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Today's podcast is, "What Makes Lawmaking in California Difficult?" There are a number of factors that influence the lawmaking process generally and make it particularly an arduous process in the state of California.

Our goal today is to take a look at some of those factors that make lawmaking difficult in the state of California. There are both institutional factors and political factors that complicate the legislative process. At times, this creates gridlock. Other times, it's just difficult to achieve compromise to enact legislation.

I think that the difficulty in the lawmaking process in California starts with the bicameral legislature, that is, we have two houses of the legislature, as well as separate branches of government. Each of which play a critical role in California's lawmaking process. These create a check and balance system for our state government.

In other words, with two houses of government, and three branches of government, there's naturally going to be tension in the lawmaking process as these three branches of government and two houses of the legislature have an equal say in adopting legislation.

Let's start with the Legislature. We have a bicameral legislature. There are two houses -- the Assembly and the Senate. As you can imagine, there are differing views on legislation, not just among the 80 members of the Assembly and the 40 members of the Senate, but also between the Assembly and the Senate.

Keep in mind that those legislators, 40 members represent about 950,000 constituents, and the 80 members of the Assembly, each represent just slightly less than half a million constituents up and down the state. These constituents have different political and governing ideologies, and so do those legislators that represent them.

On occasion, other issues also surface in a bicameral legislature. In fact, we jokingly say that the Senate views itself as the "upper house" and the Assembly as the "lower house."

There are other factors that come into play as well in the Legislature. For example, how long has somebody served in either house or in both? Do they have particular seniority, a greater level of expertise in public policy areas?

There's a myriad of reasons that can create conflict between the two houses as well as the members of each of those houses. In addition, the Legislature, the executive branch, and the judicial branch also play a role. Because these two other branches of government, the executive and judicial, have an impact on the legislative process, these create tensions as well.

The judiciary is charged with interpreting the laws, and they can give effect to, or at times, they can even nullify the Legislature's enactment of a statute. Judicial decisions can lead to legislation to either amend or restore a law that was affected by an adverse court decision.

As we all know, the governor, that is the executive branch, enforces the laws. They also interpret the law. The governor plays a critical role in the legislative process because he or she gets to sign or veto legislation.

Technically, under the constitution, the Legislature can override the governor's veto by a supermajority or two-thirds vote, but this hasn't happened since 1979. The position of the governor, in support or in opposition to a piece of legislation, can often decide the result.

While the executive and legislative branches of government are separate and distinct. They are coequal under the state constitution. The limitation and the power of each of these branches of government, they ebb and flow depending upon the occupants of the respective branches of government.

There is one chief executive and over 120 legislators. These folks all have differing views on the coequal nature of their two branches of government.

There are also a number of institutional issues that can affect and cause gridlock and other difficulties in the lawmaking process such as term limits and the lack of bipartisan cooperation. Those are often the two most cited examples.

For term limits, there are newly-elected versus those who are in their final terms of office. Undoubtedly, these individuals have a different role and a different view that they bring. Do they view themselves as equals? Is there a difference between a freshman legislator and one that's on his or her way out?

Sometimes legislators, in the early stages of their career, are on a steep learning curve, not just about the issues, but about the institutions and the legislative process itself. In bipartisan or lack of partisanship, there are times where political extremes from both sides of the political aisle come into impact the legislative process.

Is there a lack of bipartisan cooperation? What about between the two houses and the legislators themselves?

Without collegial working relationships, coming to consensus is harder in the legislative process, and laws enacted along party lines are less stable. If not everyone agrees to what is the best answer to addressing a public policy issue, then that often causes concern.

For example, for the past seven years, Congress voted to repeal the Affordable Care Act. What's been that impact on the health care marketplace?

The other institutional factor, certainly in the state Legislature here in California, is the sheer volume of legislation. It's often considered overwhelming to legislators of both parties and in both houses of the Legislature due to this high number of bills and diverse set of measures that they have to consider each year.

About 2,500 bills are introduced each year of the legislative session. Even those with previous lawmaking experience, for example, those who worked for the city council or board of supervisors, often find it very difficult to consider such a high number of bills and give those measures and those public policy issues the appropriate level of attention that they deem worthy.

Legislative rules can often come into play and create hurdles for achieving success in the lawmaking process. For example, the California Constitution requires a supermajority vote - that is a two-thirds vote - for passing tax increases in each house of the legislature.

There's certainly a burden to achieve such a high vote threshold, and a high vote threshold increases the likelihood of failure with proposed legislation.

In addition to some of these institutional factors, there are also a number of political reasons that make the legislative process in the state of California difficult. Constituents, the public generally, and the media expect quick action by the Legislature on public policy issues facing the state of California.

There are both political and institutional factors that impact the ability of legislators to respond to public policy issues in a timely fashion. Some of these political factors, let's consider those next.

One is the electoral process. Assembly members have to run for office every two years while Senators run for office every four years. Some of these legislators, particularly those in the state Assembly, have to continually be in campaign mode and raise funds throughout the legislative process.

This means soliciting interest groups for campaign contributions, including those who regularly appear before them in the California State Legislature. Some legislators find it difficult to vote against their friends, especially those who are helpful in their re-election campaign efforts.

Also the initiative process and a number of voter-approved ballot measures that constrain state spending and limit the ability of legislators to address public policy issues. Moreover, competing funding priorities that have been set forth by the electorate create difficulties for lawmakers as well to enact budget priorities.

These provisions of state law make it more difficult for legislators to craft solutions to public policy problems facing the state of California. Competing interest groups provide never-ending conflict for legislators and their staff. It makes it more difficult because legislators are forced to take sides and choose between their friends.

This inability to please everyone on all sides of political issues make lawmaking challenging, and achieving compromise among those competing interests is often more difficult for those elected officials. It's an unenviable position to be in, to be faced with making difficult choices on complicated public policy issues with warring factions on either side of an issue.

In the end, there isn't a single factor that makes lawmaking in California difficult. Instead, it's a combination of political and institutional factors that impact resolution of public policy issues facing the legislature. These often result in gridlock and a lack of success, or on occasion, one-sided results that leave others with the process unhappy.

The result increases partisanship in the Legislature, which continues to add hurdles as both sides of the political spectrum engage in rigid ideology that in turn creates a lack of desire or need to compromise.

Identifying some of these factors that impact the lawmaking process should lead to a discussion of possible reforms, but we'll tackle that in another podcast.

Thanks for joining.