INSIDE TEXAS POLITICS
POWER, POLICY, AND PERSONALITY
OF THE LONE STAR STATE

Chapter 9 – The Plural Executive
and the Bureaucracy
The Plural Executive

- The Texas Constitution fragments political power and policy management on purpose, so no single individual, group, or agency has the power to control government.

**Plural Executive**: the diffusion of authority and power throughout several entities in the executive branch and the bureaucracy
The Plural Executive

- Governor
- Attorney General
- Land Commissioner
- Secretary of State (governor appoints)
- Lieutenant Governor
- Comptroller Public Accounts
- Agriculture Commissioner
- Railroad Commission (3)
The Size of the Texas Bureaucracy

• Bureaucracies need staff to operate.

• Because of the size of the land mass, the number of businesses, the number of people, and the enormity of the economy, the executive bureaucracy in Texas is necessarily huge.

• However, when compared to other states, Texas has fewer bureaucrats per person—approximately 1 bureaucrat for every 3,500 Texas residents, or roughly 7,800 employees.
What the Texas Bureaucracy Does

**Implementation:** the execution by the bureaucracy of laws and decisions made by the legislative, executive, or judicial branch.

**Example of implementation:** A 2001 Texas law required students in public elementary schools to participate in “physical activity” in a coordinated school health program but did not set a specific duration for the activity. The Texas Education Agency interpreted the new law to mean that each elementary students should exercise 30 minutes per day.
What the Texas Bureaucracy Does

**Rules:** regulations designed to control government or the conduct of people and industries

- The legislature or the governor may establish a broad policy with broad goals, but bureaucrats create **rules** to make sure that specific targets are met.
- For example, the Texas Racing Commission (TRC) created its own rules when it tried to expand “historic racing” in Texas. “Historic racing” used video of past races with the dates and names removed and allowed individuals to gamble on the results.
What the Texas Bureaucracy Does

**regulations:** standards that are established for the function and management of industry, business, individuals, and other parts of government

**licensing:** the authorization process that gives a company, an individual, or an organization permission to carry out a specific task

**enforcement:** the carrying out of rules by an agency or commission within the bureaucracy
Influence of the Governor

- When the governor appoints an agency head, with Senate approval, the governor’s influence is stronger.
- When the agency or board is headed by an individual or individuals elected outside of the governor’s control, the governor’s influence lessens.
4 Broad Types of Bureaucracy

- Agencies headed by officials appointed by the governor
- Agencies headed by officials independently elected by the people, outside of the governor’s control
- Boards and commissions headed by a multimember, governor-appointed board or commission
- Hybrid agencies where there is a mix of elected and appointed boards and commissions headed by a multimember appointed board or commission
Independent Officers

Lieutenant Governor

• The lieutenant governor serves as the **presiding officer** of the Texas Senate, meaning that he or she is in charge of the administrative and procedural duties of the chamber.

• The lieutenant governor must be at least thirty years old, a US citizen, and a Texas resident for more than five years prior to the election.

• Lieutenant governors serve for four-year terms with no term limits and tend to stay longer in office by comparison to other elected officers.
Independently Elected Officers

Duties of the Lieutenant Governor

• The lieutenant governor has a role in both making and executing the laws.

• As the leader of the Texas Senate, the lieutenant governor uses his discretion in following the chamber’s rules on proper parliamentary procedures, such as deciding when a bill will come up for a vote, when to allow a senator on the floor to speak, or how to deal with points of order (objections made to a bill).

• As the presiding officer in the Senate, the lieutenant governor has primary responsibility for where legislation goes, referring bills to one of the standing committees.
Duties of the Lieutenant Governor

- Similar to the vice president, the lieutenant governor has the tie-breaking vote in the state Senate if the chamber is evenly divided on a vote.
- The lieutenant governor is charged with appointing the legislative chairpersons and members of standing committees in the Texas Senate.
- This power, combined with the authority to dictate the flow of legislation, is a potent weapon in agenda control.
- The lieutenant governor serves as chair of or as a member of several key boards that govern the state, including the Legislative Budget Board, the Legislative Council, and the Legislative Redistricting Board.
Attorney General

- The attorney general (AG) is the state’s lawyer, defending the laws and constitution of the state of Texas by representing the state in court.
- The attorney general provides legal services to the governor, state agencies, and local and state government entities.
- When requested, the AG’s office will file suit on behalf of state agencies in court.
Comptroller of Public Accounts

• The comptroller’s role is to estimate revenue, certify budget funds, and chart state economic growth.

• The state’s budget operates on a **pay-as-you-go system**: state funds spent must equal state funds received.

• The legislature must craft a budget that is only as big as the comptroller says it is allowed to be.

• The constitution requires that all appropriations bills (bills to allow spending) from the legislature be approved by the comptroller’s office.
Commissioner of the General Land Office

- The land commissioner, the oldest continuously elected position in Texas history, oversees state-owned land, including open beaches and submerged land off the coast of the Gulf of Mexico.

- When Texas agreed to enter the Union in 1845, it negotiated to keep its public debt but also its public lands.

- The land commissioner administers these lands by leasing lands and generating funds from oil and gas production.
Governor-Appointed Single-Head Agencies

Secretary of State

• The secretary of state serves as the chief elections administrator, the steward of all state records, and an ambassador of the state to other nations

• The secretary assists county election officials, ensures the uniform application of election laws throughout the state, and maintains the voter registration records for more than 14 million voters and several voter education programs.
Governor-Appointed Single-Head Agencies

Commissioner for Health and Human Services

- The Health and Human Services Commission (HHSC), headed by a commissioner selected by the governor, is responsible for the health and welfare of many needy Texans.

- HHSC oversees the operations of most health-related programs including the following:
  - Medicaid
  - Children’s Health Insurance Program
  - Texas Women’s Health Program
  - Temporary Assistance for Needy Families
  - Supplemental Nutrition Assistance Program
Multimember Agencies

**multimember agencies:** bureaucratic organizations staffed by a minimum of three individuals

- Multimember agencies whose members are appointed by the governor are certainly influenced by the governor’s agenda and ideology.

- These groups operate largely independently of the other executive agencies but are accountable to the legislature through periodic review.
Multimember Elected Commissions and Hybrid Agencies

Multimember Elected Commissions

**Hybrid Agencies:** bureaucratic organizations whose leaders are selected by a mixture of appointments and elections

- **Texas Railroad Commission (TRC):** primary functions include the regulation of the oil and gas industry. The TRC issues permits for drilling for or extracting natural resources, inspects oil and gas facilities, licenses waste haulers, assesses fees for environmental damage in oil fields, and ensures that oil and natural gas pipelines run safely.

- **Texas Ethics Commission (TEC):** keeps track of these figures by overseeing campaign contributions and regulating and enforcing lobbying activities. In terms of enforcement, the TEC hears complaints related to filing violations and can fine individuals.
Multimember Elected Commissions

• State Board of Education (SBOE)
  – 15 members serving four-year terms
  – Elected in geographic districts representing different state regions

• Recommend commissioner of education candidates to governor
  – Education commissioner oversees Texas Education Agency (TEA)
Selection of the Bureaucracy

- How the bureaucracy is selected influences public policy in many ways.
- Texas voters influence public policy when they elect members of the bureaucracy.
- Governor appointees often shape policy in line with the governor’s preferences, but the state legislature often sets requirements for appointments.
- Often, the legislature introduces requirements for appointments that limit the governor.
Controlling the Bureaucracy

Sluggish Policymaking

• Much of the weakness in Texas government is due to the plural executive’s diffusion of power and to bureaucratic policies that contribute to sluggish policy innovation and slow responses to state problems.

• Proposed rules changes must be advertised for a specific period of time, open for public comment, and often face administrative delays.

• The legislature may use this formal rule-making process to slow down bureaucratic rule-making. Instead of fixing serious policy problems, the bureaucracy is often a victim of its own rules.
Controlling the Bureaucracy

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<tr>
<th>SUNSET STAFF EVALUATION</th>
<th>SUNSET COMMISSION STAFF</th>
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<tr>
<td>Sunset staff performs extensive research and analysis to evaluate the need for,</td>
<td>• Reviews agency's Self-Evaluation Report</td>
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<td>performance of, and improvements to the agency under review.</td>
<td>• Receives input from interested parties</td>
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<td>• Evaluates agency and identifies problems</td>
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<td>• Develops recommendations</td>
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<td>• Publishes staff report</td>
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<tr>
<th>SUNSET PUBLISHES STAFF REPORT</th>
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<td>SUNSET COMMISSION DELIBERATION</td>
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<td>The Sunset Commission conducts a public hearing to take testimony on the staff report and</td>
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<td>the agency overall. Later, the Commission meets again to vote on which changes to</td>
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<td>recommend to the full Legislature.</td>
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<th>SUNSET COMMISSION RECOMMENDS ACTION</th>
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<td>LEGISLATIVE ACTION</td>
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<td>The full legislature considers Sunset recommendations and makes final determinations.</td>
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<td>TEXAS LEGISLATURE</td>
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<td>• Sunset bill on an agency is drafted and filed</td>
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<td>• Sunset bills go through normal bill processes</td>
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<td>• The Senate and the House conduct committee hearings and debate the bill</td>
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<td>• Bill passes or fails adoption</td>
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<td>• Governor signs, vetoes, or allows bill to become law without signature</td>
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Agency continues with improvements. OR
Agency is abolished but may continue business for up to one year.

*58 agencies have expired under the SAC