

Legislature: Heal Thyself



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With an approval rating of nine percent, the California Legislature is more unpopular than Richard Nixon during the depths of the Watergate scandal. Yet there is no scandal in Sacramento prompting such low numbers – rather it is a function of an ongoing political malaise that has settled upon the Capitol.

The institution's dysfunction is well documented and acknowledged by all – including by the members of the Legislature itself. Frustration is found throughout the Capitol – yet this frustration is outweighed by the ongoing failure to implement any type of minor, but important, committee process changes that potentially could make both Legislative houses more deliberative, encourage more debate, and increase the focus on addressing some of the fundamental problems facing the state.

In years past, the Legislature successfully grappled with complex issues and problems – it was an institution that fostered opportunities for California residents. The work of the Legislature in crafting legislation involved a mixture of politics and policy. It was part art, science and process. It wasn't always pretty, but the State was able to create the basic foundations for our society to function and flourish.

But with the advent of term limits coupled with gerrymandered districts, the legislative process has become one that is all about politics with a time horizon that goes no further than the next election cycle. Because of term limits, “how a bill becomes law” is more about building an individual career path than about solving complex, long term problems. There is little time for anything else.

While there are certainly exceptions to the rule, the State's budget dilemma, infrastructure needs, high unemployment rate and deterioration of the public school system are treated by lawmakers more as a chronic disease as opposed to one that requires a cure. One could argue that the answers are there –but the process doesn't allow for in-depth analysis or policy debate.

It doesn't reward individuality (and term limits eliminates a critical element to allow for the development of expertise – time). For the most part the legislative process has become a series of orchestrated events that limit debate. Picture a person that goes to the time and expense to come to Sacramento to testify on a bill and then is limited to a “me too” appearance before a Committee where you simply state your name, affiliation and whether you support or oppose. It is a limitation that is imposed out of convenience to the system but to the alienation of the individual citizen.

In addition to a system in which legitimate public policy debate has become an infrequent event, the Legislature is engaged in the “social promotion” of bad legislation. Poorly drafted bills and bills with little

purpose are no longer killed in policy committees – they are merely passed along with vague promises to work with the author. The bills are more than likely placed in the “suspense file” - a vague purgatory where bills await judgment in an unseen process. But as strange as the suspense file process is, the appropriations and budget committees have become the de-facto policy committees.

There have been a number of proposals that have been put forward to change the dynamics ranging from a constitutional convention to changing the two thirds vote requirements to approve a budget. Those proposals have failed to gain any traction within the Legislature or with voters. While those proposals are worthy of debate, I would offer a couple of suggestions that might bring about some changes to the development of legislation and provide for more transparency, more policy, less politics and hopefully greater trust by voters. These are changes that the Legislature could implement on their own, if they had a desire to “heal” themselves, without the need for a ballot measure or constitutional convention. These include the following:

- 1) Greatly reduce the number of bills each legislator can introduce – 15 for the Senate; 20 for the Assembly. No exceptions. No rule waivers. It would eliminate the bill factory mentality that currently exist and allow for more in-depth consideration of issues. In addition, legislators could not waive presentation in committees.
- 2) Require committee analysis to be completed and electronically available to the public three business days prior a hearing. If committee analysis has a purpose and place in a legislative debate, they need to be accessible for all to review.
- 3) Limit the number of committees that a Legislator can serve on to a total of two standing committees. Select committees shall only meet when the Legislature is not in session. This will allow members more time to review issues.
- 4) Allow unlimited debate, except at the discretion of the committee chair, for all bills.
- 5) Eliminate the “suspense file” for all policy and appropriations committees.
- 6) All policy and appropriations committees shall prepare as part of a bill analysis, an economic analysis that looks at the bill's impact on the state budget, the state's economy, job creation and job loss, business retention, and business attraction.
- 7) The policy committees shall require the bills author to identify the goals of legislation and mechanisms to assess success (which will also to be required to be included in bill analyses).
- 8) Fund raising for state legislators and constitutional officers shall not be allowed during the legislative session.

There are other changes that are needed that require adoption by a statewide ballot initiative. For example, a reformulation or extension of term limits to allow legislators the opportunity to stay in one house for an

extended period of time beyond today's limitations is needed to allow legislators to develop expertise on issues and focus on long term solutions rather than short term (and unsuccessful) fixes. An open primary is also needed which, when coupled with competitive legislative districts, will create opportunities for people other than the far political extremes of the two major political parties to be elected.

Absent changes, the Legislature will continue down the path that it is currently on – an entity that is not respected by the citizens of California, mired in a political and procedural morass that does not allow for substantive and meaningful policy debate. Unfortunately, the status quo will ensure mediocrity and a deterioration of our quality of life – eliminating the opportunity for our children to prosper.