

Hi, this is Chris Micheli, a principal with the Sacramento governmental relations firm of Aprea & Micheli and an adjunct professor at McGeorge School of Law in its Capital Lawyering program. Today's podcast is on sponsored bills. What are they and why do they matter?

To those who are not operating in or around the California State Capitol, sponsored bills are relatively unknown, but the media often focus on sponsored bills in a critical manner to make matters confusing. In Congress, the term sponsor means the legislator whose name is on the bill. On the other hand, in the California Legislature, the legislator whose name is on the bill is called the author rather than the sponsor. In California sponsor refers to the individual or the group who brought the bill to the legislator, who then authors the measure on behalf of that sponsor.

Per the Legislative Counsel's Glossary of Terms, they define sponsor as "the legislator, private individual or group who developed a piece of legislation and advocates for its passage."

What is the criticism of sponsored bills as portrayed by the media? Well, their claim is that legislators and legislative staff don't fully understand the contents of a sponsored bill, and that the sponsor gets to call all the shots related to that sponsored bill. Worse, the media claim that legislators or their staff do not even have to do any work for a sponsored bill.

It appears that critics of sponsored bills appear to believe that only legislators and their staff should be coming up with ideas for legislation. Or maybe critics believe that only constituents who may or may not have their own self-interest in mind should be proposing legislation to their elected officials. On the other hand, nothing could be further from the truth that legislators and their staff don't know the contents of their bills or they defer all decisions and those that are to be made to the sponsors of the bill.

Criticisms that have been lodged by the media are unwarranted and appear to demonstrate a misunderstanding of the California legislative process. Legislators often solicit bill ideas from individuals or groups. Some of them sponsor "There Ought to be a Law" contests, or solicit ideas by other means. Of course, legislators are expected to be responsive to their constituents, to community groups, or other organizations from their district or around the state. All of these groups are examples of sponsors who bring forth ideas for legislation to be considered by the California Legislature.

Whether the sponsor brings forth the idea or drafts all of the required language, it's not particularly important because ultimately the Office of Legislative Council drafts all bills and amendments for consideration by legislators. Nonetheless, the media expressed concern because the sponsor drafts the initial bill language, and assumes its self-serving nature will be somehow adopted as is. While bill language will certainly be drafted to implement the desired statutory changes, ultimately the bill's author decides whether they carry the measure or not. In the end, the other 119 elected members of the California Legislature, as well as the Governor and members of the general public, all can and do have important input into the bill's ultimate language and passage or failure in the legislative process.

Even with a sponsored bill, the author and his or her staff must do a lot of work for the bill, just as if they were the ones who came up with the original idea for that bill. They have to work with the Legislative Counsel's Office to draft to revise the bill language and any amendments, they also have to develop the bill's fact sheet, which usually discloses the bill's author, and sponsor, and other relevant information that's used to promote the bill. Even if the sponsor writes the initial materials, they're almost always revised by the author and the author staff. In addition, the author's staff will complete the committee background materials. They'll write talking points, they'll solicit groups to support the measure, they'll deal with opposition to the bill, they'll work with the committee staff, the floor staff, leadership staff, and of course, they themselves will advocate for the bill with staff of other legislators in both houses.

The bill author's staff will respond to public and press inquiries. They'll write news releases, they'll handle all the necessary paperwork as the bill travels through the entire legislative process in both houses. No bills as introduced, barely make it through the entire legislative process without getting amended, let alone through one house of the Legislature. As a result, even if the initial bill were drafted by the sponsor, the bill will still need to go through committees in both houses, usually at least four, two policy and two fiscal committees, as well as both floors. Again, even if the sponsor drafted the whole bill, 120 legislators are going to review the bill and vote upon the measure before it even reaches the Governor's desk.

In the end, the sponsored bill does not mean that the legislator has relinquished control or left the stage of the lawmaking process, as some in the media have proclaimed. Remember that the only name on the bill is that of the legislator. He or she's ultimately responsible to his or her constituents for the contents of that bill. Again, the sponsor's name is not on the bill, the legislator's name is. By the way, sponsors are always listed on policy committee analyses so that other legislators and members of the public know who brought forth the bill to the particular legislator. In California there's a fair amount of transparency when it comes to the legislative process, as opposed to a number of other states that don't even list supporters and opponents of bills, let alone the sponsoring organization or individual.

Moreover, it's rare that a bill analysis will not call out a potentially self-serving piece of legislation that benefits the sponsor of that particular bill. The other aspect of sponsored bills that's often noted by the media in its criticisms, is that sponsored bills have a much higher percentage of being enacted than non-sponsored bills do? Well that statistic can be attributed to the fact that sponsored bills usually have an organized effort behind the measure.

It could involve grassroots support, a lobbying coalition, a media campaign, and other aspects that will have an important impact on whether the bill gets across the finish line of the legislative process. While accurate that sponsored bills fare better in the legislative process than non-sponsored bills do, it's not a negative aspect. Because there's an active lobbying campaign in favor of a sponsored bill, that bill should have a higher chance of passing through the process and getting signed into law than a non-sponsored bill does. There always a handful legislators who choose not to accept sponsored bills, probably out of concern that he or she will be attacked by the media for accepting sponsored bills.

Some special interests of their own claim that campaign contributions come along with sponsored bills, but such direct correlation would be illegal. In the end, so long as the sponsor of a bill is publicly disclosed, then elected officials and their constituents knows who is behind a particular measure. Thanks for joining and I hope you learned a little bit something about sponsored bills in the California Legislature.