



The Texas Executive Branch Part I

A Texas governor has only two happy days: the day he is inaugurated and the day he retires.

Gov. Joseph D. Sayers, 1898-1902



The Texas Executive Branch

- Compared to the US president or the chief executives of other states, the Texas governor occupies a weak office.
- The main source of the weakness can be found in the historical conditions surrounding the Texas Constitution of 1876.
- After Reconstruction, the authors of the new constitution sought to rein in future governors by dispersing power that might otherwise be found in the chief executive among many independently elected officials.



The Texas Executive Branch

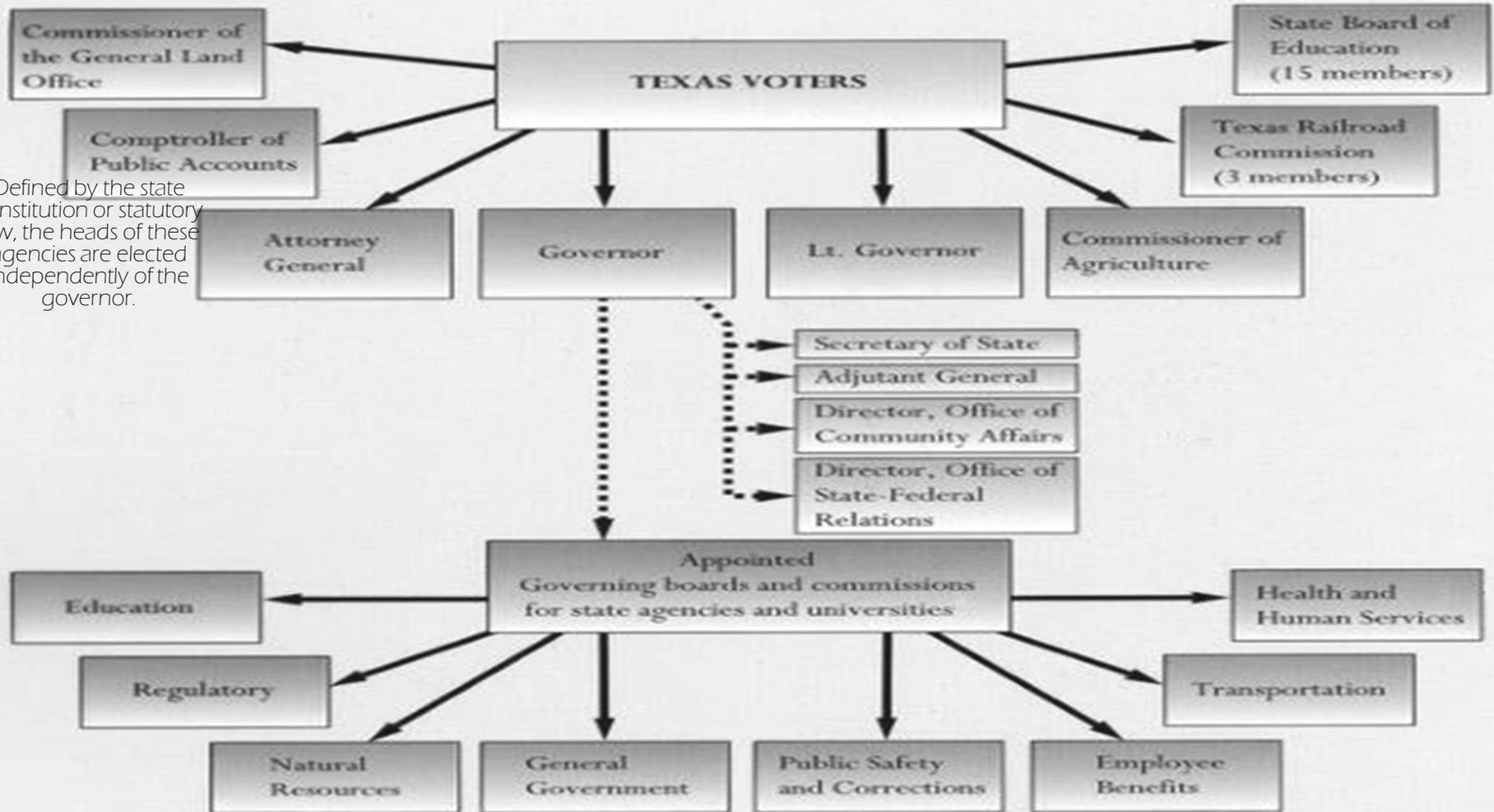
Broad powers over the legal system, state budget and finances, education, transportation, agriculture, public utilities and land development are delegated to officials who need not share the policies of nor even be of the same political party as the governor.





The Texas Executive Branch

Defined by the state constitution or statutory law, the heads of these agencies are elected independently of the governor.

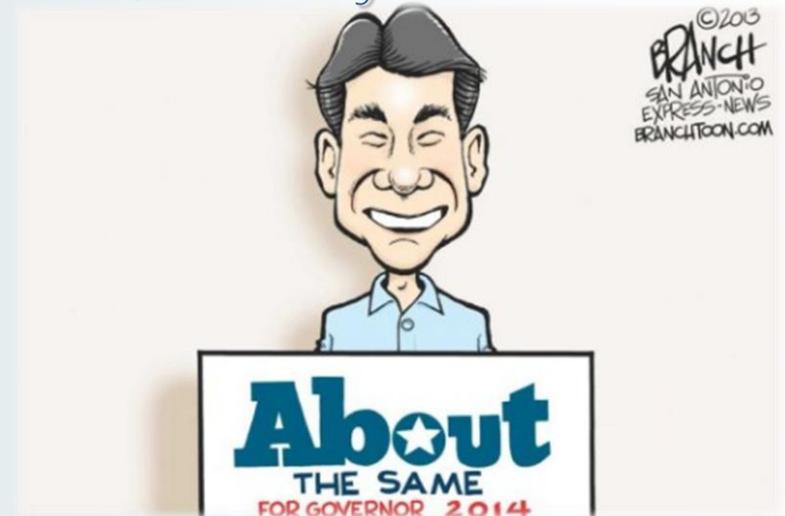


..... Appointed by the governor with confirmation by the senate



The Governor: Qualifications

- an American citizen
- at least thirty years of age
- resident of state for five years preceding election
- traditionally: white, male, middle-aged, conservative and a lawyer, rancher/farmer or oilman, wealthy or access to money
- solid Democrat until 1979, solid Republican since 1995





Governors of Texas

Governor	Party	Term	Age	Vetoed	Left Office	Occupation
Richard Coke	Democrat	1874-1876	43	24	Resigned	Lawyer/Farmer
Richard B. Hubbard	Democrat	1876-1879	43	0	Defeated	Lawyer
Oran M. Roberts	Democrat	1879-1883	63	13	Retired	Lawyer/Educator
John Ireland	Democrat	1883-1887	56	10	Retired	Lawyer
Lawrence Sul Ross	Democrat	1887-1891	48	7	Retired	Farmer/Soldier
James S. Hogg	Democrat	1891-1895	39	21	Retired	Lawyer/Educator
Charles A. Culberson	Democrat	1895-1899	39	33	Retired	Lawyer
Joseph D. Sayers	Democrat	1899-1903	57	41	Retired	Lawyer
Samuel Lanham	Democrat	1903-1907	56	32	Retired	Lawyer
Thomas M. Campbell	Democrat	1907-1911	50	32	Retired	Lawyer/Railroad Exec.
Oscar B. Colquitt	Democrat	1911-1915	49	60	Retired	Lawyer/Editor
James E. Ferguson	Democrat	1915-1917	43	29	Impeached	Banker/Lawyer/Farmer
William P. Hobby	Democrat	1917-1921	39	19	Retired	Editor
Pat M. Neff	Democrat	1921-1925	49	58	Retired	Lawyer/Educator
Miriam A. Ferguson	Democrat	1925-1927	49	30	Defeated	Housewife
Dan Moody	Democrat	1927-1931	33	101	Retired	Lawyer
Ross Sterling	Democrat	1931-1933	55	7	Defeated	President of Mobil Oil
Miriam A. Ferguson	Democrat	1933-1935	57	24	Retired	Housewife
James V. Allred	Democrat	1935-1939	35	48	Retired	Lawyer
W. Lee O'Daniel	Democrat	1939-1941	57	48	Retired	Businessperson/Salesperson
Coke Stevenson	Democrat	1941-1947	53	56	Retired	Lawyer/Banker/Rancher
Beauford Jester	Democrat	1947-1949	54	19	Died	Lawyer
Allan Shivers	Democrat	1949-1957	41	76	Retired	Lawyer
Price Daniel	Democrat	1957-1963	46	42	Defeated	Lawyer/Educator/Rancher
John Connally	Democrat	1963-1969	45	103	Retired	Lawyer/Rancher
Preston Smith	Democrat	1969-1973	46	92	Defeated	Businessperson
Dolph Briscoe	Democrat	1973-1979	49	72	Defeated	Rancher/Banker
Bill Clements	Republican	1979-1983	61	78	Defeated	Oilman
Mark White	Democrat	1983-1987	42	95	Defeated	Lawyer
Bill Clements	Republican	1987-1991	69	112	Retired	Oilman
Ann Richards	Democrat	1991-1995	57	62	Defeated	Teacher/Campaigner
George W. Bush	Republican	1995-2000	48	95	Resigned	Oilman/Businessperson
Rick Perry	Republican	2000-2015	50	248	Retired	Farmer/Rancher
Greg Abbott	Republican	2015-	57	95	Current	Lawyer



The Governor: Term of Office

- four-year term ... increased from two years by a constitutional amendment adopted in 1972 ... no limitations on the number of terms of office
- Elections are held in even-numbered years not coinciding with the national presidential elections (2002, 2006, 2010, 2014, 2018, etc)

Moore Texas by Roger Moore Allan Shivers
ran against himself in the 1952 Texas Governor's
race by being on both parties' ballots.





The Governor: Removal from Office

- May be removed through a process of impeachment and removal by the legislature.
- **impeachment**: process through which house accuses an executive or judicial branch official of misconduct serious enough to warrant removal from office

- House may impeach the governor by majority vote.
- Senate conducts a trial and may remove by a 2/3 vote.

Order of Gubernatorial Succession

Lieutenant Governor
Senate president pro
tempore
Speaker of the House
Attorney General
Chief Justices of Courts of
Appeals, in order:
District 1 (Houston)
District 2 (Fort Worth)
District 3 (Austin)
District 4 (San Antonio)
District 5 (Dallas)
District 6 (Texarkana)
District 7 (Amarillo)
District 8 (El Paso)
District 9 (Beaumont)
District 10 (Waco)
District 11 (Eastland)
District 12 (Tyler)
District 13 (Corpus Christi)
District 14 (Houston)



The Governor: Compensation

Compensation Type	Texas Governor	Other Governors	U.S. President
Salary	115,345	101,420 ^a	400,000
Staff	198	39 ^b	794 ^c
Access to State Transportation:			
Automobile	✓	49 of 49	✓
Airplane	✓	39 of 49	✓
Helicopter	✓	25 of 49	✓
Official Residence	✓	44 of 49	✓

Source: Derived from *The Book of the States, 2002* (Lexington, Ky: the Council of State Governments, 2000), p. 148-9. OMB, fiscal 2004 Executive Office of the President budget request (<http://www.whitehouse.gov/omb/budget/fy2004/pdf/appendix/EOP.pdf>).

^a Median salary, all 50 governors. Range: 65,000 (Nebraska) to 179,000 (New York). Texas governor ranks 20th.

^b Median number of staff members, all 50 governors. Range: 15 (Nebraska) to 310 (Florida). Texas governor ranks 3rd.

^c Total White House compensable full-time civilian workforce, 2002. Total for entire Executive Office of the President: 1669.



The Governor: Staff Support

- around 250 full-time professional staff members, who serve at the pleasure of the governor
- includes chief of staff, general counsel, press secretary, etc
- The size of the governor's staff has grown over the years because state government has become larger and more complex.

What does the governor do?

Activity	Percent of Time Spent
Managing state government	29%
Working with the legislature	16
Meeting the general public	14
Performing ceremonial functions	14
Working with press and media	9
Working with federal government	7
Working with local governments	7
Carrying out political activities	6
Recruiting and appointing	6
Doing miscellaneous activities (staff, interstate, reading, phoning)	16



Offices of the Governor

The Offices of the Governor are created under statutory authority and serve to assist the governor in policy development, budgeting and planning, and coordination of policy among agencies and governments. Some 200 people, appointed by the governor, serve in these offices.

**Advisory Council on Physical Fitness
Appointments Office
Budget, Planning, and Policy
Commission for Women
Committee on People with Disabilities
Constituent Communications
Criminal Justice Division
Economic Development & Tourism
Financial Services
General Counsel
Homeland Security
Human Resources
Press Office
Scheduling and Advance
State Grants Team
Texas Film Commission
Texas Health Care Policy Council
Texas Military Preparedness Commission
Texas Music Office
Texas Workforce Investment Council**



Powers and Responsibilities of the Governor

The dispersal of executive powers among the different elements of the executive branch requires the governor to use carefully those powers given directly to him/her.

CONSTITUTIONAL AND STATUTORY ROLES

Chief Executive

Chief Legislator

Commander in Chief/Top Cop

Chief of State

Chief Intergovernmental Diplomat

Judicial Powers

INFORMAL AND SYMBOLIC ROLES

Chief of Party

Leader of the People



Powers and Responsibilities of the Governor: Institutional

- **appointments:** about 200 boards, commissions and agencies oversee the daily operation of government ... governor makes several hundred appointments to these various entities
- allow governor to place allies in strategic locations in state government ... a critical asset in efforts to establish and carry out policies



- **patronage:** award supporters and curry favor with rival political leaders and office holders



Powers and Responsibilities of the Governor: Institutional

- appointments
 - **mutually reinforcing**: rewards for past support are likely to increase future support
 - Can be used to establish a **political tone**, to signal a governor's intention to pursue a particular political or policy strategy but the interpretations of these signals can be difficult to control.
 - **interim appointment**: If a vacancy occurs while the legislature is *not* in session, appointees can serve until the senate convenes and takes up confirmations.





Powers and Responsibilities of the Governor: Appointments

Agency Heads Appointed by the Governor

Secretary of State
Adjutant General
Commissioner of Education
Commissioner of Health and Human Services
Commissioner of Insurance
Director, Office of State-Federal Relations

With the exception of the Secretary of State, which is authorized under the Texas constitution, these administrative positions were created under statutory law giving appointment power to the governor.

Governing Boards and Commissions Appointed by the Governor

Business and Economic Development
Director, Department of Housing and Community Affairs
Education
General Government
Health and Human Services
Natural Resources
Public Safety and Criminal Justice
Transportation
Regulatory

Some 200 state agencies, including universities, are assigned by statutory law the responsibilities for the administration of public policy in these areas. Members of the governing bodies are appointed by the governor with the approval of the senate, and those boards appoint the agency executives.



Powers and Responsibilities of the Governor: Institutional

- appointment limitations
 - most require **confirmation** by 2/3 state senate
 - **senatorial courtesy**: custom allowing the senator of the district in which a nominee lives to object, knowing his/her senate colleagues will not vote to confirm
 - Most appointees serve **staggered 6-year terms** and governors cannot fire their predecessors' appointees. It is usually several years into a governor's term before most boards and commissions are controlled by his/her appointees.



Powers and Responsibilities of the Governor: Institutional

- appointment limitations
- Voters elect several key offices – Lieutenant Governor, Attorney General, Comptroller of Public Accounts, etc – who don't necessarily feel loyalty to the governor and may not even be from the same political party.

- Greg Abbott shapes government with appointees, including big donors



Limits on the Governor's Appointment Power

- Plural Executive
- No Cabinet
- Elected Judiciary
- Senatorial Confirmation
- Senatorial Courtesy
- Staggered Terms
- Six Year Appointments
- Interest Group Support
- Public Support
- Removes Only Own Appointees
- Statutory Appointment Restrictions



Powers and Responsibilities of the Governor: Institutional

- budgetary powers
 - Although the Texas Constitution requires the governor to submit budget proposals to the legislature, the Legislative Budget Board (LBB) also prepares a budget and it carries more weight than the governor's.
- The most important power of the governor for influencing the budget is the **line-item veto**.

Very Weak 1	Weak 2	Weak 3	Moderate 4	Strong 5	Very Strong 6	Very Strong 7
FL	IN SC ↓	AL ID KY LA ME NM NV NY RI UT WA	AR AZ CO HI IA MA MS NC ND NH OR PA VT WI 🇺🇸	CA CT GA KS MI MT NE OH OK SD WI WV WY	IL MD MN MO NJ TN VA	AK DE

Policy Powers of Governors and the US President

🇺🇸 U.S. President ↓ Texas



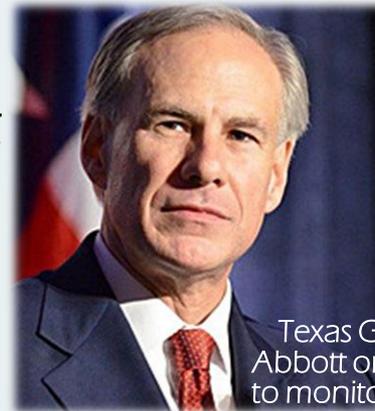
Powers and Responsibilities of the Governor: Institutional

- budgetary powers
 - **budget execution authority:** (with the concurrence of the LBB) the power to cut spending or transfer money between agencies during periods when the legislature is not in session
 - A popular governor is able to call attention to a budgetary need and put the LBB in the position of having to say no. However, he/she must be able to convince the public and key actors in the process that the need is real.



Powers and Responsibilities of the Governor: Institutional

- law enforcement and military powers
 - appoints the three-member board that heads the **Department of Public Safety** (with senate confirmation)
 - empowered to assume command of the **Texas Rangers** when circumstances warrant (a rare event)
 - **commander-in-chief of the Texas National Guard** when the state's units have not been placed under the command of the US president
 - appoints the **Adjutant General**: heads Texas Guard units



Texas Governor Greg Abbott orders state militia to monitor the US military



Powers and Responsibilities of the Governor: Legislative

- **State of the State address**: message on the condition of the state delivered to the legislature at the beginning of each legislative session
- **veto**: refusal by the chief executive to approve a bill passed by the legislature (Has a limited time to act.)
- **line-item veto**: the authority of the governor to veto sections or items of an appropriations bill while signing the remainder of the bill into law
- The legislature can **override** a governor's veto by a 2/3 vote of each chamber if it is still in session. Since Texas became a state, the legislature has successfully overridden only about 3%.





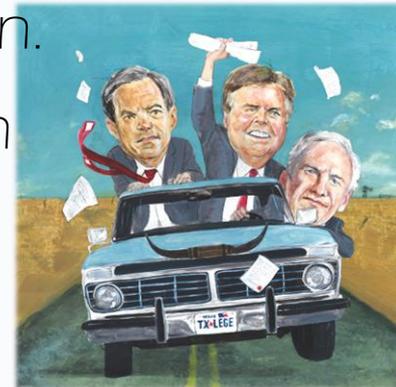
Powers and Responsibilities of the Governor: Legislative

- call special sessions of the legislature
 - Only the governor can call the legislature into session outside its regular 140-day session.
 - Special sessions last 30 days and only the governor may set the **agenda** (although he/she may cut deals with members regarding what goes on the agenda).
 - Most governors call special sessions for just a few topics but Gov. Hobby called one in 1919 to address 253 topics.



Powers and Responsibilities of the Governor: Legislative

- call special sessions of the legislature
- The Texas Constitution places no limits on the number of special sessions a governor can call.
- The record holder in recent times was Gov. Clements, who called 8 during his second 4-year term.
- Governors often use the *threat* of special sessions to push action on their agendas during the regular session.
- A 30-day special session costs roughly \$1 million.
- see also *The Texas Legislature Part III* presentation





Powers and Responsibilities of the Governor: Legislative

- an example
 - After the 2005 regular session of the Texas Legislature, Gov. Rick Perry vetoed funding for public education in the 2006-2007 state budget and called the legislature into a special session to cut property taxes and reform the funding system for public education.

- By eliminating \$35 billion of spending for public education, Gov. Perry hoped to pressure the legislature into doing something it was unable to do during its regular session.

BACK TO SCHOOL.





Powers and Responsibilities of the Governor: Judicial

- On recommendation of the Board of Pardons and Paroles, *may grant reprieves, commutations and pardons.*
- Can either approve or reject the board's recommendations on pardons or sentence reductions.
- **reprieve**: postponement of the implementation of punishment for a criminal offense (in death penalty cases, can issue one 30-day reprieve)
- **commutation**: reduction of punishment for a criminal offense
- **pardon**: exemption from punishment for a criminal offense (*not* a finding of innocence)



Powers and Responsibilities of the Governor: Judicial

- can make recommendations to the Board of Pardons and Paroles
- nominates appellate and district judges to fill vacated posts until the next election

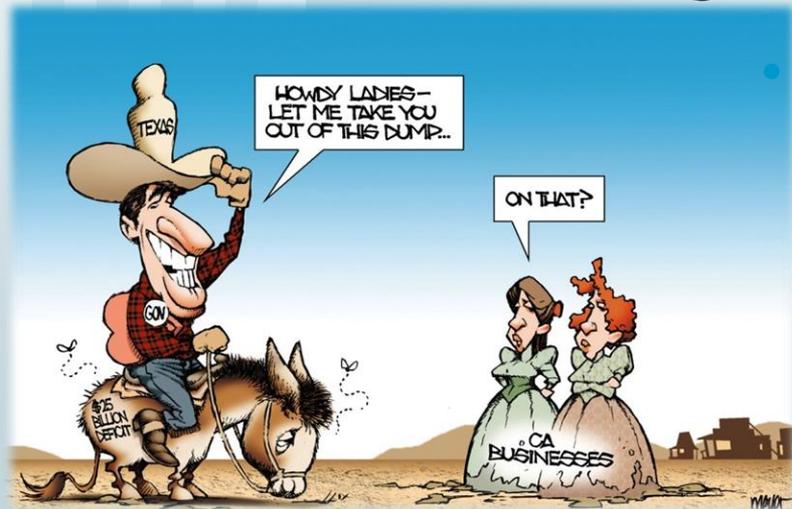


Gov. Abbott to appoint former AG staffer, Jimmy Blacklock, to vacancy on Texas Supreme Court



Powers and Responsibilities of the Governor: Head of State

- **figurehead**: the symbolic leader the public most readily identifies with state government
- As **ceremonial leader** of the state, the governor greets foreign leaders, speaks at local chamber of commerce luncheons, issues proclamations on state holidays, shakes hands with visiting community groups, etc.



- In recent decades, the governor has acted as an **international salesman** for Texas products and as a **recruiter** for bringing business to the state.



Powers and Responsibilities of the Governor: Head of State

- **political party leadership:** unofficial leader of his/her political party in the state but this does not offset the institutional political base other executives possess
- As politics has become more competitive, the governor has spoken out on partisan controversies and campaigned for his/her party's candidates in state and national elections.



Gov. Abbott opened the 2016 Texas Republican Convention



Powers and Responsibilities of the Governor: Persuasion

- The Texas governor must share power with other executive officers. Despite having fewer resources and more limitations, modern governors can be successful in implementing their priorities and policies.
- The constitutional and historical contexts that have shaped their office require governors to reconcile the public expectation of leadership with limited institutional powers.





Powers and Responsibilities of the Governor: Persuasion

- It is crucial for the Texas governor to exercise the power to persuade.
 - With limited real executive power, he/she must find indirect and informal ways to build on limited formal powers.
 - Governors must be able to utilize their public position as a figurehead to influence politics and policy.
 - Using personality and image in public media to build and maintain loyalty of both voters and powerful political elites is the key to exercising this influence.



Governor's Informal Powers: The Five Ps

- personality
- political expertise
- press relations
- prestige
- public support / popularity



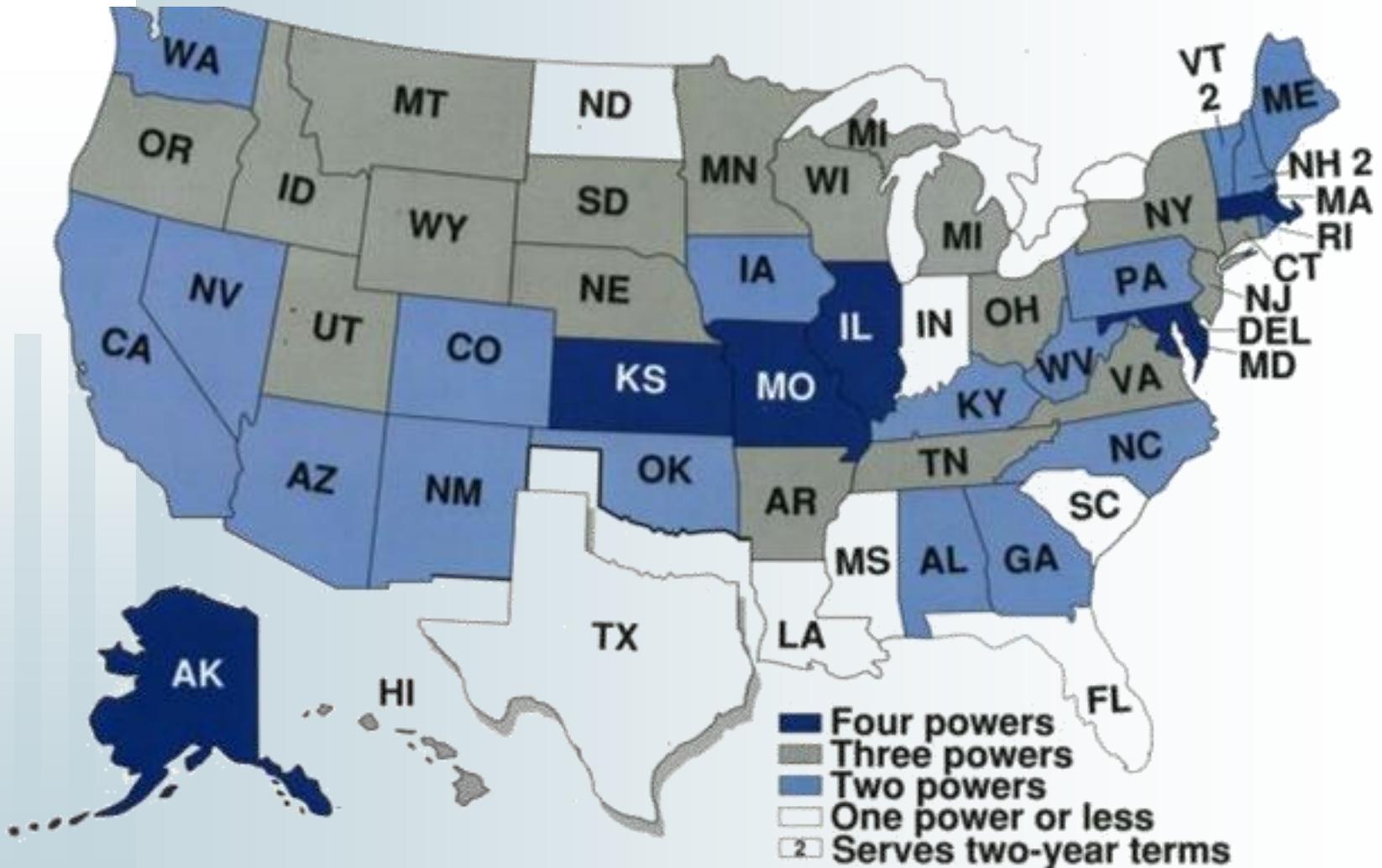


Measuring Gubernatorial Power

- The official powers of the governor of Texas ranked 49th in the nation based on an index created to measure the powers of state governors.
- A number of political scientists believe that the unofficial and informal powers are at least as important as the constitutional/legal authority of the governor.
- The informal political resources of the governor include political bargaining skills, negotiating skills, communicating skills.



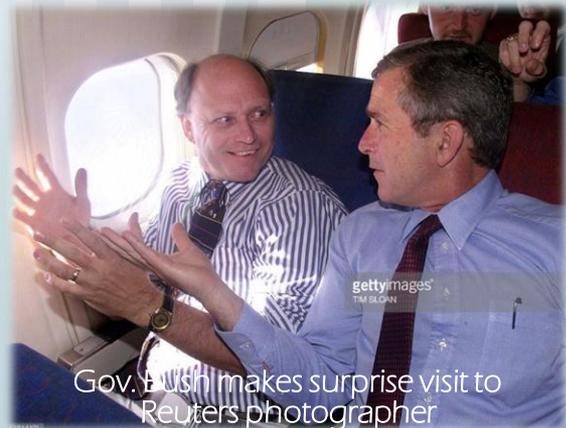
Constitutional Powers of State Governors





Measuring Gubernatorial Power

- **example:** The success of Gov. George W. Bush in dealing with the legislature was because he set limited goals for himself and communicated regularly with legislators.
- Gov. Bush targeted policy areas high on the official policy agenda and worked closely with Speaker of the House Pete Laney and Lieutenant Governor Bullock to ensure passage of his programs.



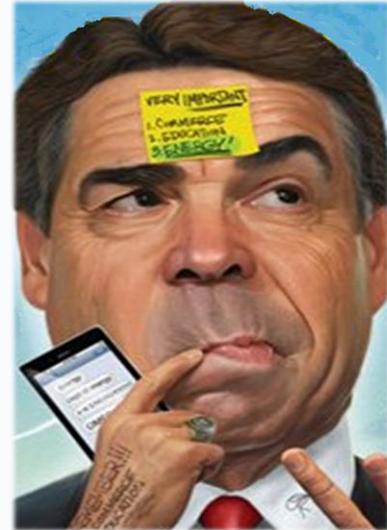
Gov. Bush makes surprise visit to Reuters photographer

- At the same time Gov. Bush avoided controversies by persuading the legislature to kill controversial bills.



Measuring Gubernatorial Power

- **example:** Gov. Rick Perry did not enjoy a similar type of experience with the legislature.
- Gov. Perry had poor relationships with the legislative leadership and even ignored the legislative process until bills reached his desk.
- The governor was forced to take public stands on a number of controversial measures.
- He also vetoed numerous bills which angered legislators and lobbyists.
- Weak Governor System, With a Strong Governor
- Abbott's The Texas Plan





Elected Executive Officials: The Plural Executive

- The dispersal of power among different officials creates a plural executive.
- Unlike the national system, where cabinet secretaries and the other top executive officers serve at the pleasure of the president, Texas voters elect the corresponding officials, giving the governor no direct authority over them.
- Party leadership may encourage unity among candidates, but campaign organizations operate independently of each other.



Electing Executives in Texas and the States

Office	Number States Electing	Texas
Governor	50	✦
Lieutenant Governor	42	✦
Attorney General	43	✦
Treasurer	37	a
Secretary of State	36	
Auditor	25	
Education Commissioner/Superintendent	15	
Comptroller	13	✦
Agriculture Commissioner	12	✦
Board of Education	7	✦ b
Insurance Commissioner	6	
Land Commissioner	5	✦
Labor Commissioner	5	
Railroad Commissioner	1	✦ c
Adjutant General	1	

✦ Texas

Source: Derived from *The Book of the States, 2002*,
(Lexington, Ky: the Council of State Governments, 2000),
pp. 161-8.

^a Function of elected office of Treasurer, abolished in 1995,
shifted to Comptroller.

^b State Board of Education's fifteen members are elected by
districts.

^c Three Railroad Commission members are elected statewide
to staggered terms.



Elected Executive Officials: The Plural Executive

This arrangement produces an executive branch whose officials jealously guard their jurisdiction, power and prerogatives ... everyone defends his/her turf and the governor lacks any formal power to dictate or referee.





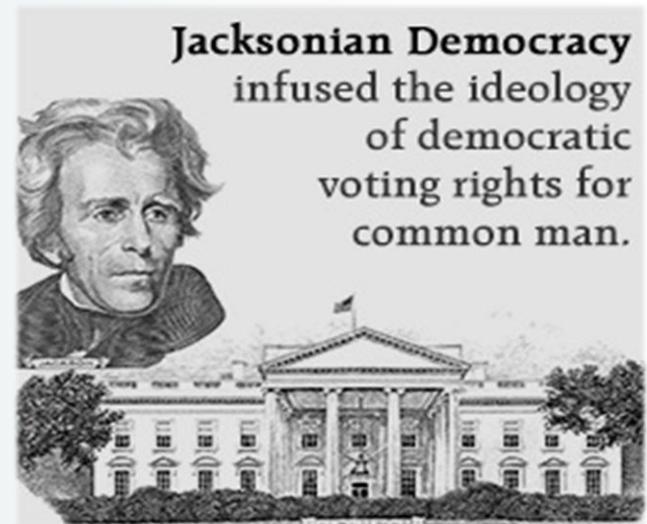
The Executive Bureaucracy

- decentralized executive bureaucracy ... lacks cohesion, with different executives and their agencies often pursuing different goals
- No one official is in charge of the entire executive structure.
- designed to guard against excessive concentration of power in one person or department
- a legacy of Jacksonian democracy and the post-Reconstruction distrust of central authority



The Executive Bureaucracy

- **Jacksonian democracy:** view associated with Andrew Jackson that the right to vote should be extended to all adult male citizens and all government offices of any importance should be filled by election
- includes boards, agencies, offices, departments, committees, councils and commissions, encompassing a wide array of public officials
 - elected executive officials
 - appointed executive officials
 - elected boards and commissions
 - appointed boards and commissions





*continued in
The Texas Executive Branch Part II*