

Attributes of an Effective Legislature

Items for Consideration by Curriculum Committee

BALANCING POWER

The legislature effectively shares power with the governor

How do we get there?

- The selection of House officers by the membership of the House and committee chairs in accordance with House rules.
- An **understanding** by House membership that a body that effectively shares power with the executive branch is a more effective legislature and that independence can be accomplished in such a manner so as to minimize adverse consequences to the members and their respective districts. **The effectiveness of a more independent House can be communicated to new members in the orientation process** and the pressures that bear upon all House members can be mitigated by a united body.
- Although some other state legislatures do propose their own budget such is not necessary to share power with the governor. However, substantial budget review prior to session, legislative review and action during session to make budget changes determined by the legislature, and effective budget oversight during the interim are essential to sharing power with the governor.
- **Awareness** by the membership that interim committee study of issues and various kinds of legislative oversight can be highly effective. Such committee activities should include policy formulation and program development through effective committee studies of issues and effective oversight of executive department programs.
- Legislative initiation of special sessions and use of veto session when the need is apparent.

The House initiates and enacts its own legislation

How do we get there?

- Conduct studies in a substantive way and propose legislation to seek solutions to state problems. Such studies should include the taking of testimony, seeking solutions, issuing reports, and proposing legislation.
- Address state issues in a coordinated manner, preferably in cooperation with state departments and the administration yet willing to enact its own legislation without outside support or interference.

- Additional actions may include annual legislative issues conferences to address major state issues.

The legislature makes independent decisions about the Governor's legislative package

How do we get there?

- The Governor should continue to make proposals; however, this should be done in concert with House leadership. House leaders should be consulted and engaged in the issues to be contained in the governor's legislative package, including the details of the proposed legislation.
- House leaders and committee chairs should coordinate in proposing a package of legislative initiatives to be provided to the governor for his possible support and, hopefully, included in his legislative package. This will involve systematic meetings, staffing, and study. Nonetheless, the House needs to be willing to propose its own package as well.
- Standing committees should be expected to study major issues within their subject matter jurisdiction and to offer to the House leadership or directly to the governor appropriate proposals for possible inclusion in his package. House committees should also conduct subsequent oversight of such legislation enacted and offer the governor the opportunity to make any necessary legislative or executive changes thereto, but House membership needs to be willing to institute such changes even if the governor declines to do so.
- Presiding House officers should establish a policy of encouraging legislative initiation of policy, not necessarily at odds with the governor, but in addition to what the governor does. This will involve regular meetings with leaders and chairs and interested members.

The legislature makes independent decisions about the state budget.

How do we get there?

- Eliminating any gubernatorial influence in the selection of House leadership thereby allowing the membership to make independent decisions about the state budget without concern of gubernatorial action which could potentially be detrimental to the members' positions or districts.
- Dedicating the time and resources necessary to review the state budget in great detail and an expectation by the membership that this review process will be very time consuming and, at times, painstaking.

- Enhancing member education on the budget process, including information on agency budget development, the role of division of administration, the expected role of the House, and appropriations control and oversight.
- Enhancing house staffing levels on fiscal and budgetary issues.

REPRESENTING CONSTITUENTS

Legislative districts are nearly equal in population.

How do we get there?

- The House should maintain an effective redistricting process, with due diligence given to legal requirements, including public access. This would necessitate:
 - Skill development in members who participate in redistricting process
 - Retention and recurrent training of skilled staff and training of newer staff
 - Maintenance and development of appropriate technology

The numbers of women, African Americans, and Hispanics are reasonably reflective of the population of the state.

How do we get there?

- The redistricting process should include gender and race membership issues. Hispanic population growth should be analyzed for the next redistricting process.
- The House should support participation by women and minority members in mentoring programs (in-House, Black Caucus, Women's Caucus, Civic Ed. Comm., etc.), outreach programs (public relations, civic education, etc.), and engage them in leadership roles and training.

The members of the legislature provide effective constituent service including responses to requests for information, casework, local projects and public expenditures.

How do we get there?

- Maintaining and enhancing the level of support in order for members to run an effective district office, including competitive staff salaries and benefits, suitable office allowances, and currently available technology.
- Enhancing the working relationship between district office staff and capitol legislative staff, including extensive district office staff orientation and training, with a focus on "member services" and the legislative processes.

- Enhancing its member orientation process to ensure that members learn management of constituent issues, legislating on local issues, and how to maneuver through the capital outlay and budget bills and processes.
- With respect to local projects and public expenditures, consider the needs of the state as a whole as well as fairness in expenditures per district.

Citizens and groups in the state have ready access to information on agendas and proceedings of the legislature.

How do we get there?

- Instituting processes and rule changes as necessary to allow sufficient time for the public to be adequately informed of schedule changes, including the inclusion or removal of additional agenda items, and conference committee hearings.
- Strengthening rules relative to the availability of committee amendments prior to committee consideration.
- Conducting more legislative committee hearings at sites throughout the state.
- Striving for recognition by the Center for Digital Government by maintaining an accessible and comprehensive website and making improvements such as:
 - The electronic inclusion of additional committee information, such as handouts, PowerPoint presentations, and lists of witnesses testifying
 - Broadcasting of remote site legislative hearings
 - Reporting on the interim work of the House standing and special committees
 - Providing more robust and personalized reporting to the end user
 - Implementing an automatic notification system to interested parties informing them of committee hearings, including changes to agendas, meeting times, and location
 - Providing wireless internet connection throughout the capitol building
- With respect to access to information:
 - Providing TV highlights of each day's proceedings
 - Establishing better video media
 - Running public service announcements on issues of importance to generate public interest
 - Providing more content to public access channels such as LPB and C-SPAN
- Accommodating the needs of citizens who do not use computers by:
 - Providing advance notices of meetings and committee agendas in newspapers
 - Producing TV broadcast “in house” and/or working with public and cable TV in developing an internal legislative TV network
 - Better use of radio and other media
 - Ensuring that the PULS line is effective and publicized

The legislature provides effective civic education for the public (of all age levels) about representative democracy, the legislative institution and the lawmaking process.

How do we get there?

- Increase civic education and utilization of resources:
 - Strengthen civic education and expand its target audience to include all citizens
 - Include additional outreach programs and improve existing programs such as the Legislators Back to School Program
 - Participate in mentoring programs for young people, both in the district and at the capitol
 - Develop multi-media civic education programs, centered on member participation, to further institutional knowledge and representative democracy ideals
 - Sponsor forums on the legislature and representative democracy
- “Open the debate” on the legislature as an institution and how effective it is, such as through the work of this Special Committee on Preparing for Term Limits and other venues.
- Create a public relations/civic education program, that is supported by leadership, focusing on the strengths of the House and the nature of representative democracy, including compromise and consensus building.
- **Encourage** members, particularly when campaigning, to be constructive and not negative in criticizing the institution.

The legislature is responsive to public demands and needs.

How do we get there?

- Conduct ongoing policy analysis to identify good public policy and evaluate whether existing programs measure up to that standard.
- Conduct opinion and attitude surveys and measure the results in order to determine public demands and needs.
- Conduct effective committee studies, with problems brought to the attention of standing committees with jurisdiction; conduct site-specific hearings on oversight and issues.
- **Conduct statewide and district-level "major issues" forums**, using webcast, teleconferencing, and other venues to maximize public input.

- Organize a process of responding to public opinion and criticism

MAKING LAWS

The legislature allows effective participation and input from citizens and organized groups in lawmaking decisions.

How do we get there?

- Appropriate rule changes to augment provisions for advance notice of House activity, particularly committee hearings and changes to agendas.
- Appropriate rule changes to provide for advance notice of committee amendments and their content.
- Provide actual conference committee meetings, with appropriate notice, particularly when new subject matter could potentially be included in the conference committee report.
- Examine and consider legislation concerning lobbyists, particularly as related to campaign finance or other changes to alter public perception of lobbyist influence.

There is a reasonable level of internal democracy within the chamber. Power is relatively dispersed and the parliamentary rights of individual members are protected and respected.

How do we get there?

- Maintain most of the authority of individual members.
- **Educate and create expectations for effective committee hearing and screening of bills.** Committees should be gatekeepers to assure that only good policy legislation gets to the floor.
- Provide rules and **expectations** that foster effective floor deliberation and debate, including advance notice as to when major state issues will be considered and setting aside sufficient time for adequate deliberation and debate.

Legislative leaders are effective and have strategic, problem-solving and consensus-building abilities.

How do we get there?

- Legislative leaders who actively use their powers to call meetings of appropriate committee chairmen, members, state department heads, and others to determine areas for policy development.
- Legislative leaders who use legislative committees effectively in studying issues and initiating proposals.

The degree of partisanship in the legislature is reasonable. The majority party has enough clout to get things done. The rights of the minority party are protected. There are reasonable restraints on partisanship so that civility is maintained.

How do we get there?

- Caucus leaders commit to learning from the experiences of other state legislatures (and those who have studied those experiences) as to how best to foster the mutually respectful, tolerant behavior patterns that would allow the “responsible party” appellation to apply to the House.
- Caucus leaders commit to **encourage** binding caucus positions be taken to improve the state or to further the state philosophy of their “responsible party” and to **discourage** caucus positions to be taken purely for political or electioneering gains.
- Recognize the advantages of nonpartisan, expertise-based staff and initiate partisan staffing gradually oriented toward strategy and political issues. Continue to use non-partisan, expertise-based staff for policy development and substantive advice.

The legislature is deliberative. It does allow for give and take and the open exchange of ideas at all stages of the formal and informal legislative process.

How do we get there?

- Maintain and enhance current committee practice on deliberation. Create opportunities for committee deliberation during the interim.
- Create an **expectation** of comprehensive floor debate and in-depth consideration of significant legislation. Create an expectation that lengthy debate on insignificant legislation will be limited. Establish better communication and advance notification processes to inform members and the public of specific bills scheduled for floor consideration on a given day.
- Consider schedule changes to provide more time for committee and floor deliberation. More effectively utilize the committee screening process as a way to limit the number of bills which make it to the floor and do not merit consideration by the entire House.

- Utilize staff more effectively to provide assistance to members in the deliberation process, both in committee and in advance of floor debate.

The legislature does engage in consensus building. Opposing sides are willing to negotiate differences and find compromises to difficult problems.

How do we get there?

- Use interim studies and interim negotiation to resolve differences in advance of sessions where possible. Increase the use of hearings on pre-filed legislation to negotiate differences and find compromise to difficult issues.
- Development of that **expectation** that proponents and opponents are expected to engage in a good faith attempt to arrive at solutions before the bill is scheduled for committee hearing.
- **Conduct skill-building training on methods of compromising and building consensus.**
- Explore and develop methods for inter-party discussions and deliberation to achieve consensus, if partisan organization becomes more the rule.

The legislature does address and solve the most important problems in the state.

How do we get there?

- The establishment of a system for identifying state needs in advance through consultation with key House members, the Senate, and the governor, and the use of committee studies and staff resources.
- Use of all tools available for legislative policy making, including:
 - Effective interim committee work
 - Use of all legislative oversight tools
 - Effective floor deliberation
 - Use of constitutional authority for calling sessions as needed

FACILITATING FACTORS

The legislature has the resources (time, staff, facilities, and technology) to do its job effectively.

How do we get there?

- Time: Identify and commit suitable time to the most pressing needs of the state; provide committee meeting schedules based on difficulty of subject and importance of issues (though not at the expense of advance scheduling); utilize gate-keeping

function of committees; utilize House floor calendar to schedule specific bills for specific dates thereby allowing members, as well as the public, suitable notice and opportunity to read the bills and have amendments drafted in advance; work full days, work full weeks; utilize time during "limited" odd-numbered year sessions to actively engage all committees; utilize interims; select chairs and members of committees for their subject matter expertise and interest; **emphasize member training in procedural and policy issues;** develop time outside of floor debate for expressing commendation and condolences and making introductions; find alternative process for consideration of cultural legislation such as prestige plates and state symbols; consider use of technology such as teleconferences and webcast to maximize available time and travel needs.

- Staff: Provide fiscal staff suitable to allow for an independent review of the executive budget; continue core use of non-partisan staff and incorporate partisan staff who work in conjunction with non-partisan staff; add policy staff in areas of importance to the state such as health care and insurance; and dedicate staff to the year-round training of members and staff, including legislative assistants
- Facility and technology: Examine utilization of space in the capitol and capitol annex, particularly those offices/agencies who maintain 'satellite' offices within the capitol; finish renovations of floors in tower to gain additional office space; relocate/scan historical files to create additional space; examine utilization of space in the basement; explore use of old insurance building lot; and plan and control office allocation. As for technology: upgrade equipment in committee rooms, including sound and voting systems, and invest in video technology; provide wireless connection throughout capitol and annex; upgrade technology in the House chamber, including bar scanning and integration; enhance website to include, among other things, ability of the public to personalize and filter available information, history, updates, and notices of hearings.

The legislature has integrity. The members of the legislature and the Capitol community in general, behave in ethical ways.

How do we get there?

- Undertake an analysis of ethics statutes on conflict of interest, lobbying, and campaign finance.
- Develop an **attitude** of "institutional reverence and preservation."
- **Heightened training and orientation on ethics regulations for House members.**
- Institute some level of House-regulation regarding ethical standards.
- Time and hard work will result in positive public opinion of the House.

The members of the legislature care about and protect the well-being of the institution.

How do we get there?

- A clear **understanding** of the importance of the legislature as an institution and not just a collection of individuals.
- **Education of new members about the importance of a strong and effective legislature.**

There is a sense of community within the legislature. There is civility and collegiality.

How do we get there?

- The House should **encourage** additional opportunities for informal gatherings, including cross-caucus and issues-related events.
- Familiarity with fellow House members and the needs of their districts, together with a **climate that fosters** deliberation and compromise, will allow for respectful differences of opinion.

There is adequate continuity in the membership of the legislature to promote institutional values and pass on knowledge and skills.

How do we get there?

- Analyze and prepare for the effects of term limits as is being done by the Special Committee on Preparing for Term Limits. **Develop a comprehensive approach to mitigate the negative effects of term limits.**
- **Education of new and non-term-limited members in institutional ideals.**
- Encourage House leadership to maximize exposure of the non-term-limited members to policy and management roles in the last year of this term.
- **Conduct a comprehensive post-election new member orientation program.**
- **Mentoring for members programs:**
 - Senior-to-Freshman: pair an experienced member with each new member for instruction and advice
 - Staff-to-Freshman: pair a senior staff person with each new member for hands-on orientation to the process