



The Texas Executive Branch Part II

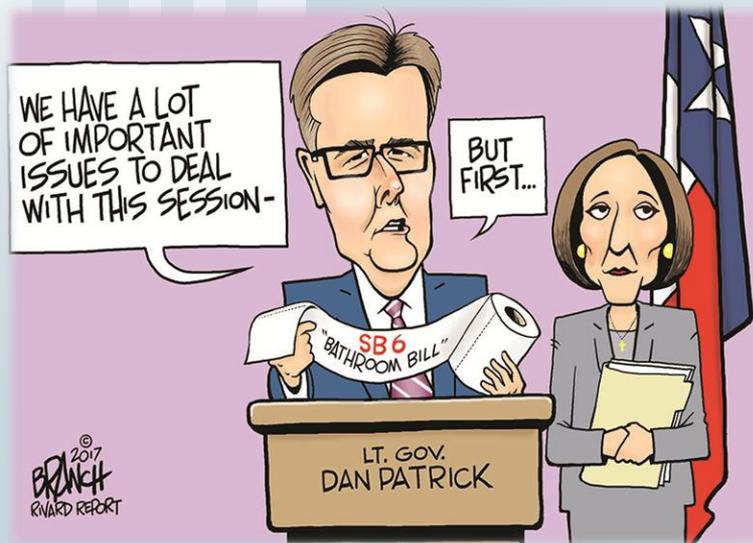
A Texas governor has only two happy days: the day he is inaugurated and the day he retires.

Gov. Joseph D. Sayers, 1898-1902



Elected Executive Officials: Lieutenant Governor

- elected to 4-year term
- acting governor when the governor is out of the state
- first in line of succession to the governor's office
- most important powers lie in role as presiding officer of the senate (see *The Texas Legislature Part II* presentation)



- chair of the Legislative Budget Board and the Legislative Council, vice-chair of the Legislative Audit Committee and the Legislative Education Board, one of five members of the Legislative Redistricting Board



Elected Executive Officials: Lieutenant Governor

- has exerted growing influence in lawmaking and in administration and public policy since WWII
- length of term of office was constitutionally extended from 2 to 4 years beginning with the election of 1974
- historically customary not to seek reelection to second term but have served ever more numerous terms since the 1890s ... increased longevity in office can increase informal influence, legislative expertise and ability to consolidate control over senate committees
- The Coup Against Dew



Dan Patrick, Lieutenant Governor



Powers and Duties of the Lieutenant Governors and the US Vice-President

Very Weak		Weak		Moderate		Strong		Very Strong	
0	1	2	3	4	5	6	7		
KY	AK	HI	MA	CA	CT	AR	AL		
UT	CO	IN	MI	DE	SD	SC	MS		
	FL	IA	NM	GA			↓		
	IL	LA	NY	ID			VT		
	KS	VA	NC	MO					
	MD	🇺🇸	OK	NE					
	MN		PA	NV					
	MT		WA	ND					
	OH			RI					
	WI								

🇺🇸 U.S. Vice-President ↓ Texas

Source: Derived from *The Book of the States*, 2002 (Lexington, Ky: the Council of State Governments, 2000), p. 176-7. Lieutenant governors and the vice-president accumulate points as follows: +1 for presiding over senate; +1 for appointing senate committees; +1 for power to break roll-call ties; +1 for power to assign bills; -1 if chief executive assigns duties; -1 if member of chief executive's cabinet/advisory body; +1 for acting as chief executive when the chief executive is out of state. Point totals are rescaled to range from 0-7.

Eight states have no lieutenant governor (AZ, ME, NH, NJ, OR, TN, WV, and WY).



Elected Executive Officials: Attorney General

- elected to 4-year term
- *state's attorney* ... represents state government and its various components in court
 - legal role is *primarily civil* rather than criminal
 - on crime and safety issues limited to providing support and advice to officials and promoting public awareness
- Among the issues promoted in recent years are environmental issues, health protection, civil rights and consumer issues such as product safety, deceptive advertising and fraud protection. In most cases, action on particular issues reflected the priorities of the officeholder.



Elected Executive Officials: Attorney General

- renders legal advice to state, local officials and agencies in the form of opinions
- **Opinions** on the legality or constitutionality of proposed or enacted laws or on the actions or policies of government agencies can have significant impact on public policy.
- Any state or local official can request a legal opinion and the resulting opinion **has the effect of law** unless it is altered or overturned by the legislature or a court.
- Another significant and sensitive area of action is **child support collection**.





Elected Executive Officials: Comptroller of Public Accounts

- elected to 4-year term
- state's **chief tax administrator**: collects taxes on behalf of the state and facilitates payment of those taxes by providing forms, schedules and other taxpayer assistance
- responsible for **returning abandoned money and property**
- responsible for **safekeeping of state's revenue**
- The abolition of the office of Treasurer in 1996 transferred additional power to the hands of the comptroller, such as investing state deposits so as to generate additional revenue.



Elected Executive Officials: Comptroller of Public Accounts

- estimates state revenues for the next biennium at the beginning of each legislative session and certifies that the state's appropriation bill falls within the revenue estimate
- Certification is required before the appropriation bill can become law unless the legislature agrees by a 4/5 vote to adopt an unbalanced budget.
- Though Comptroller Robert Love was shot to death at his desk in the Capitol in 1903, neither he nor any other comptroller has ever been overridden.

**Texas Comptroller
of Public Accounts**





Elected Executive Officials: Commissioner of General Land Office

- elected to 4-year term to head Texas General Land Office
- operates the **veterans' land program**: state bonds are used to underwrite low-interest loans to military veterans for land purchases
- **administers use of all state-owned lands**: leasing for gas and oil production, mining and grazing, and monitoring environmental quality of public lands and waters
- large amount of public land in the state ... resources, particularly energy, found on many of these lands
- decisions affect hundreds of millions of dollars in economic activity



Elected Executive Officials: Commissioner of General Land Office

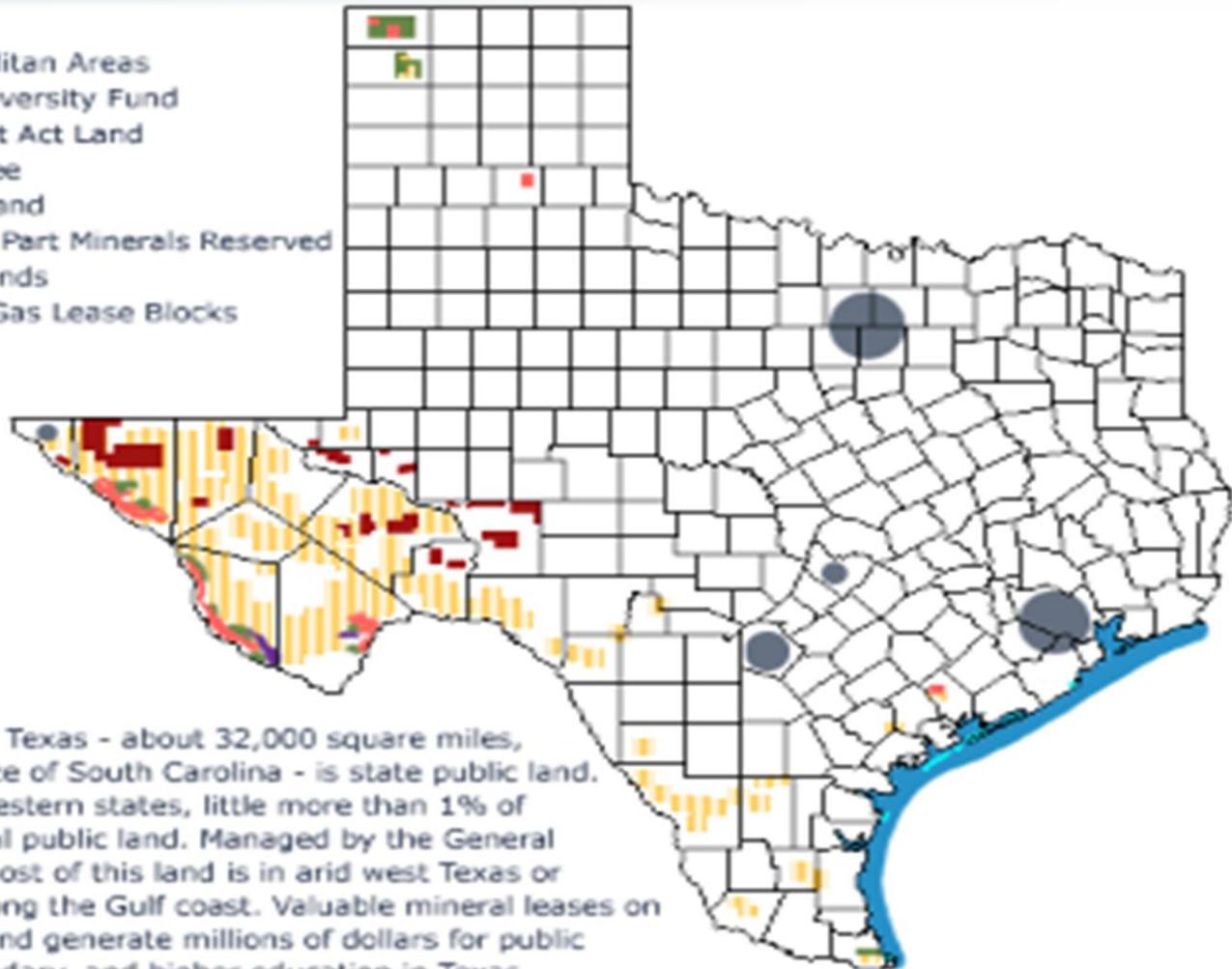
- Environmental protection, particularly along the coast, has frequently been treated as secondary to generating economic growth.
- often comes under criticism for doing too little to protect coastal areas
 - recent increased efforts to monitor coastlines and respond to water quality problems as they are detected ... implementation of a beach monitoring program resulted in improvement in state's ratings by environmental groups (though Texas was one of the last states to undertake such efforts)





Texas Public Lands

- Major Metropolitan Areas
- Permanent University Fund
- Relinquishment Act Land
- School Land Fee
- Free Royalty Land
- Surface Sold - Part Minerals Reserved
- Submerged Lands
- State Oil and Gas Lease Blocks



Nearly 12% of Texas - about 32,000 square miles, an area the size of South Carolina - is state public land. Unlike most western states, little more than 1% of Texas is federal public land. Managed by the General Land Office, most of this land is in arid west Texas or submerged along the Gulf coast. Valuable mineral leases on parts of this land generate millions of dollars for public primary, secondary, and higher education in Texas.



Elected Executive Officials: Commissioner of Agriculture

- elected to 4-year term to head Texas Department of Agriculture
- Texas is second leading overall agricultural producer in US (behind CA).
- enforces state's **weights and measures laws** (grocery and produce scales), including annual checks on gas pumps to ensure their accuracy
- administers **school lunch program**: federal program that provides free or reduced-cost lunches to children of poor families



Elected Executive Officials: Commissioner of Agriculture

- enforces all statutes relating to agriculture
 - cover matters such as food inspection, animal quarantine laws, licensing, disease and pest control (including pesticide safety), promoting exports, etc
 - As large-scale corporate producers have displaced small producers in the agricultural economy, the agriculture commissioner's regulatory decisions and policies have become matters of interest to major economic actors in the state.
 - must balance interests in consumer and environmental protection with the promotion of economic production





Appointed Executives

- Secretary of State
 - most significant appointed executive official
 - **chief election officer**: responsible for uniform application, operation and interpretation of election laws
 - oversees the voter registration process, including cooperating in voter registration drives with civic and service organizations
 - **keeps records of all debt and Uniform Commercial Code filings** ... Every time someone borrows money from a bank or any other financial institution in the state, a copy of the loan agreement is filed with the Secretary of State's office.



Appointed Executives

- other examples
 - head of the Texas Education Agency
 - Commissioner of Education (an administrative post, not a voting member of the State Board of Education)
 - Director of the Office of Community Affairs
 - Executive Commissioner of the Texas Health and Human Services Commission
 - Adjutant General of TX National Guard
- governor exercises direct authority over these offices.

Texas Adjutant General Air Force
Maj. Gen. John Nichols





Elected Boards and Commissions: Texas Railroad Commission

- 3-member commission whose members are elected to serve 6-year overlapping terms
- originally established to enforce state laws concerning railroads, but its duties have expanded to other areas ... ended all controls over railroads in 2005 (but kept the name)
- regulates commercial vehicle transportation, gas utilities, liquefied petroleum gas, and oil and gas exploration
- regulates oil and gas production in the state and protects the rights of producers and royalty owners



Elected Boards and Commissions: Texas Railroad Commission

- one of the most powerful bodies in the state government ... has evolved in response to historical changes in the state and nation
- As the oil and gas industries developed and sought to integrate their production and distribution operations, they ran into populist obstacles involving state restrictions on monopoly market arrangements.
- A compromise was struck in which large-scale petroleum and natural gas corporations were allowed to grow, but oil and gas pipelines were placed under the regulatory authority of the TRRC.





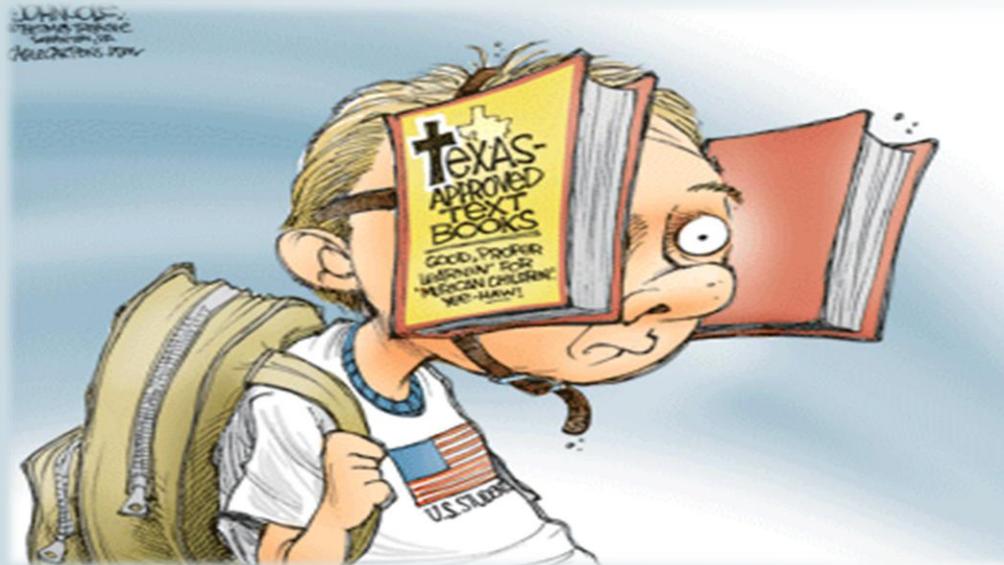
Elected Boards and Commissions: Texas State Board of Education

- board of 15 members who are elected to serve 4-year staggered terms
 - originally created as an elected body but one of several public school reforms passed in 1984 made it an appointed board ... in 1987 Texans voted by a wide margin to return to an elective board
- oversees the investment of the money in the [Permanent School Fund](#), which in turn generates investment income known as the Available School Fund, distributed annually to Texas school districts on a per-student basis under laws passed by the legislature



Elected Boards and Commissions: Texas State Board of Education

- approves curricula and selects textbooks for use in the state's public schools
- recent issues: teacher and student testing, charter schools, equitable distribution of funding and other resources, content of school curricula, etc





Appointed Boards and Commissions

- Appointed commissions comprise a substantial part of the executive branch.
- They constitute a wide array of unpaid individuals appointed to serve as board members of commissions (which may also be called departments, boards, councils, or authorities) within the executive branch.
- These agencies perform a wide variety of functions and they are a challenge to classify; however, it is possible to group many by form or function.
- governor exercises direct authority over these positions



Appointed Boards and Commissions: Administrative Departments

- implement policy and carry out basic state functions
- examples
 - Texas Department of Criminal Justice
 - Lottery Commission.
 - Office of Housing and Community Affairs





Appointed Boards and Commissions: College and University Boards

- oversee the state's public colleges and universities
- University boards consist of nine members appointed by the governor, with senate concurrence to serve overlapping 6-year terms.
- Examples include the University of Texas Board of Regents and the Texas A&M Board of Regents.



Appointed Boards and Commissions: Licensing Boards

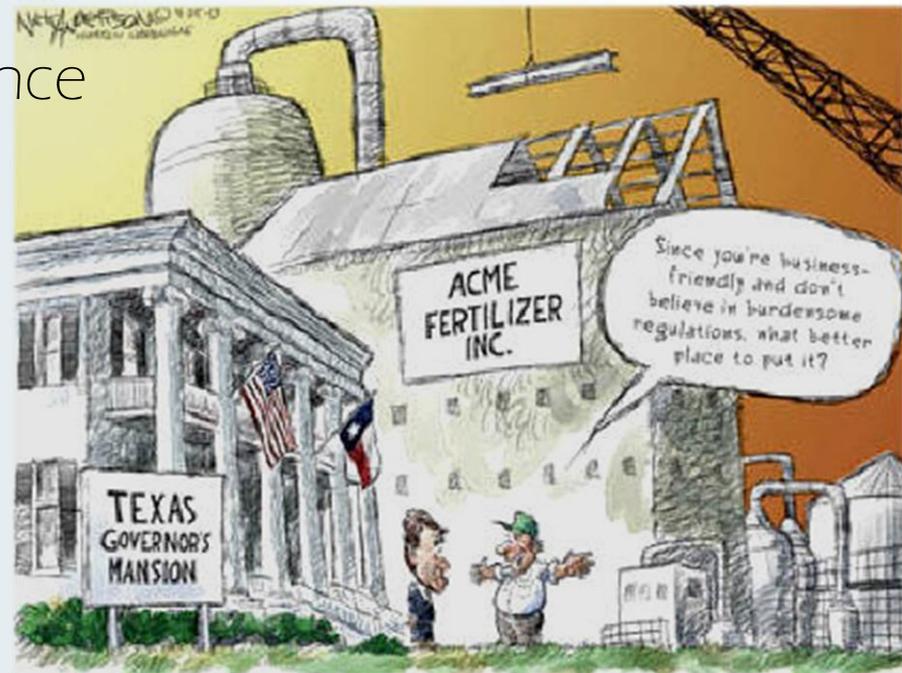
- license and regulate various professions
- examples
 - Board of Chiropractic Examiners
 - Cosmetology Commission
 - Polygraph Examiners Board
 - State Board of Acupuncture Examiners
 - Board of Examiners of Marriage and Family Therapists





Appointed Boards and Commissions: Regulatory Boards

- regulate various areas of business and industry
- examples
 - **Public Utility Commission:** jurisdiction over telephone and electric power companies
 - Texas Department of Insurance
 - **Texas Alcoholic Beverage Commission:** regulates all aspects of the production, distribution and sale of alcoholic drinks in the state





Appointed Boards and Commissions: Social Service Agencies

- facilitate the receipt of federal funds and promote the interests of particular groups in society
- examples
 - Governor's Committee on People with Disabilities
 - Diabetes Council
 - Cancer Council.
 - Alzheimer's Disease and Related Disorders Council





Appointed Boards and Commissions: Promotional/Preservation Agencies

- promote economic development or preserve the state's historical heritage
- examples
 - Food and Fiber Commission
 - Texas Historical Commission
 - Texas Film Commission
 - Texas Music Office
 - Historical Records Advisory Board





Types of Administrative Agencies, by Mode of Leadership Selection and Number of Leadership Position

Four leadership schemes (see next slide) simplify sometimes-complex agency leadership organization in Texas. Only a few agencies fill top leadership positions through the **electoral process**. The **governor with senate confirmation appoints** the leaders of most agencies.

In rare cases the **governor chooses indirectly from someone else's list**.

For example, the governor appoints the Fire Fighters Pension Commissioner, with senate consent, from a list of 3 to 10 nominees submitted by the State Firemen's Association of Texas and the Texas State Association of Fire Fighters.

Somewhat differently, the governor appoints the Health and Human Services (HHS) Commissioner and members of various boards, committees, commissions and councils under the HHS umbrella, but the Commissioner in turn appoints deputy commissioners to head major departments.



Types of Administrative Agencies, by Mode of Leadership Selection and Number of Leadership Position

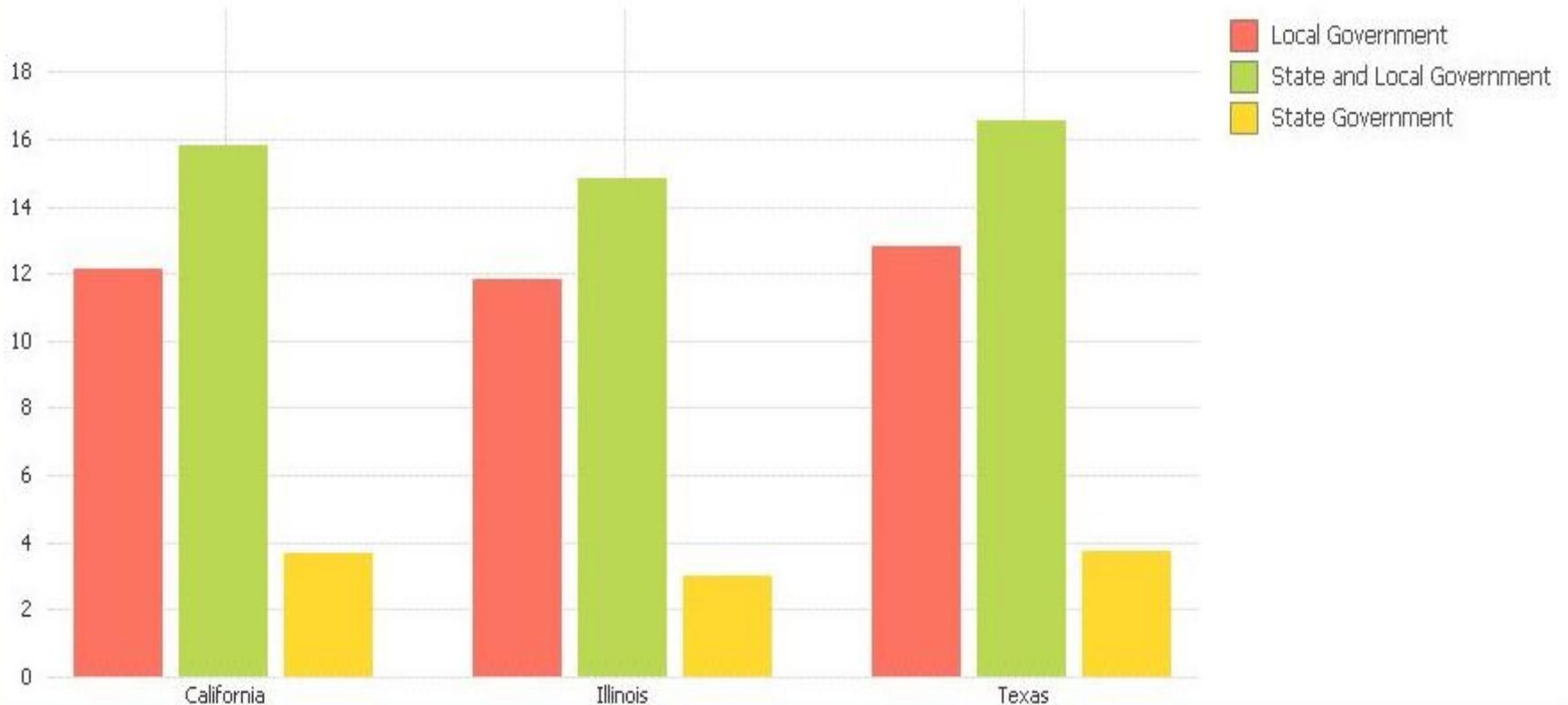
		Number of Leadership Positions	
		One	Many (members)
Mode of Selection	Election	<ul style="list-style-type: none"> • Department of Agriculture • General Land Office • Office of Attorney General • Office of Lieutenant Governor • Office of the Comptroller of Public Accounts 	<ul style="list-style-type: none"> • State Board of Education (15) • Texas Railroad Commission (3)
	Appointment	<ul style="list-style-type: none"> • Adjutant General • Department of Insurance • Health and Human Services Commission • Office of Public Utility Counsel • Office of Secretary of State 	<ul style="list-style-type: none"> • Commission on Environmental Quality (3) • Higher Education Coordinating Board (15) • Lottery Commission (3) • Parks and Wildlife Commission (9) • Public Utility Commission (3) • University of Teas System (9)



Texas State and Local Employees

Number of public employees per 100 private employees

2013





Texas Sunset Advisory Commission

- created under the authority of the [1977 Texas Sunset Act](#) ... established to periodically review each state agency and make recommendations for either reform or abolition
- The first commission also saw fit to adopt a set of [across-the-board good government recommendations \(ATBs\)](#) to which all agencies should conform.
- [ATBs](#): statutory administrative policies adopted by Sunset Commission that contain good government standards for state agencies ... outgrowth of Sunset Act's review criteria, resulting from recurring problems identified through hundreds of reviews ... designed to ensure open, responsive and reflective government



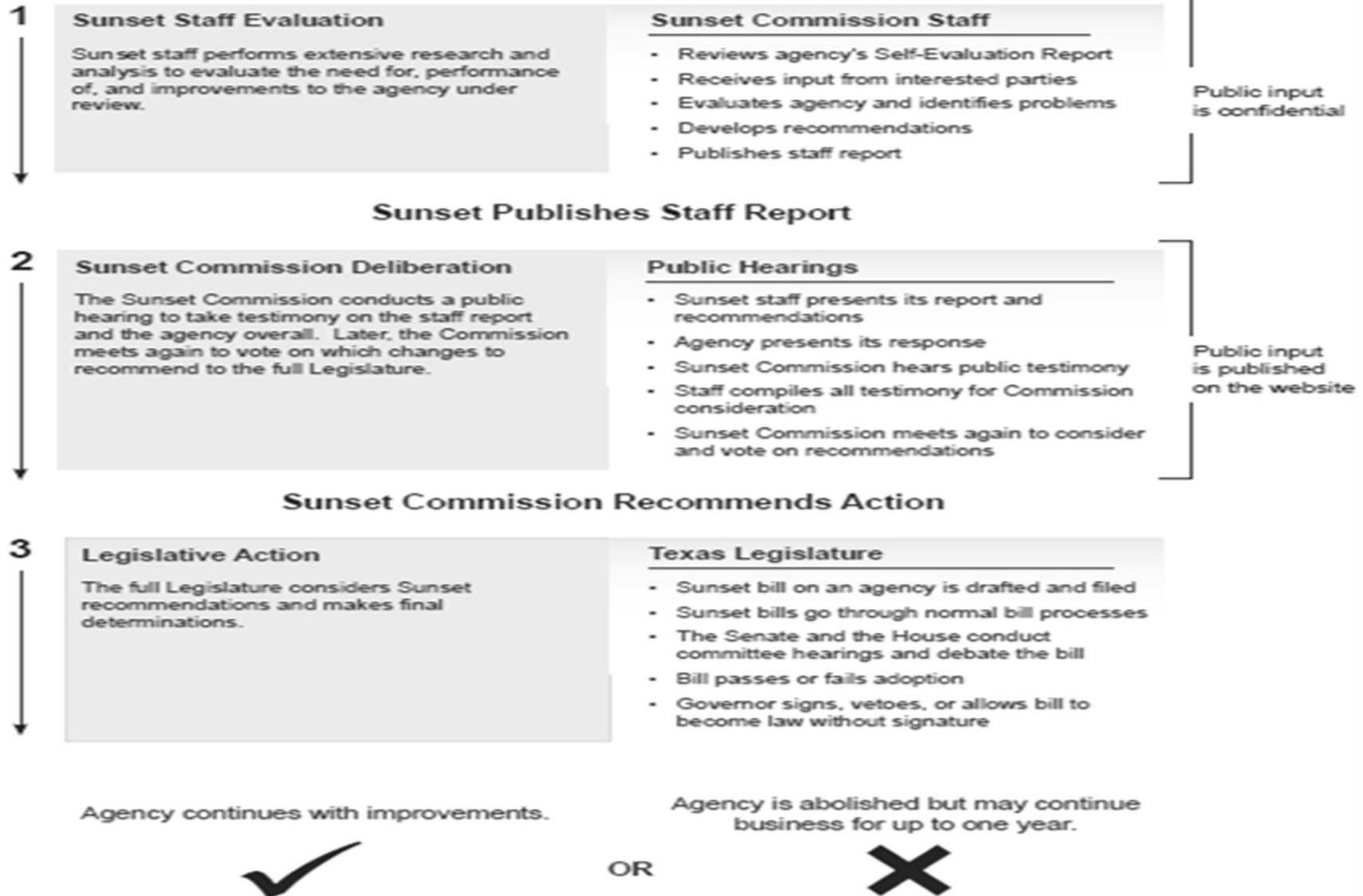
Texas Sunset Advisory Commission

- The initial list of ATBs has been updated and expanded over the years based on recurring problems identified in agency reviews.
- The first list of ATBs focused on the management of salaried employees (career ladders, merit pay and equal employment opportunity).
- Recent emphasis has been on the membership, conduct and oversight of the hundreds of agency boards.





The Sunset Process





Privatization in Texas

- Texas has become a leader in **privatization**: the process that involves the government's contracting with private business to implement government programs.
- privatization of public services in Texas includes
 - health care and social welfare services
 - the housing of the state's prison inmates in private correction facilities
 - the lottery





The Executive Branch and the Policymaking Process

- The governor and the various agencies and departments of the executive branch play an important role in the policymaking process.
- Administrative policymaking in Texas is a complex process involving the legislature, governor, interest groups and the executive branch bureaucracy.
- legislature
 - The legislature has ultimate control over most administrative agencies.
 - It has ongoing oversight and administrative control, including **sunset review**: the periodic evaluation of state agencies by the legislature to determine whether they should be reauthorized.



The Executive Branch and the Policymaking Process

- legislature
 - The sunset review process involves the agency facing review, the Sunset Advisory Commission, the legislature and the governor.
 - The legislature also uses the committee system and the Legislative Budget Board to oversee the executive bureaucracy.
- governor
 - The legal/constitutional powers of the governor for influencing administrative policymaking are relatively weak, but the line-item veto and threat of veto can be effective weapons at times.





The Executive Branch and the Policymaking Process

- interest groups
 - Numerous interest groups in Texas are vitally concerned with the programs administered by various state agencies.
 - These groups can use a number of approaches and strategies for influencing the state bureaucracy, for example, lobbying and campaign support.



The Executive Branch and the Policymaking Process

- bureaucrats
 - State employees are primarily concerned with their own jobs in their own departments in their own agencies.
 - Bureaucrats rally to protect their departments and programs against proposed budget cuts or reorganizations.
 - Bureaucrats have resources with which to defend their interests, and they find power in alliances with legislative leaders and interest groups.





The Governor and the Policymaking Process

- The governor possesses ample tools to be a successful leader in agenda setting, policy formulation and policy adoption.
 - offers policy initiatives on any subject
 - presents a budget to the legislature
 - calls the legislature into a special session for the sole purpose of considering the governor's proposals
 - possesses veto power
- The governor is weaker in the areas of policy implementation and evaluation.
- [Who's Afraid of Texas?](#)



The End

