

is not uniform. At the same time, the biggest problems affecting legislative activity of the constituent entities of the Russian Federation are still: the absence of consistency in adopted legislative acts, changes being made to various legislative acts of a single law or into a set of laws, the narrowness of themes encompassed by individual legislative acts, their adoption concerning relatively trivial, private issues, and a lack of attention paid to the preparation of codified acts.

Legal acts regulating conditions for implementing legislative initiatives of the constituent entities of the Russian Federation must be changed, making the procedure for introducing draft laws and timeframes for their examination favorable to their future implementation. To this day, still untouched are problems concerning the provision of information to legislative (representative) bodies of the constituent entities of the Russian Federation on the fates and results of petitions made by these constituent entities of the Russian Federation to any of the federal bodies of state power.

In many constituent entities of the Russian Federation, control over the enforcement of legislative acts is part of scheduled activity — review of control issues is envisioned by the annual legislative plans of legislative bodies of power and their standing commissions. A tendency is being witnessed of improvements in the number of control issues coming under review and in the quality of this process. At the same time, deputies' planned and multilateral control over the enforcement of laws of the constituent entities of the Russian Federation and other legal acts of bodies of state power, has proven to be one of the most efficient ways for implementing socioeconomic development strategies in the regions and for achieving planned reforms. Expansion of regional public chamber duties, for its part, could promote efficient legislative monitoring in the regions, and help gauge public opinion during development of draft laws that are of greatest interest to the country's public political life.

Not all bodies of power of the constituent entities of the Russian Federation treat the modeling of regional legislation as work that requires a systemic approach. For some, it is considered far more important to concentrate all resources on the solution of current problems — attracting financial resources to the regions, receiving federal fund resources, etc. For them, it is still not evident that the system of regional legislation is an additional resource for strategic development.

## **2.2. Role of constituent entities of the Russian Federation in improving the legal system**

At the present stage of Russian development, there is an objective need to undertake the comprehensive and systemic organization and execution of domestic legislative monitoring and legal enforcement analysis. In order to create a quality legal field, special attention should be paid to the planning of draft law activity, taking into account the strategic goals of state policies, as they are determined by the President of the Russian Federation for the long-term prospect. In a federal state, strategically oriented legislative activity is impossible without the regular performance of a comprehensive analysis of lawmaking activity and legislative enforcement, both on the federal level and in the constituent entities of the Russian Federation. Today, regional bodies of state power are also joining this process. A growing number of regional parliaments are creating their own monitoring services and presenting the results of their own work in the form of public reports.

Legislative bodies of power of the constituent entities of the Russian Federation, in the process of improving the concept of legislative support of the priority directions of state policy, are together with the Council of Federation forming a rigorous, efficient regulatory legal framework for the regions, which ensures the planning of long-term and resolution of current state policy tasks. An essential role in the coordination of this activity is played by the Council of Legislators. An efficient tool for achieving these tasks is the monitoring of legislation and

analysis of legal enforcement practices (herewith, legal monitoring). It forms an integral part of the system of lawmaking, allowing to construct the whole legislative process on a transparent, fundamental legal basis.

Legal monitoring has great value in a federal state, one where federal and regional legislations are applied simultaneously. Legal monitoring is presently required as a factor unifying the legislative and legal enforcement activities of bodies of power of the Federation and the constituent entities of the Russian Federation, especially in the course of national project implementation.

The adoption of the Constitution of the Russian Federation of 1993 led to an active development of federal and regional legislations. Analysis of the existing legal enforcement practice in the constituent entities of the Russian Federation has helped formulate a range of key and most typical problems blocking the efficient implementation of quality legal support for the undergoing implementation of country reforms.

1. Legal regulation of public relations, both on the federal and regional levels, is frequently performed without a proper groundwork, in a chaotic and fragmental manner. Approval of legislative acts is quite often conditioned by political reasons, instead of legal necessity. The existing system of legislation is imperfect; serious loopholes exist in the legal regulation of constitutionally determined subjects of regulation; and there is duplication, overlapping and discrepancy in how various normative legal acts provide legal regulation of public relations.

2. In the opinion of legislative bodies of power of the constituent entities of the Russian Federation, it is essential to eliminate the existing loopholes in federal and regional legislations,<sup>10</sup> in order to ensure the quality implementation of provisions set in the Address of the President of the Russian Federation, which identifies a development strategy for the country and an activity program for bodies of state power of all levels.

3. Especial concern is raised by the still unresolved discrepancies between federal and regional legislations. Laws of the constituent entities of the Russian Federation do not always correspond to federal legislation. Federal laws in the area of joint competence, in their turn, quite often fully exhaust the subject under regulation without leaving room for regional lawmaking. Even in subjects of exclusive competence of the constituent entities of the Russian Federation, there are cases of federal regulation of public relations.

As a result, contradictions resulted in legislative practice between actual public relations and the existing system of Russian legislation, which is called upon to regulate these public relations. This contradiction is a major problem for the state, demanding scientific and practical resolution.<sup>10</sup>

Generalizing the experience of the constituent entities of the Russian Federation, one may say that the monitoring of legislation with analysis of legal enforcement practices is being systematically reflected in regional legislative activity and implemented by the bodies of state power of the constituent entities of the Russian Federation. We may view the following issues as positive results of monitoring in the regions: the creation of an efficient system of regional legislation that does not contradict federal legislation (the Arkhangelsk oblast Assembly of Deputies); a strategic approach to improving legislative activity and a system of regional normative legal acts, with the involvement of representatives of bodies of self-government and public organizations in this work (the Samara oblast Duma); collaboration between the legislative and executive bodies of power (the government of the Moscow oblast and the Moscow oblast Duma); priority attention given to the course of national project implementation (Legislative Assembly of the Penza oblast).

<sup>10</sup> The results of monitoring of the federal and regional legislations are provided in materials of the Chairman of the Moscow oblast Duma V. E. Aksakov, the Chairman of the Parliament of the Kabardino-Balkarian Republic I. B. Bechelov; the Deputy Chairman of the Altai kray Council of People's Deputies S. V. Zemlyukov; Chairman of the Legislative Assembly of the Perm kray N. A. Devyatkin; the Chairman of the Legislative Assembly of the Jewish Autonomous Region A. F. Tikhomirov, and others.

Interesting experience was gained in Moscow and the Moscow, Voronezh, Novgorod, Samara, Tula, Chelyabinsk, and Tyumen oblasts, and Krasnodar kray, as well as other regions of the country.

The Samara Gubernatorial Duma administration, for example, created a special department in its legal control structure for classifying and analyzing the enforcement of legislation. Cooperation agreements with 12 state higher education institutions have been approved and are being implemented. For the period between the second half of 2004 to December 2006, a detailed analysis of the enforcement of 44 federal and regional legislative acts was performed. This work was used to draft legislative improvement proposals, many of which have been implemented.

The priority of legislative monitoring performed by the Legislative Assembly of the Rostov oblast was in identifying regional norms that contradicted federal legislation, and to conform them to federal laws. A special monitoring department was created within the administration of the Legislative Assembly of Rostov oblast that constantly monitored changes in federal legislation, prepared information and analytical reports on all federal laws whose adoption required amendments to regional legislation. Corresponding oblast draft laws are being drafted in response to the results of such monitoring work.

A special Institute of Regional Legislation was created for the Voronezh oblast Duma. Institute staff has developed more than 100 major regional laws.

In the Legislative Assembly of the Penza oblast, control over the execution of legislative and other acts is being performed on a planned basis, with examination of the main issues provided for in the annual working plans of the Legislative Assembly and its permanent commissions. The main goal of this work consists of identifying how these normative legal acts are actually being implemented, and developing measures aimed at intensifying their implementation by the bodies of state power of the Penza oblast. In essence, examination of legislative acts as part of an oversight procedure is an instrument for turning the work of executive power bodies, as they ensure the implementation of specific laws, into a permanently comprehensive process.

As a result, a tendency for a growing number of issues being considered and an improving quality of their consideration has been witnessed in the Penza oblast in recent years. The Penza oblast Legislative Assembly has approved the structures of special deputy commissions on the oversight of implementation of priority national projects on the region's territory. A significant place in the work of deputies is assigned to the monitoring of regional legislations relating to electoral mandates. Specific measures for implementing the Penza oblast law «On Electoral Mandates» was considered repeatedly in 2006 at permanent commissions and Legislative Assembly sessions. Such work allows for better knowledge of problematic issues and their legal enforcement practice, and to introduce the corresponding corrective amendments into legislative activities. Eighty-eight legislative mandates were executed as a result of this work, and about 30 remain on the agenda.

The 2006 sessions of the Legislative Assembly examined the execution of Penza oblast laws «On State Regulation of the Retail Sale of Alcoholic Beverages on the Territory of Penza Oblast» and «On the Targeted Oblast Program «Prevention and Control of Diseases of a Social Nature for 2003-2007»», as well as the oblast's implementation of the priority national project «Affordable and Comfortable Housing for Citizens of Russia», pension reforms, the state of healthcare in the Penza oblast, and the prospects of its development within the frameworks of implementing the priority national project on «Health».

The Tula oblast Duma has energetically joined the legal monitoring process, having started preparation of a report on the state of legislation in the oblast; it has performed and presented the results of research on problems with the legislation, particularly in the social sphere<sup>11</sup>.

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<sup>11</sup> The results of monitoring in the sphere of social policies were presented by the Tula oblast Duma as a supplement to this report on December 22, 2006.

A serious analysis of legislation and the legal enforcement practice was made in such areas as education, science and culture, healthcare, and the housing and utilities sphere. One of the results of this work was the conclusion that it is essential to move from isolated legislative activity to systematic work, ensuring control over its efficiency and achievement of set goals.

The goal of Moscow oblast's legal enforcement monitoring of social support for orphaned children, children who have remained without parental care, and foster families, is to increase the efficiency of the lawmaking process and of the legal enforcement in this sphere; to improve the transparency of how regulatory decisions are made; increase the responsibility of state bodies, bodies of local self-government and their officials for their decisions concerning these bodies' lawmaking activities; and to obtain information about the tendencies of legislative system development in the Moscow oblast concerning social support for orphan children, children who have remained without parental care, and foster families.

To achieve these goals, the Moscow oblast: determined the legal monitoring framework and mechanisms for its organization in the entire Moscow oblast; monitored the legal enforcement practice of specific laws in all municipal districts of the Moscow oblast. The work followed a monitoring plan, which established a schedule for its stage-by-stage implementation. To assist the subjects of monitoring (in this case, the interdepartmental municipal working committees), a monitoring methodology was developed: model recommendations and methods for monitoring work performance, and a package of software and methods for processing its results.

The monitoring subjects became such laws of the Moscow oblast as: «On Guardianship Bodies of the Moscow Oblast», «On Patronage», «On Remuneration for Labor to Foster Parents and Privileges Provided to Foster Families», «On Provision of Additional Guarantees of Social Support to Orphan Children and Children Without Parental Care, and Provision of Their Full State Financing», and other normative legal acts of municipal entities of the Moscow oblast in the sphere of social support for orphan children, children without parental care.

The Moscow oblast Duma turned the improvement of scientific and methodological support for lawmaking and monitoring into a priority project. Close cooperation with the scientific communities of Moscow and the Moscow oblast concerning the search and application of new criteria for the quality of legislative material, and verification of its conformity to generally accepted principles and regulations of domestic and international law, became an everyday practice.

In recent years, in jurisprudence and the legal practice, the subject of the need to create a uniform Russia national system of legal space monitoring and legal enforcement practice is being raised more and more vigorously. The absence of a comprehensive system interferes with the implementation of a constant and high-grade monitoring of the whole legal space and the entire legal enforcement practice. Neither is there a uniform state structure that could perform this vital function for the country on a systematic basis.

A leading role in systematizing the experience gained in this sphere is played by the Council of Federation in general, and the Commission of Methodology of Implementation of the Constitutional Powers of the Council of Federation in particular, playing the role of both the initiator and organizer of this vital methodological work. At the same time, there is a need to create a uniform center for analysis and forecasting in the legal space and legal enforcement practice — The Russia National Center of Legal monitoring — that on the basis of objective information received from objects of monitoring, could perform an objective appraisal of Russian legislation.

It is obvious that such a system may not exist without the organization of social and legal research in the constituent entities of the Russian Federation, or without the creation of regional departments and divisions that would serve as the foundation of a legal monitoring system. The first regional center of legal monitoring was created for the State Duma of the Stavropol kray. Three years of its operations helped create a regional focal point for the legal monitoring system.

The main lines of the regional center's activities became:

inventory of the kray's legislative acts, identifying and eliminating outdated and ineffective ones, as well as those that contradicted existing provisions of existing federal normative legal acts and legal norms;

performance of comprehensive work on the preparation and publication of an official Code of Laws of the Stavropol kray;

codification of regional legislation, amendment of the existing legal body of work, incorporation and generalization of normative acts into several codified laws that regulate the most important areas of public relations;

a study of the legal enforcement practice of the main kray laws, including: a review of the efficiency of kray legislation, identifying the objective and subjective conditions of their implementation, drawing up improvement proposals for kray laws;

future planning of kray legislative work, including determining to what degree kray legislation has «filled» the legal field; developing and implementing a program to fill the «empty» legal field with legal regulations; and spreading the program's best practices to other the constituent entities of the Russian Federation, as well as its application in federal lawmaking;

monitoring federal laws on the territory of Stavropol kray and other regions of the Southern Federal District within the framework of the program of the Committee of the Council of Legislators for monitoring of legislation and legal enforcement practice.

In the Stavropol center of legal monitoring, a three-tier methodology of legal monitoring in the constituent entities of the Russian Federation was officially adopted, including: identifying the objective and subjective conditions of new legislation implementation; development and implementation of measures to strengthen the influence of positive and eliminating the influence of negative factors; drawing up proposals for amending and appending legislative acts.

It is necessary to note that there is currently no uniform system for observing, analyzing, and appraising legislation and its conformity to public needs. The work of the federal and regional bodies of state power performed in this area is of fragmental nature and not directed at a comprehensive study of all the spheres of public relations, which could reveal the efficiency of their legal regulation and improve Russian legislation.

In recent years, serious work began on creating a Russia national system of monitoring the legal sphere and development on its basis of a prospective model of the lawmaking process. An essential condition for this work is the empirical research conducted at a regional level, and the independent regional centers for legal monitoring. The need for this emerged a long time ago. Political will from the heads of the constituent entities of the Russian Federation is required for the creation of such scientific and practical institutes.

Pursuant to part 1 of article 104 of the Constitution of the Russian Federation, the legislative (representative) bodies of state power of the constituent entities of the Russian Federation (herewith, the legislature bodies of the constituent entities of the Russian Federation) have the right to legislative initiative. They have the right to submit any draft laws to the State Duma, including issues that are not related to the competence of their bodies of state power. At the same time, the constituent entities of the Russian Federation may defend their interests in the Federal Assembly of the Russian Federation through their Council of Federation representatives — members of the Council of Federation who also bear the right to legislative initiative.

The 2005 report detailed to what extent the bodies of legislative power of the constituent entities of the Russian Federation exercised their right to legislative by submitting draft laws for debate between 1995 and 2005. This information was analyzed, identifying the most pressing problems facing the regions and the reasons why some legislative initiatives proposed by regional authorities were voted down. Ways were offered for overcoming the difficulties regions face in exercising their right of legislative initiative.

In 2006, the State Duma received 972 draft laws from the legislative bodies of the constituent entities of the Russian Federation (including jointly with other legal entities of legislative

initiative process) between 1996 and 2006. As of January 1, 2007, consideration of 444 draft laws of legislative bodies of the constituent entities of the Russian Federation was completed; 528 draft laws remained on the agenda. Of the 444 draft laws reviewed, 32 were amendments to current laws. At the same time, all 32 approved laws were introduced by the same legal entity of legislative initiative.

Twenty-eight legislative bodies of the constituent entities of the Russian Federation became authors of 32 laws approved in 2006, and four of them authored two laws each: these were the State Assembly — Kurultai — of the Republic of Bashkortostan; the Legislative Assembly of Krasnodar kray; the Volgograd oblast Duma; and the Sakhalin oblast Duma. The results of law drafting activity performed by the constituent entities of the Russian Federation in 2006 are presented in Table 1.

Table 1

**Results of law drafting activity of legislative bodies of  
the constituent entities of the Russian Federation in 2006**

Results of consideration of draft laws submitted by legislative authorities of the constituent entities of the Russian Federation	Number of draft laws	As a percentage of draft laws submitted by legislative authorities of the constituent entities of the Russian Federation	
		considered by the State Duma	whose consideration was completed in 2006
Number of draft laws introduced by legislative bodies of the constituent entities of the Russian Federation that were considered by the State Duma in 2006	972	100.00	
Number of draft laws whose consideration was not completed in 2006	528	54.32	
Number of draft laws whose consideration was completed in 2006	444	45.68	100.00
including:			
federal laws approved	32	3.29	7.21
voted down by the State Duma when considered in the first reading	188	19.34	42.34
returned to the legal entities of legislative initiative for incorporation of requirements of the Constitution of the Russian Federation and State Duma Regulations	140	14.40	31.53
removed from consideration by the State Duma due to a recall by the legal entity of legislative initiative	40	4.12	9.01
returned to the legal entity of legislative initiative (no reason indicated)	28	2.88	6.31
removed from consideration after approval of a similar draft law in the first reading	14	1.44	3.15
voted down by the State Duma when considering in the second reading	2	0.21	0.45

Consideration of 444 legislative initiatives of bodies of legislative power of the constituent entities of the Russian Federation was completed in 2006. Thirty-two them were signed by the President of the Russian Federation, 188 were defeated by the State Duma (during consideration in the first reading), 40 were excluded from further consideration by the State Duma in connection with a recall by the legal entity of legislative initiative, 140 were returned to the legal entity of legislative initiative in connection with non-adherence to the requirements of part 3 of article 104 of the Constitution of the Russian Federation and article 105 of the State Duma Regulations (it includes a failure to include a conclusion from Government of the Russian Federation), 14 were returned to the legal entity of legislative initiative after approval of a similar draft law in the first reading, and 28 were returned to their authors for other reasons.

Legislative bodies of state power of the constituent entities of the Russian Federation come in second to State Duma deputies in term of the number of introduced draft laws.

The average duration of the legislative process for draft laws submitted by the legislative bodies of state power of the constituent entities of the Russian Federation, from the moment of their registration in the State Duma to signature by the President of the Russian Federation, was 17 months; from the moment of registration in the State Duma to approval in the first reading — 10 months. At that the same time, the percentage of defeated draft federal laws submitted by legal entities of legislative initiative has not decreased in comparison with the previous year. Simultaneously, the number of laws approved on the initiative of legislative authorities of the constituent entities of the Russian Federation is growing.

The following State Assemblies failed to exercise their right to legislative initiative in the course of the current State Duma's work: the EI Kurultai of the Altai kray, the State Assembly of Republic of Mordovia, the Supreme Council of the Republic of Khakasia, the Novosibirsk oblast Council of Deputies, the Smolensk oblast Duma, the Aginsk Buryat autonomous okrug Duma, the Koryakia autonomous oblast Duma, the Duma of the Ust-Ordyn Buryat autonomous okrug, the Legislative Assembly (Suglan) of the Evenki autonomous okrug.

The leaders in the number of draft laws, which became laws and were signed by the President of the Russian Federation, are the Legislative Assembly of Krasnodar kray, the Moscow oblast Duma and the Moscow municipal Duma. In the course of the fourth State Duma's calling, the President of the Russian Federation signed five federal laws from each of these legislative bodies.

A significant number of the draft laws were excluded from consideration by the State Duma due to the absence of an accompanying conclusion from the Government of the Russian Federation. Quite often, official representatives of the constituent entities of the Russian Federation also fail to take due part in consideration of draft laws in the State Duma. Draft laws often amend already expired legislative acts, and at times the amendments are introduced by several legal entities of legislative initiative at once.

For the purpose of eliminating the above-mentioned shortcomings and to ease the passage of regional legislative initiatives through the chambers of the Federal Assembly of the Russian Federation, the draft law «On the Procedure for Approval of Federal Constitutional Laws and Federal Laws», whose new edition was drafted in 2006, was amended with several innovations. In particular, these included provisions concerning the regions' more comprehensive participation in the passage of their legislative initiatives, from the moment of these draft laws' registration in the State Duma.

Legal imperfections of legislative initiatives received from the constituent entities of the Russian Federation may be explained by the continuously poor professionalism displayed by their authors when drafting laws<sup>12</sup>. At the same time, it is necessary to also take into account the imperfection of the procedure of the right to legislative initiative in the State Duma, which allows initiatives of the constituent entities of the Russian Federation to be rejected on formal grounds.

Today, the issue of informing legislative (representative) bodies of the constituent entities of the Russian Federation on the future prospects and results of their appeals to any of the federal state bodies remains unresolved. It would be expedient to support proposals made to draft laws in the first reading concerning «consolidated» legislative initiative groups of the constituent entities of the Russian Federation<sup>13</sup>, on the need for a separate response to each amendment to the draft law contained in a consolidated draft law, and to back a draft law that changes the procedures

<sup>12</sup> Certain improvements to the lawmaking process were proposed by the Chairman of the State Council of the Republic of Tatarstan, F. Kh. Mukhametshyn.

<sup>13</sup> Proposals to create mechanism for coordinating the preparation and submittal of draft laws to the State Duma were made by the legislative bodies of several constituent entities of the Russian Federation, including: the Governor of the Nizhny Novgorod oblast, V. P. Shantsev; the Chairman of the Arkhangelsk oblast Council of Deputies, V. S. Fortygin; the Governor of Astrakhan oblast A. A. Zhilkin; the Governor of Bryansk oblast, N. V. Denin; the Chairman of the Council of People's Deputies of Kemerovo oblast, G. T. Dyudayev.

for how disputes between legislative bodies of power and the constituent entities' most senior officials concerning draft laws are resolved. At that the same time, it is essential to determine how the opinions of the constituent entities of the Russian Federation may be taken into account, especially concerning an extension to the time in which they are allowed to make amendments to draft legislation.

In order to provide a comprehensive, systematic and objective approach to appraising the legal regulation of federal laws, the monitoring of draft laws, the performance of an independent expert appraisals of consequences of laws' implementation, current legislation and the legal enforcement practice, it is expedient for the constituent entities of the Russian Federation to share their accumulated wealth of experience concerning the organization and use of the legislative monitoring system.<sup>14</sup>

Most draft laws submitted by regional bodies of legislative power and considered in 2006 were meant to improve legislation in the areas of organization and work of justices of peace and the legislative and executive state bodies of the constituent entities of the Russian Federation, citizen healthcare, tax, financial, and also administrative legislation.

The majority of the draft laws are draft laws introducing changes to the Tax Code of the Russian Federation, the Administrative Code of the Russian Federation, pension legislation, and the Federal law «On the Total Number of Judges of Peace and the Number of Judicial Districts in the Constituent Entities of the Russian Federation».

On the Moscow oblast Duma's initiative, 2006 saw the approval of the Federal Law «On Changes to Article 20 of the Federal Law «On Labor Pensions in the Russian Federation»», providing for a mandatory recalculation of the main part of the labor age pension earned by a pensioner upon reaching 80, without the need for the pensioner to file an application. On the initiative of the Legislative Assembly of the Kaluga oblast, amendments were introduced to the Law of the Russian Federation «On the Militia», concerning the right by the constituent entities of the Russian Federation to determine the order procedure for providing social guarantees to children of militia employees.

The regions have also introduced a large number of amendments to the Tax Code of the Russian Federation. Thus, an initiative of the Legislative Assembly of Krasnodar kray was implemented in 2006, with the approval of the federal law «On Making Changes to the Second Part of the Tax Code of the Russian Federation in the Part on Creating Favorable Tax Conditions for Taxpayers Working in the Field of Information Technologies, and Also Introduction of Other Changes Directed at Increasing the Efficiency of the Tax System».

On the initiative of the State Duma of Astrakhan oblast, the federal law was approved «On Making Changes to Clause 218 of the Second Part of the Tax Code of the Russian Federation», granting people who follow resolutions issued by bodies state power of the Russian Federation and take part in combat duty on the territory of the Russian Federation, a standard tax income tax deduction in the amount of 500 rubles for every month of a tax period.

On the initiative of the State Council of the Udmurtian Republic, the federal law was approved «On Making Changes to Article 398 of the Second Part of the Tax Code of the Russian Federation», detailing the mandatory tax declarations by individual entrepreneurs. In November, 2006 this law was signed by the President of the Russian Federation.

Thus, the analysis of the legislative activity of legislative (representative) bodies of the constituent entities of the Russian Federation at the level of the federal lawmaking process, not only shows a high level of understanding and interest in resolving national problems, but also opens to debate the most problematic areas of legal regulation, which requires constant monitoring

<sup>14</sup> Useful studies and practical proposals on these and other issues of lawmaking by the constituent entities of the Russian Federation were made within the frameworks of work conducted by the lawmaking committee of the Legislative Assembly of Saint Petersburg, contained in the «Technology of Lawmaking» booklet (the experience of Saint Petersburg) / Edited by I. P. Mikhailov — SPb.: IPTs SPGUTD, 2006.

and subsequent harmonization at all the levels, with participation of all legal entities of legislative initiative through uniform approaches, frameworks and documents.

The year 2007 marks the fifth anniversary of the creation of the Council of cooperation of the Council of Federation with legislative (representative) state bodies of the constituent entities of the Russian Federation, which received a brief name: the Council of Legislators. Its creation became a natural step in the formation of a parliamentary system in the Russian Federation.

Creation of the Council of Legislators, along with a new procedure for forming the Council of Federation, helped ensure complete participation by regional body representatives in the formation and conduct of the national policy on full implementation of the constitutional principles of unity in action between all branches and levels of authority. The President of the Russian Federation V. V. Putin has frequently taken part in sessions held by Council of Legislators. Three Council of Legislators session were staged in the Kremlin.

Structurally, the Council of Legislators includes a permanently operating working body — the presidium of the Council of Legislators, and eight commissions: on coordination of legislative activities; on delineation of powers between federal bodies of state power, bodies of state power in the constituent entities of the Russian Federation and bodies of local self-government; on inter-budgetary relations and tax laws; on legislative support of development of agriculture and land relationships; on regional policies and ethnic affairs; on legislative support for economic and industrial policies; on legislative support for social policies. Later, the Commission on Monitoring Legislation and Legal Enforcement was created. Each of the commissions is overseen by the head of a legislative body of power of a constituent entity of the Russian Federation. Council of Legislators resolutions are exclusively advisory in nature.

In all, 14 sessions of the Council of Legislators have been held. The leitmotif of virtually every session has been the issue of delineation of authority between levels of public power. The Council of Legislators also paid strict attention to local self-government issues. They became the subject of intense debate at a Council of Legislators session that took place in the Kremlin in April 2005 with the participation of the President of the Russian Federation, V. V. Putin. Participants of the session were briefed on the experience of Stavropol kray and Novosibirsk oblast, where the Federal Law «On the General Principles of Organization of Local Self-Government in the Russian Federation» went into effect on January 1, 2005.

In October 2005, the Council of Legislators considered the issues of legislative support for financial and budgetary rights of municipalities in the drafting of the federal budget, and budgets of the constituent entities of the Russian Federation for 2006. The approved resolution notes that the primary goal of the financial and budget policy performed by the bodies of state power of the Russian Federation amid ongoing federal and local self-government relations reforms, should be the creation of conditions allowing the constituent entities of the Russian Federation and municipalities to build their own tax bases, increase their investment activity, and develop social and economic infrastructure.

Three sessions of the Council of Legislators were held in 2006. The first session, devoted to the «Role and Place of Legislative (Representative) Bodies of state power of the Constituent Entities of the Russian Federation in the Course of Implementation of Priority National Projects», was held on March 16, 2006 with the participation of the President of the Russian Federation, V. V. Putin. The session's resolution noted that the productivity of the implementation of priority national projects would for the large part depend on the efficiency of interaction between the federal bodies of state power, the bodies of state power the constituent entities of the Russian Federation, and bodies of local self-government. The following session of the Council of Legislators, which was held on July 4, 2006, was devoted to the tasks set before legislative (representative) bodies state power of the constituent entities of the Russian Federation on implementing the provisions of the Address of the President of the Russian Federation to the Federal Assembly of the Russian Federation for 2006. The last session for 2006 was held on December 21 in the Kremlin with the participation of the

President of the Russian Federation V. V. Putin, with the topic being «Legal Regulation and Improvement of Legislative Support for the Demographic Policy of the Russian Federation».

In 2006, six sessions of the presidium of the Council of Legislators were also staged. They supported the initiative of the Chairman of the Council of Legislators, S. M. Mironov, to create under the Council of Federation an Integrated Committee on national policy and mutual relations between the state and religious associations, with participation of the heads of legislative (representative) bodies of state power of the constituent entities of the Russian Federation.

A May 10, 2006 session of the presidium discussed the issue: «On the Address of the President of the Russian Federation to the Federal Assembly of the Russian Federation for 2006», on July 3: «On the Course of Reform of Housing and Utilities Services in the Constituent Entities of the Russian Federation, and the Tasks of its Legislative Support». The Presidium of the Council of Legislators proposed to the Government of the Russian Federation to develop in 2007 a long-term federal targeted program implementing a major overhaul of the available housing in the Russian Federation, and to include financing for the measure in the draft federal budget for 2008. It was also proposed to limit tariffs increases on housing and utility services, which are one of the reasons behind inflation in the country, so as not to exceed the current rate of inflation.

On November 22, 2006, the «Legislative Aspects of Regulation of Industrial Policy of the Russian Federation Based on the Example of Implementation of the Inter-Regional Project Industrial «Urals — Polar Urals»» was discussed. The Presidium of the Council of Legislators pointed out that the problem of professional staff shortages was characteristic to all the sectors of Russian industry, across the entire range of professions and duties, from qualified workers to various categories of engineers.<sup>15</sup>

Although over the course of its existence, the Council of Legislators has become an integral part of the Russian parliamentary system, it has not yet managed to solve the problem of giving a systemic character to the legislative process, both on federal and regional levels, or to assume the role of a body that collects legislative initiatives from regions for their subsequent consolidation in the form of specific legislative initiatives initiated by the Council of Federation. The Council of Legislators commissions have failed to turn into methodological centers, capable of developing recommendations for determining the main directions of development of federal legislation and the legislations of the constituent entities of the Russian Federation.

In 2006, general focus areas were created for this body: legislative support for the regions' implementation of address of the President of the Russian Federation to the Federal Assembly of the Russian Federation, priority national projects, monitoring legal enforcement by the constituent entities of the Russian Federation of legislation aimed at resolving comprehensive, national problems.

The bodies of state power of the constituent entities of the Russian Federation place great hope on the work of the Council of Legislators in coordinating legislative activity. Consolidating the experience of legislative activity and the practice of implementation of legislation, both on the federal level and on the level of the constituent entities of the Russian Federation, the Council of Legislators is capable of playing an appreciable role in determining the priority directions of legislative activities in the country, and in bringing the common opinion of the legislative (representative) state bodies of power of the constituent entities of the Russian Federation to the attention of the country's most senior political authorities.

A number of bodies of state power of the constituent entities of the Russian Federation have prepared reports on the state of legislation in their regions. The report of the Arkhangelsk

<sup>15</sup> According to chairman of the Council Committee of lawmakers on economic and industrial policy legislative support, Chairman of the House of Representatives of the Legislative Assembly of Sverdlovsk oblast, Yu. V. Osintsev, the national security strategy should incorporate economic and industrial policy issues.

oblast Assembly of Deputies, together with an analysis of the legislation itself, also examines how participants of the legislative process perform their work. The report includes a special section of general recommendations on ways to improve legislation on the whole. A distinctive feature of this report is its analysis of Arkhangelsk oblast legislation through the prism of its complicated place among other constituent entities of the Russian Federation, which defines the unique nature of cooperation between the lawmaking bodies of the Arkhangelsk oblast, and the complexity in organizing this process.

An important role in the report is played by a legal analysis of problems that resulted from the approval at the federal level of legislation specifying the status and other issues relating to civil service. The need was noted for a more precise and timely elimination of federal legislation loopholes concerning problems of bio-resource exploitation in fishing, which is one of the main lines of socioeconomic growth in the Arkhangelsk oblast.

The report of the Saratov oblast Duma identifies the day's most important priorities of legislative activity, with several sections devoted to the organization of Saratov oblast Duma legislative activity, the legislative support provided for implementing priority national projects on the territory of the region, as well as the organization of legislative activity, with consideration for the program documents of both federal and regional levels. A special part of the report presents recommendations on improving the legislative process and the normative-legal base.

The primary task set before the Saratov oblast Duma in 2006, as emphasized in its report, was to improve Saratov oblast legislation along the lines of state policy priorities determined by the head of the state, taking into account the creation of conditions required for Saratov oblast's stable socioeconomic growth and better standards of life for its residents. Proceeding from an analysis of the activities of the Saratov oblast Duma in 2006, deputies identified essential legislative loopholes. In the agro-industrial complex, for the implementation of the priority national project «Development of the Agrarian and Industrial Complex», special importance was attached to the stimulation of the development of small types of agricultural businesses, credit cooperatives, the land mortgage system, and tax laws. Within the framework of the population policy, a proposal was made to create federal standards of activity of tutorship and curatorship. In the social sphere — to specify the procedure and conditions for awarding the title «Veteran of Labor».

The Samara oblast Duma report on the state of its legislation identified fields of the law and specific legislative acts that demand correction both at the federal and regional levels. It noted a problem in a comprehensive federal regulation in the area of delineation of powers between the federal bodies of state power and bodies of power of the constituent entities of the Russian Federation, which creates a complicated system of cross amendments that interfere with a uniform understanding of regulations contained in specified laws, and their efficient implementation.

It noted that precision was required in normative acts on the general principles of organization of local self-government, especially on budget and tax support for municipalities, and also in the regulation of municipal services. On healthcare, the main problem at the federal level, in the opinion of the report's authors, was the absence of any organizational unity the system's parts or in the general approach to legal regulation of public relations when it comes to citizens of the Russian Federation obtaining access to medical assistance. No mechanism exists for implementation many of the regulatory legal acts, which makes them declarative in nature.

The report of the Legislative Assembly of Penza oblast, just like the Saratov oblast Duma report, is divided into two sections, devoted to the organization of legislative activities and enforcement of the legislative powers of the Legislative Assembly of the Penza oblast. The following issues were emphasized as the priority directions of legislative support Penza oblast's socioeconomic development: support for the enforcement of constitutional rights and social guarantees of its residents; development of agricultural production, the real economy and small

businesses on a new economical basis; improvement of the administration system and elimination of excessive administration of the economy.

Analysis of regional legislation in the Novgorod oblast Duma report was systematic and concise, reviewing the organizational and program frameworks of performance of legislative activity and the participation of the executive power in the legislative process, analyzing the regulatory framework of the region's main areas of activity, summarizing legislative activities, and determining directions for legislative process improvements. The Novgorod oblast Duma draws attention to a lack of proper coordination between the federal center and the regions concerning the delineation of authority. Its authors point out the vagaries contained in regulatory acts coordinating legislative activity, and the «shuttle» character of federal legislation, which negatively affects the regions' legal enforcement activities. Constantly changing federal legislation requires making corresponding amendments to legislation of the constituent entities of the Russian Federation, which prevents them from reaching a settled, stable state and a truly regulatory character.

A distinguishing characteristic of every report is the direct connection drawn between the normative-legal framework of the constituent of the Russian Federation and federal legislation changes. The regional reports identify specific achievements in the sphere of legislative monitoring and legal enforcement. For example, the main focus of the Samara oblast Duma report is concentrated on problems facing the approval of specific laws. In the report of the Saratov oblast Duma, monitoring problems are revealed through the authors' proposals on ways to improve both the federal and regional regulatory frameworks. The Arkhangelsk oblast Assembly of Deputies analyzes the compatibility of regional and federal legislations, identifying loopholes left by the federal legislator in preparing the approval of laws on the region's socioeconomic development. The Novgorod oblast Duma points out the importance of a systematic analysis of regulatory frameworks and approaches to organizing legislative activity.

Following Council of Federation recommendations, the State Assembly of the Republic of Bashkortostan has been preparing annual reports since 2005 aimed at formulating a comprehensive analysis of the legislation of the Republic of Bashkortostan. Thus, a second report was prepared in January 2007 on results for 2006: «On the State and Prospects of Development of Legislation in the Republic of Bashkortostan». Constant analysis of the dynamics of the Republic of Bashkortostan's legal system development is becoming an integral part of the republic's parliamentary activity, allowing for an objective assessment of the quality of legal support provided to the priorities of the state policies, revealing additional resources for further improvement in the legislative body's work.

The report «On the State and Prospects of Development of Legislation of the Republic of Bashkortostan» is based on a method of analyzing both institutions and industry, consolidating the results of legislative support for the main directions of state policies.

Its conclusions are based on: an analysis of the conformity of the Republic of Bashkortostan laws, in their separate areas of legislation, with the Constitution of the Russian Federation, the Constitution of the Republic of Bashkortostan, international legal norms, and federal legislation; to the legislative regulation experience on similar issues by other constituent entities of the Russian Federation.

On the whole, the coming years will demand intensive development of republican legislation in the following directions. First, improvement of legislative frameworks concerning the implementation of the administrative reform and raising the efficiency of state administration, development of democratic institutions and guarantees of citizens' rights to freedoms and responsibility, strengthening of legal foundations of the economic, food, ecological, and demographic security of Bashkortostan. Second, implementation through a legal framework of an active industrial, innovations and investment policy; combination of effective state regulation with guaranteed independence for businesses and all business entities irrespective of their forms of ownership. Third, resolution of legal issues on protection and rational use of land, water,

wood and other natural resources; increasing the role of the ecological component in all the spheres of life of the society, and all types of human activities. One of the report's main conclusions is that the development of Bashkortostan is characterized by a steadily growing role of the law in the transformations affecting the republic.

An essential component of legislative activity, according to the State Assembly of the Republic of Bashkortostan, is the creation of a scientific, theoretical and methodological framework for developing the legal system for the Council of Federation's report. The implementation of ideas and proposals it formulates will, without doubt, promote the improvement of the quality of lawmaking activity, and make a significant contribution to the political, social and economic development of the Russian Federation. The annual discussion of the Council of Federation's report at both the federal and regional levels demonstrates the efficiency of this form of collective work in the process of constitutional partnership, stimulates the creation of regional systems of analysis and improvement of the legislative and legal enforcement activity.

Thus, the work performed by the bodies of state power of the constituent entities of the Russian Federation in analyzing and forecasting the quality of its legislation — through reports of the state of legislation and the legal enforcement practice — is becoming more systematic; it not only promotes the improvement of the legislative and legal enforcement practices, but also gives it a comprehensive and goal-oriented character.

An analysis of the first efforts at preparing reports by the legislative authorities of the constituent entities of the Russian Federation shows a pressing need for an improved professionalism in this work. Provisions should be made on preparing corresponding staff, developing organizational mechanisms for these reports' preparation on a full-time basis, with a possibility of continuous interaction of the bodies of state power of the constituent entities of the Russian Federation with each other and the federal bodies of state power, in order to organize an exchange of these findings. Using such an approach in organizing the monitoring of legislation and legal enforcement helps create the essential organizational and systemic matrix for improving the legislation of the Russian Federation at all the levels of its application and use. The Council of Federation Commission on the ways and means on the Council of Federation's powers implementation has prepared recommendations to Council of Federation members on the best ways to organize this discussion, accompanying them by reference materials: a compact disc containing slides, stenograms, and electronic versions of the 2004 and 2005 reports, the resolutions and instructions made by the Council of Federation, as well as video material. A discussion was organized on its main provisions and on the practical approaches to implementing its conclusions and recommendations in the bodies of state power of the constituent entities of the Russian Federation.

Within the framework of the annual seminar on «Monitoring Legislation and Legal enforcement in the Constituent Entities of the Russian Federation», held in the Moscow city Duma, its participants proposed to expand the list of those involved in the report's preparation to include regional bodies of power and local self-governments. It was recommended that the Council of Federation develop a uniform, systematic approach to how these reports are prepared by the constituent entities of the Russian Federation, identifying these reports' main conceptions and structures. A conclusion issued by the Novgorod oblast following its discussion of the Council of Federation report proposed to the Council of Federation in April 2006 that more attention be devoted to the regional content in its reports. Together with the report of the Council of Federation, the Novgorod oblast Duma report was presented for discussion as well. A resolution was adopted noting the importance that the bodies of state power of the Novgorod oblast improve this identified line of work.

The Council of Federation report was discussed in the State Assembly of the Republic of Marij El, the Tula oblast administration, and the Smolensk oblast Duma. During discussions, deputies expressed gratitude to the Council of Federation for introducing the positive practice of the annual report's discussion, recognizing that the practice helps deputies improve the quality

of their regions' normative-legal frameworks. Deputies expressed especial interest in the section of the report on «Legislative Activity of the Constituent Entities of the Russian Federation Concerning the Strategy of the Legal Development of the Country», which once again focused on the problems of efficient implementation by the legislative bodies the constituent entities of the Russian Federation of their right of legislative initiative.

In October 2006, the Council of Federation report was discussed by deputies of the Smolensk oblast Duma, the Legislative Assembly of the Jewish autonomous oblast, in the State Council of the Republic of Komi, by executive governmental authorities of the Republic of Kalmykia, at the National Assembly of the Republic of Dagestan. These talks were held in the Vologda oblast during a specially organized «roundtable conference», with attendance by state government officials and the oblast's scientific and expert community.

The Chairman of the Council of Federation Commission on the ways and means on the Council of Federation's powers implementation, G. E. Burbulis, took part in the Saratov oblast Duma's discussion of the report. Participants of the discussion supported the main results and proposals set out in the Council of Federation report, as well the Council of Federation's work in preparing the annual reports «On the State of Legislation in the Russian Federation». The Saratov oblast Duma presented its own report on this topic as well.

In December 2006, a discussion of the report was held in the Chuvashi Republic within the framework of a «roundtable conference» organized by the State Council of the Chuvashi Republic. After having supported the main provisions of the report, the discussion's participants voiced proposals on how to resolve the issue of creating a uniform state information monitoring system that would keep account of legislation, and perform oversight necessary for analyzing the planned and actual results of lawmaking and legal enforcement. Creation of such a system assumes the need for normative consolidation of the obligation for subjects and participants of monitoring to provide information to an authorized state body, and develop a monitoring mechanism and a control system over how its results are implemented. A discussion of the report was also held in the Kursk oblast in December 2006.

Commission chairman G. E. Burbulis presented the 2005 Council of Federation report «On the State of Legislation in the Russian Federation» for discussion at the 32nd conference of the Parliamentary Association of Northwest Russia, and at the working meeting of heads of the constituent entities of the Russian Federation of the Northwest region. The Council of Federation report's discussion in the regions not only establishes and strengthens feedback with the constituent entities of the Russian Federation for the purposes of analyzing the quality of the approved legislation, but also ensures that a proper summary of the Council of Federation members' work is presented to the bodies of state power of regions they represent in the chamber.

The monitoring of legislation and legal enforcement as a new tool for implementing state policy, proposed by the Council of Federation, promotes not only the establishment of feedback with the regions, but also the active analysis, forecasting and oversight of the enforcement of legislation at the federal and regional levels. This work will help answer a qualitatively new question: what type of legislation does the state offer modern society today — constructive, coherent and stable, or one that constrains its development?