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# LEGISLATIVE MANUAL

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## **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, 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, House of Representative, and the Senate will be heard in a committee. Hyde House bills will then be heard only in that chamber. 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 following sections of the manual.

The following guidelines are suggested for assigning delegates to the legislative chambers at the State Conference:

**Hyde House:** 9<sup>th</sup> and 10<sup>th</sup> graders will no previous legislative experience

**House of Representatives:** 9<sup>th</sup> graders with at least two years experience in JuniorYG, 10<sup>th</sup> and 11<sup>th</sup> graders with at least one year legislative experience, 12<sup>th</sup> graders with no previous legislative experience

**Senate:** 11<sup>th</sup> and 12<sup>th</sup> graders with multiple years of legislative experience



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## **LEGISLATIVE OFFICERS**

Each club may nominate its 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 manual. Special attention must be given to the qualifications, duties, and election procedures for each office. If any questions are not answered 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, Speaker of the House, and President Pro Tempore of the Senate. Various clerks and Sgt. at Arms can be appointed or elected at the district level.

Another opportunity for Legislative leadership is the Hearing Committee team composed of a Chairperson and Clerk. 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.**

## **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 goals for each week of preparation. By referring to the following guidelines, by communicating with the district directors, by reading appropriate materials, and by seeking additional guidance from experienced individuals, club members can be well prepared for full participation in the District and State Conferences.

NOTE: Final copies of bills or joint resolutions are usually due to the district director's office during the 7<sup>th</sup> or 8<sup>th</sup> week of the school year if the program begins the first week in September.



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## **SUGGESTED TIMELINE**

- 1<sup>st</sup> Week**      **Overview of the Youth and Government Program**  
Introduction of main Y&G program areas: Legislative, Judicial, State Affairs Forum (formally EGP), New Media  
Supplements: Printed brief explanations of each program area
- 2<sup>nd</sup> Week**      **Deciding on Participation in the Legislative Section**  
Detailed explanation of the Legislative program and its requirements  
Supplements: "Fine Art of Bill Writing", sample bills
- 3<sup>rd</sup> Week**      **Searching for Bill Topics**  
Discussion of appropriate bill topics: state issues,, current legislation, banned topics, websites  
Supplements: "Fine Art of Bill Writing", lists of various state issues, list of issues considered by the Texas Legislature, sample lists of previous topics of Y&G bills, banned bill lists from State Director's office
- 4<sup>th</sup> 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
- 5<sup>th</sup> Week**      **Drafting the Bill**  
Determination of whether subject matter of legislative measure should be a bill or a joint resolution. (Explained later in manual)  
Discussion of required sections of bill or resolution  
Directions on accessing bill template  
Explanation of appropriate wording for caption, provisions, etc.  
Supplements: "Fine Art of Bill Writing", copies of applicable sections of this manual, examples of well-written bills
- 6<sup>th</sup> Week**      **Finalizing the Bill**  
Editing of bill by student author, experienced legislative students, and adult advisor  
Corrections to bill made on bill template  
Final copy of bill reviewed by adult advisor  
Determination of students who will preside in practice debate  
Supplements: "Fine Art of Bill Writing", copies of applicable sections of this manual, examples of well-written bills
- 7<sup>th</sup> Week**      **Submission of Bill 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 or Pro-Tempore sent to District Director  
Distribution of printed materials explaining committee debate  
Practice of committee debate



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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)

**8<sup>th</sup> 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 Bill or Resolution-Quick Form; Procedure for Floor Debate of a Bill or Resolution, and Examples of Floor Debate (Bill Debate Script)

**9<sup>th</sup> 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

**10<sup>th</sup> 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

**11<sup>th</sup> Week Preparation for State Conference**

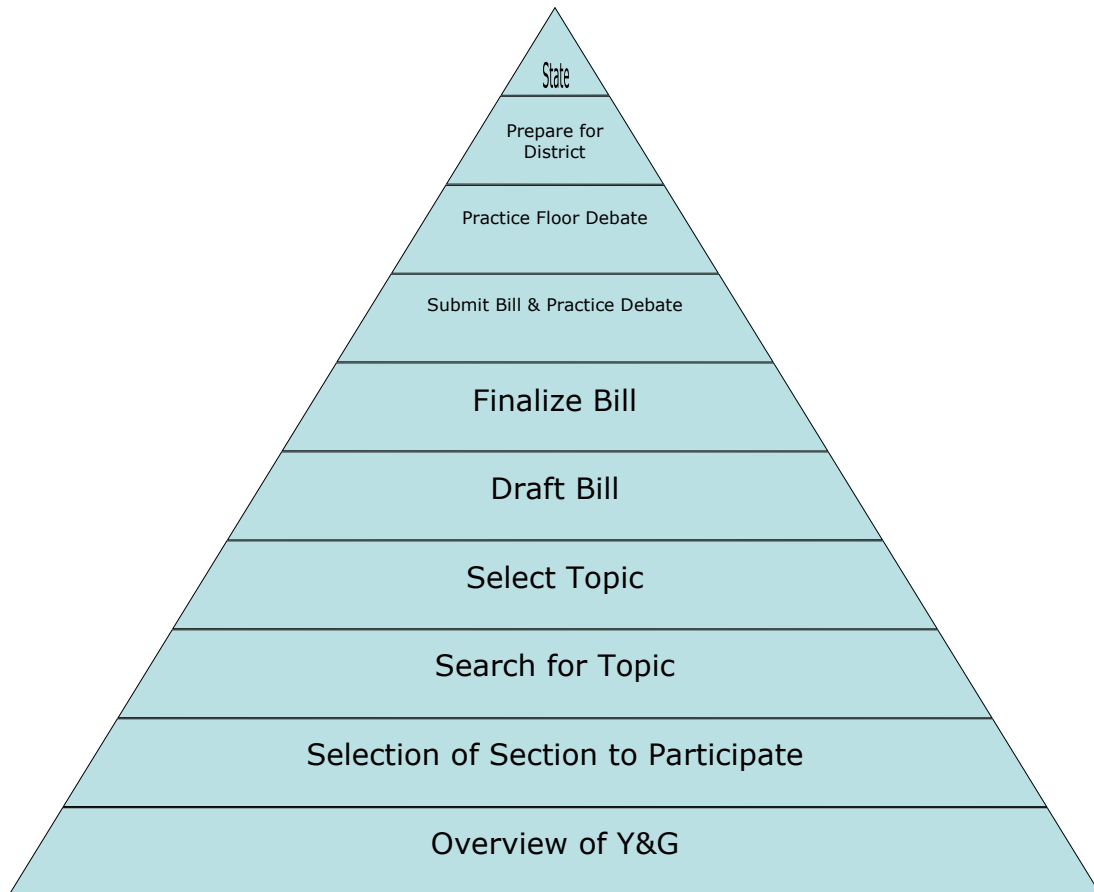
Communication of details concerning location, dates, and dress code of State Conference  
Communication of requirements for making any changes to bills before they are submitted to the state office  
Determination of legislative delegates being assigned to Hyde House, House of Representatives or Senate  
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***



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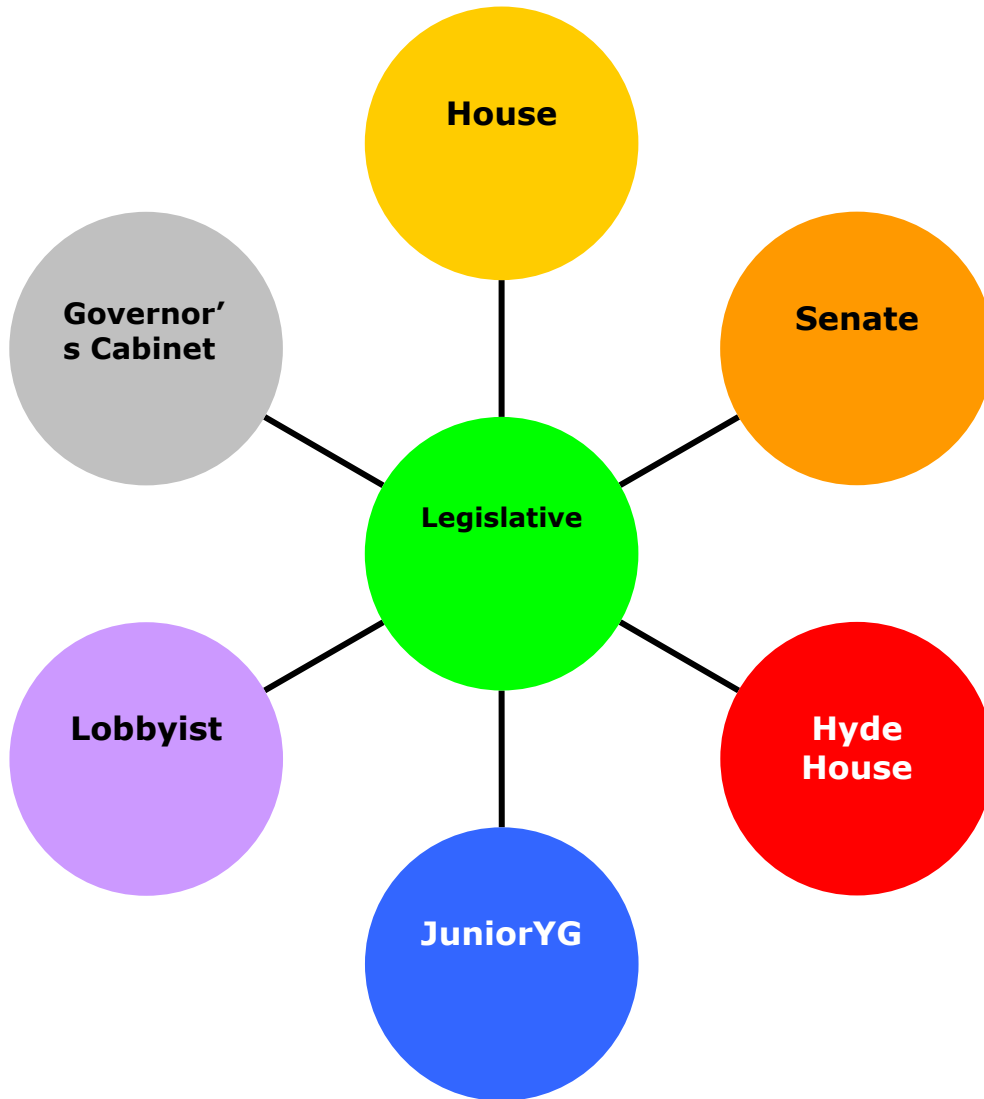
## **PREPARATION DIAGRAM**





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## SECTIONS THAT ARE PART OF LEGISLATIVE DIRECTLY OR INDIRECTLY





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## **PREPARING A BILL**

It is required that a bill in Youth and Government has only one author. Nevertheless, bills authored by two students can be allowed in **Hyde House** 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 will be allowed with more than two authors.

## **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 (websites are listed on page 6 or "The Fine Art of Bill Writing", 2003 edition); 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; list 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 this topic can be written as a bill or if it would require a change in the Texas Constitution and therefore be written as a joint resolution proposing a change to the Constitution. Appropriate sources should be contacted. These could include attorneys, members or 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



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## **WRITING THE BILL**

A template for the bill form should be circulated by the state director to each of the districts. This bill form 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 that are 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 the savings section.

### **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.



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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 Section 29, Article of 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 will be stated or any change to an existing law will be stated. If passed, the provisions of the bill become part of the Texas State Statues. 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" or any statement 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.



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### **5. Effective Date:**

The Texas Constitution provides 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 maybe 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 statues. 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 your law should, in the future, one part of it be held unconstitutional. It is usually stated, "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.



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Second, the standard Emergency Clause serves also 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 must be 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, this is accomplished by an automatic motion immediately after passage on second reading, and by rule cannot be denied.

However, 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 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 (8<sup>th</sup> Amendment to US Constitution). Some bills will not need penalties. An example would be a bill establishing a new state agency. Once the bill passes, the agency will be created. The government would not fine itself for not establishing the agency; they 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.***



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## **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 there will be bills submitted proposing to do things like limiting the terms of state representatives or senators. While these are entirely acceptable topics for Youth and Government, enacting an idea like this requires an amendment to the Texas Constitution. This can only be accomplished with a Joint Resolution. Club advisors should be prepared to help determine whether or not a resolution is required. Advice can be sought from members of the Texas Legislature, attorneys, political science teachers or professors, or the Y&G 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 Y&G Legislative section leaders.



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## **AMENDMENTS**

Even though amendments are offered during committee debate 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 in turn distribute these to the 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 that they are "vague and indefinite."

A proposed amendment must be in writing and signed by the author. The following are samples 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)."



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## **DEBATING BILLS**

### 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 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 12<sup>th</sup> grade students should be considered as candidates for Speaker of the House or President Pro Tempore of the Senate.

It is necessary for the presiding officers to be familiar with procedures for committee debate and for floor debate. Sources to be used are the Motion/Seconds charts, Quick Forms, and the Bill Debate Scripts.

All committee chairs and clerks and all candidates for presiding officer 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, that student must be prepared to participate as a member of one of the legislative bodies at the state conference.

## **RESPONSIBILITIES OF THE BILL AUTHOR**

1. An author of a bill must be prepared to give an opening statement which includes remarks made concerning the need and feasibility of the proposed law. The time limit for the author's opening remarks is five minutes and each student should be encouraged to use the maximum allowed. Research should be completed ahead of time and sources should be noted in case references are questioned.
2. An author's research should prepare him or her to answer basic questions that will be asked during the question and answer period of committee and floor debate.
3. The author should also be aware of arguments that might be brought against the bill. By preparing ahead of time, the author will be prepared to address concerns and defend the intentions of the legislation.
4. The author should also prepare a summation to the debate not to exceed two minutes. Material for this summation might change during the debate period to address some of the concerns offered by proponent speakers.



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## **RESPONSIBILITIES OF ALL LEGISLATIVE DELEGATES**

1. Legislative delegates should study debate documents. These include Motions/Seconds Charts, Quick Forms for committee and floor debate, and Bill Debate Scripts.
2. Inexperienced legislative students should observe experienced students debating a bill using both committee and floor debate formats.
3. Practice times must be provided for debate at the local club level
4. Delegates should be encouraged to attend additional practice times that might be offered by the city or district YMCAs.

## **HOW DO I CHOOSE A TOPIC FOR MY BILL?**

### **Major topics that are covered under Texas law:**

public education, higher education (state colleges or universities), health and human services, workers' compensation, business and economic development, civil practices, criminal justice, gambling, family issues, public safety, environment, transportation, state chartered financial institutions, state and local government organization.

## **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 (online web addresses)
5. Research laws from other states that you would like to see as a law in Texas
6. Plan to make changes in an existing Texas law that you do not like
7. Review previous Y&G bills.....consider improving a bill that has been proposed in the past



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## **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 bills signed by the Youth Governor last year
  4. Any bills that are in poor taste to debate in the House and Senate floors.
- Please remember that we are guest in these facilities therefore, we should represent ourselves, the school and the YMCA in a positive light.