



LEGISLATIVE MANUAL

TABLE OF CONTENTS

INTRODUCTION	2
SECTIONS THAT ARE PART OF LEGISLATIVE DIRECTLY OR INDIRECTLY	3
THE LOCAL CLUBS	3
SELECTING A BILL TOPIC	4
WHERE DO I GET IDEAS FOR BILL TOPICS?	4
SUBJECTS UNSUITABLE FOR BILL TOPICS	5
WRITING THE BILL	5
SECTIONS OF A BILL	5
AMENDING A BILL	8
WHEN IS A RESOLUTION NEEDED INSTEAD OF A BILL?	8
LEGISLATIVE OFFICERS	9
SUGGESTED LESSON PLANS	10



LEGISLATIVE SECTION

INTRODUCTION

The Legislative section of the Texas Youth and Government Program gives high school age youth (middle school age in districts that have JuniorYG) experience in identifying issues for legislation, bill writing, debating, bill presentation, and participation in a legislative body. The youth legislature at Austin is composed of the Hyde House, Hyde Senate, the House of Representatives, and the Senate with appropriate officers for each body. At the District level, the legislative delegates will participate together in one legislative body that will most resemble the House of Representatives.

Members of the youth legislature prepare legislation (bills or sometimes joint resolutions) in their clubs for consideration, debate, and action at the District and State Conferences. At the District Conference, Hearing Committees consider each bill and take appropriate action. At the State Conference, all bills from Hyde House, Hyde Senate, House of Representatives, and the Senate will be heard in a committee. Bills that are placed on the docket and then passed in either the House or the Senate will be sent to the other chamber and debated there. Bills that pass both chambers will be sent to the Youth Governor for his or her signature or veto.

A bill does not have to pass at the District Conference level to be considered at the State Conference. All bills are considered for the State Conference (Austin) if they are submitted before the deadline, written in the proper form, and written on an appropriate topic. Appropriate topics are discussed in later sections of this manual.

The following guidelines are suggested for assigning delegates to the Legislative chambers at the High School State Conference:

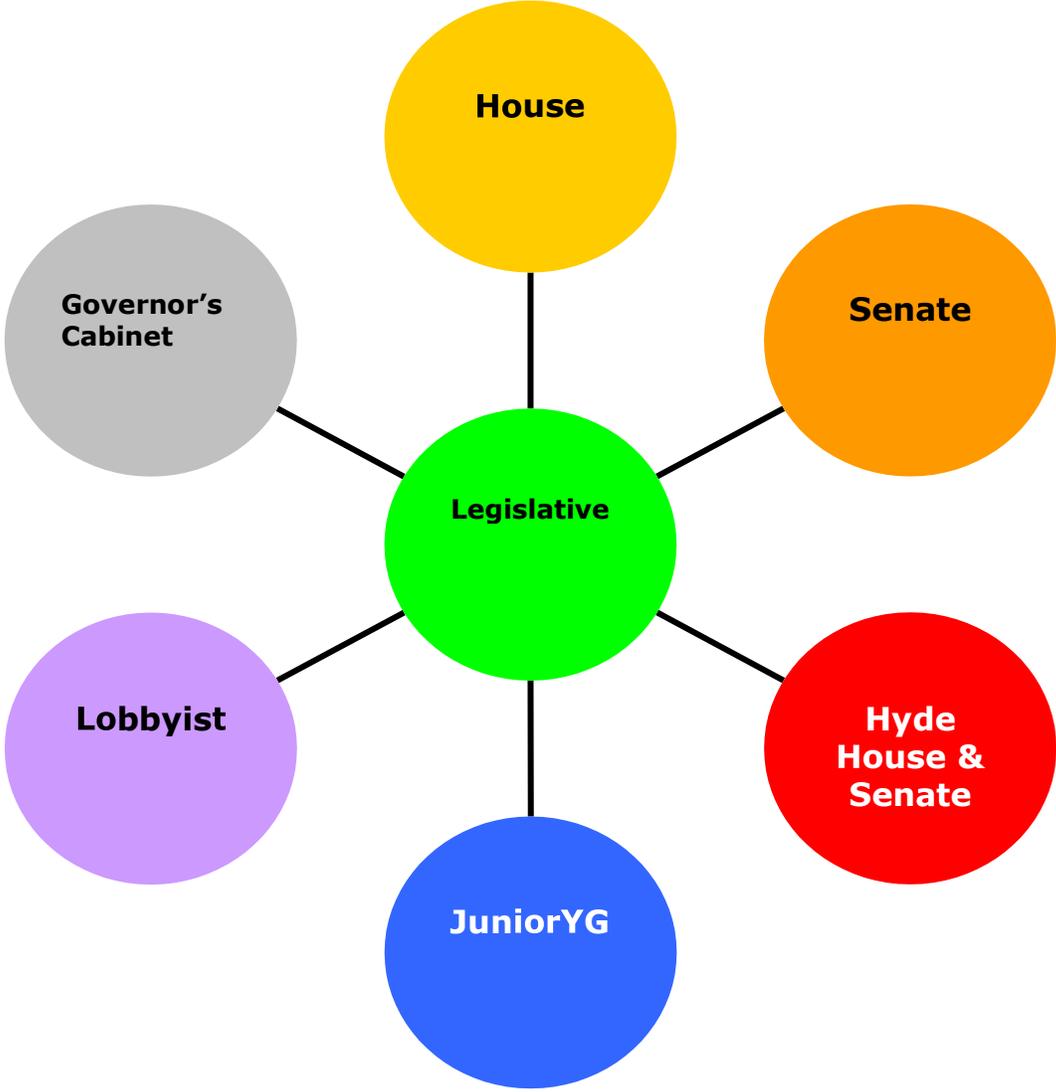
- **Hyde House:** 9th and 10th graders with no previous Legislative experience. Most 9th grade students with JYG experience will remain in Hyde House unless their District Director approves moving them.
- **Hyde Senate:** Chamber will be added if Legislative delegates fill all available seats in Hyde House, House and Senate. It is primarily for first-year 10th and 11th grade students (or those who have limited Legislative experience) and possibly for 9th grade students with JYG experience.
- **House of Representatives:** Primarily for 10th and 11th graders with previous Legislative experience. If seats are available based on district allotment, outstanding 9th graders with JYG experience can be moved up at discretion of their District Directors. 12th graders who have no Legislative experience but have debate experience should be assigned to House.
- **Senate:** 11th and 12th graders with Legislative experience. 12th graders have precedence.
- **Lobbyist:** Students may apply to lobby within the chambers for or against bills of their choice.
- **Governor's Cabinet:** Students may apply to serve the current Governor by lobbying within the chambers to pass or not pass certain bills of the Governor's choosing.

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The following guidelines are suggested for assigning delegates to the Legislative chambers at the Middle School State Conference. All students must write a bill to participate.

- **Duran Council:** first-year 6th grade students.
- **Duran House:** 7th or 8th grade (and possibly 6th grade) students with minimal experience in Legislative.
- **Duran Senate:** Chamber will be added if Legislative delegates fill all available seats in Duran House, House, and Senate. It is primarily for first-year 7th and 8th grade students.
- **House:** 7th or 8th graders with some Legislative and/or debate experience.
- **Senate:** Delegates in Senate are 8th graders who have participated in YG at least one prior year.

SECTIONS THAT ARE PART OF LEGISLATIVE DIRECTLY OR INDIRECTLY



THE LOCAL CLUBS

YMCA associated school clubs and YMCA clubs are the foundation of the Youth and Government program. **It is required that all advisors for these clubs attend training meetings conducted by the District Directors and communicate regularly with these persons.**

Most of the work in the Youth and Government Program is accomplished at the local level; hence much emphasis and detail must be given to programming in the local club. Since each district might have different dates for the District Conference, and therefore different deadlines, this manual can only provide a suggested sequence of goals for each week of preparation. By referring to the following guidelines, communicating with the District Directors, reading appropriate materials, and seeking additional guidance from experienced individuals, club members can be well prepared for full participation in the District and State Conferences.

SELECTING A BILL TOPIC

1. Topics must cover state issues and not federal issues
Examples would include but not be limited to the following: public education, higher education, health and human services, workers' compensation, business and economic development, civil practices, criminal justice, gambling, family issues, public safety, environment, transportation, financial institutions, state and local government organization.
2. Topics should be feasible and not "daydreams".
3. Topics should be appealing to the author so that the author can adequately and passionately defend the issue.
4. Examples of topics that are not allowed include: any subject matter that is covered by the powers of the federal government, anything that is already a current law in Texas, any bills signed by the Youth Governor during the preceding year, and any topic placed on a banned bill list by the Legislative Section Leaders or the State Director.
5. Sources for obtaining ideas for bill topics would include but not be limited to the following: lists of bills that were considered by the Texas Legislature in previous or current sessions; suggestions from parents, friends, or teachers; local newspapers, especially the state or local sections; laws from other states that are not currently laws in Texas; current state statutes that the student wishes to change; lists of previous topics used for Youth and Government bills in Texas or in other states (these should be used with caution because many of these topics could be outdated or no longer applicable to current interests, etc.).
6. Based on the Texas Constitution, bill topics can cover only one subject. Bill topics that deal with one specific issue are the best to address and defend.
7. Students should determine if their proposal can be written as a bill or if it would require a change in the Texas Constitution and therefore must be written as a joint resolution. Appropriate sources should be contacted. These could include attorneys, members of the Texas Legislature, political science teachers or professors, and/or copies of the Texas Constitution itself.
8. Topic selections should be checked and approved by a club's student leaders and/or the adult advisor.

WHERE DO I GET IDEAS FOR BILL TOPICS?

1. Ask parents, friends, or teachers
2. Read the newspaper (especially the local section.....second section in paper each day)
3. Watch local news; listen to National Public Radio (NPR)
4. Look at bills that were passed or considered by sessions of the real Texas Legislature

5. Research laws from other states that you would like to see as laws in Texas
6. Plan to make changes to existing Texas laws that you believe should be amended
7. Review previous YG bills.....consider improving a bill that has been proposed in the past.

SUBJECTS UNSUITABLE FOR BILL TOPICS

1. Any subject matter that is covered by the powers of the federal government
2. Anything that is already a current law in the state of Texas
3. Any subject covered in bills signed by the Youth Governor last year
4. Any bills with topics in poor taste. A list of banned topics will be circulated near the beginning of the school year.

WRITING THE BILL

It is generally required that a bill in Youth and Government has only one author. Nevertheless, bills authored by two students can be allowed in the JYG Duran House, Duran Senate or Duran Council at the discretion of the adult advisor. Bills with two authors should only be allowed if the students are both new to the legislative process. No bills with more than two authors are permitted.

The State Office will make a bill template available online. This template will already include the parts of the bill that are required. Students should use this form and only add or delete optional sections of the bill as appropriate for their specific bill. If a joint resolution is needed, contact the state Legislative Section Leaders for the appropriate format.

SECTIONS OF A BILL

The required sections of the Texas Youth and Government bill will include the following: heading, caption, enacting clause, body of the bill (provisions), effective date repealer clause, severability clause, and the emergency clause.

Optional sections of the bill that are often used depending on the content of the bill (and are included in the body of the bill) are the definition section and the penalty section.

Bill sections that are sometimes used in actual bills written for the Texas Legislature but are NOT needed for Youth and Government bills include the preamble, purpose, and savings sections.

1. **Heading:**
The heading identifies the type of measure (house bill, senate bill, resolution, etc.), the committee assignment, the bill number, bill author and the YMCA delegation. The student should fill in ONLY his or her name and the YMCA delegation. Examples: Houston Westside YMCA or Fort Worth Northwest YMCA. To write on the heading on the bill template, the student should double click. The other information will be filled in by the Legislative section leaders when the bill is submitted for the state conference.
2. **Caption:**
The Caption is that portion of a bill placed at the very beginning which expresses the subject of the bill. It should be a general statement of the content of the act so that proper notice as to the bill's subject, nature, and contents are given to Legislators and interested parties. A caption cannot be amended in any way that

would change the intent of the bill.

Bills passed by the Legislature have been held unconstitutional when the Caption did not sufficiently cover the general matter of the bill. Article III, Section 35 of the Texas Constitution requires:

"No bill shall contain more than one subject, which shall be expressed in its title, but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void..."

If a student does not desire that his or her bill be amended, then very specific language should be used in the caption. (e.g. "An act prohibiting any vehicle from traveling over the speed of fifty miles per hour..."). If a student is not opposed to the possibility of amendments being added, then more general language can be used. (e.g. "An act relating to the maximum speed limit of motor vehicles...").

3. Enacting Clause:

The Enacting Clause is required by the Texas Constitution. It states, "The Enacting Clause of all laws shall be: "Be it enacted by the Legislature of the State of Texas." A Texas Supreme Court decision in 1876 held that no other similar wording could be used---the Enacting Clause must read exactly as in the Constitution. In Texas YMCA Youth and Government, The Enacting Clause must read, "Be it Enacted by the YMCA Youth Legislature of the State of Texas."

4. Body of the Bill:

The required portion of the body of the bill is the bill's provisions. The Provision Section of the bill is the most important section of the bill. This is where the law itself is stated or any change to an existing law is stated. If passed, the provisions of the bill become part of the Texas State Statutes. For that reason, formal language should be used. The student should not express his or her opinions in the provisions. That will be done when the student debates the bill. The provisions must contain positive action words and phrases such as "shall," "shall not," "must," "shall be punished by," or "shall be required." Words and phrases to avoid include "would," "should," and any statements not requiring or prohibiting specific actions.

An example of an appropriately written provision for the caption of the bill referenced in #2 above could read, "The maximum speed for any motor vehicle traveling on a public roadway in the state of Texas shall be hereby set at fifty miles per hour." A bad provision might read, "Cars traveling in Texas should not drive as fast as they do."

The other sections used in the body of the bill are the definition section and the penalty section. Since these sections may not be needed for each bill, they are discussed at the end of this list.

5. Effective Date:

The Texas Constitution states that all bills become effective ninety days after the Legislature adjourns. An Emergency Clause is the only way to make a law take effect before the 90 days.

An Effective Date Clause is a simple statement that "this act shall take effect on". If a bill needs to go into effect after ninety days, then a specific date should be designated. This is usually done to give the citizens of the State time to make changes required to be in compliance with the new law. For example, if a bill is requiring school systems to make major changes, that bill might go into effect at the beginning of the next school year. If a bill is requiring a major change in state infrastructure, several years may be needed before the project is completed.

6. Repealer Clause:

If a bill is intended to replace or supersede other existing laws, a Repealer Clause is used to void these statutes. This can take two forms:

A Specific Repealer lists the official citations of the laws or statutes to be repealed, such as, "Section 21.06 of the Texas Penal Code is hereby repealed."

A General Repealer states that "all laws or parts of laws in conflict with this act are hereby repealed to the extent of the conflict."

The General Repealer clause is the one that is normally used for Youth and Government bills and the one that is included on the bill template.

7. Severability Clause:

A Severability Clause is a special Savings Clause. Its purpose is to protect the intent and majority of a law should, in the future, one part of it be held unconstitutional. It usually reads, "If any portion of this Act is declared unconstitutional, it is the intention of the Legislature that the other portions shall remain in full force and effect."

8. Emergency Clause:

No other clause in a bill creates more confusion in Youth and Government than the Emergency Clause. The Emergency Clause is allowed under Section 39, Article III, of the Texas Constitution, and it may be used to accomplish either or both of two purposes.

First, pursuant to the Texas Constitution, no law passed by the Legislature may take effect before 90 days after the Legislature adjourns. However, if a bill has an Emergency Clause calling for immediate effect and is passed by a two-thirds majority, the bill can take effect immediately upon passage.

Second, the standard Emergency Clause also serves to suspend the Constitutional rule that bills be read on three different legislative days in each house. In the Texas Legislature, suspension of this rule occurs by a vote on a motion to declare that an emergency exists (separate from the vote on the bill itself), and this motion requires a four-fifths majority in each house. In Youth and Government, suspension of this rule occurs by an automatic motion immediately after passage on second reading and by rule cannot be denied.

To make this automatic motion possible, all bills in Youth and Government should have an Emergency Clause to suspend the Constitutional Rule requiring bills to be read on three separate days. The Emergency Clause should also call for the bill to take effect immediately only if that is the author(s) intent. The standard Emergency Clause is (with optional part underlined):

"The importance of this legislation and the crowded condition of the calendar in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days in each house be suspended, and this Rule is hereby suspended; and this Act take effect and be in force from and after its passage, and it is so enacted."

9. Definition Section:

This is one of the sections that is optional depending on the specific nature of a particular bill. If a bill contains technical or unfamiliar terms, then the first section of the body of the bill should be the definition section. It should be placed after the enacting clause and before the provisions of the bill. However, familiar or common terms or terms defined in the provisions of the bill need not be defined unless it is the author's purpose to limit or expand the normal definitions. The definition section is included on the template.

10. Penalty Section:

This section is also optional depending on the specific nature of a bill. Most bills will actually need penalties to enforce the law that is being established. If needed, the penalty section is placed after the provisions of the bill and before the effective date. It is the last section in the body of the bill. Any bill that makes an act a crime must provide penalties. The penalties should always be reasonable for the crime (8th Amendment to US Constitution). Some bills will not need penalties. For example, a bill establishing a new state agency would not require penalties. Once the bill passes, the agency will be created. The government would not fine itself for not establishing the agency; it must establish it by the very law itself. The penalty section is included on the

template.

If the definition section and/ or the penalty section are not used in a bill, then the sections on the template should be renumbered accordingly.

AMENDING BILLS

Even though amendments are proposed during committee debate and/or during floor debate, we will discuss them here since they do affect the wording of the bill that will actually become law. It is important to remember that an amendment cannot conflict with the caption of the bill. Amendment forms should be distributed to the committee clerks and House and Senate clerks at the Conferences. They then distribute these to other delegates.

An amendment is used to add, change, or delete parts of a bill or resolution. It must be drafted in such a manner that the intent of the amendment and the amended section(s) are clear. Many amendments are eliminated on a Point of Order claiming they are "vague and indefinite."

A proposed amendment must be in writing and signed by the author. The following are examples of well-worded amendments:

Amendment to Add New Material

Amend HB 24, Section 1, line 26 by adding after the word "Regents" the following words: "of East Texas State University."

Amendment to Delete Material

Amend HB 24, Section 2, beginning on line 32 deleting the following words: "and no member of said board may be appointed from or be a resident of the county in which the University is located."

Amendment to Change Material

Amend HB 24, Section 3, line 30 by deleting the words "two (2)" and replacing them with the words "one (1)."

WHEN IS A RESOLUTION NEEDED INSTEAD OF A BILL?

A resolution is a form of expression, a temporary effect, by which a legislative body states its will or opinion on a given matter. There are three types of resolutions used in most legislative bodies. These include simple resolutions, concurrent resolutions, and joint resolutions. Joint resolutions are the only ones that have the potential force of law, and they are the only ones used in Texas Youth and Government.

The chief purpose of a Joint Resolution is to propose an amendment to the State Constitution for submission to a vote of the citizens of the State. It is the only way to propose an amendment to the Texas Constitution. A Joint Resolution must pass by a two-thirds majority in both houses. Unlike a bill, it is not subject to gubernatorial veto.

One of the most frequently made mistakes in the program is a student attempting to use a bill to do something that requires a resolution. For example, almost every year students submit bills proposing limitations on the

terms of state representatives or senators. While term limits are an acceptable topic for Youth and Government delegates, enacting them and other ideas requires an amendment to the Texas Constitution. This can only be accomplished with a Joint Resolution. Club advisors should be prepared to help students determine whether or not a resolution is required. They can seek advice from members of the Texas Legislature, attorneys, political science teachers or professors, or the YG Legislative Section Leaders.

In a resolution, a resolving clause is used in place of an enacting clause. For a joint resolution, the wording must be: "Be it resolved by the YMCA Youth Legislature of the State of Texas...."

The appropriate form for a joint resolution can be obtained from the State Director or the YG Legislative Section Leaders.

LEGISLATIVE OFFICERS

Each club may nominate qualified members to seek nomination at the District Conference as the district candidate for state office. To determine which students are eligible, refer to appropriate sections of the Candidate Qualifications. Special attention must be given to the qualifications, duties, and election procedures for each office. If any questions remain unanswered in the manual, club advisors should contact their District Directors for clarification. **Each legislative candidate at the district level must still prepare a bill to be presented at the District Conference.**

Legislative candidates include Hyde House Speaker, President Pro-Tempore of the Hyde Senate, Speaker of the House, and President Pro-Tempore of the Senate. Various clerks and Sgt. at Arms will be appointed or elected at District Conference.

Hearing committee teams composed of a Chairperson and a Clerk represent another leadership opportunity. These teams will be evaluated at the District Conferences. The highest ranked teams will be assigned to serve at the State Conference.

Each district should register two teams and two alternate teams for service at the State Conference. **Each member of the Hearing Committee team must still prepare a bill to be presented at the District Conference.**

Presiding Officers

Presiding officers include committee chairpersons, Speakers of the Hyde House and of the House of Representatives, the Lt. Governor and the President Pro Tempore of the Hyde Senate and Senate. At the local club, experienced legislative students should act as presiding officers for debate of the club's bills. These students should be considered as committee chairs for the District and State conferences. Experienced 12th grade students should be considered as candidates for Speaker of the House.

Presiding officers must be familiar with procedures for committee debate and for floor debate. Sources to reference include the Motion/Seconds charts, Quick Forms, and the Bill Debate Scripts.

All committee chairs and clerks and all candidates for presiding offices at the District and State Conferences must still author a bill and debate it at the District Conference. Since a student might not be selected as a committee chair or clerk for the State Conference and a candidate might not be elected, all students should be prepared to participate as a member of one of the legislative bodies at the State Conference.

SUGGESTED LESSON PLANS FOR LOCAL CLUBS

- 1st Week** **Overview of the Youth and Government Program**
Introduction of main YG program areas: Legislative, Judicial, State Affairs Forum (formally EGP), Media, Lobbyist/Gov Cab
Supplements: Printed brief explanations of each program area
- 2nd Week** **Deciding on Participation in the Legislative Section**
Detailed explanation of the Legislative program and its requirements
Supplements: Legislative Basics, Legislative Manual, sample bills
- 3rd Week** **Searching for Bill Topics**
Discussion of appropriate bill topics: state issues, current legislation, banned topics, websites
Supplements: Legislative Basics, lists of various state issues, list of issues considered by the Texas Legislature, sample lists of previous topics of YG bills, banned bill lists from State Director's office
- 4th Week** **Selection of a Bill Topic**
Discussion of students' selected bill topics
Student submission of bill topic to club advisor for final approval
Supplements: Supplements from week 3. Advisor-generated form for submitting bill topics for final approval can be used.
- 5th Week** **Drafting Bills**
Determination of whether subject matter of legislative measure requires a bill or a joint resolution
Discussion of required sections of bill or resolution
Directions for accessing bill template
Explanation of appropriate wording for caption, provisions, etc.
Supplements: Legislative Basics, copies of applicable sections of this manual, examples of well-written bills
- 6th Week** **Finalizing Bills**
Editing by student authors, experienced legislative students, and advisors
Corrections to bill made on bill template
Final copy of bill reviewed by adult advisor
Determination of students who will preside in practice debate made
Supplements: Legislative Basics, copies of applicable sections of this manual, examples of well-written bills
- Week 7** **Submission of Bills and Practice of Committee Debate**
Copy of bill sent to District Director (based on due date for the district)
Names of committee chairs and clerks sent to District Director
Names of candidates for Speaker sent to District Director
Distribution of printed materials explaining committee debate
Practice of committee debate
Supplements: copies of bill for debate, Hearing Committee Motion/Seconds Chart, Procedure for Hearing Committee Debate-Quick Form; Procedure for Hearing a Bill or Resolution in Committee, and Examples of Hearing Committee Debate (Bill Debate Script)

- 8th Week Practice of Floor Debate**
 Distribution of printed materials explaining floor debate
 Practice of floor debate
 Supplements: copies of bill for debate, House and Senate Floor Debate Motion/Seconds Chart, Procedure for Floor Debate of a Bill or Resolution-Quick Form; Procedure for Floor Debate of a Bill or Resolution, and Examples of Floor Debate (Bill Debate Script)
- 9th Week Preparation for District Conference**
 Communication of details concerning location, time, and dress code of District Conference
 Communication of expectations for District Conference
 Continuation of practice of committee debate and floor debate of a bill or resolution
 Provision of extra meeting time (if needed) for all students to practice presenting and debating their bills prior to the District Conference
 Supplements: handouts on details of District Conference, materials listed previously covering committee debate and floor debate
- 10th Week Continued Preparation for District Conference**
 Communication of details concerning location, time, and dress code of District Conference
 Communication of expectations for District Conference
 Continuation of practice of committee debate and floor debate of a bill or resolution
 Provision of extra meeting time (if needed) for all students to practice presenting and debating their bills prior to the District Conference
 Supplements: handouts on details of District Conference, materials listed previously covering committee debate and floor debate
- 11th Week Preparation for State Conference**
 Communication of details concerning location, dates, and dress code of State Conference
 Communication of requirements for making any changes to bills before they are submitted to the State Office
 Assignment to Hyde House, Hyde Senate, House of Representatives, or Senate
 Continuation of practice of committee and floor debate
 Supplements: handouts on details of State Conference

Weekly meetings between the District Conference and the State Conference should be used to practice committee and floor debate and to share information concerning the State Conference.