues before the next legislative session. Speaker Straus and Lieutenant Governor Patrick directed committees in their respective chambers to monitor the implementation of the state's new campus carry laws passed during the 2015 session. After the death of Sandra Bland and others in Texas jails, Lieutenant Governor Patrick created an interim jail safety study committee to look into the safety and mental health of inmates.

**Statutory Committees**

Statutory committees are those mandated by state law. The LBB and the Legislative Audit Committee are both statutory committees. As discussed in more detail in Chapter 12, the LBB plays an import role in shaping state government because it develops the initial state budget for the Texas Legislature to consider. The board consists of the lieutenant governor, the Speaker of the Texas House, four senators, and four representatives. Senators and representatives must include the chairs of finance and budget
committees in each chamber. Since 1973, the board has also been charged with estimating the fiscal impact of every resolution being considered by the Texas Legislature that has a budgetary impact. Between legislative sessions, the LBB works with the governor to monitor implementation of the state budget and make recommendations to state agencies about their spending.

The Legislative Audit Committee consists of the lieutenant governor, the Speaker of the Texas House, the chairs of the budget and finance standing committees from each chamber, and at least one other senator. The committee oversees the Texas State Auditor's Office and hires the auditor. The primary function of the committee is to review state agency compliance with state laws and policies. For example, the committee investigates if contracts for outside services, such as office equipment purchases, are correctly conducted or if reimbursement expenses for official state travel are correctly handled.

Conference Committees

Conference committees are necessary because the Texas Legislature contains two chambers. Bills may be passed in different versions in each chamber. When a bill passes both houses in different versions as a result of these actions, a single version must be agreed to by both houses before the bill goes to the governor. If the bill begins in the House of Representatives and the Senate amends the House version of the bill, then the bill returns to the House as amended by the Senate. If the House agrees to the Senate's amendments, then the bill goes to the governor to be signed into law. If the House rejects one or more of the Senate's amendments, the bill goes to a conference committee. If the bill begins in the Senate, the process is reversed.

A conference committee is a special committee created to reconcile the differences in the Texas Senate and Texas House versions of one bill. These committees are formed when both chambers agree to form the committee. Conference committees contain ten members, five from the Texas House and five from the Texas Senate. Normally, some of the members of the standing committees who played important roles on the legislation serve on the conference committee that reconciles the different versions. After the conference committee meets to reconcile the differences on a bill, at least three members of the conference committee from the Texas Senate and at least three members from the Texas House must agree to the reconciled version of the bill. After producing a single, reconciled version of the bill, the committee disbands. The bill is then reintroduced to both chambers for consideration. Each chamber must then vote on the reconciled version of the bill without additional amendments and changes. If the reconciled version passes both houses of the legislature, the bill is sent to the governor to sign.

While the conference committee process used by the Texas Legislature mirrors the process of the U.S. Congress, other bicameral legislatures in the world do not use such a process. For example, in Canada, when the Canadian House of Commons and Canadian Senate pass a bill in different forms, the bill is shuttled back and forth between the chambers until the two houses reach agreement. This process was adopted in Canada based on the British Parliament, where a bill is shuttled back and forth between the British House of Commons and British House of Lords.
However, Canada’s constitution allows for another option unavailable in Britain. If the Canadian House of Commons and Canadian Senate are deadlocked and unable to come to a complete reconciliation on the bill, the prime minister of Canada may temporarily add up to eight members of the Canadian Senate to break the deadlock. In France, U.S.-style conference committees may be used, or a bill may shuttle back and forth between the National Assembly and French Senate, as in Canada and Great Britain. Also, the president of France has a third option. He or she may seize the bill, rewrite the bill to his or her liking, and reintroduce the bill to the National Assembly. The National Assembly may simply vote for or against the bill. If the bill passes the National Assembly, the president signs the bill into law. The French Senate is left out of the process.

**Select or Special Committees**

The rules of the Texas Legislature allow for the creation of temporary committees other than conference committees. The House rules label these “select” committees and the Senate rules use the term “special” committees; a **select or special committee** is a temporary committee that the presiding officer can use for a narrow, specific purpose. For example, in 2017, Lieutenant Governor Dan Patrick formed a select committee to “address the school violence and school security” in the wake of the school shooting at Santa Fe High School. The rules give these special committees the same kind of powers given a standing committee except as limited by the charge of the presiding officer that created them, and these committees function only for the period of time specified by the presiding officer. If the lieutenant governor and Speaker create a select committee containing members of both the Texas Senate and Texas House, then the committee is called a joint committee. Regardless of the makeup of the membership, these committees exist for a special purpose.

Some of the work of both standing and select or special committees is done between legislative sessions. Such “interim” committee work is especially important on complicated issues that cannot be adequately researched and resolved during the 140-day session. Interim work may also be needed to address crises that appear between sessions. For example, in 2017, Speaker Joe Straus issued forty pages of “Interim Committee Charges” that directed House committees to address a range of issues; the impact of Hurricane Harvey was included in the interim charges of thirty-one of the House’s thirty-eight standing committees.

**Winners and Losers**

Party caucuses, special legislative caucuses, and committee organizations have an important impact on the Texas Legislature. Committee organizations, especially the standing committees, have historically proved to be a place for individual legislators to influence bills by offering amendments, changing the language of bills, and even killing bills in committee. Likewise, interim committee work allows legislators to influence state policy and politics while the legislature is not in session, and conference committees offer legislators an opportunity to develop a final version of a bill that most likely will pass into law. Because both the lieutenant governor and the
Speaker of the Texas House have power over these committees through appointment of members, referring bills to standing committees, issuing charges to the interim committees, and the like, the committee structure and organization reinforce the powers of the presiding officers of each chamber.

Party caucuses and special legislative caucuses may offer an alternative to the power of the presiding officers. Party caucuses are becoming increasingly important to the legislature. For the majority party, the party caucus offers a mechanism to more directly control the content of bills and amendments. For the minority party, the party caucus works as a mechanism to get its message to the public through public relations and awareness campaigns.

The transformation of the Texas Legislature associated with the strengthening of party caucuses is making the majority party, the Republicans, the winners as long as the party remains cohesive within each chamber. That the Democrats are reduced to public relations and awareness campaigns reflects their limited power within the legislative process. Democrats are clearly the losers in the new arrangement of Texas politics. The leadership of party caucuses and the leadership style of the lieutenant governor and Speaker influence the role and function of the political parties and the extent of bipartisanship. As a result, winners and losers depend on this factor and will vary over time.

Special legislative caucuses are also important in the legislative process. Because they provide opportunities for members of the legislature to network on common interests, these caucuses offer a chance to work outside the normal committee system and away from the presiding officers of both chambers of the legislature. Special legislative caucuses also provide a springboard for amendments and other changes to legislation. As a result, these caucuses may work against the presiding officers and may offer an alternative to the rising power and influence of the party caucus system. However, their likelihood to be winners or losers depends on the degree of party cohesion and the style of chamber leadership.

**LEGISLATIVE PROCESS**

A primary function of the Texas Legislature is making new laws and updating existing ones. While this process is often considered relatively mundane and ordinary, understanding these rules means understanding who wins and who loses in the legislative process. It’s not just who you know in the Texas Legislature; it’s often what you know about rules that contributes to success. The complicated set of rules and organizations outlined in this chapter presents a path to success that is foreign and inhospitable to newcomers. As Ross Ramsey observed, “votes count, of course. But at the end, rules can count more.” As Ramsey and others have pointed out, the complicated legislative process in Texas combined with the limits of a 140-day session make efficient navigation through the legislative labyrinth essential to a representative trying to serve the needs of their district. The procedural hurdles and the time limits of the process provide opponents of legislation plenty of opportunity to bury reforms. And, as we will see in Chapter 10, the “revolving door” that leads many former legislators directly into professional lobbying ensures that organized interest...
lobbyists are well trained in the legislative arts. A part-time legislature is especially receptive to full-time lobbyists and presiding officers that can help legislators find a safe route out of the maze of rules and procedures that make up the legislative process.

A bill can be the product of a number of sources. Some legislators are policy experts who enjoy researching and writing bills to solve problems or address issues of concern to them and their constituents. The Texas Legislative Council, a professionally staffed arm of the legislature, helps legislators without a legal background convert their ideas into the correct legal form. Interest groups or other organized interests often develop model legislation that some legislators rely on when they propose legislation. Agencies of Texas government, such as the Texas Department of Transportation (TxDOT) or Texas Coordinating Board for Higher Education, suggest possible bills to the legislature. Finally, the creation of the Republican policy chair in the Texas House of Representatives reflects a new, party-centered source for bills.

**Introducing Bills in the Legislature**

While anyone can suggest the idea for a new law, before a bill can be considered by the House or Senate, it must be introduced by a member of that chamber. The member who introduces the bill is known as the author or sponsor of the bill. Other members may add their name to support of the bill and be considered coauthors or cosponsors. Because a bill must pass both chambers of the Texas Legislature, the author of a bill will often seek out members of both chambers to help cosponsor it. If the bill originates outside the legislature itself, the organized interest or government agency seeks out a member of the legislature to introduce the bill. Sponsoring or cosponsoring a bill allows a member of the legislature to take credit for helping the bill to become a law, if it does become a law. Such credit claiming helps reinforce the idea that the legislator is hard at work promoting the interests of his or her district by pointing to a list of bills that he or she helped to become law.

Bills may be prefiling before the start of each legislative session, meaning that the bill is introduced prior to the start of the legislative session. Many members prefiling legislation to demonstrate their commitment to the issue. Most states allow prefiling of bills, with the notable exceptions of Michigan, North Carolina, and Wisconsin.

In Texas, a bill may be introduced up to sixty calendar days after the start of the legislative session. To introduce a bill after the sixtieth day requires the agreement of 80 percent of the members of the chamber present.

Any bill dealing with the state budget must be considered by the Texas House of Representatives first. Budget bills must be introduced by the thirtieth day after the legislative session opens. Any bill that impacts the state budget must be sent to the LBB for preparation of a “fiscal note,” which includes an analysis of the costs incurred by the government if the bill is passed. Texas also requires statements about the impact of the bill on the equalized public education funding formula and on criminal justice policy. These last two provisions are unique to Texas.

**Introducing Resolutions in the Legislature**

In addition to bills, members of the legislature may introduce resolutions. A resolution expresses the opinion of the legislature on an issue or changes the organizational
structure of the legislature. For example, the legislature may pass a resolution asking the U.S. Congress to change a policy. A resolution may also cover seemingly trivial matters, such as commending the University of Texas (UT) football team for winning the Cotton Bowl or the Texas A&M women’s golf team for winning a conference championship. Three types of resolutions exist: a simple resolution, a concurrent resolution, and a joint resolution. A **simple resolution** addresses organizational issues, such as changing the number of standing committees or altering the powers of committee chairs. These resolutions may be limited to a single house of the legislature. A **concurrent resolution** expresses the opinion of the legislature and requires passage in both houses. A **joint resolution** is particularly important because this legislative act, when passed by both chambers, proposes amendments to the Texas Constitution. Those amendments are then sent to the voters for approval at the next election.

When a bill or resolution is introduced into a chamber, it is assigned a code by the secretary of the Texas Senate or the chief clerk of the Texas House. This combination of letters and numbers indicates the chamber in which the legislation originated and the order that it was introduced. For example, HR 10 indicates the tenth resolution introduced into the Texas House, while SB 351 is the 351st bill introduced into the Texas Senate.

### Legislation in Committee

After legislation has been formally introduced, the presiding officer of the chamber assigns the bill to a committee (see “How Texas Government Works: Lawmaking” on pp. 118–119). In the Texas Senate, bills are referred to committee by the president of the Senate, the lieutenant governor. Bills in the Texas House are referred to committee by the Speaker of the House. Normally, bills are referred to the committee with jurisdiction over the policy area. Yet the Speaker and lieutenant governor have the power to send a bill to any standing committee in their respective chambers that they choose.

The rules of the legislature require that committee meetings be open to the public. While basic transparency may seem like a mundane requirement, making sure that the public—as well as the legislators—has access to the process is fundamental to representation. In the 1960s, one female member of the Constitutional Amendments Committee was denied entry to a committee meeting because it was being held at the all-male Citadel Club.40 To assist in their work, a handful of standing committees in both chambers of the Texas Legislature contain subcommittees. A subcommittee may conduct a detailed examination of the bill or resolution and report to the whole committee before the final committee vote is taken. Subcommittees have the same powers as their related standing committee to amend or kill a bill.

### Calendars in the Texas House

After a committee votes to report a bill favorably, the bill is ready for review by the entire membership of the chamber. Bills with statewide implications go to the Committee on Calendars, which is charged with managing all the bills trying to find their way onto the floor of the House. The committee places each bill that it receives on one of several different calendars and proposes rules for consideration
of the bills. The Texas House maintains seven different calendars for bills approved by its committees and separate calendars for bills and resolutions already passed by the Senate. Bills on more important calendars are considered first, whereas bills on less important calendars are handled if time remains during the legislative session. However, a bill or resolution may be shifted to a faster calendar by a two-thirds vote of the entire House.

Bills affecting only a specific county, city, or other local government and other bills unlikely to face opposition can be sent by the originating committee to the Local and Consent Calendar. This calendar is overseen by the Committee on Local and Consent Calendars rather than the Calendars Committee. This standing committee determines when local and consent bills are considered by the whole Texas House and how long a bill is to be debated. The Rules and Resolutions Committee performs a similar function for memorials and other resolutions.

Calendars in the Texas Senate

In the Texas Senate, there is no special calendar committee and only one calendar exists, with bills being listed in the order they were formally introduced. However, the Texas Senate almost never considers bills in this order. Instead, it has developed a trick that allows senators to change the order of consideration. The first bill introduced each session is known as a blocking bill, or stopper—a bill that is introduced not to be passed but merely to hold a place at the top of the Texas Senate calendar. Because the usual process is that bills are taken up in the order in which they are put on the calendar, this bill prevents bills below it on the calendar from being considered. Like the Texas House of Representatives, the Texas Senate may move a bill up on the calendar by a three-fifths vote of the chamber. Thus, a bill down the list on the calendar may be bumped ahead of the blocking bill to the top of the calendar by a three-fifths vote.

The three-fifths requirement for moving a bill to the top of the calendar enhances the minority party’s ability to block any bill, since it allows twelve senators to prevent a bill from even being considered. While the three-fifths rule does create a high hurdle for consideration of a bill, there was a time when the standard was higher. In January 2015, the Senate, under the leadership of new lieutenant governor Dan Patrick, changed the Senate rules to reduce the vote needed to move a bill up on the calendar from two-thirds to three-fifths. The two-thirds rule had been a target of Patrick since his earliest days in the Senate in 2007 because it made it more difficult for the Senate to move ahead on legislation favored by a majority of senators. On the other hand, fans of the two-thirds rule point to a seventy-year-old tradition of building broad-based consensus for new laws and respect for minority rights.

Floor Debate in the Legislature

When a bill or resolution comes up for consideration by the whole chamber, the entire membership engages in a floor debate. The sponsors of the bill arrange for members to speak on its behalf, and opponents recruit members to speak against it. The trick in both cases is gaining recognition from the presiding officer of the chamber for the purpose of addressing the chamber. Amendments to the bill can also be offered to
**How Texas Government Works**

**Lawmaking**

- **Idea for bill from:**
  - A person
  - A state legislator
  - An interim committee
  - An organized interest

- **Legislation Introduced**
  - Legislation may be introduced as early as 60 days prior to session.

- **Committee Work**
  - Bills can originate in either the House or the Senate

- **First Reading**
  - Referral to committee

- **Second Reading**
  - Debate and Amend

- **Third Reading**
  - Vote

- **Enrollment**
  - Vote

- **House Bill on Senate Floor**
  - Senate amendments to House bills go to the House for approval
  - House concurs with amendments
  - Reconciled in conference committee

- **House Bill Sent to the Senate**

- **Committee Work**
  - A majority vote of committee membership is required
  - A senator may filibuster and hold the floor for an unlimited debate

- **Tagging**
  - Public Hearings
  - Committee Report
  - Placed on Senate Calendar

**Legend**

- **Vetoed**
- **Bill**
- **Signed Bill**
- **Unsigned Bill**
- **Goes into effect after 90 days unless otherwise stipulated**

**Fiscal impact statement is prepared and distributed to committee**

**Committee Chair Report**

**Committee Work**

- **Vote**

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A bill can originate in either the House or the Senate. The chair can refuse to schedule a bill for a committee hearing. A majority vote of committee membership is required. A tie vote or failure to gain a simple majority is a stoppoint. A majority vote is needed to send to the House floor. Each conference committee must report to its respective chambers. Both the House and Senate must pass the bill before it goes to enrollment. The governor may veto a bill, which the legislature may override by a 2/3 vote. The bill goes into effect after 90 days unless otherwise stipulated.
change them. Sometimes opponents of a bill propose a “poison pill” or killer amendment, an amendment that would add language to a bill designed to make the bill unacceptable to a majority of the legislature or draw a veto from the governor. For example, in 2017, attempts to fix the funding system for the state’s public schools fell apart after senators inserted a “private school choice” program that included subsidies for private school tuition.41

Another legislative trick is to attach a rider to a bill. A rider is an amendment to the bill that deals with an unrelated subject. A rider often calls for the spending of money or creates programs in a specific member’s district. During the 2015 session, Senate Republicans attempted to attach a budget rider that would have stopped any state support for the proposed bullet train project connecting Dallas and Houston.42

Like the U.S. Senate, the Texas Senate has a tradition of allowing unlimited debate. Sometimes a member of the Senate engages in a filibuster, which is an effort to kill a bill by engaging in unlimited debate and refusing to yield the floor to another member. This stalling tactic serves to prevent a vote from being taken. While filibustering, a senator must keep her or his discussion relevant to the legislation being discussed and cannot sit down or even lean on the desk. While Wendy Davis’s 2013 filibuster attempting to stop restrictions on abortions is the most recent example of a major filibuster in the Texas Senate, her filibuster fell short of the state (and national) record set by Texas state senator Bill Meier in 1977 when he filibustered for forty-three hours.

Because a member’s speaking time is limited to ten minutes by the rules of the Texas House, a filibuster cannot occur there. However, members of the House deliberately engage in lengthy debate over bills that are not controversial. This action is generally employed late in the legislative session and is used to prevent the Texas House from beginning debate on a more controversial issue or bill. This technique of delaying action on a bill to prevent the consideration of another bill is called chubbing. Representatives engaged in chubbing may or may not be in favor of the current bill but are trying to block consideration of bills later on the Texas House calendar. The filibuster in the Texas Senate and chubbing in the Texas House are important tools for slowing down the legislative process and preventing the majority from getting everything it wants.

Another tool employed by the minority party to influence voting is the quorum. Texas Senate rules require that two-thirds of the membership be present to take a vote. This means that any eleven senators (one-third of the Senate) may prevent business from being conducted if they absent themselves from the chamber. The need for a quorum is another example of how the Senate’s rules compel it to consider the opinion of the minority party.

Voting

In general, voting processes are similar in both houses of the legislature. Votes may be either a voice vote or a roll call vote. A voice vote occurs when the presiding officer asks verbally for those members in favor of the bill or amendment to call out “aye,” then asks for those members opposed to call out “nay.” For these voice votes, the presiding officer simply announces whether the bill or amendment passes. If the presiding officer is uncertain of the result, the officer calls for a roll call vote. A member of
the chamber who questions the outcome of the voice vote may call for a roll call vote. Normally, the presiding officer agrees to allow the roll call vote to occur. Typically, any important vote will be conducted as a roll call vote in which the vote of each member is recorded. In the Texas House, roll call votes are recorded electronically, with each member being able to vote using a set of buttons on his or her desk. In the Texas Senate, roll call votes are recorded as each senator’s name is called and the senator answers out loud.

Once a bill has passed one chamber of the legislature, it goes to the other chamber for consideration. While the Texas Constitution requires that bills dealing with taxation must start out in the Texas House of Representatives before going to the Texas Senate, legislation on other matters may start out in either. If the House and Senate have passed different versions of the same bill, then the bill first goes to a conference committee for reconciliation. The conference committee may amend or may rewrite the bill before sending their recommendation back to both chambers of the Texas Legislature. Each chamber may accept the changes to the bill, reject the changes to the bill, or send the bill back to the conference committee. If both chambers accept the changes, the bill has passed. If the bill fails to pass either chamber or if the conference committee cannot reconcile the differences, the bill dies. Twenty-four states allow some legislation to carry over from one session to another, but a bill that has not passed by the end of legislative session dies. The same idea can be introduced in the next session, but it begins again with a new number and must start the legislative process at the beginning.

**The Governor’s Veto Power**

If both chambers have passed a bill in identical form, the bill goes to the governor for signing. After a bill is sent to the governor, he or she must sign the bill into law or veto it. If the governor does not sign the bill into law and the legislature is still in session, after ten days it automatically becomes law. While the governor possesses the power to veto legislation, this power is limited. For all bills but those dealing with spending, the governor must veto or accept the entire bill. The governor may use a line-item veto, or a selective veto of some parts of a bill, on spending bills only. An override of the governor’s veto is possible only by a two-thirds vote of each house of the state legislature. If the legislature ends its session, the governor has twenty days to veto the bill; otherwise, the bill becomes law. Ninety days after the legislature ends its session, any law enacted becomes effective unless the bill contains an emergency clause, which makes a bill effective immediately upon being signed into law.

**Trends in Legislative Activity**

Given the relatively short session for the Texas Legislature to complete its business, just 140 calendar days every two years, the
legislature's time is at a premium. The brevity of the legislative session is compounded by the Texas Constitution's requirement limiting legislative activity in the first sixty days of the regular session. The constitution limits action in the first thirty days of the session to the introduction of legislation, dealing with emergency appropriations, confirmation of the recess appointees of the governor, and any emergency issues designated by the governor. The second thirty days is reserved for action by committees and such emergency matters as may be submitted by the governor. As a result of these provisions, the more serious work of the legislature begins after the sixtieth day of the legislative session.

It is clear that as the state continues to grow, the Texas Legislature must assemble a larger budget and oversee a complicated government that deals with more people and more issues every year. Whether you want to create new government programs or cut old, outdated programs, you need the legislature to pass legislation to bring change.

WINNERS AND LOSERS

Historically, legislative organization and process have produced clear winners and losers in the game of Texas politics. The relatively weak position of parties produced a system that concentrated power in the hands of the presiding officers of the state legislature. Thus, the two most powerful positions in Texas are the Speaker of the House and the lieutenant governor in the Senate. The amount of power in these two offices, which is often unchecked by an institutionally weak legislature and governor, resembles the concentrated power the framers of the Texas Constitution were trying to avoid. The lieutenant governor is in a unique position, able to dominate the Texas Senate through his or her control over debate, the appointment of committee chairs, and the appointment of members of committees. Yet his or her power is not unlimited. Much of the lieutenant governor's powers derive from internal rules that the Senate approves or from personal leadership style. Rules may be changed by the Texas Senate at any time, and leadership style varies from person to person. Techniques such as the blocking bill and filibuster place limits on the lieutenant governor and the majority party as well. However, these limits are traditions, and the Senate's decision in 2015 to change the two-thirds rule proves that tradition can quickly give way to other considerations. As the Texas legislature continues to evolve into a more partisan organization, these limits may be observed less frequently when the lieutenant governor is from the same political party as the majority party. These changes in legislative process, if they occur, will clearly benefit the majority party and harm the minority party.

For decades, people who wanted to serve as the Speaker of the Texas House courted support from individual legislators regardless of party affiliation and rewarded supporters with favorable consideration of legislation and committee assignments. However, the Speaker's power is limited by possible revolts when the Speaker attempts to be too autocratic or runs afoul of his or her own political party caucus members. To the extent that the Texas model creates a system in which power is concentrated in the hands of the presiding officers of the state legislature, a vigorous system of checks and balances
often seems absent. The ability to shape and control debate in the chamber makes the Speaker a clear winner in Texas.

Recent attempts to organize the party caucuses and raise the level of partisanship within the Texas Legislature may have detrimental effects. The traditional bipartisan system that allows the minority party significant influence in the Texas Senate and Texas House is eroding. The emergence of a Republican majority in the legislature, coupled with stronger cohesion, organization, and political pressure within the Republican caucuses in both chambers, has made the Republicans the clear winners in the battle to influence legislation. Legislation favored by the majority may be more easily passed, even when ill considered, while bills and amendments with support from the minority party may be killed quickly, either in committee or on the floor of the chamber. Here the legislative process rewards the majority party.

Much of the legislative process remains essentially the same in terms of the formal steps for a bill to become a law. The committee structure of the Texas Legislature remains consistent with the past. However, Texas is seeing a transition in who gets to chair these committees as partisanship rises.

Service in the Texas Legislature in Austin is sometimes a precursor to later service in the U.S. House of Representatives in Washington, DC; thus, the tradition of bipartisan cooperation in the state legislature has historically translated into a bipartisan congressional delegation from Texas in the U.S. Congress. One group of scholars has suggested that Texas's domination of leadership positions in the U.S. Congress during the twentieth century (e.g., the speakerships of Sam Rayburn and Jim Wright in the U.S. House of Representatives and the Senate leadership of Lyndon Johnson) reflects the ability of the Texas delegation to build coalitions and work with various factions within both parties. The Texas federal delegation has long had a reputation for putting party concerns aside to cooperate in the best interests of the state. As a result, Texas has enjoyed outsized influence in the U.S. Congress and received more than its share of favorable national legislation and program funding. That Texas is home to NASA and so many military bases suggests that Texas politicians have found a way to put the state at the heart of some of the nation's more important goals.

If rising partisan politics in the Texas Legislature continues to interfere with the ability to work together, the recent increase in partisan divisions at the state and national level may undermine legislators’ abilities to get things done. Concentration of power in the hands of the presiding officers of the Texas Legislature, and the bipartisan support that results, has historically created a different set of incentives and outcomes in Austin than in Washington, DC. In Austin, the current trajectory increasingly leaves the Democratic Party with a strategy of communication and public awareness campaigns as the primary means to get its message across. The majority party may be the winner in the short term, but status as a majority party is not guaranteed in the long term. The losers may ultimately be Texans as a whole. However, the influence of the political party is dependent on the leadership style of the presiding officer of each chamber, the cohesion in the majority party (currently the Republicans), and the style of leadership of the majority caucus leaders. Winners and losers are determined in part by these factors as well.
CONCLUSION

The Texas Legislature is in a period of transition in terms of the role and function of political parties in legislative organization. The parties shape legislative process through control over committees, committee chairs, and floor debate. As the party caucuses in each chamber continue to organize, their ability to structure votes and communicate objectives is enhanced. Social media tools are beginning to assist both parties in their tasks within the Texas Legislature. The days of bipartisanship may be ending as the realities of a more partisan legislature emerge.

However, certain traditions may still have value. The basic legislative process itself remains largely the same as it was in the twentieth century. Both chambers retain unique processes that profoundly shape how a bill becomes a law. The Texas Senate continues to use blocking bills, quorum calls, and filibusters, while the Texas House maintains its multiple calendars, utilizes chubbing, and has a more elaborate committee structure. Despite the rise of party caucuses and partisanship in the Texas Legislature, both chambers continue to accept granting extensive powers to their respective presiding officers. In some sense, Texas is reflecting the changes in the national political scene as well. The U.S. Congress is more partisan than in the past, and politics has become more contentious in Washington, DC. Additionally, other southern states have also seen a shift from Democratic dominance over the executive and legislative branches to Republican dominance. Ultimately, changes in legislatures are often slow to occur, and many decades may be required to shift key aspects of the legislature. Texas is certainly no exception to this.

KEY TERMS

- amendment (p. 109)
- bicameral (p. 82)
- bill (p. 115)
- blocking bill (p. 117)
- calendar (p. 116)
- chubbing (p. 120)
- citizen legislature (p. 86)
- committee (p. 107)
- concurrent resolution (p. 116)
- conference committee (p. 112)
- delegate (p. 89)
- emergency clause (p. 121)
- filibuster (p. 120)
- fiscal note (p. 115)
- floor debate (p. 117)
- floor leader (p. 104)
- gerrymandering (p. 97)
- ideological caucus (p. 106)
KEY TERMS (CONTINUED)

introduce (a bill) (p. 115)
issue caucus (p. 106)
joint resolution (p. 116)
killer amendment (p. 120)
Legislative Budget Board (LBB) (p. 102)
legislative immunity (p. 85)
Legislative Redistricting Board (LRB) (p. 97)
lieutenant governor (p. 101)
line-item veto (p. 121)
majority-minority district (p. 99)
markup (p. 109)
minority and women’s caucuses (p. 106)
multimember district (MMD) (p. 95)
nonpartisan or bipartisan independent commission (p. 97)
one person, one vote (p. 97)
oversight (p. 110)
party caucus chair (p. 104)
party legislative caucus (p. 103)
politico (p. 89)
president pro tempore (p. 101)

procedural standing committee (p. 107)
professional legislature (p. 86)
quorum (p. 120)
redistricting (p. 88)
regular session (p. 84)
representation (p. 89)
resolution (p. 115)
rider (p. 120)
roll call vote (p. 121)
select or special committee (p. 113)
simple resolution (p. 116)
single-member district (SMD) (p. 95)
Speaker of the House (p. 102)
special legislative caucus (p. 104)
special session (p. 85)
standing committee (p. 107)
substantive standing committee (p. 107)
supremacy (p. 85)
term limit (p. 88)
trustee (p. 89)
turnover (p. 88)

ACTIVE LEARNING

• Prepare a short memo or presentation that you would use to persuade a legislator to support a change to higher education in Texas. Communication

• Break into groups, with each group representing a committee. As a committee, draft a change to current law and then present it to the entire class for approval. Teamwork

CHAPTER REVIEW

1. Drawing district boundaries to deliberately benefit a candidate or party is an example of _____.

   a. realignment
   b. gerrymandering
   c. chubbing
   d. reallocation

(Continued)
2. The view of representation that elected officials should use their own judgment in casting votes in the legislature is known as the ____ view.
   a. delegate  
   b. trustee  
   c. politico  
   d. constituency
3. The Texas Legislature meets in regular session every ____.
   a. six months  
   b. year  
   c. two years  
   d. four years
4. The division of the legislative branch into two chambers is known as ____.
   a. gerrymandering  
   b. bilateralism  
   c. duopoly  
   d. bicameralism
5. The primary responsibility for drawing the boundaries of elections is held by the ____.
   a. U.S. Census Bureau  
   b. U.S. House  
   c. U.S. Senate  
   d. Texas Legislature
6. The Texas legislature is an example of a ____ legislature.
   a. citizen  
   b. professional  
   c. hybrid  
   d. quasi
7. A ____ is the minimum number of legislative members required for the legislative body to conduct business.
   a. quorum  
   b. filibuster  
   c. supermajority  
   d. totality
8. A ____ is an addition to a bill that deals with an unrelated subject.
   a. point of order  
   b. quorum  
   c. rider  
   d. poison pill
9. The House calendar is a ____.
   a. schedule for the 140 days of the legislative session  
   b. schedule for the day's votes in the Texas House  
   c. list of bills in the order in which they'll be taken up  
   d. list of approved days for committee meetings
10. A standing committee is a ____.
    a. permanent committee of the House or Senate  
    b. committee created to deal with a specific bill or crisis  
    c. committee responsible for resolving who speaks for and against bills during debate  
    d. committee charged with writing the standing rules of the House or Senate