

State Legislatures

State & Local Government

Ch. 7

Legislature in some states is the dominant branch of govt.

Highlights

State Legislatures have 4 clear functions:

1. Making laws
2. Represent their constituents
3. Service to Constituents
4. Provide Oversight function



Florida Legislature

- Authorized by the Florida Constitution
- Creates & amends the laws of the state
- Governor can veto legislation
- A bill has to pass through committee review
- 3 readings on the floor of each house

Requirements of Florida Legislature

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- Senate = 40 , House of Representatives = 120
 - Age minimum for both houses: 21
 - Representatives elected for up to two four year terms
 - Senators can be elected for up to two four year terms
 - Former members can be elected again after a two-year break

Common Functions of Legislatures

- **Money**
- State Legislatures are always embroiled in battling for funds and how to allocate same
- Education &
- Healthcare , roads, transportation are major demands on state s economy

Other functions

- Law Making
- Constituent Services & Representation
- Oversight: Controls over the Governor & Executive branch of a state
- Ensuring that laws passed are implemented / monies spent as directed

Organizational Structure

- **Bicameralism:** legislature comprises of 2 houses
- **Nebraska:** unicameral
- Like the US Congress, both houses are elected
- State legislators = 7000 +

Who can Serve

- Members must reside in state which they represent
- Legislator is mainly responsible to his/her district & constituency & residents who elected the official in the first place
- Both House & Senate elected by the people

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- **Constituency:** district (electoral district as well as members) that a legislator member represents



Legislative Strategies

- Coalition building
- Logrolling
- Filibusters
- Riders
- Compromise

Legislative functions

- Lawmaking
- Variation in number of bills introduced
- Reasons for introduction
 - Mandatory
 - Common problem
 - Outside influence

Legislative functions

- Representation: speaking/voting for the people (constituents)
- Internal changes

Legislative functions

- Constituent service (casework)
- Incumbency advantage
- Oversight: Ensure governor & agencies are implementing laws properly

Legislative make up

- Legislative leadership
- Rank-and-file members
- Committees
- Caucuses

Delegate vs. Trustee

Legislators are seen either as:

- Delegates: voting on bills, etc. that reflect wishes of their constituents
- Trustees: Legislators who believe that they are elected to make decisions on behalf of their constituents

Apportionment; as a result of 10 year National Census

- State Legislatives are responsible for the process
- Redistricting
- Process is highly partisan because each party tries to maximize the districts in their favor
- Ideally the principle of equal representation should be the goal

Make up of State legislators

- Professional background
- Demographic diversity
 - Women
 - Racial minorities

Professionalized legislatures

- Professional vs. citizen legislators
- Full-time vs. part-time legislators

State legislatures & public opinion

- Professional legislatures & public approval
- Negative perception of politicians
- Low level of knowledge about state legislatures
- Role of the media

Term limits

- Fail to increase “citizen legislators”
- Fail to increase women & minority legislators
- Mixed results for lobbyists
- More power to executive branch
- Popular with the public

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- Increasingly effective and fair job performance
 - Still mistrusted and disliked
 - Reflection of disagreements that exist within the electorate
 - Compromise

Representation Models: *Sociological vs. Agency Representation*

- Sociological representation = the representing person reflects the racial, ethnic, gender, religious or educational backgrounds of their constituents
- Assumption is that these similarities in composition on both sides promotes good representation
- Therefore the composition of a legislature should mirror its society

Agency Representation defined

- When the person represents the constituent regardless of make up/backgrounds of the constituents
- But when the constituent has the power to hire/fire reps who represent them
- Keep in mind that we have a 2 party system

Demographic Composition of State Legislatures

- Legislative bodies are not a sociologically representative body
- Largely white males in their fifties
- Under representation of minorities & women, disabled
- Women currently 51% of our population

Make up of Legislatures

- African Americans & women, Hispanics are increasing their representation
- Large percent of legislators are from business backgrounds
- Fewer lawyers
- Some are professional politicians

Composition

- Although reps do not reflect the diversity of their constituents, they do represent their interests
- Risk of not doing so – not being re elected
- Still constituent do not have strong views on every issue

Composition

- 1970 a total of 4% of state legislators were women
- Today it is about 24-25%
- Women legislators tend to focus on education, healthcare & housing
- African Americans , while the numbers have improved, still hover around 10% of total legislators

Inner Workings

- Party winning the majority of seats selects:
- House leader selected by majority party & becomes the House President, House Leader or Pro-Temp
- Speaker of the house
- Minority party selects its Minority house leader and speaker

Who gets elected & what they do are influenced by 3 factors

1. Who runs for office?

- Voter's choices are restricted by who decides to run for office
- Parties ensure that qualified candidates run

2. Incumbency: Incumbents provide constituents with services which ensure their re election

- Regular communications
- Incumbency tends to preserve status quo

3. Hence call from some quarters for term limits to ensure new faces more often

Committee

- Average 15-20 committees per chamber
- Committee system assumed pivotal powers
- Committees controls deliberations & debates
- Filibusters still occur
- Committees, seniority & rules limit members' representation of their constituents

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- Bills must make it past the committee stage before being debated on the floor
 - Budget committees are most powerful

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- 2010 California approved laws that removed the powers of redistricting districts from state legislators & handed over to independent commissions.

How Legislator decides on Legislation

Influenced by

- Constituency preferences
- Interest Groups
- Party discipline

Maintaining Party Discipline

- Favoring Committee assignments
- Allotting floor time for debate for one bill in exchange for specific vote or another
- Whip system allows party to assess support of a bill
- Creating coalitions
- Governor can muster support by championing certain legislations

Direct Patronage = *Pork barrel*

- Legislators are able to provide patronage to constituents – local projects, new initiatives not always needed, but ensures re election of the reps.
- Members may add *earmarks* in legislation which provides benefits to their districts
- *Private Bill* is another way to provide patronage- provides relief or special privilege/exemption
- Often abused

Building blocks of Legislative Branch

- Consist of political parties
- Committee system
- Caucuses
- Parliamentary rules of the House & Senate

A Legislature which represents & governs, but runs along party lines

Filibuster

- Senate rules different in that no limit of debate, hence *filibuster* which prevents or delays passing of a bill

External Factors

Constituents:

- Legislature members spend much time forecasting what policies constituents like in order to be re elected
- However, most constituents do not know what policies or bills their reps support

Interest Groups

- Organized or mobilized interest groups have big influence in decision making- lobbying, direct mail campaign

Internal Factors: Party Discipline

- Party leaders can influence party members in several ways;

Logrolling: Practice of supporting a colleague's bill in return for that person's support on a future bill

Internal Cont'd:

- Committee Assignments:
 - Leaders create support by helping members secure favorable committee assignments
- Access to floor:
 - Controlled by party leadership

State Supreme Court on Florida's Gerrymandering

- Case brought by Women's League against Governor Scott's redistricting of two districts
- Districts cut through Central Florida

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- Gerrymandering
 - Malapportionment: violates the principle of equal representation
 - Majority-minority districts: members of minority group constitute the majority of the state or district, eg., African Americans

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- **Reapportionment:** Reassignment of the seats of the House of Representatives on the basis of changes in the population of the state
 - **Redistricting:** Redrawing of district boundaries
 - Hence some states lose seats, while others gain seats. Based on pop changes
 - **Redistricting** tends to be political & favors the ruling party at the time because it oversees the redrawing

Key Terms

- **Constituency:** district which a Congress member represents
- **Incumbent**
- **Apportionment/Reapportionment:** Every 10 years the 435 seats are reallocated based on census changes
- **Gerrymandering**
- **Pork Barrel:** Benefits which are directed to one's district thru budget process
- **Majority leader:** second in command to the House speaker. Who is it?
- **Bi-cameralism**
- **Agency / Sociological Representation**
- **Oversight**

Key Terms

- **Standing Committee:** Permanent and responsible for legislation which covers finance, tax, trade, Medicare & Social Security
- **Filibuster :** Tactics of using long speeches by Senate to prevent/delay bill from being passed
- **Cloture** requires 3/5th vote of Senate to end debate 32 hrs after cloture has been invoked introduced
- **Oversight:** Congress's authority over executive agencies responsible for executing its passed legislations