

## THE LEGISLATIVE BRANCH OF STATE GOVERNMENT

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### ABSTRACT

This paper addresses some of the key issues and variations that exist in state legislatures. It looks at both party control and the structure of the individual legislature with the specific examples of Nevada, Texas and Washington.

### INTRODUCTION

The Nuclear Waste Policy Act requires the U.S. Department of Energy to interact with affected state legislatures. The shipments of transuranic waste in fall 1987 to the Waste Isolation Pilot Plant in Carlsbad, New Mexico, has aroused concern in the western states likely to be on the routes. Legislatures want to be involved, but the federal government is having to learn about the nuances of state government to interact effectively. This paper will highlight some of the major considerations to be addressed by those who want to know how state legislatures carry out their responsibilities.

#### State Legislatures

State legislatures follow the federal model; there is a separation of powers, i.e., an executive branch represented by the governor, the legislature, with a Senate and House, but the names may vary, and of course Nebraska is unicameral with every legislator being a senator. The third branch of government in the states is the judiciary.

Many people think that governors are the chief representative of a state because governors are clearly identifiable and a legislature may consist of hundreds of people. But the legislature and governor may not be of the same party and may disagree on many issues. The governor may be the obvious spokesperson, but the legislature passes laws and appropriates money and can have more control over what actually happens in a state. Figure 1 shows the present party control in the United States.

To say that one party or the other is in control of the legislature is not informative unless one knows:

- the size of the majority - can it override a governor's veto?
- the firmness of the vote - will a small majority lead to a stalemate or to compromise?
- who is running for what? E.g., can the governor run again? If not, members of his own party may not support him.

Other concerns are people who may change party and party members who consistently vote liberal or conservative on some issues.

In most legislatures, title denotes power structure. The President of the Senate and the Speaker of the House are most often the key leadership positions, but sometimes others, such as the majority leader, may have the power to make appointments to committees. How people get on legislative committees and how chairpersons are designated vary from state to state.

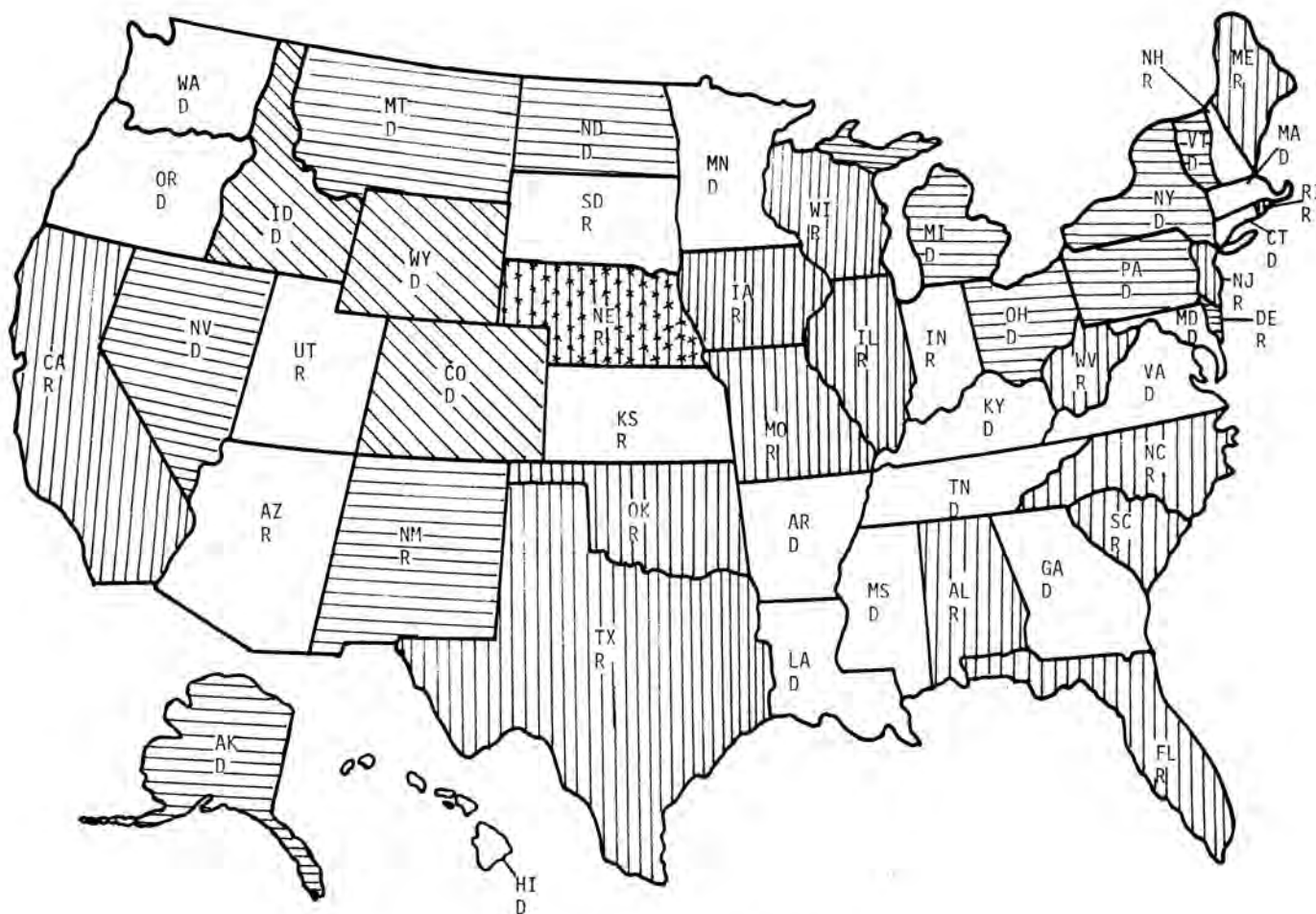
Getting a bill to become a law varies. Most states have a time limit for bill introduction, but some do not. In some states bills can be prefiled before the session begins. In some states bills can be carried over from one session to the next if passed in the house of origin.

The passage from bill to law is similar in most states. The legislatures' bill must be passed by both houses before it is sent to the governor. Generally, similar or identical bills are introduced in the House and Senate for First Reading. (Before carbon paper and photocopy a single copy had to be read aloud or read by each individual member.) After First Reading, the bills are referred to committee for consideration. The committee acts by reporting the bill out of committee, killing it, referring it to another committee or to an interim study committee. The latter two actions may be a kiss of death, a polite way of killing a bill without having to admit to its death.

The bill then goes to the floor for a second reading where it may be debated or voted upon. An altered bill goes to third reading. If identical bills pass the House and Senate, the bill then goes to the governor. Governors may sign the bill, making it a law, veto it--subject to possible override, or ignore it, where depending on the state it may die or become a law without the governor's signature.

Sometimes after a third reading a bill goes to a legislative conference committee to produce identical House and Senate bills. If each chamber accepts the conference committee report, the bill goes to the governor. If the report is rejected the bill dies.

Figures 2, 3 and 4 show the political party distribution in Nevada, Texas and Washington, candidate states for a high-level waste repository.



- ▨ Republican governor, Democratic legislature - 15
- ▩ Democratic governor, Republican legislature - 3
- ▧ Legislative houses split or tied - 11
- Governor and legislature same party - 20  
R = Republican governor, D = Democratic governor
- ★ Nebraska legislature is non-partisan.

Fig. 1. Legislative and Gubernatorial Control 1987

Summary

Knowing who has political power is a key aspect of understanding state legislatures. Knowledge of how bills become laws is important to those who wish to testify for or against any given issue. Time limits on bill introduction are important, especially for those states that meet only every other year. There are many other details that are important in each state, and there often are exceptions to the rules. Legislators, staff and, of course, one's own elected officials, are pleased to have the opportunity to explain the inner workings of their branch of state government.

References

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4. L. SIMON, "The Wrestling Match: Legislatures and Governors," The Journal of State Government, National Conference of State Legislatures and Council of State Governments, pp. 1-6 (Spring 1986).
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**SENATE**  
 President Pro Tem - Lawrence Jacobson, R  
 Majority Leader - William Rappley, R  
 Minority Leader - Robert Preston, D  
 12 Republicans, 8 Democrats

**ASSEMBLY**  
 Speaker - Joseph Dini, Jr. R  
 Majority Leader - John Jeffrey, D  
 Minority Leader - Louis Bergese, R  
 29 Democrats, 13 Republicans

**GOVERNOR**  
 Richard Bryan, D  
 Length of term - 4 years  
 No. of previous terms - 1  
 Maximum consecutive terms allowed by constitution - 2

- \*Has appointment powers
- Senate committee chairpersons appointed by the majority leader, House chairpersons are appointed by the Speaker.
- Senate committee composition and leadership usually determined by party caucus.
- A maximum of one-half of the House membership of each standing committee is determined by seniority. NOTE: Minority leader appoints one minority party member to Ethics Committee.
- Time limit for bill introduction: 20th calendar day of regular session (except for standing committee members who requested bill draft before 21st day).
- Two-thirds vote of elected members--both houses--required to overturn governor's veto.
- During session, bill becomes law five days after passage unless vetoed by governor; after session, bill becomes law 10 days after adjournment of legislature unless vetoed by governor.
- Effective date of enacted legislation: July 1.

| Session                                    | Started    | Limit                               | Ends              |
|--|------------|-------------------------------------|-------------------|
| 1987 (meets every other year in odd years) | January 17 | 60 calendar days--for per diem only | Probably late May |

Fig. 2. Nevada Legislature.

**SENATE**  
 President - Lt. Governor William P. Hobby\*, D  
 President Pro Tem - Carlos F. Truan, D  
 25 Democrats, 8 Republicans

**HOUSE**  
 Speaker - Gibson Lewis\*, D  
 Speaker Pro Tem - Hugo Berlanga, D  
 94 Democrats, 56 Republicans

**GOVERNOR**  
 Bill Clements, R  
 Length of term - 4 years  
 No. of previous terms - 1  
 Maximum consecutive terms allowed by constitution - no limit

- \*Has appointment powers
- Senate committee chairpersons are appointed by the President of the Senate, who is the Lieutenant Governor; House chairpersons are appointed by the Speaker.
- Senate committee members are appointed by the President of the Senate, who is the Lieutenant Governor; House committee members are appointed by the Speaker.
- Time limit for bill introduction: 60th calendar day of regular session--except for local bills, resolutions, emergency appropriations, all emergency matters submitted by governor in special messages to the legislature.
- Two-thirds of those present--both houses--required to overturn governor's veto.
- During session, bill becomes law 10 days after passage unless vetoed by governor; after session, bill becomes law 20 days after adjournment of legislature unless vetoed by governor.
- Effective date of enacted legislation: 90 days after adjournment.

| Session                                    | Started    | Limit             | Ends   |
|--|------------|-------------------|--------|
| 1987 (meets every other year in odd years) | January 13 | 140 calendar days | June 1 |

Fig. 3. Texas Legislature.

**SENATE**  
 President Pro Tem - S.L. "Slim" Rasmussen, D  
 Majority Leader - Ted Boltiger\*, D  
 Minority Leader - Jeanette Hagmer, R  
 25 Democrats, 24 Republicans

**HOUSE**  
 Speaker - Joseph King\*, D  
 Majority Leader - Pat McMillen, D  
 Minority Leader - Clyde Ballard, R  
 61 Democrats, 27 Republicans

**GOVERNOR**  
 Booth Gardner, D  
 Length of term - 4 years  
 No. of previous terms - 0  
 Maximum consecutive terms allowed by constitution - no limit

- \*Has appointment powers
- Senate committee chairpersons appointed by majority caucus; House chairpersons appointed by Speaker with the majority caucus.
- Senate committee members appointed by President of the Senate, who is the Lieutenant Governor, with the majority caucus; House committee members appointed by Speaker with the majority caucus.
- Time limit for bill introduction: no introductions during final 10 days of regular session. Exception--appropriations bills, substitute bills reported by standing committees for bills pending before such committees.
- Two-thirds of members present--both houses--required to overturn governor's veto.
- During session, bill becomes law five days after passage unless vetoed by governor; after session, bill becomes law 20 days after adjournment of legislature unless vetoed by governor.
- Effective date of enacted legislation: 90 days after adjournment.

| Session               | Started    | Limit  | Ends     |
|-----------------------|------------|--|----------|
| 1987 (meets annually) | January 12 | In odd years, 105 calendar days; in even years, 60 calendar days | April 26 |

Fig. 4. Washington Legislature.