

DISCIPLINA: FUNDAMENTALS AND TECHNIQUES OF LEGISLATIVE PRODUCTION	CÓDIGO: GRDDIRATCE0525
PROFESSOR: NATASHA SCHMITT CACCIA SALINAS	CARGA HORÁRIA: 30h
<p>EMENTA</p> <p><u>Fundamentals of Legislative Production</u>: 1. Legislation in the Policy Process; 2. The Rationality and Justification of Legislation; 3. Structure of Modern Legislation. 4. The Impact of the Political System in Statutory and Regulatory Design; 5. The Impact of Legal Culture in Statutory and Regulatory design; 6. Legislative Production in Comparative Perspective; 7. Legal Transplantation of statutory provisions.</p> <p><u>Techniques of Legislative Production</u>: 1. Objects and Explanatory Provisions; 2. Incorporation by Reference; 3. Rules, Standards and Principles; 4. Delegation Procedures; 5. Action-forcing Provisions (Timelines, Information, Hammer); 6. Enforcement Techniques; 7. Organizational Structure Rules; 8. Sunset Clauses and Experimental Legislation.</p>	
<p>OBJETIVOS GERAIS</p> <p>The course will devote itself to answering the following questions: what is the role of legislation in the Administrative State? What are the limits and possibilities of primary and secondary legislation in playing this role? Which techniques must we use in legislative production so that statutes and regulations can better fulfill their purposes?</p>	
<p>OBJETIVOS ESPECÍFICOS</p> <p>Students will gain a thorough understanding on the following issues: 1. the role of primary and secondary legislation in structuring public policy; 2. the political and cultural determinants of statutory and regulatory design; 3. some of the techniques available for statutory and regulatory design and drafting; 4. the relationship between statutory and regulatory design and public policy effectiveness.</p>	
<p>BIBLIOGRAFIA OBRIGATÓRIA</p> <p>JOWELL, Jeffrey. Law and Bureaucracy: Administrative Discretion and the Limits of Legal Action. University Press of Cambridge, 1975.</p> <p>RUBIN, Edward. Law and Legislation in the Administrative State. Columbia Law Review, n. 89, p. 372-426.</p> <p>SUMMERS, Robert Samuel. Form and Function in a Legal System: a General Study. Cambridge: Cambridge University Press, 2006.</p>	
<p>BIBLIOGRAFIA COMPLEMENTAR</p> <p>BALDWIN, Robert. Rules and Government. Oxford University Press, 1995.</p> <p>HAM, Christopher; HILL, Michael. The Policy Process in the Modern Capitalist State. 2.ed. Harvester Wheatsheaf, 1993.</p> <p>HUBER, John D.; SHIPAN, Charles R. Deliberate Discretion?: the Institutional Foundations of Bureaucratic Autonomy. Cambridge University Press, 2002.</p> <p>MIERS, David; TWINING, William. How to do Things with Rules. 5.ed. Cambridge: Cambridge University Press, 2010.</p> <p>XANTHAKI, Helen. Drafting Legislation: Art and Technology of Rules for Regulation. Oxford: Hart Publishing, 2014.</p>	