

# Montana State University - Billings

Fall 2018

Political Science 494

Zen and the Art of Lawmaking in Montana

Liberal Arts Room 205

Wednesday - 5:30 to 8:30 p.m.

17 July 2018

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Office hours: As scheduled

**Text:** A Legislator's Handbook – 2017, 19<sup>th</sup> Edition (November 2016)

<http://leg.mt.gov/content/For-Legislators/Publications/2017-legislator-handbook.pdf>

**Additional reading assignments:** TBD

**Course description:** A critical examination of the culture and traditions surrounding and “rules of the road” governing the operations of the Montana Legislature. The course seeks to combine traditional classroom instruction with presentations by seasoned practitioners, who have served as elected members, who routinely attempt to affect its deliberations and decisions as lobbyists and members of trade associations, or who staff agencies engaged in the legislative processes.

**Goals:**

Individuals who successfully complete this course will be able to:

1. More fully appreciate the traditions, the unique culture of and the processes utilized in the Montana Legislature;
2. Better understand either the opportunities and requirements to serve in the legislature or assist others in their efforts to serve;
3. More fully appreciate the many opportunities to affect the lawmaking and appropriations processes both during regular sessions and between sessions;
4. Understand the challenges lawmakers face each session in trying to sort out balance competing values and conflicting priorities;

5. Better appreciate the investment of resources required to succeed in influencing policy outcomes;
6. Be able to access and utilize the wide array of informational resources readily available to the public; and
7. Better align expectations with outcomes that are actually attainable.

### **Course Grading and Requirements:**

MSU-B students must take the course for **credit**.

A member of the community may choose to enroll as a student at MSU-B and take the course for credit **or** enroll through the Extended Campus program and take the course on a **non-credit** basis.

There are four components that comprise final grade for the course: 450 points total.

1. Class attendance and substantive participation and engagement. (75 points);
2. Submitting a weekly, on-line log summarizing newly-gained insights and perspectives about the legislature and developing levels of understanding regarding how the legislature functions and opportunities available influence its deliberations. (100 points);
3. Small group project presentation (75 points) and final report (75 points); and
4. Final examination: 125 points

**The following grading system will be used to evaluate the performance and achievement of each student enrolled in the course.**

**A student enrolled on a non-credit basis must earn the equivalent of a 'C' in order to successfully complete the course requirements.**

Points	Percentage	Grade
450– 416	92	A
415 - 405	90	A-
404 – 396	88	B+
395 – 358	80	B
357 - 350	78	B-
349 – 337	75	C+
336 – 308	68	C
307 - 300	66	C-
299 - 271		D
270 – 0		F

Students enrolled for non-credit have two options to confirm that they have successfully completed the course requirements:

1. Digital Badge (non-credit). An electronic confirmation awarded by MSU-B signifying an accomplishment or the acquisition of a skill that can be displayed, accessed, and verified online, including Facebook and LinkedIn. In order to earn a Badge, students selecting this option must demonstrate the successful achievement of the learning outcomes established for the course.

For more information, contact Kevin Nemeth, MSU-B Extended Campus. 406-896-5890 or [kevin.nemeth@msubillings.edu](mailto:kevin.nemeth@msubillings.edu).

2. Certificate of completion (non-credit). The hard-copy certificate 'certifies' the named student has successfully completed the non-credit course.

In order to earn a Certificate, students selecting this option must demonstrate the successful achievement of the learning outcomes established for the course.

### **Academic Dishonesty and Plagiarism:**

Academic dishonesty is an anathema to higher education.

Academic regulations, found in the General Bulletin of Montana State University--Billings, reads in part:

**"Students at Montana State University--Billings are expected to do their own work in their own words and with their own ideas. If they quote or paraphrase the words of others, they are expected to say who it is they are quoting or paraphrasing. An instructor who believes that a student has claimed the work of someone else as his or her own may take what steps he or she wishes up to failing the student and referring the student to others on campus for further discipline."**

### **Course format and expectations:**

Classes are informal, conversational and interactive.

I expect students to:

- Arrive at class on time;
- Be open-minded and respectful of other's opinions and values;
- **Read the assigned readings prior to each class;**
- Be prepared to discuss the readings and concepts;
- Be respectfully critical of what you read and what others (including the

instructor) have to say;

- Use personal electronic devices to take notes only – no surfing, no texting;
- Stay alert and be present in class; and
- Meet deadlines.

Students may expect me to:

- Be prepared for each class and either lead a thoughtful and thought-provoking discussion;
- Have arranged for guest presenters to make thought-provoking remarks to be followed by robust discussions;
- Be respectful of students and their opinions and questions;
- Be willing to re-evaluate my ideas and opinions when challenged;
- Grade class assignments and examinations and respond to inquiries in a timely manner; and
- Be available during office hours for questions, comments and general discussion.

### **MSU-B Calendar for the 2018 Fall Semester:**

[https://www.msubillings.edu/newscale/Fall\\_2018-Spring\\_2019.pdf](https://www.msubillings.edu/newscale/Fall_2018-Spring_2019.pdf)

### **COURSE SCHEDULE**

Date	Text	Additional readings assignment
<b>September 5</b>	4	<a href="https://global.oup.com/academic/product/the-oxford-handbook-of-deliberative-democracy-9780198747369?cc=us&amp;lang=en&amp;#">https://global.oup.com/academic/product/the-oxford-handbook-of-deliberative-democracy-9780198747369?cc=us&amp;lang=en&amp;#</a>
Introductions		
Course overview		<a href="https://www.rollcall.com/news/is-negotiating-political-agreement-a-lost-art-procedural-politics">https://www.rollcall.com/news/is-negotiating-political-agreement-a-lost-art-procedural-politics</a>
Pre-course discussion		
Pre-course examination		
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<b>September 12</b>  The Basics:  Historical and contemporary legal setting and culture  “Citizen Legislature”  Core concepts and definitions  Deliberate  Policy v. politics Priority Value  Budget v. appropriation  Administrative rules  Frequency of sessions  Open meetings  Public records  Term limits  Special sessions	1, 6	<p>1889 Montana Constitution, Article III, Article IV, Article V, Article VI    <a href="http://www.umt.edu/media/law/library/MontanaConstitution/Miscellaneous%20Documents/1889_const.pdf">http://www.umt.edu/media/law/library/MontanaConstitution/Miscellaneous%20Documents/1889_const.pdf</a></p> <p>1972 Montana Constitution:  Montana Constitution, Article V  <a href="http://leg.mt.gov/bills/mca/title_0000/article_0050/part_0010/sections_index.html">http://leg.mt.gov/bills/mca/title_0000/article_0050/part_0010/sections_index.html</a></p> <p>History of the Legislature:  <a href="http://leg.mt.gov/css/About-the-Legislature/history.asp">http://leg.mt.gov/css/About-the-Legislature/history.asp</a></p> <p>Implementing the 1972 Constitution:  <a href="https://scholarship.law.umt.edu/cgi/viewcontent.cgi?article=2270&amp;context=mlr">https://scholarship.law.umt.edu/cgi/viewcontent.cgi?article=2270&amp;context=mlr</a></p> <p>Special sessions:  <a href="http://leg.mt.gov/css/About-the-Legislature/Facts-and-Statistics/special-sessions.asp">http://leg.mt.gov/css/About-the-Legislature/Facts-and-Statistics/special-sessions.asp</a></p> <p>Ethics:  <a href="http://leg.mt.gov/css/For-Legislators/ethics-training.asp">http://leg.mt.gov/css/For-Legislators/ethics-training.asp</a></p> <p>Conflict of Interest:  <a href="http://mtstandard.com/news/local/investigation-shows-montana-lawmakers-rarely-refrain-from-voting-on-their/article_fa9dd22f-e2b2-58eb-9ae9-4398ab0e83e4.html">http://mtstandard.com/news/local/investigation-shows-montana-lawmakers-rarely-refrain-from-voting-on-their/article_fa9dd22f-e2b2-58eb-9ae9-4398ab0e83e4.html</a></p> <p>Accountability: Trustee v. Delegate  <a href="http://as.tufts.edu/politicalscience/sites/all/themes/base/assets/documents/research/trusteeOrDelegate.pdf">http://as.tufts.edu/politicalscience/sites/all/themes/base/assets/documents/research/trusteeOrDelegate.pdf</a></p> <p>Right to Know:  <a href="http://leg.mt.gov/css/For-Legislators/publicrecords.asp">http://leg.mt.gov/css/For-Legislators/publicrecords.asp</a></p> <p>Administrative rules: Executive branch acts as lawmaker:</p>
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		<a href="http://leg.mt.gov/content/For-Legislators/Publications/admin-rules-brochure.pdf">http://leg.mt.gov/content/For-Legislators/Publications/admin-rules-brochure.pdf</a>
2		
<b>September 19</b>  Panel  Structure and organization of the “people’s branch”  House v. Senate – The Differences  Standing committees  Standing committee appointments  Referral of legislation to standing committees  Regular session and interim  3	3, 5	<p>Organization: <a href="http://leg.mt.gov/css/About-the-Legislature/organization.asp">http://leg.mt.gov/css/About-the-Legislature/organization.asp</a></p> <p>Leadership: Who Runs the Show? <a href="http://leg.mt.gov/content/For-Legislators/Publications/legis-leadership.pdf">http://leg.mt.gov/content/For-Legislators/Publications/legis-leadership.pdf</a></p> <p>Interim: <a href="http://leg.mt.gov/content/For-Legislators/Publications/interim-services.pdf">http://leg.mt.gov/content/For-Legislators/Publications/interim-services.pdf</a></p>
<b>September 26</b>  Rules of the road for the Legislature  Hierarchy of policy: <ul style="list-style-type: none"><li>• United States Constitution<ul style="list-style-type: none"><li>• Montana Constitution</li><li>• Statutes</li></ul></li></ul>		<p>Montana Constitution, Article 5 <a href="http://leg.mt.gov/bills/mca/title_0000/article_0050/part_0010/sections_index.html">http://leg.mt.gov/bills/mca/title_0000/article_0050/part_0010/sections_index.html</a></p> <p>Montana Legislature website: <a href="http://leg.mt.gov/css/default.asp">http://leg.mt.gov/css/default.asp</a></p> <p>Rules of the Montana Legislature: <a href="http://leg.mt.gov/content/Sessions/65th/2017-Rules/2017-Rules-Full.pdf">http://leg.mt.gov/content/Sessions/65th/2017-Rules/2017-Rules-Full.pdf</a></p>

<ul style="list-style-type: none"> <li>• Regulations</li> <li>• Rules and rule-making</li> </ul> <p>Operating rules of the Legislature</p> <p>Traditions</p> <p>4</p>		
<p><b>October 3</b></p> <p>The Legislature as an organization of relationships and committees</p> <p>The structure of standing committees except appropriating money</p> <p>Committee jurisdiction</p> <p>Sub-committees</p> <p>Legislative staff:</p> <ul style="list-style-type: none"> <li>Audit</li> <li>Fiscal</li> <li>Services</li> </ul> <p>5</p>		<p>Committee hearings and the public</p> <p><a href="http://leg.mt.gov/css/About-the-Legislature/Lawmaking-Process/testify.asp">http://leg.mt.gov/css/About-the-Legislature/Lawmaking-Process/testify.asp</a></p> <p>Audit: <a href="http://leg.mt.gov/css/audit/Default.asp">http://leg.mt.gov/css/audit/Default.asp</a></p> <p>Fiscal: <a href="http://leg.mt.gov/css/fiscal/staff.asp">http://leg.mt.gov/css/fiscal/staff.asp</a></p> <p>Services:</p> <p><a href="http://leg.mt.gov/css/Services%20Division/default.asp">http://leg.mt.gov/css/Services%20Division/default.asp</a></p>
<p><b>October 10</b></p> <p><b>Panel</b></p> <p>The lawmaking process during a regular session</p>	6, 8	<p>Bill drafting process:</p> <p><a href="http://leg.mt.gov/css/Bills/bill-drafting-guide.asp">http://leg.mt.gov/css/Bills/bill-drafting-guide.asp</a></p> <p>Idea to Introduction-ready bill:</p> <p><a href="http://leg.mt.gov/content/For-Legislators/Publications/idea-to-introduction.pdf">http://leg.mt.gov/content/For-Legislators/Publications/idea-to-introduction.pdf</a></p> <p>Introduction to law: What Happens in Between?</p>

<p>How standing committees process their work</p> <p>Deadlines</p> <p>Policy development during the interim</p> <p>6</p>	<p><a href="https://mail.google.com/mail/u/0/#search/sfox%40mt.gov/16268b77d73c67ba?projector=1&amp;messagePartId=0.1">https://mail.google.com/mail/u/0/#search/sfox%40mt.gov/16268b77d73c67ba?projector=1&amp;messagePartId=0.1</a></p> <p>Conference committee process:  <a href="http://leg.mt.gov/content/For-Legislators/Publications/2017conferencecommittees.pdf">http://leg.mt.gov/content/For-Legislators/Publications/2017conferencecommittees.pdf</a></p> <p>Interim:  <a href="http://leg.mt.gov/content/For-Legislators/Publications/life-after-sine-die-leg.pdf">http://leg.mt.gov/content/For-Legislators/Publications/life-after-sine-die-leg.pdf</a></p>
<p><b>October 17</b></p> <p>The Budget Process</p> <p>The Appropriations Process</p> <p>Subcommittee Structure and Timeline</p> <p>The Revenue Estimating Process</p> <p>7</p>	<p>A thorough discussion regarding the following:</p> <p>The Executive proposes a spending plan and the Legislature reviews the components and priorities contained in that plan. The Legislature establishes its own priorities and sets funding levels. Negotiations between the two branches produces a final spending plan for the next two years.</p> <p>Budgeting and Appropriations: [check link]  <a href="http://leg.mt.gov/content/Publications/fiscal/leg_reference/Understanding%20State%20Finances%20Manual%202010.pdf">http://leg.mt.gov/content/Publications/fiscal/leg_reference/Understanding%20State%20Finances%20Manual%202010.pdf</a></p> <p><a href="http://montanabudget.org/post/mbpc-hosts-legislative-candidate-budget-education-sessions">http://montanabudget.org/post/mbpc-hosts-legislative-candidate-budget-education-sessions</a></p>
<p><b>October 24</b></p> <p><b>Panel</b></p> <p>Seeking to influence the outcomes of the policy processes</p> <p>Fiscal: Spending Policy</p> <p>Fiscal: Tax Policy</p>	<p>10</p> <p>Advocacy:  <a href="http://advocacyguide.icpolicyadvocacy.org/21-defining-policy-advocacy">http://advocacyguide.icpolicyadvocacy.org/21-defining-policy-advocacy</a></p> <p>Lobbying: What Is It?  <a href="https://bolderadvocacy.org/wp-content/uploads/2012/02/montana.lobbying.pdf">https://bolderadvocacy.org/wp-content/uploads/2012/02/montana.lobbying.pdf</a></p> <p>Lobbying – The Law:  <a href="http://leg.mt.gov/bills/mca/title_0050/chapter_0070/part_0010/sections_index.html">http://leg.mt.gov/bills/mca/title_0050/chapter_0070/part_0010/sections_index.html</a></p>

<p>Non-fiscal Advacy  Lobbying: What Is It?  Requirements  What works and what doesn't?  8</p>		
<p><b>October 31</b></p> <p><b>Panel</b></p> <p>Continuation of discussion about advocacy and how to shape public policy</p> <p>The size of the fiscal pie and demands for funding</p> <p>Spending the public's money: How Much Is Enough and How Much Is Too Much?</p> <p>9</p>		
<p><b>November 7</b></p> <p>Review Election Results</p>		

<p>Political philosophy and public policy.</p> <p>Appropriate functions of government</p> <p>General policy</p> <p>Tax policy</p> <p>Spending policy: What services should the state offer and at what level should they be funded?</p> <p>10</p>		
<p>November 14</p> <p><b>Panel</b></p> <p>Sorting out priorities and setting funding levels – Somethings' gotta give'</p> <p>Paying for it or saying, "No"</p> <p>The 'End-of-session' deals</p> <p>11</p>		
<p>November 21</p> <p>Thanksgiving</p>	<p>NO CLASS</p>	
<p>November 28</p>		<p>Who serves?</p>

<p><b>Panel</b></p> <p>So you want to run for a seat in the Legislature</p> <p>Considerations</p> <p>Party platforms and party affiliation</p> <p>Campaign basics</p> <p>12</p>	<p><a href="http://leg.mt.gov/css/About-the-Legislature/Facts-and-Statistics/2017-demographics.asp">http://leg.mt.gov/css/About-the-Legislature/Facts-and-Statistics/2017-demographics.asp</a></p> <p>Compensation:  <a href="http://leg.mt.gov/css/For-Legislators/compensation.asp">http://leg.mt.gov/css/For-Legislators/compensation.asp</a></p> <p>Party Platforms:</p> <p><a href="http://montanademocrats.org/party/platform/">http://montanademocrats.org/party/platform/</a></p> <p><a href="http://mtgop.org/party-platform/">http://mtgop.org/party-platform/</a></p>
<p>December 5</p> <p>Small group presentations</p> <p>13</p>	
<p>December 12</p> <p>Final examination</p> <p>14</p>	

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