

Legislative Branch Study Guide

<p>The Legislative branch test will include the following items: Chapter 7 textbook, SS.7.C.3.3, SS.7.C.3.8, and SS.7.C.3.4</p>	
<p>SS.7.C.3.3 – Illustrate the structure and function of the (three branches of government established in Articles I, II, and III of the Constitution with corresponding powers) of the government.</p> <p>SS.7.C.3.3 Vocabulary to study: Legislative Branch – Article I Article, U.S. Congress, U.S. House of Representatives U.S. Senate, Delegated powers/Enumerated Powers Coining money, Declaration of war, Immigration Naturalization laws, Regulate/trade, Elastic clause/necessary and proper/implied powers Impeach, Concurrent powers</p>	<p>SS.7.C.3.8 – Analyze the structure, functions, and processes of the legislative, executive, and judicial branches.</p> <p>SS.7.C.3.8 Vocabulary to Study: Constituents, Bill, Veto, Act, Statute, Ordinance, Home rule, Bicameral, Committee selection, Conference committee, Special committee, Standing committee How a bill becomes a law, Majority leader, Speaker of the House, Majority party, Minority leader, Minority party Nominate, President pro tempore of the Senate Appointment confirmation, State legislature State representative, State senator, City commissioner or council member, County commissioner or council member School board</p>
<p>SS.7.C.3.4 – Identify the relationship and division of powers between the federal government and state governments.</p> <p>SS.7.C.3.4 Vocabulary to study: Federalism, Federal government (national government) State government, Local government, Reserved powers Supremacy Clause, Tenth Amendment</p>	<p>Chapter 7 Vocabulary Gerrymander, writ of habeas corpus, bill of attainder, ex post facto law, franking privilege, lobbyist, casework, pork-barrel project, public works bills, earmarks, joint resolution, rider, filibuster, cloture, voice vote, standing vote, roll-call vote, and pocket veto</p>
<p>Article I of the Constitution – Makes laws</p> <p>Bicameral – Congress is made up of two houses. The lower house, House of Representatives and the upper house, Senate.</p>	
<p>House of Representative</p>	<p>Senate</p>
<p>Qualification must be 25 years of age, citizen for 7 years, and live in the state they represent.</p>	<p>Qualification must be 30 years of age, citizen for 9 years, and live in the state they represent.</p>
<p>Powers & Functions of the House Power of impeachment and Bills start in the House involving taxes.</p>	<p>Powers & Functions of the Senate</p> <ul style="list-style-type: none"> • Impeachment trial • decides whether or not to remove from office • confirms high level nominations to the executive and judiciary branches
<p>Powers & Functions of Both Houses</p>	
<ul style="list-style-type: none"> • Have the power to change laws in order to protect voters • Oversees, investigates, and makes the rules for the government and its officers • Each house can judge elections, create their own rules to manage themselves • Must have a majority present in order to conduct business • Keep a journal of their activities • Determine naturalization laws • Congress has the power to coin money, print money, create the postal service, to raise and support armed forces, and lower federal courts, declare war, and regulate commerce. 	
<p>Limit on Power – Article I, Section 9</p>	
<p>Forbids Congress from passing laws that would hurt the legal rights of the United States citizens.</p> <ul style="list-style-type: none"> • Writ of habeas corpus – Congress cannot block it except in times of rebellion or invasion. It is a court order that brings the prisoner before the court to be told what they are being held for. • Congress cannot pass a Bill of Attainder – laws that punish a person without a trial. 	



- Cannot pass **ex post facto laws** – laws declaring that an act is a crime after the act has been committed.

Legislative Branch on the differing levels of government

National (Federal)	State	Local
<p>How Many</p> <ul style="list-style-type: none"> • H of R 435 members (state’s population) 2 year terms • Senate 100 members (2 per state) 6 year terms • Census is given every 10 years to adjust H of R as needed • Legislation must be passed by a majority for each house • Process of how a bill becomes a law – (Acts) <p>Two Political Parties – Democrats and Republicans</p> <ul style="list-style-type: none"> • For each house – Majority Party and Minority Party. • Majority leader - House - Speaker of the House – only office chosen by representatives and is in the Constitution. Senate – Pro Tempore – serves in absence of the VP as President of the Senate. • Majority Party members chair all standing and select committees based on Seniority. • Majority holds leadership, chairs all policy committees, and holds the majority of each committee. <p>Types of Committees – see last page</p>	<p>Article IV guarantees to every state a republican (representative) form of government.</p> <ul style="list-style-type: none"> • Florida - Bicameral – House 120 members and Senate 40 members. <p>Term limits for each house – 8 years. Total for both – 16.</p> <ul style="list-style-type: none"> • House – 2 year terms and Senate – 4 year terms. <p>Part Time Legislature - meets for 60 days beginning in early March to early May.</p> <ul style="list-style-type: none"> • Majority of each house to ratify laws (statutes). • Use committee system and party leadership system in each house. <div data-bbox="581 961 1003 1407" data-label="Image"> </div>	<p>Counties</p> <ul style="list-style-type: none"> • 67 counties – carry out constitutional services established by the state. • County services carried out are law enforcement, jail administration, tax collector, property appraisal, state court administration, and election supervision • Oversees road maintenance, public health, and solid waste disposal. • County commission selects the county chair – oversees commission meetings. <p>Special Districts</p> <ul style="list-style-type: none"> • Independent – create by the legislature for specific purpose – water management districts, fire services, and inland navigation. • Dependent Special Districts – created by cities and counties – governed by the city or county with elected commission. 600 Independent and 300 Dependent <p>Cities</p> <ul style="list-style-type: none"> • Home Rules – may enact their own laws (ordinances) and self-govern. Ordinances cannot conflict with state laws. • City Councils – city legislatures • City Mayor – runs the city

Federalism

A system of government in which power is divided and shared between the national, state, and local governments. This division of powers extends exclusive powers to the national government only (enumerated, or delegated), the state governments only (reserved), or to both (concurrent). It is found throughout the U.S. Constitution.

The Tenth Amendment

The powers are 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. It does not identify any powers, instead, it extends to the states and by extension, the people, powers that are not specifically granted to Congress or denied to the states.

Federal and State Powers in the U.S. Constitution

Article and Section in the U.S. Constitution	Explanation of Power	Example of Power	Type of Power
Article I, Section 4 (The Legislative Branch; elections)	States organize elections although the federal government may set up national standards.	The national government sets the date for presidential and congressional elections; the states may determine the date for scheduling primaries.	Concurrent
Article I, Section 8 (The Legislative Branch; powers of Congress)	Congress, as the national legislature, enjoys specific powers.	Core powers of Congress include: <ul style="list-style-type: none"> • Laying and collecting taxes • Providing for the common defense • Borrowing money on the credit of the U.S. • Regulating commerce • Establishing a uniform rule of naturalization • Coining money • Declaring war • Raising and supporting armies and navies 	Enumerated or delegated
Article I, Section 10 (The Legislative Branch; restrictions on state power)	The states are forbidden from engaging in certain activities.	State may not (partial list): <ul style="list-style-type: none"> • Enter into treaties • Coin money • Keep troops during peacetime 	N/A; Article I, Section 10 restricts power, it does not extend it
Article II, Section I (Executive Branch: Electoral College)	State legislatures determine the rules for appointing members of the Electoral College (the Electoral College elects the president).	State legislatures give to each political party the power to select Electors from that party; all electors are assigned to the party of the presidential candidate earning the most votes in that state (except in Maine and Nebraska)	Reserved
Article III, Section I (Judicial Branch; creation of courts)	Congress establishes courts inferior to the U.S. Supreme Court	Congress created the federal appellate court system.	Enumerated or delegated

Article VI (Supremacy Clause)	State law may not conflict with federal law	Federal law mandates that no state may require residency exceeding 30 days for purposes of voter registration..	N/A
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Division of Powers		
<u>National Government</u> (Enumerated Powers) Expressed Powers	<u>National and State Governments</u> (Concurrent Powers) Shared Powers	<u>State Governments</u> (Reserved Powers)
<ul style="list-style-type: none"> • Regulate trade • Coin money • Provide army and navy • Declare war • Set up a federal court system • Conduct foreign relations 	<ul style="list-style-type: none"> • Collect taxes • Borrow money • Spend for the general welfare • Set up court systems • Pass and enforce laws 	<ul style="list-style-type: none"> • Regulate trade between states • Set up local governments • Conduct elections • Establish Public Education • Protect public health, welfare, and morals

National Legislative Committees

Committee Type	Committee Purpose	Committee Membership
Standing	Permanent legislative panels that consider bills and issues	Members of one house, and both parties
Select	Temporary committee that addresses a specific issue; once that committee's business is complete, the committee dissolves	Members of one house, and both parties
Special	Performs a special function beyond the authority or capacity of a standing committee	Members of one house, and one party
Joint	Policy exploration with a narrow jurisdiction	Members of the House of Representatives and the Senate
Conference	Temporary committee formed to reconcile differences in legislation passed by both chambers.	Members of the House of Representatives and the Senate

