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

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