THE LEGISLATIVE PROCESS
(and a few other things)

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NEW LEADERSHIP IDAHO 2019
First things first...some terminology

• Legislature
• Bicameral
  House of representatives; house of delegates
  Assembly
  Senate
• Leadership positions
  President; President pro tem
  Speaker, majority leader, minority leader
• Caucus
Lets start with a few other things

• 1. WHY States matter: while some policies are created or mandated at the national level, a lot of policy is up to the STATE. And different states make different kinds of policy.

• 2. And state legislatures matter because MOST state policy has to pass through the legislature
The Bridge Over Policy Waters
In the photo, Lewiston is to the left, Clarkston to the right

In policy terms it’s the reverse; Clarkston (Washington) is to the left, Lewiston (Idaho) is to the right
<table>
<thead>
<tr>
<th>Issue</th>
<th>Idaho</th>
<th>Washington</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreational marijuana legal?</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>Medical marijuana legal?</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>Work requirements for Medicaid expansion</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Doctor assisted suicide for terminally ill?</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>Minimum wage of at least $9.60?</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>Regressive tax structure</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>Effective State &amp; Local Tax Rate under 10%?</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>In-state college tuition under $7,000?</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Can talk on hand-held telephone while driving?</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>“Famous Potatoes” on License Plate?</td>
<td>YES</td>
<td>NO</td>
</tr>
</tbody>
</table>
Legislatures are institutions

- And institutions have structure and rules
- And *structure and rules guide behavior*
- You’ve heard the expression, “stay in your lane?”
- Institutions define the lanes.
STATE LEGISLATURES ARE LIKE SNOWFLAKES....

..........NO TWO ARE EXACTLY ALIKE
Some ways that legislatures vary…..

• Chamber size
• District population
• Number of Legislators per district
• Time in session
• Pay
• Staff
Number of Seats in House

- New Hampshire  400
- Pennsylvania    203
- Georgia         180
- Missouri        163
- Massachusetts   160
- Maine, CT       151
- NY, VT, TX      150
Number of House Seats, Western States

- Montana 100
- Washington 98
- California 80
- Utah 75
- New Mexico **IDAHO** 70
- Colorado 65
- AZ, OR, WYO 60
- Hawaii 51
- Nevada 42
- Alaska 40
<table>
<thead>
<tr>
<th>State</th>
<th>House District population</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>470,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>220,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>212,000</td>
</tr>
<tr>
<td>Maryland (median)</td>
<td>41,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>46,000</td>
</tr>
<tr>
<td>Wyoming</td>
<td>9,000</td>
</tr>
<tr>
<td>Vermont</td>
<td>4,000</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>3,000</td>
</tr>
</tbody>
</table>
Time in session

- States like California and New York have virtually year-round sessions, with occasional recesses (much like Congress).

- Many states meet 3-4 months a year.

- Idaho averages 81 days per year.

- Wyoming meets 20 days one year, 40 days the next.

- A few states have regular session only every-other year.
## Compensation Levels for State Legislators

**SOURCE:** National Conference of State Legislatures 2016

<table>
<thead>
<tr>
<th>State</th>
<th>Base Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>$100,113</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>$85,339</td>
</tr>
<tr>
<td>Michigan</td>
<td>$71,685</td>
</tr>
<tr>
<td><strong>MEDIAN</strong></td>
<td><strong>$21,000</strong> approximate</td>
</tr>
<tr>
<td><strong>IDAHO</strong></td>
<td><strong>$16,684</strong></td>
</tr>
<tr>
<td>New Hampshire</td>
<td>$100</td>
</tr>
<tr>
<td>New Mexico</td>
<td>0</td>
</tr>
</tbody>
</table>
Permanent Legislative Staff 2015

<table>
<thead>
<tr>
<th>State</th>
<th>Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York</td>
<td>2776</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>2358</td>
</tr>
<tr>
<td>California</td>
<td>2098</td>
</tr>
<tr>
<td><strong>Mean</strong></td>
<td><strong>523</strong></td>
</tr>
<tr>
<td>IDAHO</td>
<td>81</td>
</tr>
<tr>
<td>North Dakota</td>
<td>37</td>
</tr>
<tr>
<td>Wyoming</td>
<td>36</td>
</tr>
</tbody>
</table>

source: National Conference of State Legislatures
Number of states with unified government = 36
And most of those are Republican-controlled

• GOP controls 22 unified governments
• Democrats control 14 unified governments
• The remaining 14 are split
## Women in Legislatures

<table>
<thead>
<tr>
<th>State</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>NEVADA</td>
<td>52%</td>
</tr>
<tr>
<td>COLORADO</td>
<td>47%</td>
</tr>
<tr>
<td>OREGON, WASHINGTON</td>
<td>41%</td>
</tr>
<tr>
<td>VERMONT</td>
<td>40%</td>
</tr>
<tr>
<td><strong>AVERAGE</strong></td>
<td><strong>29%</strong></td>
</tr>
<tr>
<td>WY, AL, SC, TN, LA</td>
<td>16%</td>
</tr>
<tr>
<td>MISSISSIPPI, W. VIRGINIA</td>
<td>14%</td>
</tr>
</tbody>
</table>
IDAHO IN CONTEXT

• RELATIVELY SMALL, PART-TIME LEGISLATURE

• 2 REPRESENTATIVES AND 1 SENATOR PER DISTRICT (EACH HOUSE MEMBER REPRESENTS 46,000 PEOPLE; EACH SENATOR REPRESENTS 46,000 PEOPLE)

• 2 YEAR TERMS FOR BOTH HOUSE AND SENATE

• THUS, NOT THAT MUCH DIFFERENCE BETWEEN HOUSE AND SENATE (COMpared TO MOST STATES)

• VERY LARGE REPUBLICAN MAJORITY IN BOTH CHAMBERS

• STRONG ROLE FOR COMMITTEES IN LEGISLATIVE PROCESS

• VERY GOOD BUT VERY SMALL STAFF, RELATIVELY STRONG INTEREST GROUP INFLUENCE
EFFECT OF THE ELECTORAL CONTEXT

• 40% OF THE DISTRICTS NATIONWIDE ARE UNCONTESTED GENERAL ELECTION

• IN IDAHO, IT IS OFTEN 40-50% OF THE DISTRICTS ARE UNCONTESTED

• MEANING THAT THE ONLY ‘REAL ELECTION’ IS THE PRIMARY ELECTION
THE POLICYMAKING FUNCTION:

LAWMAKING
Policymaking: percent of bills introduced that pass both chambers (2015-6)
POLICYMAKING: Percent of bill introductions that pass both chambers (2013-4)
CONTEXT VERSUS TEXTBOOK

• THE TEXTBOOK VERSION
• THE CONTEXTUAL VERSION
Three tracks in the legislative process

• Bills that Fly (H116)

• Bills that Die (S1064)

• Bills that Crawl (S1204)
The basic steps…..

<table>
<thead>
<tr>
<th>HOUSE</th>
<th>SENATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction, First Reading</td>
<td>▼ Introduction, First Reading</td>
</tr>
<tr>
<td>▼</td>
<td>▼</td>
</tr>
<tr>
<td>Sent to Committee</td>
<td>▲ Sent to Committee</td>
</tr>
<tr>
<td>▼</td>
<td>▼</td>
</tr>
<tr>
<td>Committee Action</td>
<td>▲ Committee Action</td>
</tr>
<tr>
<td>▼</td>
<td>▼</td>
</tr>
<tr>
<td>Second reading Calendar</td>
<td>▲ Second Reading Calendar</td>
</tr>
<tr>
<td>▼</td>
<td>▼</td>
</tr>
<tr>
<td>Third reading, Debate, Floor vote</td>
<td>▲ Third reading, Debate, Floor Vote</td>
</tr>
<tr>
<td>► ► ► ► ► ►</td>
<td>▼</td>
</tr>
</tbody>
</table>
Committee Action

• Hold no hearing on the bill
• Recommend the bill “do pass”
• Recommend the bill be tabled
• Recommend the bill “do not pass”
• Recommend the bill be withdrawn
• Recommend the bill be substituted
• Recommend send to another committee
• Recommend bill be amended
Kill Bill: where bills are killed in the Idaho legislative process

Of the bills that are introduced, what percent are killed at what stage?

2010 session
2017 Legislative Scorecard

- Legislation Drafted: 785
- Printed and Introduced: 540 [69% of rs]
- Killed in first committee: 144 (27%)
- Killed in second committee: 25 (4%)
- Defeated on floor: 21 (4%)
- Other: 5 (1%)
- Vetoed by governor: 8 (1%)
- Passed into law: 337 (62%)
Who passes bills?

- Study in 20 states, finds most successful bill sponsors are:
  - Committee Chairs
  - Majority Party members
  - Legislators with at least 4 years experience
But it isn’t just about passing bills

• “The power of a committee chairman is huge. It doesn’t matter who supports a bill, if you stick it in your drawer, it’s dead unless the whole body forces it out.”

• Ability to set the committee agenda, determine which bills will be heard when, or if at all.

• Much of the power is the ability to block potential legislation
Components of the legislative job other than lawmaking

◊ Reviewing agency rules and other executive oversight

◊ Casework (answering questions, solving problems for constituents)

◊ Attending public meetings outside of the legislature

◊ Attending interim committee meetings

◊ Budget appropriations
The Legislative Veto

• “During the 2019 legislative session, the Senate and House of Representatives were each asked to review 239 individual rulemaking dockets totaling approximately 1,766 pages”

• 9 pending rule or fee dockets were rejected in whole or part (about 4%)

• “The Legislature did not pass legislation that would have extended administrative rules set to expire on July 1, 2019”
The casework aspect of representation

• “Constituent service, or casework, is now an important part of the state legislator’s job. Casework occurs both during and after the legislative session ends, and has become increasingly time consuming.”

• Kurtz, et al, “Full-time, Part-time and Real-time: Explaining State Legislators’ Perceptions of Time on the Job”
The concept of time

- January: easing into it
- February: the heavy lifting
- March: in like a lion, out like a Tasmanian devil
The Concept of Time (part 2)

- Thinking about ‘the long haul’: the meaning of “its time has come”
WHY LEGISLATURES HAVE A COLLECTION ACTION PROBLEM
PERSPECTIVES

• Short-term perspectives
• Geographic perspectives
• Partisan perspectives
TIME: short-term versus long-term

Legislators operate in a system based on **sequential events**: bill introduction deadlines, 3 reading rules, committee action, floor action, other chamber action; candidate filing dates, primary election dates, general election dates.

Quite understandably, this creates a “can’t see the forest because of the trees” syndrome

- **Consequence: Eyes are on the short-term prize**
“IT JUST ISN’T IN THE LEGISLATURE’S NATURE TO THINK BEYOND LUNCHTIME.”

--ERIK SMITH, LONG-TIME POLITICAL REPORTER IN OLYMPIA, WA

“EACH LEGISLATURE LIVES IN A TWO-YEAR WORLD. “

“I THINK WE HAVE A REAL PROBLEM WITH LONG-TERM THINKING AND ANALYZING FOR LONG-TERM EFFECTS BECAUSE WE DON’T HAVE THE STAFF.”

--JOHN RUSCHE, IDAHO HOUSE MINORITY LEADER, 2015
GEOGRAPHIC PERCEPTIONS

• The nature of the American system of representation is geographically-based: everyone is elected from a specific geographic district.

• Consequence: It’s hard to see the forest because everyone is defending his/her particular tree
Partisan Perspectives

• We are in a period in which the two parties are further apart from one another, ideologically than we have been for a long time.

• Consequence: *Don’t want to see the forest because my party’s trees are the only true trees*
TO SUMMARIZE

• THE TEXTBOOK VERSION IS ONLY PART OF THE STORY

• CONTEXT IS VERY IMPORTANT, AND DEPENDS ON THE
  – STRUCTURE OF THE PARTICULAR LEGISLATURE
  – THE PARTISAN MAKE-UP
  – WHETHER IT IS AN ELECTION YEAR OR NOT
  – UNIFIED OR DIVIDED GOVERNMENT
  – THE ATTITUDE OF LEADERSHIP
  – THE COMMITTEE CHAIRS
  – WHICH INTEREST GROUPS ARE POWERFUL