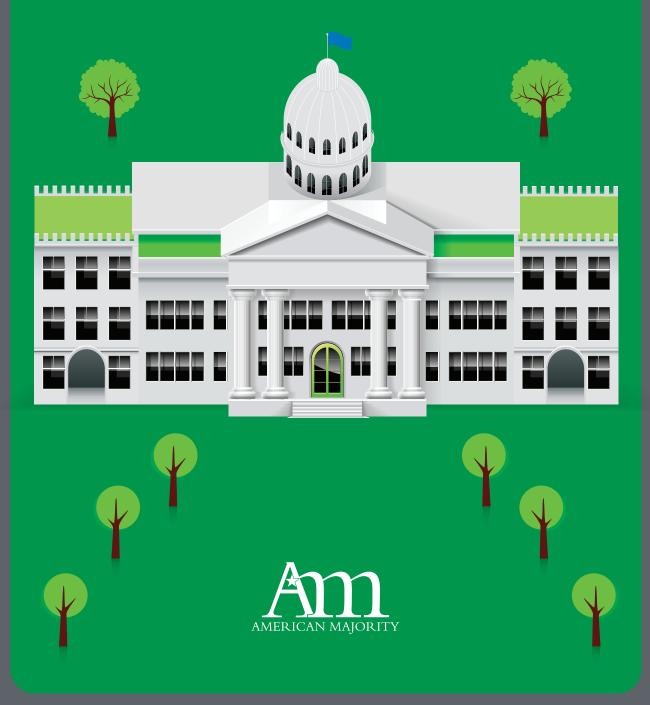




STATE LEGISLATIVE MANUAL



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Introduction2
What is a State Legislature?
The Legislative Process6
The Budget9
Tension between the State Legislature and the Federal Government10
Considering Running for State Legislature 11
Reform Agenda12
State Data 13
Endnotes
American Majority Overview 21
Connecting with American Majority





Introduction

Young Frenchman Alexis de Tocqueville visited the United States in 1830, when the republic was a little over 50 years old. As he traveled the country and studied American government at both the federal and state level, he was struck by what he observed. "The form of the federal government of the United States appeared last," he later recorded in Democracy in America.

"The great political principles that govern American society today were born and developed in the state.... It is therefore the state that one must know to have the key to all the rest."

Essentially, Tocqueville explained, America grew from the bottom up. Before the U.S. Constitution ever articulated our principles of freedom, the concepts of self-government and representative assembly were being tested, tried, and practiced in America's pre-Revolution colonial assemblies. When the colonies declared independence from Great Britain, these colonial assemblies became sovereign governments, responsible for raising troops, printing currency, and determining rules of commerce for their states. So by the time the Constitution was finally passed several years later, these colonial assemblies turned sovereign governments turned state legislatures had generations of experience.

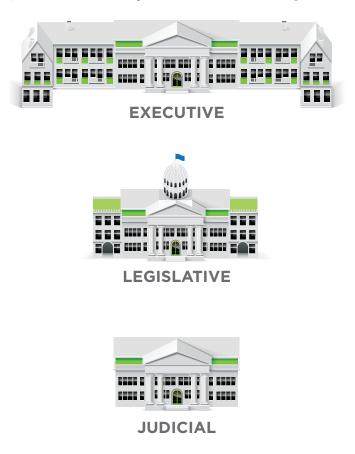
In our era of instant media, it is actually easier to find what's happening in Washington, D.C., at a given moment than in our state capital, even if the latter is only a few miles down the road. But this constant focus on the national scene skews our perspective of how our country grew from the beginning—from the bottom up. In short, if we want to understand how the federal government is meant to run, we need a proper understanding of how our state governments run. And a good place to start is the "first" branch of state government: the legislature.





What is a State Legislature?

The Tenth Amendment to the U.S. Constitution informs us that the American people—and, by extension, their elected state governments—have the responsibility for exercising any governmental power not specifically assigned to the federal government: "[T]he powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."² And while state constitutions assign varying powers to their legislative bodies, state legislatures, directly or indirectly, exercise great influence over a state's commerce; local governments; education, health care, and justice systems; social services; and public safety. They decide how taxpayers' money should be spent, approve the appointment of judges and other important officials, and work with (or sometimes against) the state governor to form policy. In short, the state legislature has tremendous responsibilities.



Each state government in the Union, like the federal government, has three branches: legislative, executive, and judicial. The legislative branch, to which the legislature belongs, is responsible for creating the laws of the state according to the needs and wishes of its citizens. The executive branch is tasked with implementing and enforcing the laws created by the legislature, and the judicial branch interprets the law as it relates to application. All three branches work together, balancing and checking one another, to protect and uphold the rights and freedom of the people.

Nebraska: Solo Act

Nebraska is the only state out of the 50 to boast a unicameral (one-house) state legislature, called, simply, the Nebraska Legislature. All other states (and the U.S. Congress) are bicameral, with an upper and lower house. Nebraska originally had a bicameral legislature when it became a state in 1867. During the Progressive Era in the early 20th century, when citizens and policymakers grew concerned over the corruption that had seeped into both high and low levels of government, lawmakers in Nebraska began to consider reforms they could implement at the state level. (This was the same era in which the election of U.S. senators was transferred from the state legislatures into the hands of the people via passage of the Seventeenth Amendment to the Constitution, in 1912). A series of Nebraska statesmen championed the idea of combining the two chambers of the legislature into one; they believed having one house, instead of two, would help the legislature take more responsibility for its actions, increase transparency and accountability, and make the legislative process more efficient.⁴ In 1934, Nebraska citizens approved a state constitutional amendment to convert the bicameral legislature into a unicameral body. Today, the Nebraska Legislature is composed of 49 nonpartisan representatives or "senators," all elected for 4-year terms.

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The state legislature has the honor

of directly representing the state's citizens. While all 50 U.S. states have legislative bodies, these go by different names. Many are called, simply, the "Legislature" (or "State Legislature"), but others go by "Legislative Assembly," "General Assembly," or, in the case of Massachusetts and New Hampshire, the "General Court."³ Nearly all of America's state legislatures are bicameral, or composed of two bodies (a custom carried over from many of the colonial assemblies). The exception is Nebraska, whose unicameral or singlehouse body, simply called the "Legislature," is composed of nonpartisan members. (For more details, see sidebar, "Nebraska: Solo Act.")

The lower house of the typical state legislature is a house of representatives, with each member representing a certain number of citizens in the state (grouped by districts). This lower house also goes by

different names, including "House of Representatives," (like the lower house of the U.S. Congress), "House of Delegates," or "General Assembly." The upper house of the legislature is the senate. While senators also represent a certain number of citizens, senatorial districts always encompass larger areas and more residents than house districts; thus, the senate is always smaller than the house—often by half or a third, depending on state law. Some state constitutions require a certain ratio between house and senate districts. The Illinois Constitution, for instance, prescribes two house districts for every senate district; in Wisconsin, the ratio is three to one. Many state constitutions also limit the number of districts allowed in a state, or limit the number of representatives or senators permitted in the legislature.

The state legislature meets in session in the capital city of its respective state, convening in the Capitol, the building designated as the legislature's meeting place. In addition to housing the legislative chambers, the Capitol also provides space for government staff offices, legislative archives and libraries, and the legislature's property and equipment.



Each state determines its own legislative calendar. Most legislatures convene for a new session at the beginning of January. Different types of sessions include the following:

- **Regular Session**. Regular session is the constitutionally mandated period during which state legislatures conduct most of their business. State constitutions sometime prescribe a certain number of days the legislature is permitted to meet in regular session. For example, the Virginia General Assembly, which meets on an annual basis, is restricted to 60 days of regular session in odd-numbered years and 30 days in even-numbered years. Some states also meet on specified days during the week (such as Tuesday through Thursday).
- **Organizational Session**. At the beginning of each new legislative term, a period of time (10 days, for example) is devoted to electing and organizing the leadership of each chamber and setting the operating rules for the weeks to come. This period, called the organizational session, is when each chamber elects its presiding officers and party caucuses choose their leaders.

- Joint Session. Sometimes both the house and senate will come together in a joint session, often to hear an address from the governor or another important official.
- Special or Extraordinary Session. If the legislature needs to convene outside of its regular schedule, such as to discuss time-sensitive legislation or respond to an emergency or crisis, the body has the opportunity to meet in special session. In some states, only the governor has authority to call a special session (via public proclamation—never in secret), but in other states the legislature also has the ability to do so by a two-thirds vote. State constitutions usually impose a limit on the number of days a special session can last.



Elections

Most state elections occur in even-numbered years to coincide with congressional and presidential elections. Members of the legislature's lower house generally serve two-year terms, while state senators serve four-year terms. In recent decades, several states have imposed term limits on their legislators via voter referendum. Montana, for instance, limits both representatives and senators from seeking re-

election after serving eight years in a 16-year period (such officials can be returned to office by write-in vote, if they have enough supporters).⁵

State constitutions prescribe certain eligibility requirements for state legislative candidates. Requirements are usually minimal and pertain to age, location and duration of residence, and elector qualifications. For instance, to qualify to run for the Texas state house, a person must be at least 21 years old, must have lived in both the state of Texas and in the relevant district for a year prior to election, and must be qualified to vote in the state.



In Session

American government has grown in scope and size at nearly every level in America, and state governments are no exception. This is reflected in how often (and for how long) state legislatures meet. While a state legislative term is usually two years (for example, the term of the 83rd Texas Legislature runs from 2012 through 2013), many state legislatures, traditionally, met in session only every other year. This biennial

schedule allowed legislators time in the "off" years to maintain their private stations (farms, businesses, families) and interact with the communities they represented. But as state populations grew and the scope of government increased, legislatures began trending toward meeting annually (every year). In the last 50 years or so, every state legislature has transitioned to an annual meeting schedule except for Montana, Nevada, North Dakota, and Texas. These four holdouts continue to meet every other year, convening in odd-numbered years.⁶ State legislative sessions run for varying lengths in different states. While many only run for a few months, others are year-round. Visit www.statenet.com/resources for frequently updated legislative calendars recording state session dates and deadlines.



Organization and Governance

At the beginning of a new legislative term, during the organizational session, each house in the legislature is responsible for electing officers to preside over its day-to-day business. While the precise number of officers and their specified roles vary from state to state, house and senate leadership can generally be categorized into the positions listed on the chart on the next page.



Spotlight

American Legislative Exchange Council: www.alec.org



For more than 35 years, ALEC has been the ideal means of creating and delivering public policy ideas aimed at

protecting and expanding our free society. Thanks to ALEC's membership, the duly elected leaders of their state legislatures, Jeffersonian principles advise and inform legislative action across the country. Literally hundreds of dedicated ALEC members have worked together to create, develop, introduce and guide to enactment many of the cutting-edge, conservative policies that have now become the law in the states. The strategic knowledge and training ALEC members have received over the years has been integral to these victories.

Since its founding, ALEC has amassed an unmatched record of achieving ground-breaking changes in public policy. Policies such as teacher competency testing, pension reform, and Enterprise Zones represent just a handful of ALEC's victories in the states. Check out their site for the latest information, initiatives, and publications.

National Conference of State Legislatures: www.ncsl.org



The National Conference of State Legislatures is a bipartisan organization founded to:

Improve the quality and effectiveness of state legislatures;

Promote policy innovation and communication among state legislatures;

Ensure state legislatures a strong, cohesive voice in the federal system.

Visit their site for the latest information on current legislatures, elections, issues, and helpful insight on running, including their free "How to Be an Effective Legislator" audio series.

Typical leadership positions in the lower house include the following:

Speaker of the House: The Speaker is the presiding officer of the house. He or she has oversight of the chamber and its day-to-day business, and also serves as the house's spokesperson. The Speaker's duties include presiding over house sessions, keeping order, ruling on procedural or parliamentary questions, appointing committee members and chairs, and referring bills to committee. In some states, the Speaker also sets the daily agenda.⁷ The Speaker typically plays an important leadership role in his or her party caucus (the group of legislators belonging to the same political party), working with the Majority Leader to form the caucus agenda and craft legislative strategy. In most states, the Speaker is elected by the full membership of the house, though occasionally the position is filled by a majority caucus vote.8

Speaker Pro Tempore: The Speaker Pro Tempore (or Speaker "for a time") presides over the chamber in the Speaker's absence and carries out his or her duties as appropriate. Depending on the state, the Speaker Pro Tem is either elected by the house membership or appointed by the Speaker.

Majority Leader: The Majority Leader is head of the majority caucus in the chamber. He or she assists the presiding officer during legislative sessions, provides leadership to his or her political caucus, serves as a caucus spokesperson, sets the caucus agenda, and crafts legislative strategy. While Majority Leader is usually elected by the members of the majority caucus, in a few states, the post is appointed by the presiding officer in one or both chambers. Some state legislatures, particularly in larger states, might also have assistant or deputy majority leaders.

Minority Leader: The Minority Leader is head of the minority caucus in the chamber. Much like the Majority Leader, the Minority Leader provides leadership to his or her political caucus, serves as a caucus spokesperson, and helps craft legislative strategy. The Minority Leader is usually elected by the minority caucus.

Majority Whip: The Majority Whip provides assistance to the Majority Leader, counts votes for legislation under consideration, and makes sure his or her caucus members attend the chamber to vote. The Majority Whip is often elected by the minority caucus, but in a few states is appointed by the presiding officer in one or both chambers.

Minority Whip: The Minority Whip provides assistance to the Minority Leader, counts votes for legislation under consideration, and makes sure his or her caucus members attend the chamber to vote. The Minority Whip is usually elected by the minority caucus, but in a few states is appointed by the Minority Leader in one or both chambers. **Chief Clerk of the House:** The Chief Clerk, a nonvoting official, oversees the day-to-day operation of the House (including overseeing support staff) as well as the business on the floor of the chamber. He or she takes roll, keeps track of proposed legislation, reads bills and resolutions, counts votes, keeps a record of all proceedings and compiles them in the Journal, and prepares and distributes required publications. The Chief Clerk is elected by the membership of the house.

Sergeant of Arms: The Sergeant of Arms, a non-voting official, ensures order in the chamber and committee rooms during sessions. He also keeps an inventory of legislative property, such as furniture.

Many of the officers in the senate mirror those of the house (for instance, the senate also has majority and minority leaders and whips, and a sergeant at arms), but others, such as those below, are somewhat distinctive:

President of the Senate: As chief officer of the Senate, the President of the Senate's duties generally include presiding over senate sessions, maintaining order, recognizing members who wish to speak, ruling on procedural or parliamentary questions, assigning bills to committee, appointing committee chairs and members, and casting a vote to break a tie, when necessary. In some states, the president also sets the daily agenda.⁹ In roughly half of the legislatures in the Union, the Lieutenant Governor of the state serves in the role of President of the Senate. The Lieutenant Governor, the highest-ranking official in the executive branch after the Governor, is popularly elected and usually serves a term of 4 years. In states where the Lieutenant Governor does not fill this position, the president is elected from among the Senate membership.

President Pro Tempore: The President Pro Tempore is elected from among the senate membership. While the President Pro Tem is technically only president "for a time" (in the absence of the President of the Senate), in many of the states—particularly those where the Lieutenant Governor is President of the Senate—he or she handles most of the day-to-day responsibilities of that office. The President Pro Tem is usually elected by the full membership of the senate, though in a few states the position is appointed by the President of the Senate.

Chief Clerk / Secretary of the Senate: Closely mirroring the role of the Chief Clerk of the House, the Chief Clerk or Secretary of the Senate takes roll, keeps track of proposed legislation, reads bills and resolutions, records votes, keeps a record of all proceedings and compiles them in the Journal, and prepares and distributes required publications. The Chief Clerk or Secretary of the Senate is elected by the senate membership.



The Legislative Process

One of the state legislature's most significant responsibilities is crafting, considering, and enacting the laws of the state. While the unique legal traditions and qualities of each state affect and shape the legislative process from legislature to legislature, the basic process tends to run through the following stages:

Conceptualization and Sponsorship. The concept or idea for a law might come from any number of sources, including legislators, individual citizens, civic groups, or the governor. However, only a legislator or group of legislators (and sometimes a legislative committee) can actually introduce a bill in the house or senate. The primary legislator to propose a bill is called a sponsor; other legislators lending their support are co-sponsors. While most legislation can be introduced in either the House or the Senate, many states follow the U.S. Constitution's directive (for Congress) that any revenue-generating bill must originate in the house.¹⁰ Some states also require that a bill submitted for consideration contain a fiscal note explaining the financial implications of the proposed legislation (for example, how much it will cost).

First Reading and Committee Assignment. After a bill has been drafted (usually with the help of government staff) and introduced in the chamber by the sponsors, the bill (or a summary) is read aloud on the floor of the chamber. This is the first reading of the bill. If the members are already familiar with the bill and wish to waive the reading, they can usually do so by a vote of two-thirds of the body. The presiding officer then assigns the bill to the appropriate committee for consideration.

In Committee. The assigned committee takes up the bill for consideration. As part of its deliberative process, a committee holds public hearings to allow interested citizens to testify either in favor of or against the proposed legislation. The committee might also hear testimonies from subject matter experts or people with personal or professional experience relevant to the bill. Together, the committee members consider these inputs, debate the merits or faults of the bill, and propose amendments (or changes) to the bill. On rare occasions, a committee might go into executive (or closed) session to privately discuss an aspect of legislation.

A committee can take one of several actions on a bill. Sometimes, a committee will choose not to take action on the bill at all, allowing it to die. Other times, after deliberation, the committee will report the bill back to the chamber with its recommendations,

COMMITTEES The Workhorses of the Legislature

It is in the committees of a state legislature that much of the meticulous work of law making takes place. A state legislature may have several different types of committees, each with a specified purpose:

- Standing Committee Both the house and senate have several standing committees; these are permanent bodies, each having oversight over a particular legislative area. Typical standing committees include Appropriations, Transportation, Commerce and Labor, Health and Human Services, Education, Public Safety, Agriculture, and Veterans Affairs. The largest committees (or those with the heaviest workload) often have permanent staff members to assist with research and meetings.
- Joint Committee A joint committee is a standing committee composed of members from both the house and senate.
- Select Committee A temporary committee created by one or both chambers to address a particular topic or issue.
- Conference Committee Conference committees are temporary bodies created to help the house and senate resolve differences over a bill. An equal number of members from each chamber, usually four or five, are appointed to the body.
- Interim Committee An interim committee is a joint, temporary committee appointed between legislative sessions (hence the name) in order for the house and senate to study and report on a particular legislative issue.

and sometimes with proposed amendments. Alternatively, the committee may choose to return the bill to the chamber without recommendation one way or the other. Where the rules allow, a committee may substitute another similar bill in place of the one assigned to it, and recommend the substitute instead of the original (substitutes can also be made on the floor of the chamber, rules permitting).

Back in the Chamber. If a bill survives committee and is reported back to the chamber, it is given a second reading on the floor; the committee's recommendations or amendments are also read at this time. After the second reading, the chamber typically takes a vote to accept or reject the committee's recommendations. The presiding officer or designated official then places the bill on the legislative calendar for consideration on the floor.

Committee of the Whole. When the bill comes up on the house calendar for consideration, it is given a **third reading**. At this stage, the chamber will often vote to temporarily suspend its regular rules of operation and enter a particular mode of session called committee of the whole. This tactic allows the chamber to function as a committee, permitting it to bypass some time-consuming parliamentary procedures. This gives legislators more freedom to debate, discuss, and offer amendments to a bill. Once debate has concluded, the chamber votes itself back into its regular mode to take a vote on the bill (no votes can be taken while the chamber is in committee of the whole).

YEA OR NAY?

State legislatures have different methods at their disposal for tallying votes, depending on the situation or the nature of the legislation at hand.

- Voice vote (viva voce) Members call out their vote by group, either "yea" (sometimes "aye") or "nay" (sometimes "no"). The chief clerk or appointed record keeper records the winning side in the legislative journal, but does not record how individuals voted.
- **Record vote** Members cast their votes electronically by pushing the appropriate button (one for "yea," one for "nay") at their desks. Members' votes are recorded by name in the legislative journal.
- **Roll call vote** The chief clerk or appropriate officer calls out each member by name and the member responds with his or her vote. Names and votes are recorded in the legislative journal. The roll call vote is often used if a vote is expected to be close.

To the Second Chamber. If the bill passes the first house, it is **engrossed** (approved amendments are incorporated) and sent to the second chamber for consideration. The second chamber goes through much the same process as the first in analyzing and deliberating over the bill: it sends the bill through committee, debates it on the floor in a committee of the whole, and offers its own amendments.

If the second chamber simply concurs, or approves of the bill as the first house has submitted it, it votes on and passes the bill. If the second chamber proposes its own amendments, it sends its recommendations to the first house for agreement. If the second and first chambers have trouble concurring on the content for a bill, the two houses may form a conference committee, composed of equal numbers of members from each side, to work out their differences.

Once the bill has been approved and passed by both houses, the bill is enrolled—signed by the presiding officers of both the house and senate and prepared for submission to the governor.



The Governor's Desk. Once the bill has reached the governor's desk for signature, he or she has a set number of days (depending on the state) to respond to the bill. The governor has a few different options:

- If the governor approves of the bill as written, he signs it, **certifying** it and thus making it a law.
- If the governor does not approve of the bill, he **vetos** it (refuses to sign), and the bill does not become law. He then sends the unsigned bill back to the originating chamber with reasons for the veto. At this point, the house and the senate have the option of **overriding** the governor's veto by taking another vote on the bill in both chambers. If both the house and the senate vote in favor of the proposed legislation by a **two-thirds'** majority, the bill becomes law.

- In some cases, if the governor approves of some sections of a bill but not others, he has the option of the **line-item veto**—vetoing the unsatisfactory sections. This option is often utilized with appropriations bills.
- The governor might offer his own amendments to a bill, called **executive amendments**. In this case, the bill must go back to the legislature for the amendments to be approved. Once legislature makes its decision either to accept or reject the amendments, it re-enrolls the bill and returns it to the governor.
- If the governor, for political or other reasons, does not wish to take a stand on a particular bill, he may simply refrain from action, allowing the time period allotted him (usually between six and ten days) to run out. Once this period is up, the bill automatically becomes law without the governor's signature. The exception is if the state legislative session ends prior to the governor's allotted time period, in which case the legislature can take no further action. On occasion, the governor might use this "loophole" to his advantage: if he opposes a bill but does not want to veto it outright, he may "pocket" it, allowing the legislative session to end before his allotted time period is up. In essence, he has vetoed the bill by sitting on it (called a **pocket veto**). At this point, the bill is dead; if the legislature wants to take the bill up again, it must wait until a new session and go through the entire legislative process from the beginning.

In addition to significant, contested legislation, every state legislature has numerous *uncontroversial* bills that also need to be passed. To save time and simplify the legislative process, these routine or uncontested matters are often placed on a **consent calendar**. At a scheduled time, the uncontroversial bills are brought before the chamber and voted on as a unit. If any item on the consent calendar needs further consideration, it can be removed and considered separately. The consent calendar saves time and allows legislators to devote their attention to the most significant issues before the chamber.

Types of Resolutions

Sometimes, one or both chambers may wish to take an action, such as expressing an opinion on a matter, that does not require the passage of a law. These actions or declarations usually come in the form of **resolutions**. Resolutions come in different forms, depending on their purpose and weight:

- **Resolution** A formal declaration of one or both chambers. A resolution is not a law, but instead expresses the opinion or intent of one or both chambers on a matter.
- **Simple Resolution** A resolution adopted by only one chamber of the legislature. A chamber might use a simple resolution to amend or improve the way it conducts business, or to honor a citizen or group of citizens.
- Concurrent Resolution A resolution approved by both chambers of the legislature.
- Joint Resolution A resolution approved by both chambers that usually carries greater force than a concurrent resolution. A joint resolution can appropriate funds, propose a referendum or an amendment to the state constitution for citizens to vote on, or ratify an amendment to the U.S. Constitution. Depending on the state, a joint resolution may require a two-thirds vote of each body. A joint resolution may also be signed by the governor, in which case it may carry the weight of law.

The Budget

Managing the state's budget is one of the legislature's most critical responsibilities. In recent years, state governments have become responsible for funding an increasingly heavy load of services and programs from year to year. While specific needs can vary widely from state to state, most state government general expenditure goes to education, local government grants and aid, public welfare, highway maintenance, and capital outlay (such as buildings).¹¹ State governments must also fund government worker salaries, benefits, and pensions (as of 2010, state governments employed over 5 million workers nationwide).¹²

To fund these objects, state governments must bring in sufficient revenue. In 2010, nearly 45 percent of state revenues came from taxes. Another 35 percent came from the federal government through grants, such as grants-in-aid (given for specific projects and programs) and one-time sums (such as a stimulus package). According to the U.S. Census Bureau, federal government grants to the states often go to public welfare programs (such as Medicaid), education, and highways.¹³ Federal grants to states have increased steadily over the past few years, jumping by almost 17 percent between 2009 and 2010 alone.¹⁴ Other revenue sources for the state include state universities and hospitals.¹⁵

THE BUDGET PROCESS IN THE LEGISLATURE

Setting and passing the state's budget is often the most difficult and complex task facing a state legislature. A budget must be passed for every fiscal year. While a majority of states budget a year at a time, several follow a biennial plan, passing a budget for two years at a time.¹⁶ For most states, the fiscal year starts on July 1 and ends June 30 of the following year, though a few run October 1 to September 30 (Alabama and Michigan), September 1 to August 31 (Texas), or April 1 to March 31 (New York).¹⁷

The governor plays an important role in the budget-setting process. His involvement provides a "check and balance" on the legislature during this crucial exercise. While the budget-forming process varies from state to state, it generally runs along the following pattern:

- Starting months in advance, state agencies develop their budgets for the approaching fiscal year. Once they have figured out how much money they will need and how they plan to manage and spend it, the agencies formally submit their funding or appropriations requests to the governor.
- After reviewing all requests, the governor prepares a budget or appropriations bill, which includes his own proposed programs and recommendations, to propose to the legislature. (Some state constitutions set a date by which the governor is required to submit.)
- The finance or appropriations committees of both the house and senate hold hearings and review the appropriations bill. This phase of the process is often complex and time-consuming, as legislators try to come to agreement on what needs to be funded and what needs to be cut.

- Once the committees have presented their recommendations and the respective chambers have approved their own versions of the budget, a joint finance/appropriations committee meets to reconcile any differences between the two versions.
- Once the joint committee has settled any differences, it reports the bill with recommendations back to the chamber the bill was originally presented to.
- After both chambers have at last passed an identical version of the budget, it goes to the governor for his signature.
- If the budget process is completed in a timely manner, the approved budget goes into execution at the beginning of the fiscal year.

Tension between the State Legislature and the Federal Government

The relationship between the state legislature and the federal government is an old one—an essential element in the nation's governing framework. The perpetual tension between the two helps maintain a balance of power, but also causes strain. Possibly the single most contentious issue in the relationship between state legislatures and the federal government is the question of funding. When the U.S. Congress passes a law, state legislatures are often held responsible for implementing the legislation in their respective states. Implementation requires funding and resources. (For instance, a state might be charged with creating and running a new program or state office to comply with the new law.) The federal government will sometimes provide a portion of funding to assist with implementation, but states are often left to make up the rest from their own resources. This might mean that a legislature has to impose a new tax on its citizens, or draw funding from elsewhere in the state budget options it never wants to be forced into. Thus, state legislators take a great interest in legislation being considered by Congress, and how it will affect them and their citizens.

For instance, a matter of recent controversy is the new health care legislation passed by the U.S. Congress in 2010. The new law, slated for implementation in 2014, stipulates that American citizens and lawful residents without health insurance coverage must either obtain coverage or pay a fine. While the federal government plans to cover a certain amount of the insurance expense for enrollees, the individual states will also be expected to pay a portion. This portion is expected to increase over time, and is already on top of other costs related to the law, such as administrative expenses. Many legislatures are protesting that the expense

of propping up the new law will drain money away from other important state programs, place a tax burden on their citizens, and eventually become unsustainable. Some states, such as Texas and Florida, have even filed suit against the federal government over this matter.

It is important that state legislators stay alert to what is happening at the federal level and how such activities will affect the citizens they represent. A legislator's most important focus is her constituents, and she must continually strive to accurately represent their interests and protect their freedoms.



Considering Running for State Legislature



Being chosen to represent your fellow citizens in the state legislature is a great honor and privilege. Serving in the state legislature is a significant way of contributing to your state and nation, and can also serve as a stepping stone to higher office. However, being a state representative or senator is also very demanding and full of challenges.

Workload

As the population grows, legislators must represent an increasing number of constituents, especially in states where the constitution limits the number of representatives or senators in the legislature. For instance, Texas senators now represent, on average, more than 800,000 constituents each, and Texas representatives over 165,000 constituents apiece.¹⁷

Salary and Per Diem

Legislator salaries vary widely from state to state. While many states pay what could be considered a typical yearly salary, others pay relatively little, usually corresponding to the number of days the legislature is in session per year. While most states are not as extreme as New Mexico (which pays no salary) or New Hampshire (which pays legislators \$100 a year for a two-year term),¹⁸ many offer compensation equivalent to a part-time salary. (Most states also allow their legislators a per diem to cover costs related to their service.) Legislators in many states must maintain an income in addition to their government pay to earn a living. A typical legislator might maintain a business, franchise, law or medical practice, or farm on top of serving as a legislator.

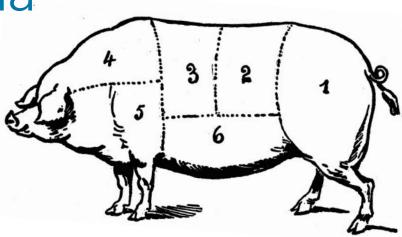


While this "balance" between civilian life and public service can be a good thing, it can also be very demanding on legislators and their families. It is important to take this into consideration when contemplating a run for office.

In the meantime, if you are still considering a run, do your research. Learn about your state legislature and the other branches of government. Many states have excellent resources available through their government websites, including detailed "bluebooks" or manuals, publications about legislative processes and policies (such as the budget process), glossaries, and links to other materials.

Reform Agenda

Fiscal responsibility has become an increasingly critical for states in recent years due to a struggling economy that has affected every level of government. State governments are facing enormous pressure to cut costs and trim budgets while still providing the same level of service to constituents. So, briefly, what are some areas that state legislators can tackle to help cut costs, improve efficiency, and spend wisely?



Pension Reform

Huge budget shortfalls, slow economic growth, and sizeable unfunded pension liabilities in some states have made public pensions an attractive area for reform. Though long a nearly "impossible dream" in some states, pension reform is slowly gaining popular support, and has recently become a focus of many pioneering legislators.

In some states, unfunded pension liabilities have grown to staggering proportions, particularly in the wake of the 2008 recession and poor returns on investments. Illinois, which currently has the lowest credit rating of any state in the country, is grappling with an \$83 billion unfunded pension liability, with only 45 percent of its plan fully funded.¹⁹ Many other states are contributing to their pensions at the cost of other crucial areas, such as education and health care. If no changes are made to support these systems, some states could face financial disaster in the future.

Fortunately, pension reform can come in a variety of forms, including requiring employees to contribute more to their retirement plans, transitioning workers from a defined-benefit plan to a defined-contribution plan, and increasing the age of retirement for future workers. However, small reforms will not keep up with the growth of liabilities in every state. More drastic changes are often needed. Rhode Island—whose pension costs were predicted to rise to as much as \$1 billion a year within a decade—has chosen to overhaul its entire pension system. In late 2011, the Rhode Island General Assembly overwhelmingly passed legislation that raised the retirement ages for public workers and swapped the state's traditional defined-benefit plan to a more "hybrid" approach, with 401(k)-type elements.²⁰ The reforms, if they survive legal challenges from unions, are expected to help cut \$3 billion from the state's unfunded pension liability.²¹



Unions and their supporters are often very resistant to changes in benefits, sometimes even modest ones, and often pose legal challenges to those reforms that are passed by legislatures. But there is a growing consensus that states can't keep offering the same level of benefits to public workers as they have in the past. Pension cuts and right-to-work legislation is gaining support—even bipartisan agreement—in some areas. Indiana, for instance, recently passed a law protecting workers from being forced to pay union dues.²²

Privatization Initiatives

While reforming an old system is one way to improve a state's outlook, creating new ways of providing services can be equally effective. Privatizing certain government functions often results in less expense, more efficiency, and higher quality service than the government can provide on its own. Public-private partnerships (PPPs), in which the government and a private entity work together, can also be very fruitful. While privatization efforts should be undertaken with careful planning, they can yield magnificent monetary and tangible benefits for states.

Successful privatization efforts take careful planning. Some states begin by creating task forces or commissions to conduct research and make recommendations on areas that would benefit from privatization. Legislators hoping to get involved in promoting privatization efforts first need a solid understanding of their state's and constituents' greatest needs. They also need to know some details about the state budget—for instance, where the biggest shortfalls are—in order to make wise decisions about where the state should be considering privatization. Legislators should also think

about long-term effects: How will a privatization effort be sustained in the long run? What specific costs savings and performance improvements can the state expect to see from the arrangement over several years?

Transparency

Reforms and initiatives mean little where there is no accountability. And because America is a government "by the people," the people should have appropriate access to government data and information. For this reason, government transparency has become a popular cause in many states, putting positive pressure on state governments to make more information available to the public.

Government transparency can come in several different forms. The Sunshine Review, for instance, identifies three types of government transparency: (1) proactive disclosure (disclosure of information without it being requested), (2) public record requests (as under state Freedom of Information Acts, or FOIAs), and (3) campaign finance disclosure.²⁵ State governments have been making strides in the first of these areas in particular. While non-profits and watchdog groups have been tracking public spending for some time, state governments are increasingly launching their own tracking initiatives. Many states have started leveraging their websites to disclose budgetary and other public information to their constituents. While the types of data made available differ from state to state, information posted might include state expenditures, contracts with vendors, public employee salaries, and budgets of various state agencies.²⁶ For example, the "Texas Transparency" website maintains a state spending database that is searchable by agency or entity, vendor, or even purchase code. It also offers detailed financial reports for downloading, and provides links for tracking spending in local entities (counties, school districts, etc.).²⁷ Similarly, Louisiana has established an online database called "LaTrac" (short for "Louisiana Transparency & Accountability") to make state records available. In addition to providing budgetary reports and data, LaTrac also offers a "performance accountability" database so that constituents can track how well state agencies are meeting quarterly performance targets.²⁸ Check to see how your state is currently measuring up to government transparency standards. What data is not currently being made available? What types of information are your constituents requesting on a regular basis that they cannot find? Transparency will go a long way in inspiring the confidence of your constituents, and in encouraging their participation in the public affairs.

Top State Transparency Resources

You're familiar with Wikipedia, the free online encyclopedia, but there is a whole world of other incredibly useful wiki projects. Each of these sites is a project of the Lucy Burns Institute, a non profit organization connecting people to politics. This organization has been indispensable for making real change happen at the state and local level and we at American Majority feel privileged to work with them. Like Wikipedia, these wikis are essentially websites with content that is cerated and edited by visitors. This gives activists such as yourself a tremendous amount of power because you are able to edit and define exactly what movements, legislation, and issues mean in your state and community.

SunshineReview.org



Sunshine Review is a 501(c)(3) non-profit organization dedicated to state and local government transparency. Find your state's Transparency Report Card, state

budget, and state and state government salaries. The Sunshine Review wiki evaluates 6,000 state and local government websites to place information about state and local transparency at your fingertips.

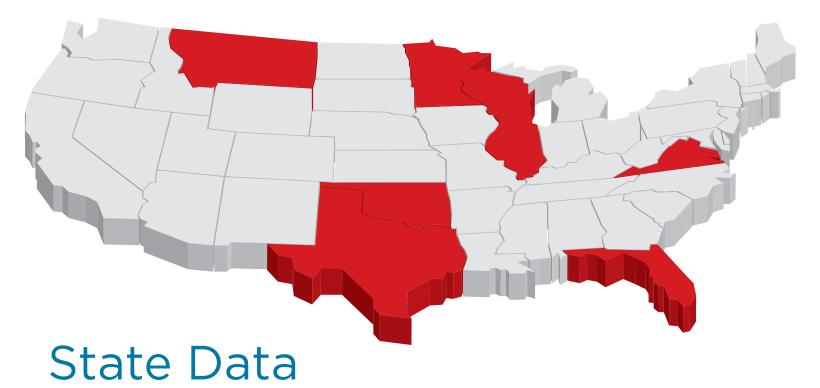


Ballotpedia.org

Ballotpedia is a nonprofit and nonpartisan collaborative encyclopedia. Use this interactive almanac of U.S. politics to stay up on ballot measures

addressing key issues such as pension reform, taxes and salaries of state and local officials. Ballotpedia's staff and volunteers particularly focus on the so-called "down-ballot" candidates and ballot measures that typically receive less attention.





Each state has different qualifications, term limits, compensations, and legislative schedules. We've included a number of states as examples and encourage you to look up your own state information.



FLORIDA

State population: 18,801,310 (2010 Census)²⁹

🧥 Capital: Tallahassee

Legislative composition: Bicameral— House of Representatives, Senate

House: 120 members serving 2-year terms

Senate: 40 senators serving 4-year terms

Qualifications for office: Both representatives and senators must be at least 21 years old, must have resided in the state for at least two years prior to election, must live in the district they represent, and must be qualified electors



Term limits: Both representatives and senators are limited to two consecutive terms (or eight consecutive years) in their given offices

Compensation: \$29,697 per year; per diem is \$133³⁰

Legislative schedule: Annual; regular session begins in the first Tuesday in March and last for 60 consecutive days



ILLINOIS

State population: 12,830,632

Capital: Springfield

Legislative composition: Bicameral-House, Senate (collectively, "The General Assembly")

House: 118 members serving 2-year terms

Senate: 59 senators serving 4-year terms



Qualifications for office: Must be at least 21 years old, a U.S. citizen, and a resident of the district he or she will represent for 2 years prior to election

Term limits: None

Compensation: \$67,836 per year; per diem is \$132 per session day³²

Legislative schedule: Annual; begins second Wednesday in January on odd-numbered years





MONTANA

na Capital: Helena

Legislative composition: Bicameral-House of Representatives, Senate

House: 100 members, serving 2-year terms

Senate: 50 members, serving 4-year terms

Qualifications for office: "A candidate for the legislature shall be a resident of the state for at least one year next preceding the general election. For six months next preceding the general election, he shall be a resident of the county if it contains one or more districts or of the district if it contains all or parts of more than one county." 34

Term limits: Yes, officials are limited to serving 8 years in a 16-year period

Compensation: \$82.64 per legislative day; per diem is \$103.69³⁵

Legislative schedule: Biennial, meeting in odd-numbered years; regular session is 90 working days, beginning in early January



State population: 11,536,504

(2010 Census)³⁶



Legislative composition: Bicameral– House of Representatives, Senate (collectively, "The General Assembly")

House: 99 members serving 2-year terms

Senate: 33 senators serving 4-year terms



Qualifications for office: House members must be U.S. citizens, live in the districts they represent at least a year prior to election, and be registered to vote

Term limits: Yes, senators are limited to serving two consecutive terms and representatives are limited to four consecutive terms.

Compensation: \$60,584 per year; no per diem provided³⁷



Legislative schedule: Annual; working days are held as needed (that is, with no limit) during session



OKLAHOMA

State population: 989,415

(2010 Census)³⁸

Capital: Oklahoma City

Legislative composition: Bicameral— House of Representatives, Senate

House: 101 members, serving 2-year terms

Senate: 48 members, serving 4-year terms

Qualifications for office: House members must be 21 years of age, and must reside in and be qualified electors of the districts they represent. Senate members must be 25 years of age, and must reside in and be qualified electors of the districts they represent



Term limits: Yes, both house members and senators are restricted to 12 years in office

Compensation: \$38,400 per year; per diem is \$132³⁹



Legislative schedule: Annual



State population: 21,145,561

(2010 Census)⁴⁰ *****************



Legislative composition: Bicameral— House of Representatives, Senate

House: 150 members serving 2-year terms

Senate: 31 senators serving 4-year terms

Qualifications for office: House members must be 21 years old, a U.S. citizen, able to vote in Texas, a resident of Texas for two years preceding election, and a resident of the district he or she plans to represent for a year preceding election. For senators, the requirements are more strict: senators must be at least 26 years old, must be at least 5 years a resident of Texas, and them a resident of their district for a year prior to election

Term limits: None



Compensation: \$7,200 per year; per diem is \$150⁴¹

Legislative schedule: Biennial, meeting in odd-numbered years. Regular session begins the second Tuesday in January and is limited to 140 days



Neat fact: The Virginia General Assembly identifies itself as a direct descendant of the House of Burgesses (the governing body) at Jamestown, the first English settlement in the America. As such, it has grounds to call itself the "oldest continuous law-making body in the New World."⁴⁵

State population: 8,001,024 (2010 Census)⁴²

(2010 Census)42

📥 Capital: Richmond

Legislative composition: Bicameral– House of Representatives, Senate (collectively, "The General Assembly")

House: 100 members, serving 2-year terms

Senate: 40 members, serving 4-year terms

Qualifications for office: In general, must have resided in the state of Virginia for one year preceding election and must be qualified to vote for the office for which he or she is running⁴³

Term limits: None

Compensation: \$17,640 per year for delegates; \$18,000 per year for sanators; per diem is \$135 for delegates and \$169 for senators⁴⁴

Legislative schedule: Annual; session days total 60 days in even-numbered years and 30 in odd-numbered years (a maximum of 30 session days can be added per year)



WISCONSIN

State population: 5,686,986 (2010 Census)⁴⁶

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Capital: Madison

Legislative composition: Bicameral-Assembly, Senate

House: 99 members, serving 2-year terms

Senate: 33 members, serving 4-year terms

Qualifications for office: Must be a resident of the state for at least one year prior to election and a qualified elector in the district he or she wishes to represent⁴⁷



Term limits: Yes, both house members and senators are restricted to 12 years in office

Compensation: \$49,943 per year; per diem is \$188⁴⁸

Legislative schedule: Convenes in oddnumbered years and meets continually until the end of its two-year term⁴⁹

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American Majority Overview

Our mission is to provide the training and resources necessary for local candidates and activists to be effective. Check out the resources section on AmericanMajority.org for links and downloads to each of the items mentioned below.

Manuals

American Majority provides training manuals for candidates and activists, including the Campaign Manual, Effectivism Manual, Public Speaking Manual, Blogging for Freedom Manual, and Facebook and Twitter guides. We also provide state-specific manuals on running for county commission, city council, and school board. To download, visit AmericanMajority.org/resources.

Vote Goal Worksheets

American Majority also provides supplemental guides on specific subject areas. The Vote Goal worksheet is designed to make it easy to break down your precinct using previous election data to determine your targeted precincts.

Pamphlets

In tribute to the pamphleteers of the American Revolution, we are reviving this art form to educate and inspire a new generation. Topics in the first seven pamphlets have included America's rich heritage, rule of law, an appeal to justice, and self-government. Pamphlets are also available in Spanish.

Podcasts

Our podcast series is available at AmericanMajority.org and on iTunes.com. Podcasts include a 21-part series on running for office, a 5-part series on effective activism, a 31-part series on the history of the Constitutional Convention, and a new series, "Days of Revolution," which chronicles the days leading up to the American Revolution.

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We have developed comprehensive guides to Facebook and Twitter, as well as created an archive of online resources geared toward ensuring American Majority trained candidates and activists are the most effective online. Everything is available via link and download from American Majority's website under social media resources.

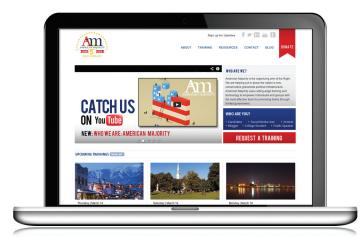
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Our video tutorials serve to complement our social media training courses. Online activism can be a daunting new world for many, so these 20-minute videos are an easy, quick way to access information about Facebook, Twitter, online video editing, YouTube, blogging, and much more.



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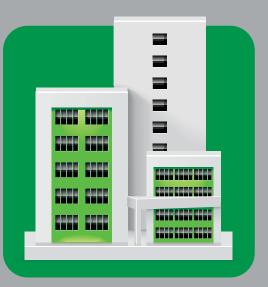


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