About Me

Professional Background:

• 2 years working as California State Assembly staffer on energy and other issues

• 3.5 years working as a policy expert for an electric utility company

• 1.5 years as a graduate student focused on electricity and climate (Energy Graduate Group; RA Prof. James Bushnell)

Professional Interests:

• Energy policy and economics

• Emissions mitigation in energy systems
What is public policy?
What is public policy?

This is public policy.
Public policy is a set of formal rules that govern how we operate and cooperate as a society.

Public policy is:
• Complicated yet accessible
• Deeply rooted yet constantly evolving
• Crafted by laypeople just like you and me
What is public policy made of?
Public Policy

Federal Law
- Passed by congress and approved by President

State Law
- Passed by legislature and approved by Governor

Regulatory Decisions
- Developed by agencies pursuant to statute

Municipal Codes
- Developed by council / other governing boards

Judicial Review
- Confirms legality / constitutionality of government actions
GHG Policy

State Law
- Legally binding GHG limits

Regulatory Decisions
- Cap and Trade
- Low Carbon Fuel Standard

Municipal Codes
- Land use decisions

Federal Law
- ?

Judicial Review
- GHGs are air pollutants
A Stylized Policy Process

Legislators: Write and approve broad policies

Regulators: Tailor broad legislative policies into specific regulations

Utilities: Execute decisions pursuant to regulatory and legislative constraints
An Alternative Stylization

Legislative Decisions

Regulatory Decisions

Utility Decisions
What is the California State Legislature?
The California Legislature

State Assembly
• 80 Assemblymembers
• 2-year terms
• Each represent approximately 490,000 Californians
• Self-stylized “House of the People”

State Senate
• 40 Senators
• 4-year terms
• Each represent approximately 980,000 Californians
• Self-stylized “Upper House”
Who are legislators?

- With enough votes, anyone can become a legislator.

- Many legislators come from political backgrounds or elected office, e.g. city council.

- Most are policy generalists; few to none have specific expertise in the areas in which they will legislate, but are supported by staff with issue area expertise.

- Legislators are diverse in age, race, gender, sexual orientation, wealth, and, to some degree, political ideology.

- Approximately two-thirds of legislators are Democrats and one-third are Republicans.
Anyone can do it?

• Being a legislator requires:
  • The political skill to win endorsements, and, ultimately, an election

• Being a good legislator requires:
  • The political skill to win endorsements, and, ultimately, an election
  • The wits to understand and participate in complex policy issues
  • The management skills to oversee sizeable teams of state and political staff
  • The prudence to accept compromise on challenging policy and political issues
  • The energy to work seven days a week, twelve months a year (especially holidays)
  • The willingness to earn $100,000/year while living away from family and friends while reporters, lobbyists, and political opponents watch your every move.
How does a bill become a law?
What is a bill?

A bill is just a law that hasn’t been passed yet.

To become a law, a bill must be passed by the Assembly and the Senate before being signed by the Governor.

Over 4700 bills have been introduced in the current legislative session (2017-2018)!
What’s in a Bill?

Bills are proposals to modify state law (statute) through the addition of new language, the removal of old language, or, most commonly, the modification of existing language.

All bills have:
• An author (a legislator)
• A digest (lay summary)
• A text (precise statutory modifications)

Some bills have:
• A sponsor (a primary proponent from outside the legislature)
The Policy Development Process

• Few (if any) bills are approved in their initial form.

• Instead, bills are refined and developed through committees, in which stakeholders provide input, support or oppose, and negotiate on specific elements of bills.

• Every legislator has a chance to vote on every bill that continues through the process.

• However, the vast majority of policy decisions for each policy area are made by a small group of perhaps a dozen key legislators and staff – committee chairs, consultants and staff of the legislative leadership.
THE LIFE CYCLE OF LEGISLATION
From Idea into Law

THE CALIFORNIA LEGISLATURE
ASSEMBLY RULES COMMITTEE

Although the procedure can become complicated, this chart shows the essential steps for passage of a bill.

Typical committee actions are used to simply chart the course of legislation.

Some bills require hearings by more than one committee, in which case a committee may re-refer the bill to another committee. For example, bills with monetary implications must be re-referred to the proper fiscal committee in each House before they are sent to the second reading file and final action.

A bill may be amended at various times as it moves through the Houses. The bill must be reprinted each time an amendment is adopted by either House. All bill actions are printed in the DAILY FILES, JOURNALS, and HISTORIES.

If a bill is amended in the opposite House, it is returned to the House of Origin for concurrence in amendments. If House of Origin does not concur, a Conference Committee Report must then be adopted by each House before the bill can be sent to the Governor.

SIGN
GOVERNOR

BILL IS CHARGED BY SECRETARY OF STATE

LEGISLATURE HAS REOBT (not including EXPIRING) TO REFER BILL TO 27 VOTE IN EACH HOUSE

RETURN TO VETO vape CONCOURSE IN SEnates FAmE

CONFERENCE COMMITTEE 3 Senate Members

CONFERENCE REPORT

RETURN TO SENATE FLOOR
Concurrence in Conference Amendments

ASSEMBLY 3 Assembly Members

ASSEMBLY RULES COMMITTEE
CONFERENCE COMMITTEE

BILL BECOMES LAW WITHOUT SIGNATURE

SUGGESTIONS FOR NEEDED LEGISLATION FROM Agencies, Citizens, Governor, Lobbyists

ASSEMBLY MEMBER

PROPOSED BILL PREPARED BY LEGISLATIVE COUNSEL

IN PROPOSED BILL INTRODUCED
FIRST READING, PRINTED

SECOND READING, DEBATE VOTE

COMMITTEE HEARINGS:
Policy in Appropriate Committees
MEMBERS TESTIFY BILL AUTHOR CITIZENS EXPERTS LOBBYISTS

SECOND READING, BILL TO COMMITTEE

FIRST READING, BILL TO COMMITTEE

COMMITTEE HEARINGS:
Policy in Appropriate CHAIRPERSONS AND MEMBERS
MEMBERS TESTIFY BILL AUTHOR CITIZENS EXPERTS LOBBYISTS

SECOND READING, TESTIMONY BY:

COMMITTEE RECOMMENDATION ASKED

SECOND READING, VOTE

ASSEMBLY MEMBER

RETURN TO VETO

CONFERENCE COMMITTEE

SIGNED BILL

RETURN TO SENATE FLOOR
Concurrence in Conference Amendments

ASSEMBLY 3 Assembly Members

ASSEMBLY RULES COMMITTEE
CONFERENCE COMMITTEE

BILL BECOMES LAW WITHOUT SIGNATURE

SUGGESTIONS FOR NEEDED LEGISLATION FROM Agencies, Citizens, Governor, Lobbyists

ASSEMBLY MEMBER
The process above depicts the life an Assembly Bill (AB), or a bill introduced by a member of the Assembly. A bill introduced by a Senator, a Senate Bill (SB), would follow the same process with the Senate / Assembly order reversed.
What happens during a bill’s life cycle?

Bill Introduction
An idea is born!
Bill Introduction

• Anyone can propose a bill.

• The vast majority of bill ideas come from...
  • **Lobbyists** (trade associations, industry, labor, local government, NGOs)
  • **Specific events** (news reports, scandals, political incidents, etc.)
  • **Constituents** (“There oughtta be a law”)

![Image of two men standing in an official setting with flags and a seal in the background.]
Not all bill ideas become bills.
What happens during a bill’s life cycle?

**Bill Introduction**
An idea is born!

**Committee Hearings**
An idea is challenged and refined.
Committee Hearings

• The committee process exists to refine, improve, and/or kill legislation.

• It is the process through which stakeholder feedback is considered.

• Committees are the workhorses of the legislature.
Committee Hearings

The general flow of a committee:

• The bill’s author makes a short presentation (~1-10 minutes)

• Supporters of the bill testify (~2-3 minutes each, max, most much less)

• Opponents of the bill testify (~2-3 minutes each, max, most much, much less)

• Committee members comment and ask questions of the author, or, more rarely, of witnesses (~0 minutes - 2+ hours)

• Roll call vote (1 minute)
Committee Hearings

- 90% of the time, everyone knows how a committee hearing will go.

- The true work of the committee is the negotiation and advocacy leading up to a committee hearing.

- This is the period during which lobbyists, legislators, staffers, and others wrangle over amendments and votes.

- A bill leaving a committee may look very different than the same bill when it entered the committee.
What happens during a bill’s life cycle?

**Bill Introduction**
An idea is born!

**Committee Hearings**
An idea is challenged and refined.

**Floor Vote**
An idea is debated.
Floor Vote

• All bills must be approved by a vote of the full Senate and Assembly.

• While this can be contentious, it is much less so than the committee process.

• Floor debate is typically more ideological and less policy-oriented than committee debate.
What happens during a bill’s life cycle?

**Bill Introduction**
An idea is born!

**Committee Hearings**
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**Floor Vote**
An idea is debated.

**Public Input**
Stakeholders weigh in.
Public Input

• Public input is incorporated throughout the process.

• However, public engagement is generally ramped up after a bill gains momentum.

• Public engagement can be both positive and negative.
Support – AB 1990:
Subsidized solar for big box retailers

Oppose – SB 277
Reduce school vaccine exemptions
Lobbying is – for better or worse – the dominant form of public input.

Nearly every organization has a lobbyist. Many have teams of lobbyists.

Lobbying – as the dominant form of stakeholder input – is an essential service in the development of public policy.
Who’s your lobbyist?

• Pictured right are lobbyists for firms representing:
  • Utilities
  • Petroleum
  • Cities and Counties
  • Labor
  • Ridesharing
  • EV Charging Stations
  • Community Choice Aggregators
  • Public Defenders
  • Automakers
  • Renewable Developers
  • NGOs

Lobbyist Search: [http://cal-access.sos.ca.gov/lobbying/](http://cal-access.sos.ca.gov/lobbying/)
What happens during a bill’s life cycle?

**Bill Introduction**
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**Public Input**
Stakeholders weigh in.

**Negotiation**
A deal is struck.
Negotiation

- Negotiation is a crucial part of the policy process.

- Legislators must negotiate with each other, with lobbyists, and with the Governor (and agencies).

- Successful bills often involve significant compromise between supporters and opponents.
What happens during a bill’s life cycle?

- **Bill Introduction**
  An idea is born!

- **Committee Hearings**
  An idea is challenged and refined.

- **Floor Vote**
  An idea is debated.

- **Public Input**
  Stakeholders weigh in.

- **Negotiation**
  A deal is struck.

- **Bill Signing**
  A bill becomes a law!
Bill signing

• Once a bill has been passed by both houses of the legislature, it must be signed or vetoed by the Governor.

• Most legislation is signed with little fanfare (and lots of press releases).

• However, landmark legislation is often accompanied by significant political events.
Bill Veto

• Not all bills are signed.

• Historically, many bills have been vetoed due to political tension between the Governor and legislature.

• In recent years, Governor Brown has often vetoed bills based on ideological or economic grounds.

To the Members of the California State Assembly:

I am returning Assembly Bill 1176 without my signature.

For some time now I have lamented the fact that major issues are overlooked while many unnecessary bills come to me for consideration. Water reform, prison reform, and health care are major issues my Administration has brought to the table, but the Legislature just kicks the can down the alley.

Yet another legislative year has come and gone without the major reforms Californians overwhelmingly deserve. In light of this, and after careful consideration, I believe it is unnecessary to sign this measure at this time.

Sincerely,

Arnold Schwarzenegger
How a Bill Really Becomes a Law: Recap

• An idea is born. This idea may be very specific or very vague. It may be thoughtful or it may be blunt.

• Stakeholders descend like vultures to support, kill, or modify the bill. Through negotiations, the bill’s author will accept (or decline) modifications to the bill to appease opposition. Political strategy ensues.

• The bill will (or won’t) move forward through the legislative process, with slight modifications occurring throughout the process.

• If the bill looks like it has momentum, the Governor’s staff will raise their concerns and seek modifications.

• If these are accepted, and the bill is passed, the Governor may (or may not) sign the bill.
Who really pulls the strings?

“Power is a lot like real estate. It's all about location, location, location. The closer you are to the source, the higher your property value.”

-Frank Underwood, House of Cards
Do all bills go to heaven?

“Don’t fall in love with your bill.”

The vast majority of bills will never be signed by the Governor.

Bills die for many reasons, policy and political, rational and petty.

Failed votes, a scandalized author, simple abandonment. A legislator having a bad day.
Potential Outcomes

- Never Taken Up for a Vote
- Fails in Committee
- Held on Suspense
- Fails a Floor Fight
- Subsumed by Other Legislation
- Vetoed
- Chaptered
- Overruled by Supreme Court
- Ballot Box
- Amended Out Of Existence
Potential Outcomes

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The Suspense File

The Appropriations Committee Suspense File is a popular resting place.

Formally, the Suspense File is a place where the financial implications of bills must be weighed.

Informally, the Suspense File is where problematic bills are held – silently, without hearing, vote, or controversy.

It is far more common for a bill to die on the Suspense File than for a bill to die from actually being voted down in committee.
How can I stay on top of legislation?

More resources are available today than ever before.

• News and blogs
• Legislative data
• Hearing info
News and Blogs

The main news aggregator for the Capitol is Rough and Tumble.

Other state policy and political news resources:

- Los Angeles Times Essential Politics
- SacBee Capitol Alert
- Capitol Weekly
- Around The Capitol (The Nooner)
- CalMatters

Energy specific policy news

- Energy Institute @ Haas
- Utility Dive
- GreenTech Media
- The Desert Sun
Legislative Resources

LegInfo: LegInfo.Legislature.ca.gov

This is the official and primary source for all factual data regarding bills:

- Bill text and amendments
- Bill analyses
- California law
- Voting history
- Hearing dates

Importantly, LegInfo allows you to sign up for alerts when bills move through the process.
Legislative Hearings and Other Video

**CalChannel:** calchannel.com

CalChannel is the official source for hearing videos and allows you to stream live hearings. It is the C-SPAN of state legislation.

**DigitalDemocracy:** digitaldemocracy.org

Digital Democracy is an important new resource which provides transcript-searchable hearings.
What bills should I be tracking?

Knowing what’s out there is, undoubtedly, the hardest part of being a casual observer of legislation.

For energy, climate, transportation, and other issues, CalChamber provides exhaustive issue-by-issue bill tracking lists.

Keyword search from LegInfo can also be a useful tool.
What bills should I be tracking?

Of course, the best resource is word-of-mouth.

If you want to be engaged:
• Get to know the stakeholders (industry, NGOs, legislative staff)
• Attend industry conferences
• Attend events in Sacramento
• Go to a legislative hearing!
Can I Propose a Bill?

The first question to ask is:

*Should you propose a bill?*
Can I Propose a Bill?

“Not every human problem deserves a law.”

Governor Jerry Brown, veto letter for a bi-partisan proposal to fine kids who ski without a helmet
Questions to Ask Before Proposing a Bill

• Articulate your proposal in thirty seconds or less. How does it sound? How would the average voter react to your proposal?

• What action, if any, has the legislature taken on this or related issues in recent years? What action, if any, have state or federal agencies taken on this or related issues in recent years? Has your idea (or a variant thereof) been proposed previously?

• How does your proposal fit into existing policy frameworks? Is there another venue that would be more appropriate, such as a local government, state agency, or court?

• Is your proposal consistent with the powers enumerated by the California constitution? Is it consistent with the constraints of federal law?

• Who would support your proposal? Who would oppose? How would your opposition characterize your proposal?

• How would a journalist characterize your proposal? How would an AM radio host characterize your proposal?

• Are you willing to fight hard and lose? Are you willing to accept a compromise? Would you be sad if your bill dies along the way?
Still want to propose a bill?

If you wish to pursue legislation, you’ll need to...

• Write the bill language
• Find a bill author
• Convince stakeholders and committees
• Be prepared to accept compromise, setback, and defeat

Proposing a successful bill is a feat achieved by very few. There is an entire industry dedicated to passing and killing legislation. If you are serious about pursuing legislation, consult a professional.
Fellowship Opportunities

**Capitol Fellows Program:**
Nick Pappas, Jesse M. Unruh Assembly Fellow
Office of Assemblymember Nathan Fletcher 2010-2011

**Science Fellowship:**
Dr. Ken Spence, CCST Fellow
Office of Assemblymember Nathan Fletcher 2010-2011
Questions and Discussion