Spring 2-1-2008

PSC 383.01: Montana Legislature - Role, Realities and Reform

David Ellerton Wanzenried

Let us know how access to this document benefits you.
Follow this and additional works at: https://scholarworks.umt.edu/syllabi

Recommended Citation
https://scholarworks.umt.edu/syllabi/6953

This Syllabus is brought to you for free and open access by the Course Syllabi at ScholarWorks at University of Montana. It has been accepted for inclusion in Syllabi by an authorized administrator of ScholarWorks at University of Montana. For more information, please contact scholarworks@mso.umt.edu.
Course outline

Instructors: Bob Brown; Dave Wanzenried

Course objectives: Through the use of high-profile players and practitioners in the legislative arena, to provide students with comprehensive understanding of the functions and operations of the Montana Legislature and an appreciation of the issues confronting the institution; encourage critical thinking about how the Legislature might be reformed to reflect the fiscal and political realities of the Twenty-First Century; require working group collaboration to develop reform proposals based on knowledge acquired during the course.

Requirements:
Group project with presentation: 35 percent
Midterm examination: 25 percent
Final examination: 25
Class attendance and participation: 15 percent

Required readings: Electronic reserve. Password: PSC383

Classes:

23 January 2008

INTRODUCTION: HISTORICAL PERSPECTIVE

"Citizen Legislature"

Major structural and operational differences of the Legislature under 1889 and 1972 Constitutions

Discussion:

Qualifications

http://leg.mt.gov/css/about/default.asp
Current structure and processes:
2 chambers: Senate – 50 members; House - 100 members
Legislative officers (presiding; caucus) and appointed officers (Clerk of the House; Secretary of the Senate)

Rules – House; Senate; Joint rules
http://www.leg.mt.gov/css/about/default.asp#leadershiprules

Rules Committee and Interpretations of Rules by Presiding Officers: Oral history - no codification

Authority and power presiding officers: House v. Senate

Committee system and Committees – where the real work gets done

Committee of the Whole

Differences between House and Senate operations: Committee appointment process; “three minute rule”; voting process – open v. closed voting board; office space; general decorum.

Readings:


+

30 January 2008

PROCESS

The Executive Budget and the Appropriations Process

Guests:

1. Clayton Schenck, Legislative Fiscal Analyst. Schenck is the Legislative Fiscal Analyst for the Montana Legislature, an appointed position. He was born and raised in Montana (Shelby). He has a Bachelor’s Degree from the UM School of Business (1971), and a Masters of Business Administration from George Washington University (1976). He has been a licensed Certified Public Accountant since 1971. Clayton has been with the state legislative staff for 22 years, and has been the Legislative Fiscal Analyst for over 14 years. Prior to that he was with a CPA firm in Helena, and is a retired US Navy officer (30 years active and reserve service). His outside interests are both summer and winter recreation, particularly hiking, in the great Montana outdoors. And he is an avid Grizzly fan.

2. David Ewer, State Budget Director. Ewer previously served as a researcher for the board of investments and former state legislator. Ewer also served as the Deputy Director of the Montana Board of Investments and as a senior bond program officer. Prior to working for the Montana Board of Investments, Ewer worked as the Assistant Vice President and as
an Investment Officer for InterFirst Bank in Dallas, Texas. Ewer served in the Montana House of Representatives for eight years and perhaps is best known for his opposition to electric deregulation. He was candidate for State Auditor in 2000. He received his Bachelor of Arts with high honor from Northeastern University in Boston and a Masters in City and Regional Planning from Harvard University, John F. Kennedy School of Government. He is married and has two daughters attending college.

Readings:


Goals and questions: To become acquainted with the executive budget and legislative appropriations processes and to develop a critical perspective about weaknesses in the current systems. To understand how the Legislature reviews and analyzes requests for funding and develops priorities. To better understand the scale and magnitude of spending that are off-budget, that is, statutory appropriations and general fund transfers. To appreciate the challenges presented by budgeting for a two-year period, that is forecasting expenditures and revenues as much as two and on-half years in advance. To develop ideas as to how the processes may be improved. How can the Legislature better ensure that the appropriated are actually expended in the manner authorized and producing the intended results? How might expanding the ability of the Legislature to oversee the operations of the executive branch raise concerns about separation of powers?

February 6, 2008

PROCESS

Legislative process: How does a bill really become law?

Guests:

1. Susan Byorth Fox, Director – Legislative Services Division. Grew up in Billings; attended Gonzaga University and earned a Bachelor's degree in Sociology and minored in Political Science; Masters Degree in Sociology from the University of Montana. Thesis, based on a professional project, was entitled "Rules, the Judge, and the Lawyer in the Court System Bureaucracy. Worked in the Legislature since 1989, first in temporary
positions with the Senate (Bills Coordinator) and the House (Amendments Coordinator), and in 1992 started as a full-time Legislative Research Analyst. Have worked in many policy areas including public health and human services, specifically mental health, corrections, criminal justice, and have provided research services for two rounds of redistricting. Became Executive Director of the Legislative Services Division in July of 2006. Legislative Services provides the legal, research and central IT and financial support for the Legislature. My permanent positions in the Legislature have all been nonpartisan positions serving both chambers and both parties.

2. Mark Staples, Attorney, Lobbyist – confirmed
3. Jacqueline (Jackie) Lenmark, Attorney/ Lobbyist – confirmed

Readings:


Goals: To become acquainted with the constitution regarding how the Legislature processes proposals and decides which become laws and which do not. To understand the challenges facing the Legislature in processing in excess of 1,800 bills per session and proposals intended to improve the Legislature. For example: Should there be a limit on the number of bills each legislator may introduce? Should each bill be confined to a ‘single topic’ or should bills address more than one topic and thereby reduce the total number of bills? To understand how the committee process works (e.g. how bills are referred; hearings; committee deliberations and actions) and the role that lobbyists play in the legislative process and how they attempt to influence the process on behalf of their principal(s). To appreciate the challenges facing the Legislature to complete its work within the required timetable (mid-session; various transmittal deadlines for amended bills; end of session).

February 13, 2008

STRUCTURE

Bicameral v. unicameral system: What can we learn (if anything) from the Nebraska system?
Guests:

1. Lorents Grosfield. Long-time member of the state Senate from Big Timber.
2. Mike Kadas. Long-time legislator and former Mayor of Missoula. Mike has a BA in Philosophy/Economics and an MA in Economics, both from UM; has worked as a carpenter and adjunct professor; was a member of the Montana House of Representatives for seven terms, 1983-1996 and was Mayor of the City of Missoula for ten years 1996-2006.

Number of members in each house of the Montana Legislature
Constitutional range: 80 to 100 members
House of Representatives – each member represents approximately 9,400 Montanans; each Senate district is comprised of two House Districts
Close to the people?
Impact of population trends: westward shift results in dramatically larger geographical districts in eastern Montana

Frequency of sessions
Biennial v. biennial
1974 Legislature – the only ‘annual’ session ever
1974 Initiative to restore biennial system (passed 110,587 – 104,581)

Length of sessions
90 legislative days
60 legislative days
45 legislative days

Readings:

http://www.unicam.state.ne.us/web/public/history : History of the Nebraska Unicameral; Lawmaking in Nebraska; The Budget Process; On Unicameralism.


Goals: To understand how and why the Legislature is structured the way it is. Why not reduce the number of members who serve in the Legislature? What is a unicameral system? Would the Montana public be better served by a one-house, unicameral legislature? What are the tradeoffs? We ought to run government more like we run a business.” From a business standpoint, does it make sense for the board of directors (Legislature) to meet continuously for four months and then not convene again for 20 months?

++++++++++++++++++
February 20, 2008

Initiative process and direct democracy—what are the voters trying to tell the legislature?

Guests:

1. Rob Natelson, University of Montana Law School Professor. For biography, go to: http://www.umt.edu/law/faculty/natelson.htm

Landmark enactments
Revisions enacted by 2003 Legislature.

Term limits: What were the voters thinking?
1992 initiative: 8 years in 16-year period (passed 264,174 – 130,695)
2004 referendum: 12 years in 24-year period (failed 299,162 – 136,931)
‘Career politicians’
‘New blood’ – mandatory turnover
Institutional memory

Readings:

Listing of constitutional and constitutional referenda and initiatives


Goals: To better understand the initiative process and how it has been used to shape and re-shape public policy. What policies has the initiative process resulted in? To understand the past and present issues surrounding the initiative process. Does the initiative process jeopardize ‘good public policy’? To appreciate the origins of the term limits initiative in 1992 and to determine how well term limits have fulfilled the petitioner’s goals.

February 27, 2008

Workload: A day, a week, a month in the life of a legislator

Possible Guests:

1. Mike Halligan, long-time member of the Montana Senate - confirmed
2. Jim Shockley – State Senator - confirmed

Number of bills: Ideas/ proposals to limit
Committee process
Number of committee assignments
Transmittal deadlines
Hours
Working conditions
Technology
Personal staff
Office space

Readings:


Goals: To acquire insights as to the personal side of the Legislature while it is in session. Develop a better understanding of the schedules required to process the work of the Legislature; numerous hours spent listening to testimony in committees, acquiring/ absorbing facts and concepts, interacting with lobbyists, understanding how proposed policies and programs affect their constituents; responding to inquiries from constituents. The effects of ‘crunch time’ involved with various transmittal deadlines.

March 5, 2008

Legislative agencies: Functions and responsibilities and The Interim: 20 months between sessions

Guests: Scott Seacat, Legislative Auditor;
March 12, 2008

Reapportionment: Process and Issues

Possible Guests: Joe Lamson; Erik Iverson

One man, one vote: Baker v. Carr; Reynolds v. Sims
Constitutional-based process: Montana Reapportionment Commission
Compared to other states
General issues

Readings:


Goals: Develop an understanding about reapportionment and why legislative districts must be reapportioned. Better understand how the reapportionment process works in Montana. What are the issues surrounding reapportionment? How is the composition affected by reapportionment? Is the reapportionment process in need of reform?

March 19, 2008

MIDTERM EXAMINATION

Week of March 24, 2008 – SPRING BREAK

April 2, 2008

Balance of partisan power since 1965: Does the partisan make-up of the Legislature really matter?

Possible Guests: Harry Fritz; Jim Murray; Fred Thomas; Steve Doherty; Aubyn Curtiss

Do the results of each session bear out differences between parties? What is bipartisanship? Is statesmanship alive in the Legislature? Role of political parties in legislative deliberations Party platforms Caucus system Sunshine: Open v. closed


Goals and questions: Observers of the Legislature suggest that the products of the Legislature’s actions accurately reflect the partisan composition of each session. That is that policy initiatives (health care; environment; economic development) and spending priorities (programs v. tax reductions) generally follow the stereotypes generally ascribed to each political party. Is that general assessment generally correct? If it is, what specific policies enacted by specific
legislative sessions bear this out? In terms of “getting things done,” is Montana better served by
when one party controls both houses? Better served when one party controls both houses and the Governor’s office?

April 9, 2008

Special sessions: There is nothing ‘special’ about a special session
Guest: Chuck Johnson. Chief, Lee Newspapers State Bureau. Johnson, a Great Falls native, was raised in Helena. He remembers a number of Boy Scout and school class visits to the Capitol to watch the Legislature and found it fascinating. He received a bachelor's degree in journalism from the University of Montana in 1970. He spent a quarter in Washington as a Sears congressional journalism intern in 1970 and a quarter in Helena at the Legislature as a UM political science intern in 1971. He received a bachelor's degree in history from UM in 1978. He studied politics and economics at Oxford University in England on a Rotary Foundation Fellowship in 1978-79. Johnson has been a statehouse reporter since 1974 for Lee Newspapers (1974-77), the Great Falls Tribune (1977-92) and Lee Newspapers again (1992-present). He has been chief of the Lee Newspapers State Bureau since 1992 and headed the Great Falls Tribune Capitol Bureau from 1984-92. He also covered the Montana Constitutional Convention for the Associated Press in 1972 and worked for the Missoulian from 1972-74.

Goals: There are times when the Legislature does not “get it right” and the fix cannot wait until the Legislature reconvenes in general session. Additionally, the Legislature cannot always anticipate developments that require immediate attention. This session is intended to illustrate the reasons for and results of special sessions, to examine trends that suggest an increasing dependence on special sessions to address issues and to devise fixes outside of general sessions. Is the public well served by special sessions and is it able to participate in a meaningful way in the deliberations? Does the increasing frequency of special sessions suggest that either the workload of general sessions be reduced or the time available increased?

April 16, 2008

Legislature versus Executive: Ascendence of Gubernatorial Power?

Possible Guests: Jim Lopach; John Mercer

Generally

Administrative Rules and Rule-making: Transfer of legislative authority to the executive
Goals: Contemporary wisdom suggests that deliberative bodies like the Legislature suffer from a lack of confidence on the part of the public. This, coupled with other factors such as term limits and biennial sessions, have served to weaken the Legislature as an institution and the correspondingly increase the power of the Executive. Is this assessment accurate? If it is, in what ways does the Executive derive and exercise the power?

April 23, 2008

Reinventing the Legislature: Time for Reform?

An evaluation

Group presentations

April 30, 2008

Starting over: Creating a legislative system from the ground up

Group presentations

May 6, 2008

3:20 – 5:20 p.m.

FINAL EXAMINATION