CHAPTER 26 The Texas Executive and Bureaucracy

Learning Objectives

After reading this chapter you should be able to

* Define the key terms at the end of the chapter.
* Differentiate between the federal executive of the U.S. and the plural executive of Texas.
* Describe Texas Constitutional requirements to become Governor and remuneration.
* Explain the formal roles of the Texas Governor.
* Discuss the various ways that the governor can approve and disapprove bills.
* Explain why the Texas Governor is considered a “weak” governor and how a smart governor can strengthen their position.
* Differentiate between a pardon, a reprieve, and a commutation and discuss the entities which wield these powers.
* Discuss the powers of the Lieutenant Governor and explain why they are so formidable.
* Define the roles of the other four statewide elected offices in Texas.
* Discuss the various positions the Texas Governor can appoint.
* Explain how the Texas Bureaucracy works.
* Discuss how the Texas budget is prepared and approved.
* Analyze how Texas controls its bureaucracy and explain how it supervises itself.

# CSi and the texas prison system

Scientific advances have repudiated the convictions of some Texas convicts. New methods of analysis have proven that the people convicted of crimes are innocent. Unfortunately, the State of Texas executed Cameron Willingham in 2004 before a new technique could prove his innocence. In order to stop these kinds of mistakes, Governor Perry signed HB 1068, which created the Texas Forensic Science Commission. This commission is charged with the oversight duties of criminal labs across the state. Although some doubt its effectiveness, others applaud the effort as the first step towards better, and fairer, justice in Texas.

Chapter Overview

Texas’ Executive Branch operates as a plural executive, meaning numerous elected officials, not just the Texas Governor, run the Texas Bureaucracy. Texans elect a Governor, but they also elect a Lieutenant Governor, Attorney General, Comptroller, Land Commissioner and Agriculture Commissioner. Unlike other states, which allow their governor to appoint these positions, Texas has weakened the power of its governor significantly. Although weak, the Texas Governor still has a strong veto power and the power to appoint some board and commission members.

## What the Constitutional Says: The Plural Executive

The Texas Bureaucracy shares power and responsibility. In addition to the six elected officials and the Secretary of State, who is appointed, the Texas Bureaucracy has over 200 boards and commissions running things. Most of the boards and commissions are appointed by the Governor, but the Texas Railroad Commission and the State Board of Education are elected. This plural executive was established through the 1876 Texas Constitution, because of the infamous acts of the last reconstruction governor, E. J. Davis. Texans in the Post-Davis era wanted to be sure that his abuses of power never happened again.

## The Texas Governor

The Texas Governor is both weak and powerful. Although most of his official powers have been severely restricted, he does have a very strong veto power. His unofficial powers can also be very strong, if used correctly. If we ever write a new Constitution, the governor’s powers will most likely be increased.

Constitutional requirements and office perks are rather self explanatory. The qualifications to become Texas Governor are very easy to satisfy; U.S. Citizen, 30 years old and 5 year Texas resident. Additionally, the governor is barred from holding any other office. Although the Texas Legislature authorized an increase in the Texas Governor’s salary, Governor Perry declined to accept it. The current salary for the Texas Governor remains at $115,345 per year. They also get the use of the Governor’s Mansion in Austin.

As with our U.S. President, the Texas Governor fills many roles. As the chief legislator for Texas, the Texas Governor tracks legislation and to make the final decision on whether to veto a bill, or not. The Texas Governor has three choices; Sign the bill into law, allow the bill to become law without his signature, or veto the law. Although the legislature can override a veto, they almost never get the chance, since it is usually out of session when the Governor vetoes bills. Sometimes the governor will call a special session, but this is not something done lightly as it is considered extremely expensive and Texas is a rather frugal state.

Other roles of the Texas Governor are rather limited. The governor has little input into the Texas budget, but very strong input into its final approval, as the governor can use their full veto or line-item veto power on appropriation bills. As Commander in Chief, the governor directs the state militia through the adjutant general, appointed by the governor. As Chief Executive Officer, the main function of the governor is to appoint members to the 200+ Texas boards and commissions. As for the law enforcement function, the governor has very little direct power beyond a 30 day stay of execution. Clemency and commutation to a lesser sentence must come from the Texas Board of Pardons and Paroles. Although the Texas Governor has many roles, the powers within them are very few, and generally weak.

## Other Officials in the Executive

Contrary to the Texas Governor’s powers, the other statewide elected officials have much authority over their departments. The Lieutenant Governor holds little power in the executive branch, but as head of the Texas Senate, the Lieutenant Governor wields very strong powers. The Attorney General issues advisory opinions on Texas law and represents the state in all suits upon which the state is a party. They also spend a great deal of time collecting child support payments. The Comptroller of Public Accounts collects taxes and certifies the budget. The Agricultural Commissioner promotes and markets Texas’ agricultural products abroad. Also, and perhaps more importantly, the Agricultural Commissioner ensures that all measuring devices are accurate. The General Land Commissioner manages the 20+ million acres of state land and awards leases for mineral and grazing rights. The leases profits go to fund the Texas Permanent School Fund.

The governor can appoint over 3000 people in a four year term, but the two most important positions are the Secretary of State and the Adjutant General. The Secretary of State collects, reports, and certifies state election results. The Adjutant General commands the Texas State Guard, the Texas Army National Guard and the Texas Air National Guard. The governor’s staff spends most of their time on vetting and approving appointments.

## Boards, Commissions, and Regulatory Agencies

Texas has over two hundred agencies and boards, and their main function is to regulate the economy. The most important agency is considered to be the Texas Railroad Commission, which also regulates the oil and gas industry in addition to the railroads. The Texas Commission on Environmental Quality regulates Texas’ natural resources particularly as it relates to public health. Most board members are appointed for six-year terms, although the Railroad Commissioners are elected to six-year terms.

## How the Texas Bureaucracy Works

What government does for citizens is the job of our bureaucracy. Bureaucracy implements the laws passed by the legislature. And yet, the bureaucracy will always try to expand its scope and power. Therefore be wary of bureaucracy and only allow it the power that it needs, and not what it would like.

The full range of an agencies power is determined by the legislature, but the interpretation of how to implement the law is up to the agency. This implementation process is called rule making. The agency will make, and post, the rules for public consumption and comment. They may, or may not, make changes based on the public comments, and then they will enact the rules. Many times the rules work out just fine, but other times they need to be changed, and will then go through the rule making process again. In some cases, the public will sue the agency, and the case will be heard by an administrative court judge, who will then make his/her own interpretation of the legislature’s intent. Either way, the agency will still administer the rules.

One of the Executive Branch’s main duties is to make sure a balanced budget is created every two years. The comptroller determines the amount of revenue before the start of every session, and then certifies the budget is balanced afterwards. The lieutenant governor assists the Senate in making sure the budget is proposed, re-written and finalized. The legislature as a whole makes sure the budget is authorized, and then appropriates the proper funds. The governor makes sure the budget is balanced by cutting with a line-item veto, or altering an agencies appropriation. If the appropriation is adjusted, the governor is limited to no more than a 10% cut or a 5% increase, and all changes are subject to the approval of the Legislative Budget Board, which is chaired by the lieutenant governor. Sometimes it’s hard for all these groups to function together effectively.

There are checks to the growth and power of the bureaucracy. The legislature created the Sunset Advisory Commission to conduct mandatory reviews of every agency. Several agencies have been abolished, or merged, due to the commission’s recommendations. Another check on these agencies are the numerous people who work for them. Many civil servants will make public any irregularities in the system, if the need arises. Although we count on the agencies to work for us, we will not tolerate them working against us.

Key Terms

plural executive

ad valorum taxes

item veto

senatorial courtesy

reprieve

commutation

pardon

advisory opinions

rule making

enabling language

**balanced budget**

**Economic Stabilization Fund**

**Division of Budget and Planning**

**sunset provisions**

# Research and Resources

For up to date information on the Texas Governor, go to the governor’s website: <[www.governor.state.tx.us/](http://www.governor.state.tx.us/)>. You will see a list of priorities and what the governor plans to do about them. If you happen to be in Austin, you can also visit the Governor’s Mansion. (Note: the Governor’s Mansions closed in October of 2007 for extensive remodeling, and burned in June of 2008 as the result of arson. Please check the Governor’s website for updates on the progress of the Mansion’s renovations. )

Lieutenant Governor: <[www.senate.state.tx.us/75r/LtGov/Ltgov.htm](http://www.senate.state.tx.us/75r/LtGov/Ltgov.htm)>

For help with agencies and services, visit the TexasOnline Portal website; <[www.texasonline.com](http://www.texasonline.gov)> The Texas State Library is also a good source for current policies and information about numerous state agencies. <[www.tsl.state.tx.us/](http://www.tsl.state.tx.us/)>

Texas Attorney General: <[www.oag.state.tx.us/](http://www.oag.state.tx.us/)>   
Comptroller of Public Accounts: <[www.cpa.state.tx.us/](http://www.cpa.state.tx.us/)>   
Commissioner of the General Land Office: <[www.glo.state.tx.us/](http://www.glo.state.tx.us/)>   
Commissioner of Agriculture: <[www.agr.state.tx.us/](http://www.agr.state.tx.us/)>   
Secretary of State: <[www.sos.state.tx.us/](http://www.sos.state.tx.us/)>  
Adjutant General: <[www.agd.state.tx.us/](http://www.agd.state.tx.us/)>

Boards and Commissions

Railroad Commission: <[www.rrc.state.tx.us/](http://www.rrc.state.tx.us/)>  
Texas Education Agency: <[www.tea.state.tx.us/](http://www.tea.state.tx.us/)>  
Texas State Board of Education: <[www.tea.state.tx.us/sboe/](http://www.tea.state.tx.us/sboe/)>  
Texas Higher Education Coordinating Board: <[www.thecb.state.tx.us/](http://www.thecb.state.tx.us/)>   
Texas State Board for Educator Certification: <[www.sbec.state.tx.us/](http://www.sbec.state.tx.us/)>

# Using Your Knowledge

1. Are you thinking of being a teacher? If so check out the website for Educator Certification. Or if you are interested in what Higher Education is doing, look at the THECB website to see all the initiatives the state is doing to make your college a better place for you to learn.

2. Ever wonder about all the elections we have? Look at the Secretary of State’s website to look at past results and upcoming elections. You can search results by county, city, or town.

3. Ever wonder where your tax dollars come from, and how they are spent? Look at the Comptroller of Public Accounts website. You can look at all the taxes that are collected in addition to sales taxes. You can also see where the money is spent. If you have any questions about what you are looking at, send them an e-mail.

# Getting Involved

Why not take part in the next General Election? Voting Administrators in every county are looking for people to man the polls, and you will get paid for your time. People are needed not only on the Tuesday we vote, but also for the two weeks before during the absentee voting period. Call your voting Administrator today, to help out your state, your county and your community.

Sample Exam Questions

Multiple-Choice Questions

1. What term describes our multimember elected officials who are responsible for administering of the state’s government?

a. legislative bureaucracy

b. administrative tapestry

c. community administration

d. multiple mission management

e. plural executive

2. Who is the only Texas Governor to be impeached?

a. James Ferguson

b. Preston Smith

c. E. J. Davis

d. James Hogg

e. Sam Houston

3. Which of the following qualifications are necessary to be Texas Governor?

a. Texas resident for 10 years

b. Thirty years old

c. Must be registered to vote

d. Must own property

e. All of these

4. Currently, what is the salary Texas Governor?

a. $4000

b. $7200

c. $25,825

d. $78,315

e. $115,345

5. What method can the Texas Governor use to eliminate spending in an Appropriations Bill, without vetoing the whole bill?

a. discretionary caps

b. pocket veto

c. item veto

d. executive privilege

e. executive clemency

6. What keeps the Texas Governor from nominating, then renominating the same person for the same office, over and over, and over again?

a. Gubernatorial nominees can only serve one term.

b. Gubnernatorial nominees are limited in power and scope.

c. A rejection by the Texas Senate bars them from further service.

d. Texas Governor is only allowed one nomination per office.

e. Texas Comptroller can block any subsequent nominations to the same office.

7. Which entity writes the official, Texas’ biennial budget?

a. Texas Governor’s Office

b. Texas Comptroller

c. Texas Attorney General

d. Secretary of State

e. Legislative Budget Board

8. By themselves the Texas Governor can only grant which of the following for convicted felons, without the help of the Texas Board of Pardons and Paroles?

a. Clemency

b. Pardon

c. Commutation

d. 30 day Reprieve

e. None of these

9. Currently, what is the salary of Texas’ Lieutenant Governor?

a. $4000

b. $7200

c. $25,825

d. $78,315

e. $115,345

10. Which entity officially certifies the Legislature’s Budget as balanced?

a. Texas Governor

b. Texas Comptroller

c. Texas Attorney General

d. Secretary of State

e. Legislative Budget Board

11. Which entity has the main responsibility for collecting child support payments?

a. Texas Governor’s Office

b. Texas Comptroller

c. Texas Attorney General

d. Secretary of State

e. Adjutant General

12. Which entity has the main responsibility for collecting, recording and certifying election results?

a. Texas Governor’s Office

b. Texas Comptroller

c. Texas Attorney General

d. Secretary of State

e. Adjutant General

13. Which entity has the duty of regulating the oil and gas industry?

a. Texas Railroad Commission

b. Texas Transportation Agency

c. Texas Commission on Environmental Quality

d. Texas Alcoholic Beverage Commission

e. Texas Air Quality Agency

14. Which Texas agency has the duty of monitoring air quality in Texas?

a. Texas Railroad Commission

b. Texas Transportation Agency

c. Texas Commission on Environmental Quality

d. Texas Alcoholic Beverage Commission

e. Texas Air Quality Agency

15. Which Supreme Court Justice said, “Many people consider the things which government does for them to be social programs, but they consider the things government does for others to be socialism?”

a. Thurgood Marshall

b. Felix Frankfurter

c. John Paul Stevens

d. John Marshall

e. Earl Warren

16. Which entity determines the scope and organization of an agency?

a. Texas Governor’s Office

b. Texas Legislature

c. Texas Comptroller

d. Texas Supreme Court

e. Texas Attorney General

17. To what entity can one challenge an agency’s rules or interpretation of law?

a. Legislative Budget Board

b. Texas Governor

c. Secretary of State

d. Administrative law judges

e. Texas Lieutenant Governor

18. Which of the following is commonly known as the State of Texas’ “rainy day fund?”

a. Texas Lottery Profits Fund

b. Permanent School Fund

c. Economic Development and Trade Fund

d. Teacher Retirement Pension Fund

e. None of the above

19. Which entity has the constitutional duty of certifying the Legislative budget?

a. Texas Governor’s Office

b. Texas Legislature

c. Texas Comptroller

d. Texas Supreme Court

e. Texas Attorney General

20. Which of the following steps is not needed to formulate a balanced budget in Texas?

a. Planning and Preparation

b. Public Hearings and Input

c. Authorization and Appropriation

d. Governor’s Approval

e. All are necessary steps

21. With the approval of the Legislative budget Board, the Texas Governor can cut up to what percent out of an agencies budget?

a. 3%

b. 5%

c. 7%

d. 10%

e. 15%

22. Normally the state of Texas’ Fiscal Year begins on the first of what month?

a. September

b. October

c. November

d. December

e. January

23. In what month does Texas’ fiscal year begin?

a. February

b. April

c. June

d. September

e. October

24. Which agency periodic reviews of every state agency to determine whether the agency should continue, be merged with another agency or scrapped?

a. Railroad Commission

b. Sunset Advisory Commission

c. Legislative Budget Board

d. Texas Attorney General Review Committee

e. Texas Governor’s Blue Ribbon Commission

25. When corruption occurs in a Texas agency, who usually brings these problems to light?

a. Texas Attorney General

b. Adjutant General

c. Civil Servants

d. Secretary of State

e. None of the above

Essay Questions

1. What are the main roles of the Texas Governor and what are his/her duties in each role?

2. Why is the Lieutenant Governor of Texas considered the most powerful politician in the state?

3. Explain the numerous steps of the budgetary process in Texas.

4. Discuss the numerous options that the Texas Governor has in approving, or not approving, bills. Remember to include how the legislature being in session, or not, affects the governor’s option.

5. Explain how the Texas Bureaucracy is kept in check.

Answers to Multiple-Choice Questions

1. e

2. a

3. b

4. e

5. c

6. c

7. e

8. d

9. b

10. b

11. c

12. d

13. a

14. c

15. e

16. b

17. d

18. e

19. c

20. b

21. d

22. a

23. d

24. b

25. c