

Mitigating Factors

Legislative Role Becomes More Difficult

By Tom Schuman

Fact: Indiana legislators are representing the people in crafting the laws of our state. Fact: The issues those lawmakers are debating and voting upon are becoming more complex in today's competitive economic and challenging social climates. Fact: The 2008 legislative session brings added pressures in the form of angry voters who want property tax relief.

Opinion: Is that representation of the people taking place in an open, effective environment? Opinion: As the stakes rise, how difficult is it to obtain consensus on important topics? Opinion: What is the impact of politics on the legislative process?

Coming together to elaborate on the facts and ponder the questions are:

Participants:

- **David Hadley**, department chair and professor of political science at Wabash College, hadleyd@wabash.edu
- **Brian Howey**, publisher of Howey Politics Indiana and a political columnist since 1985, brianhowey@howeypolitics.com
- **Bob Kuzman**, a partner with the Ice Miller law firm, who served in the Legislature from 1996-2007, robert.kuzman@icemiller.com
- **Matt Whetstone**, director of governmental affairs for the Krieg DeVault law firm, who served in the Legislature from 1996-2007, mwhetstone@kriegdevault.com

Always on the run

Kuzman, a Democrat, represented portions of Lake, Porter and Newton counties. The constituents for Whetstone, a Republican, were in Hendricks County. Both left the General Assembly after the 2007 session, primarily for family reasons. Running for re-election every two years makes it near impossible, they say, to separate politics from policy.

"It's a 365-day-a-year job when you're in a two-year term," Whetstone offers. "In a lot of these districts, the primary is a big part of the election – your biggest threat. Next year will be different. I believe everybody will be in jeopardy in November." As for 2008, "You're going to have an awful lot of politics playing into all these issues this year, and it's just a reality of the job."

Election concerns, according to Kuzman, center on the direct mail piece or 30-second television or radio ad that might emerge from a potential opponent. What makes him look back fondly on his experience at the Statehouse, though, is that "there are times when you need to do what's right for the district even though it may not be politically correct or the right thing to do for your area, but it's the right thing to move Indiana forward."

"I think you're going to see that this session in some of the property tax stuff. There are going to be some tough votes. I think it will move Indiana forward, people will realize that and be able to sell that back at home more than they've ever had to in the past."

Hadley says the pending election pressure cooker is always there, but the temperature will be turned up in 2008. Those who thought in the past that they were in safe districts are "going to have to think very differently about the way they approach issues and votes this time."

While most of the political attention is focused on the House (due to a small number of close races determining control of the chamber in recent years), Howey reminds that the primary defeats of Senate Republicans Steve Johnson, Larry Borst and Bob Garton in the last three elections send a clear message.

"Legislators may not have to worry always about the general election," he notes, "but I think you always have to be looking over your shoulder at that potential primary challenge."

Getting the word out

The changing face of political campaigns also makes its way back into legislative processes

and outcomes. Communications techniques and strategies sometimes serve to put legislators in a defensive position.

Howey says, "The Internet has gone from infancy to toddler to now it's becoming a teen-ager. It's a mobilizer, a way to get the grassroots going." He adds that by the 2012 elections, "I think the Internet is going to change in even more profound ways than maybe we can even fathom here today."

Whetstone agrees with the impact of the Internet, but questions the validity of all the information and its eventual influence on voters.

"The way people start to use it to help direct (others) to information is pretty powerful. But there are so many sources of information," he cautions. "The Internet is dangerous. It's a fact of life, and it's a player, but how are Hoosiers assured that they're getting truthful information. It's very dangerous with the information that's disseminated sometimes just being so far off reality that voters get tainted by it."

Whether it's the Internet and various communications methods that spread information quickly, the slim majority margins in the House or that aforementioned complexity of topics, relationships between legislators have undergone a transformation.

"It's a much different environment. I'm not going to say it's a bad environment, but it's different than it was when we started," Whetstone explains. "There is a level of anxiety that causes people to not always treat each other with a level of respect (seen previously).

"The telling thing for me is when I asked one member who had come back (re-elected after an earlier defeat) what the biggest difference was and he said, 'You just can't trust anyone anymore.' That's a telling story, and it's a shame. But the institution still has folks who put the things together and who make things happen. At those levels, it's still a very strong bond."

Kuzman cites all of the above reasons and reaches the same conclusion as his former colleague.

"The issues facing the Indiana General Assembly each year are getting bigger and more complicated as the economy continues to change. When Matt and I came in 11 years ago, Democrats and Republicans went out to lunch. They went out to dinner, and we were friends. You just don't see that anymore because no one wants to say anything or do anything that provides that mail piece or that 30-second TV ad."

With the rapid pace of activity during the session and those political considerations, Kuzman says legislators have to be "very careful what they say and sometimes it's interpreted as trying to be evasive. I don't think they're trying to be evasive or not telling the truth. They're just trying not to box themselves in with the media."

In regard to relationships across the aisle, "The civility is there. They're still friends. They work hard together

and at the end of the day they do solve problems, and they will move Indiana forward. It's just become a little more dicey of a situation. It's not like that every day. It's just like that on certain issues that deal with political issues from one party or the other."



*Matt Whetstone
Krieg DeVault*

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Political makeover

The panel takes a deeper look at some of the state's current political realities.

"The competitiveness for control of the House is so great, but that competitiveness is concentrated in a very small number of districts," Hadley assesses. "One of the things that has happened over the years is that there's much more internal party unity within the two parties. The pressure is so great from the caucus not to be a maverick because the stakes are so high."

Howey notes that only 20% to 25% of the House races in any given cycle are competitive. If the proper political dominoes fall into place in 2008, he would not be surprised to see "creating maybe an out-of-state or an independent commission that will draw as many competitive, community-centric districts as possible."

Whetstone, an intern to the Senate redistricting group in 1991 and ranking member of the House elections committee 10 years later, says he would support a system based on counties or communities of interest. The "nesting" of two House seats in each Senate district would enhance consistency and public understanding.

Participation of the people

Legislators, as stated previously, are governing for the people. Does the general citizenry, however, have adequate access and information about what is taking place at the Statehouse? While traditional print resources are declining, today's communication trends offer new opportunities.

Howey, who covered General Assembly activities for several newspapers before starting his own publication in 1994, cites the decline of legislative coverage in major outlets. At the same time, blogs are



*Brian Howey
Howey Politics Indiana*

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beginning to influence mainstream media as well as the general public.

"I think the media as we know it is in a state of atrophy in this state," he claims. At the same time, former "Nightline" host Ted Koppel points out that 'anybody can throw up a shingle and call themselves a journalist.' "So you have a much greater menu of where you get your information, but then there's quite a bit of responsibility ... trying to figure out which ones you should believe in, which ones are credible, and which ones you should be disregarding and throwing away."

Hadley's students are among those that are "not a newspaper generation," he confirms. "They're getting their news, to the extent that they get it, in very targeted ways from very targeted sources, off of the Internet. The important thing is going to be how do you capture the attention of this younger generation to pay attention to what's going on through sources that are in some way vetted or have legitimacy."

The streaming video of House and Senate sessions (as well as many committee hearings) along with plans for an Indiana Channel television outlet (see story on Page 24) are positive steps for the democratic process.

"It has changed the way people act on the House floor and the Senate floor," Whetstone comments. "It's changed the tone of the debate. It's been useful and helpful, and I think it's been a good thing."

"You don't have the time to think through everything that you're trying to do. Until you extend either sessions or extend the time the General Assembly meets, which I don't see in the near future, the process we have is pretty darned good."

*Bob Kuzman
Ice Miller*



Closing the deal

Many major issues, however, seem to remain undecided until the final days or hours of the legislative session. Is the progress behind closed doors a necessary step for eventual agreement?

"The way the General Assembly is set up is that a few people have to make the key decisions and spread it out," Kuzman replies. "People become experts in special areas. You look across the aisle to see who, on both sides of the aisle, has that expertise. You have to build a consensus with those four or five and then spread it out. No one can know everything that happened that week because it's just too quick, too big and too complicated."

Whetstone believes very clear agendas from Gov. Mitch Daniels have helped the process in recent years. The transparency is healthy and creates a more open system. "There are very few secrets in the Statehouse."

Hadley, who says his students always marvel at the openness of the process and the interaction between legislators and others, reminds that nothing ever happens without a deadline. Howey, as a journalist, doesn't object to the conference committee process.

"Generally, after the decisions have been made, you can pull the key people aside and they'll give you a pretty earnest assessment of what happened," Howey reveals. "Democracy is about give and take, and I think generally it's a pretty good process."

Kuzman points out that conference committee votes are made public, and there is debate and a vote on the House or Senate floor. "Not everything is in secrecy and there is a public meeting."

Going back 221 years in our nation's history, Hadley states, "The Constitutional Convention in 1787, the first thing they did was say, 'Okay, let's close all the doors and windows; we've got serious business to do here.' If we're operating in a fishbowl, it's not going to get done."



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Meeting the requirements

While legislators officially work part time in alternating short and long sessions, the two former lawmakers (and many of their ex-colleagues) say the job is truly full time. Thus, while they would like to be able to more fully examine bills at the committee stage, there is no appetite to extend the official session days.

Committee chairs, Kuzman recounts, often have four or five complicated bills for one hearing. Those hearings are typically scheduled at 8:30 a.m., 10 a.m. and following the 1:30 p.m. full sessions. In other words: too much business, too little time.

"You don't have the time to think through everything that you're trying to do," according to Kuzman. "It's no fault of the General Assembly; no fault of the 150 members. It's an open process; it's a fair process. Until

Continued on page 70

ExecConnect

Continued from page 32

you extend either sessions or extend the time the General Assembly meets, which I don't see in the near future, the process we have is pretty darned good."

Whetstone concurs that more committee time would be helpful, but that there is no easy solution. He does offer thoughts on a changing dynamic in the governing process.

"Starting with Frank O'Bannon, governors have started to, I call it, legislate a little bit when the Legislature is not in session. A perfect example is this session. The Legislature had to validate (on Organization Day in November) something (property tax relief) that the governor had done.

"Those are the things that are starting to happen because we are growing so fast," Whetstone continues. "The Legislature is not a reactive body. It does not react well to bullets. The governor's job is to manage the state day to day, and sometimes the Legislature is not there to help.

"We need to be looking five and 10 years out as policymakers on where Indiana is going. Maybe there needs to be a change in the way we allow the governor to do some things. I'm just throwing that out as an interesting political science argument on how we move things."

A return to the original focus of the short session – dealing with a crisis – might be a good thing, Howey offers. "I almost think it would be great to get into where the short session primarily

deals with maybe one or two major issues, to give the committee process some time to breathe."

Property tax predictions

One can't bring together four people interested and involved in this arena without asking their thoughts on how the property tax reform/local government efficiency debate will emerge from this session.

Kuzman and Whetstone anticipate there will be permanent property tax reform. Whetstone adds, "Ancillary to that, I'm expecting 35 to 40 new members of the General Assembly from (the 2008) election."

Hadley agrees on both counts, with "significant reform, a big shake-up in terms of membership of the House, and I think it could spill over into the Senate this time. People will be voting against incumbents. Almost regardless of what comes out in terms of property tax reform, I think people are going to hold their anger."

Howey makes it unanimous, adding, "I think the wild card here is how far does Kernan-Shepard (this discussion took place prior to the December 11 recommendations – outlined on Page 34 – issued by the Indiana Commission on Local Government Reform) go and how quickly can the House and Senate absorb that, hitch it to the property tax reforms and get it passed – and how much is deferred to '09."



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