

GOVT2306: Texas Government

Lecture 4: Texas Constitution

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Agenda and Announcements

Agenda Today (July 15)

- Lecture: Texas Constitution
- Discussion: Texas Political Culture
- Module 1 Quiz

Agenda Monday (July 21)

- Lecture: Texas Legislature vs. US Congress
- Discussion: State Constitutional Priorities
- Journals Due July 21
 - Chapter 4: Voting and Elections
 - Chapter 5: Political Parties

Texas Constitution

Overview

- Approach to Texas Constitution
 - Texas Constitution vs US Constitution
 - Texas Constitution vs other state constitutions

- Texas Constitutional principles
 - by specific Constitution
 - by historical context/time period
 - by comparison to US Constitution Articles
 - relationship to federal government

Constitutional Principles in Texas: shared with U.S. Constitution

- checks and balances
- separation of powers (more separation of powers in Texas constitution)
- federalism
- voting rights

Constitutional Principles in Texas

- debtor relief
- homestead protection
- no personal income tax
- no state debt
- state ownership of mineral rights

Constitutional Principles: Annexation

- Texas can be divided into as many as five states
- Texas kept public lands
- Texas kept mineral rights

Constitutional Principles: Post civil War

- 1869 Constitution passed by US military without a vote of Texas citizens
 - Guaranteed citizenship to African-Americans
 - banned former Confederates from office
 - declared U.S. Constitution supreme law of the land
- 1876 Constitution passed by Texas citizens

Constitutional Principles: 1876

- limited state government
- plural executive
- limited state debt
- limited state taxes
- limited state salaries
- decentralized public education
- pro-farmer
 - homestead protections
 - regulations on railroads
 - regulations on banks

Texas Constitution vs US Constitution

- US Constitution Article I
 - establishes Congress
 - focuses on grants of power to government
- Texas Constitution Article I
 - Bill of Rights
 - focuses on limitations on government

Texas Constitution vs US Constitution

- US Constitution Article II
 - establishes the presidency
 - focuses on grants of power to government
- Defines the powers of government
 - focuses on separation of powers
 - separation of powers intended to limit government

Texas Constitution vs US Constitution

- US Constitution Article I
 - establishes the Congress
 - lists Congressional powers
 - structure of Congress - bicameral
 - Congress not subject to executive
- Texas Constitution Article III
 - establishes the legislature
 - lists legislative powers
 - structure of legislature - bicameral
 - limits length of sessions
 - limits salaries of legislators
 - legislature is subject to comptroller of public accounts

Texas Constitution vs US Constitution

- US Constitution Article II
 - establishes the presidency
 - lists presidential powers
 - structure of presidency - unitary
- Texas Constitution Article IV
 - establishes the executive
 - lists executive powers
 - structure of executive - plural

Texas Constitution vs US Constitution

- US President
 - Elected Chief Executive
 - President and Vice-President only elected executive branch officials
 - Since 12th Amendment, President and Vice-President elected together (as a pair, from
- Texas Executive: 6 elected executive officials
 - All elected on their own right possibly different parties

The Texas Plural Executive

- Governor - Greg Abbott
Know the top 3
- Lieutenant Governor - ??

The Texas Plural Executive

- Governor - Greg Abbott
- Lieutenant Governor - Dan Patrick
Know the top 3

The Texas Plural Executive

- Governor - Greg Abbott
- Lieutenant Governor - Dan Patrick
- Attorney General - ??

The Texas Plural Executive

- Governor - Greg Abbott
- Lieutenant Governor - Dan Patrick
- Attorney General - Ken Paxton
Know the top 3

The Texas Plural Executive

- Governor - Greg Abbott
- Lieutenant Governor - Dan Patrick
- Attorney General - Ken Paxton
- Comptroller of Public Accounts - Glenn Hegar
- Commissioner of the General Land Office - Dawn Buckingham, M.D.
- Commissioner of Agriculture - Sid Miller

The Texas Plural Executive: Non-Article IV Officials

- Railroad Commission - Christi Craddick (chair), Ryan Sitton, Wayne Christian

The Texas Plural Executive: Non-Article IV Officials

- Railroad Commission - Christi Craddick (chair), Ryan Sitton, Wayne Christian

Christi Craddick

- Regulates the oil and gas industry in Texas, which
- would be the fourth largest COUNTRY in the world for oil and gas production
 - The United States, Russia, Saudi Arabia, Texas
- No authority over railroads

The Texas Plural Executive: Non-Article IV Officials

- Railroad Commission - Christi Craddick (chair), Ryan Sitton, Wayne Christian
- State Board of Education - 15 members

The Texas Plural Executive

- Governor - Greg Abbott
- Lieutenant Governor - Dan Patrick
- Attorney General - Ken Paxton

Know the top 3

- Comptroller of Public Accounts - Glenn Hegar
- Commissioner of the General Land Office - Dawn Buckingham, M.D.
- Commissioner of Agriculture - Sid Miller

Texas Constitution vs US Constitution

- US Constitution Article III
 - establishes the judiciary
 - lists judicial powers
 - structure of judiciary - unitary
 - One Supreme Court with inferior courts as established by Congress
 - Judges appointed and serve for life
- Texas Constitution Article V

- establishes the judiciary
- lists judicial powers
- structure of judiciary - plural
- Two Supreme Courts
- lower courts defined in Constitution
- Judges elected and serve for fixed terms

Texas Constitution vs US Constitution

- Suffrage in US Constitution
 - Article I - Congressional
 - Article II - Presidential
 - Amendments - 15th, 19th, 23rd, 24th, 26th
 - Most details left to states
- Texas Constitution
 - Article VI
 - Detailed provisions
 - Covers elections and registration

Texas Constitution vs US Constitution: Education

- United States Constitution
 - Completely silent on the matter
 - Not a power granted to the federal government
 - So, under the 10th Amendment, a power reserved to the states
 - No legal federal role in education under the Constitution
- Texas Constitution: “An efficient system of free public schools” is a state responsibility
 - Article VII
 - Detailed provisions
 - Covers public education, higher education, and school lands

Texas Constitution vs US Constitution: Taxation

- United States Constitution
 - Article I, Section 8
 - Grants Congress the power to tax
 - Some stated limits on the power to tax
 - Increased federal taxation power over the Articles of Confederation
 - Amendments - 16th Amendment: Income Tax
- Texas Constitution
 - Article VIII
 - Covers state and local taxation
 - Limits power to tax
 - Makes taxation subject to popular vote
 - Prohibits state income tax

Texas Constitution vs US Constitution: Local Government

- US Constitution
 - Completely silent on the matter
 - Local government is part of state government
- Texas Constitution
 - Articles IX & XI
 - Covers counties, cities, and special districts
 - Detailed provisions

Texas Constitution vs US Constitution: Impeachment

- US Constitution
 - Article II, Section 4
 - President, Vice-President, and all civil officers of the United States
 - House impeaches, Senate tries
 - Conviction requires 2/3 vote of Senate
 - Removal from office and disqualification from future office
 - brief
- Texas Constitution

- All of Article XV
- Governor, Lieutenant Governor, Attorney General, Judges of the Supreme Court, Judges
- House impeaches, Senate tries
- Conviction requires 2/3 vote of Senate
- Removal from office and disqualification from future office
- detailed - an entire Article

Texas Constitution vs US Constitution: Level of detail, breadth of topics

- US Constitution
 - 7 Articles
 - 27 Amendments
 - 7,591 words
 - 4,543 words in Articles
 - 3,048 words in Amendments
- Texas Constitution
 - 17 Articles
 - 498 Amendments
 - 86,936 words
 - 83,550 words in Articles
 - 3,386 words in Amendments

Texas Constitution vs US Constitution: Size and detail

Because the federal Constitution left most powers to the states,
 the Texas Constitution is almost 20 times as long as the US Constitution
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Texas Constitution vs US Constitution: Size and Detail

Because of federalism, the US Constitution is concerned with broad principles of a purposely limited federal government, while the Texas Constitution provides extensive details of a more powerful government's policies. As a result...

the Texas Constitution is almost 20 times as long as the US Constitution

Texas Constitution vs US Constitution: Amendment process

- US Constitution
 - Article V
 - 2/3 vote of both houses of Congress
 - 3/4 of state legislatures
 - 2/3 of state conventions
- Texas Constitution
 - Article XVII
 - 2/3 vote of both houses of Texas Legislature
 - Twice published in recognized newspapers
 - Majority vote of Texas voters

Texas Constitution: Other topics worth briefly noting

- Article 10: Railroads
- Article 12: Private Corporations
- Article 13: Spanish and Mexican Land Titles
- Article 14: Public Lands and Land Office
- Article 16: General Provisions

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