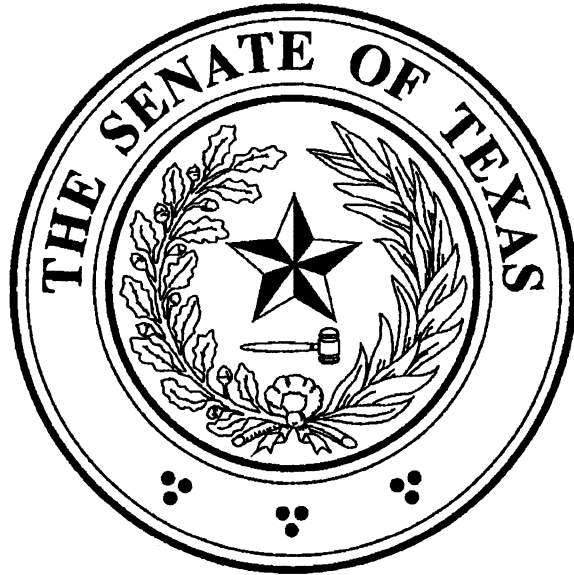


Senate Committee on Administration



**Interim Report to the
82nd Legislature**

December 2010

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CHAIRMAN
SENATOR CARLOS URESTI
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THE SENATE COMMITTEE ON ADMINISTRATION

December 31, 2010

The Honorable David Dewhurst
Lieutenant Governor of the State of Texas
2E.13, Capitol Building
Austin, Texas

Dear Governor Dewhurst:

The Senate Committee on Administration hereby submits its interim report. The report reflects research done by the Committee staff, as well as input from Senate Members, the Secretary of the Senate and Central Staff.

It is our sincere hope that the work of this committee will be helpful in addressing the procedural and budgetary challenges we will face in the 82nd Legislative session and beyond.

Respectfully submitted,

Handwritten signature of Senator Kevin P. Eltife in black ink.

Senator Kevin P. Eltife
Chair

Handwritten signature of Senator Carlos Uresti in black ink.

Senator Carlos Uresti
Vice-Chair

Handwritten signature of Senator Steve Ogden in black ink.

Senator Steve Ogden

Handwritten signature of Senator Florence Shapiro in black ink.

Senator Florence Shapiro

Handwritten signature of Senator Jeff Wentworth in black ink.

Senator Jeff Wentworth

Handwritten signature of Senator John Whitmire in black ink.

Senator John Whitmire

Handwritten signature of Senator Judith Zaffirini in black ink.

Senator Judith Zaffirini

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Interim Charges

The Senate Committee on Administration is charged with conducting a thorough study of the following issues:

1. Review the constitutional provision that prohibits the Senate from hearing non-emergency legislation within the first 60 days of the Session. Review options for enhancing the efficiency of Senate operations and reducing the requirement to allow for increased time to consider and debate legislation.
2. Study opportunities to save paper, costs and production times on Session-related printings, interim committee report printings, newsletters, form printings and other heavy paper-use activities within the Senate. Conduct a survey of all Senate offices to determine whether electronic delivery of committee printings, house amendments and conference committee reports would be preferred to manual delivery of printings. Consider other factors as necessary, including accuracy of official documents, budget savings, time sensitivity, ease of distribution, notification of availability and end-user preferences for session printings.
3. Review the Senate budget and identify ways to reduce costs over the next budget cycle.
4. Monitor the implementation of legislation addressed by the Senate Committee on Administration, 81st Legislature, Regular and Called Sessions, and make recommendations for any legislation needed to improve, enhance, and/or complete implementation.

Contacts:

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Charge 1: Review the constitutional provision that prohibits the Senate from hearing non-emergency legislation within the first 60 days of the Session. Review options for enhancing the efficiency of Senate operations and reducing the requirement to allow for increased time to consider and debate legislation.

Background

As established by Article III, Section 5 of the Texas Constitution, the Texas Senate may not consider legislation before the full Senate during the first 60 days of the legislative session without a four-fifths vote of Senate members.

"When convened in regular Session, the first thirty days thereof shall be devoted to the introduction of bills and resolutions, acting upon emergency appropriations, passing upon the confirmation of the recess appointees of the Governor and such emergency matters as may be submitted by the Governor in special messages to the Legislature. During the succeeding thirty days of the regular session of the Legislature the various committees of each House shall hold hearings to consider all bills and resolutions and other matters then pending; and such emergency matters as may be submitted by the Governor. During the remainder of the session the Legislature shall act upon such bills and resolutions as may be then pending and upon such emergency matters as may be submitted by the Governor in special messages to the Legislature."

Therefore, during the legislative session, this provision may contribute to a backlog of bills to be considered in the remaining 80 days of a session.

In addition, this congestion may deprive some legislation of meaningful and necessary debate and consideration, and may also contribute to the failure of legislation essential for state operations. For example, House Bill 300 in the 81st Legislative Session regarded the

continuation and functions of the Texas Department of Transportation (TxDOT). This important bill failed to pass at the end of session and the legislature had to convene for a special session in order to allow TxDOT to continue to function. Expressly allowing certain legislation to be considered in the first 60 days of session could prevent these situations.

However, one could argue that the constitutional order of business was adopted in 1930 to provide a deliberate and orderly consideration of matters throughout the regular session and to prevent the hasty passage of laws. The provision prohibits the consideration of nonemergency bills and resolutions in committee during the first 30 days, and further prevents floor consideration of nonemergency bills and resolutions during the first 60 days. Therefore, if the number of days that bills can be considered before the full Senate is increased, this may, in theory, increase the overall number of bills passed each session. One could make the argument that such a change could increase the overall size and scope of state government.

Research

In order to gain a national perspective on this issue, similar constitutional and legal provisions in other states were explored and compared to Texas' provision. After reviewing research provided by the Texas Legislative Council, it is evident that Texas has a rather unique legislative calendar and process. Texas' 140-day session is one of the longest legislative sessions of all state legislatures, and our state legislature is one of only five states that meets on a biennial basis. Since the majority of states meet annually for less than 140 days - some *significantly* less than this duration - it is difficult to compare Texas with other states regarding time limitations for

taking up legislation.ⁱ

Recommendations

A constitutional amendment could reduce the number of days in the provision from 60 to 30 days, or establish that specific types of bills, such as Sunset legislation, be considered in the first 60 days of session without a four-fifths vote of Senate members. However, this measure would require approval by voters. Since bills and resolutions may be considered at any time during the first 60 days of the session if declared an emergency by the governor or if four-fifths of the membership of the Senate agree to suspend the constitutional provision, a constitutional amendment may not be required. We recommend that Senate members work diligently to identify important legislation, such as Sunset bills, that should be addressed in the first 60 days of session, and apply the four-fifths rule appropriately.

Charge 2: Study opportunities to save paper, costs and production times on Session-related printings, interim committee report printings, newsletters, form printings and other heavy paper-use activities within the Senate. Conduct a survey of all Senate offices to determine whether electronic delivery of committee printings, house amendments and conference committee reports would be preferred to manual delivery of printings. Consider other factors as necessary, including accuracy of official documents, budget savings, time sensitivity, ease of distribution, notification of availability and end-user preferences for session printings.

Background

This charge was suggested to study the processes involved in various Senate printings and to determine if cost-savings can be achieved. An informal survey of Senate offices and a meeting with Senate Central Staff was conducted to gain suggestions for cost-saving ideas, while maintaining the necessity of paper copies to "trigger" certain procedural deadlines.

The following areas were reviewed and investigated for cost and time savings:

- the committee printing process for possible areas of reduction;
- the elimination of committee printings for legislation certified for the local and uncontested calendar;
- the elimination of copies of House amendments to Senate bills in favor of electronic delivery;
- the process for newsletter production and electronic newsletters;
- the number of copies provided in each bill draft packet, which is currently set at 25 copies by the Legislative Council and Senate Engrossing and Enrolling; and

- the number of “daily” Senate Journals printed each day during the legislative session.

Recommendations

Recommendation 1, Committee Printings: Since the number of printings was already reduced a number of years ago, the current number has been determined to be the *minimum* number necessary to meet process requirements.

Recommendation 2, Committee Printings for bills recommended for the Local and Uncontested Calendar : Bills that are reported out of a committee with a local and uncontested calendar recommendation are not restricted to passage on that calendar and sometimes pass on the Intent Calendar. Therefore, a printed copy must be in each members’ floor bill books for consideration. In addition, bills that are recommended for the local and uncontested calendar but not certified by the Administration Committee are eligible for the Intent Calendar, which then requires a printed copy. In conclusion, committee printings for all bills recommended for the local and uncontested calendar are still necessary since it would be logistically unrealistic to distribute them on an "as needed basis" during session.

Recommendation 3, House Amendments: Most offices use the manual delivery of House amendments as the trigger to prepare for floor action and believe that electronic delivery would not provide a sufficient alert. Although some staff members may be following electronic alerts for certain bills, the paper copy is still the preferred method for legislation returning from the House.

Recommendation 4, Newsletters: Production and distribution of hardcopy newsletters is a major cost driver in Senate expenditures. Although current Senate policy limits production to one hardcopy newsletter per fiscal year, several members choose to produce an electronic newsletter instead. Since electronic newsletters result in significant cost savings for the Senate, we recommend that members consider utilizing electronic newsletters whenever possible.

Recommendation 5, Bill Draft Packets : Members' offices receive 25 copies of drafted legislation from the Legislative Council and Senate Engrossing and Enrolling. The Senate Calendar Clerk requires 11 copies for filing purposes, which leaves 14 additional copies in the packet for the requestor. An informal survey of Senate members revealed that the majority of offices required 5 or fewer additional copies. Therefore, we believe that reducing the copies in the bill drafting packet is a reasonable recommendation and would result in monetary savings that would be realized by the Legislative Council as well as Senate Engrossing and Enrolling. This recommendation has already been implemented.

Recommendation 6, Senate Journals: Currently, the Senate Journal Office prints 315 daily journals for distribution to Senate, House, and other legislative offices. A budget-reduction practice was instituted several years ago that requires the Senate Journal Clerk to survey each Senate and House office prior to the legislative session to determine the number of printed copies needed. This practice is efficient, and we recommend that it continue.

In addition, the Senate must provide a minimum of 55 copies to the State Publications Depository Program in the State Library and Archives Commission as required by the Texas Administrative Code. However, if the Senate reduces the total number of daily Journals printed to 250 copies, the Administrative Code requires that only *four* copies be provided to the State Library and Archives Commission. Reducing the total number of copies printed for Senate, House, and other legislative offices to 250 is possible and would significantly reduce the amount of paper wasted for the additional library copies. The Secretary of the Senate plans to implement this cost-saving procedure.

Charge 3: Review the Senate budget and identify ways to reduce costs over the next budget cycle.

Background

On January 15, 2010, Governor Perry, Lt. Governor Dewhurst and Speaker Straus directed all state agencies to submit a plan to identify cost saving measures and to reduce spending by five percent. Following the directive from state leaders the Texas Senate was required to cut \$3.1 million from its overall budget for this biennium. The Lt. Governor's office as well as the Secretary of the Senate's central staff submitted plans for reducing expenditures by five percent. In order to reach the directive of the five percent budget reduction, suggestions were generated by the Administration Committee, the Secretary of the Senate and the Lt. Governor. Suggestions received included: reducing committee budgets by five percent; placing a moratorium on 2010-11 newsletters; prohibiting committee hearings outside of Austin; reducing the caucus budget by \$500 for fiscal year 2011; placing a moratorium on Capitol assets; reducing printed journal sets; mandating a five percent reduction on purchase and consumption of supplies; mandating a five percent reduction in publication expenses; and ending newspaper subscriptions for FY 2011. After reviewing the suggestions it was determined that the most efficient measure would be to reduce by five percent the caucus budget.

The Senate Administration Committee issued a memo on July 14, 2010 stating that "the appropriate response to the overall loss of five percent of appropriated Senate funds is a concurrent reduction of five percent in the Senate caucus allowance". The caucus monthly budget was reduced from \$37,500 to \$35,625. It was also determined that each Senate office would limit production to one newsletter during the biennium. In addition, the Lt. Governor and

central staff reduced expenditures by more than five percent, and committee budgets were reduced by five percent. These efforts have resulted in the Senate returning \$3,173,521.00 to the Comptroller.

Another initiative that will create significant cost savings to the Senate is the dollar amount of per diem given to legislators, which is currently \$168.00. The State Constitution requires the Texas Ethics Commission to set a legislative per diem rate prior to the legislative session. In November, the Texas Ethics Commission proposed that the current rate be continued. The House and Senate Administration Committees recommended that the proposed \$168.00 rate be decreased to \$150.00, and the Lt. Governor and Speaker requested that the Ethics Commission adopt the lower rate. The Commission has published the lower rate in the Texas Register and is scheduled to take up the issue on February 23, 2011. If adopted at that time, the rate can be made retroactive for 2011. For the Senate, this lower rate will result in \$80,640 in savings for the 140 day legislative session, with additional savings during the interim dependent on the number of per diem days claimed by Senators.

In 2007 the Senate Administration Committee approved for a testing period the use of a Tele (electronic) Town Hall Meetings. Seven members utilized this service during the last two years resulting in a cost of \$47,595. Because this type of communication format could be viewed as political in nature, the Administration Committee recommends that the Senate no longer allow state funds to be expended for this service. Members may of course still choose to expend campaign funds for this service.

While the Senate as a whole has done a commendable job of reducing expenditures, we must

continue to look for ways to decrease costs.

Recommendations

Recommendation 1: Reduce the current per diem rate by ten percent. If approved by the Texas Ethics Commission, this recommendation will go into effect beginning in 2011.

Recommendation 2: End the test period for the Tele (electronic) Town Hall meeting and adopt a policy that the Senate will not pay for this service in the future.

Recommendation 3: Continue to look for and consider opportunities to generate budget savings.

Charge 4: Monitor the implementation of legislation addressed by the Senate Committee on Administration, 81st Legislature, Regular and Called Sessions, and make recommendations for any legislation needed to improve, enhance, and/or complete implementation.

Background

The Senate Administration Committee considered a higher number of bills than normal during the 81st Legislative Session, in part due to the slowdown of legislative business in the House of Representatives. Typically, the Lt. Governor will refer legislation to the Administration Committee that pertains to the State Preservation Board (SPB), State Library and Archives, Capitol grounds, as well as other "housekeeping" bills. For example, SB 2307 by Senator Williams related to the preservation and maintenance of the Governor's Mansion, amending the Government Code to allow for *only* the SPB to handle construction, maintenance and historical artifacts relating to the mansion. Another example is HB 4114 by Representative Martinez-Fischer regarding memorial monuments on the Capitol grounds, including the Tejano monument. This bill requires the State Preservation Board to establish a Tejano memorial monument on the historic south grounds of the Capitol that pays tribute to the contributions of the Tejanos to the State of Texas. It also prohibits additional monuments to be placed on the *historical* (South) side of the Capitol after September 1, 2009.

Recommendations

In all, there were 76 bills referred to the Administration Committee, and 26 became law. After reviewing the legislation that became law, we conclude that no legislation is needed specific to

this charge.

ⁱ Council of State Governments. *The Book of the States*, vol. 42. Lexington, Kentucky, 2010. Chapter 3: State Legislative Branch, Tables 3.2 and 3.15.