

SANTA BARBARA COUNTY ANNUAL TRAINING SEMINAR

OCTOBER 11, 1984

LEGISLATIVE ANALYST

STATE OF CALIFORNIA

925 L STREET, SUITE 650

SACRAMENTO, CALIFORNIA 95814

SPEECH TO SANTA BARBARA COUNTY
ANNUAL TRAINING SEMINAR

VANDENBERG AIR FORCE BASE - OCTOBER 11, 1984

I. INTRODUCTION

A. ICE BREAKER

1. FROM BOTH A PERSONAL AND PROFESSIONAL STANDPOINT, I AM DELIGHTED TO BE A PART OF THIS SEMINAR.
2. SOME OF YOU I KNOW;
3. ALL OF YOU I RESPECT.
4. THIS RESPECT IS ROOTED IN THE FACT THAT, WHILE I TALK ABOUT GOVERNMENT AND THE DELIVERY OF PUBLIC SERVICE, YOU ARE GOVERNMENT . . . THE ONES THE PUBLIC COUNTS ON TO ACTUALLY DELIVER MOST OF THOSE SERVICES ON WHICH WE ALL DEPEND.

B. TOPIC

1. IN INVITING ME TO PARTICIPATE IN THIS SEMINAR, LARRY PARRISH ASKED THAT I GIVE YOU MY PERSPECTIVE ON POLICY DEVELOPMENT AT THE STATE LEVEL.
2. THIS IS A TOPIC THAT I'VE GIVEN A GREAT DEAL OF THOUGHT TO IN RECENT MONTHS, AND I'M HAPPY TO SHARE THESE THOUGHTS WITH YOU.

C. ORGANIZATION

1. I THINK PROBABLY THE BEST PLACE FOR ME TO START IS WITH MY CONCLUSION, AND THEN TRY TO BUILD A CASE FOR IT.
2. THIS IS JUST IN CASE I LOSE YOU ALONG THE WAY, WHICH IS A REAL POSSIBILITY.

3. I SAY THIS BECAUSE, IN KEEPING WITH THE SPIRIT OF PROPOSITION 24, AFTER OUTLINING MY REMARKS, I WENT BACK THROUGH THEM AND CUT OUT 30 PERCENT OF WHAT I HAD OUTLINED.
4. SO, IF I'M MORE OBSCURE THAN USUAL, BLAME PAUL GANN.

D. CONCLUSION

1. MY THESIS THIS MORNING IS THAT THE MEMBERS OF THE CALIFORNIA LEGISLATURE--THOSE 120 MEN AND WOMEN THAT YOU AND I HIRE EVERY TWO TO FOUR YEARS TO MAKE POLICY--ARE FINDING IT INCREASINGLY DIFFICULT TO CONTROL THE POLICY DEVELOPMENT PROCESS.
2. THERE ARE A VARIETY OF REASONS FOR THIS, BUT FIVE STAND OUT:
 - A. THE FRAGMENTATION OF INTEREST GROUPS;
 - B. THE INCREASE IN THE COST OF CAMPAIGNING;
 - C. THE DECLINE IN THE IMPORTANCE OF POLITICAL PARTIES;
 - D. THE INCREASING INVOLVEMENT OF THE COURTS IN THE POLICY-MAKING PROCESS; AND
 - E. THE INCREASING USE OF THE INITIATIVE PROCESS TO MAKE POLICY.
3. IT IS THESE FIVE FACTORS THAT I WANT TO DISCUSS WITH YOU TODAY.
4. LET ME BEGIN WITH THE CHANGING NATURE OF INTEREST GROUPS.

II. THE FRAGMENTATION OF INTEREST GROUPS

A. GROWTH IN THE NUMBER OF INTEREST GROUPS

1. INTEREST GROUPS HAVE ALWAYS BEEN AN IMPORTANT PART OF THE LEGISLATIVE PROCESS.

2. IN FACT, 35 YEARS AGO A REPRESENTATIVE OF SOME SPECIAL INTERESTS--ARTIE SAMISH--MADE NATIONAL NEWS BY PORTRAYING THE CALIFORNIA LEGISLATURE AS A VENTRILOQUIST'S DUMMY THAT WOULD DO WHATEVER SAMISH WANTED IT TO DO.

3. THERE ARE A LOT MORE OF THESE GROUPS ACTIVE IN SACRAMENTO TODAY THAN THERE WERE 20 YEARS AGO . . . OR EVEN 10 YEARS AGO.

A. FOR EXAMPLE, THE SACRAMENTO TELEPHONE DIRECTORY FOR 1966 LISTED 129 ASSOCIATIONS;

B. THE 1984 EDITION LISTS 360.

C. WHILE THIS MAY GIVE SOME INDICATION OF HOW RAPIDLY THE NUMBER OF GROUPS HAS INCREASED, IT ONLY REFLECTS THE TIP OF THE ICEBERG.

D. ACCORDING TO THE SECRETARY OF STATE, APPROXIMATELY 1,560 DIFFERENT GROUPS WERE REPRESENTED BY REGISTERED LOBBYISTS IN 1984.

B. CHANGE IN FOCUS

1. IT IS NOT, HOWEVER, THE GROWTH IN THE NUMBER OF GROUPS THAT IS CHANGING THE ROLE OF LEGISLATORS IN CALIFORNIA.

2. RATHER, IT IS THE NARROWER FOCUS OF SO MANY GROUPS THAT IS BRINGING ABOUT THIS CHANGE.

3. IN THE 1950S AND 1960S, THE INTEREST GROUPS THAT WERE MOST ACTIVE IN THE LEGISLATIVE PROCESS WERE BROADLY BASED, SUCH AS:

A. THE CALIFORNIA TEACHERS ASSOCIATION,

B. THE CALIFORNIA FEDERATION OF LABOR,

C. THE CALIFORNIA MEDICAL ASSOCIATION, AND

D. THE COUNTY SUPERVISORS ASSOCIATION OF CALIFORNIA.

4. TODAY, WE FIND THAT THE MEMBERS OF THESE AND MANY OTHER BROAD-GAUGE GROUPS ALSO BELONG TO GROUPS WITH A MUCH MORE SPECIFIC FOCUS, SUCH AS:

A. THE CALIFORNIA ASSOCIATION OF TEACHERS OF ENGLISH TO SPEAKERS OF OTHER LANGUAGES,

B. THE CALIFORNIA STATEWIDE JOINT APPRENTICESHIP AND TRAINING COMMITTEE FOR THE ELECTRICAL CONSTRUCTION INDUSTRY,

C. THE CALIFORNIA ORTHOTIC AND PROSTHETIC ASSOCIATION, AND

D. THE COUNTY OF MERCED.

5. EACH OF THESE GROUPS HAVE THEIR OWN LOBBYIST.

6. IN FACT, THERE ARE MORE THAN 100 INTEREST GROUPS REPRESENTED BY REGISTERED LOBBYISTS WHOSE FOCUS IS JUST ON HEALTH.

C. IMPLICATIONS

1. THE IMPLICATION OF THIS FRAGMENTATION IS THAT GROUPS SUCH AS THE TEACHERS ASSOCIATION, THE LABOR FEDERATION, THE MEDICAL ASSOCIATION, AND CSAC ARE NOT AS INVOLVED AS THEY ONCE WERE IN MEDIATING AND RECONCILING COMPETING DEMANDS AMONG THEIR MEMBERS.

2. AS A RESULT, LEGISLATORS TODAY ARE FACED WITH MORE COMPETING DEMANDS FOR A PIECE OF THE FISCAL PIE THAN THEY WERE 10 OR 20 YEARS AGO.

3. THEY MUST DEAL DIRECTLY WITH THE 1,560 GROUPS AND THEIR COMPETING--AND OFTEN IRRECONCILABLE--DEMANDS.

D. CONSEQUENCES

1. AS A RESULT, THE ISSUES CONFRONTING THE MEMBERS HAVE BECOME NARROWER, AND THE PASSIONS OF THOSE WITH AN INTEREST IN THESE ISSUES HAVE BECOME MORE INTENSE.
2. THE COMBINATION MAKES IT MUCH MORE DIFFICULT FOR THE MEMBERS TO EXERT CONTROL OVER THE DEVELOPMENT OF POLICY.
3. WITHOUT THE LEAVENING INFLUENCE OF MORE BROADLY BASED GROUPS, LEGISLATORS ARE CONSTANTLY BEING PUT IN THE POSITION OF HAVING TO DEMONSTRATE THEIR SUPPORT FOR INDIVIDUAL INTERESTS.
4. THIS MAKES IT VERY DIFFICULT TO SET AND ENFORCE PRIORITIES, AND THEREBY CONTROL THE PROCESS.

III. THE INCREASED COST OF CAMPAIGNING FOR PUBLIC OFFICE

A. OVERVIEW

1. THE SECOND FACTOR THAT IS CHANGING THE NATURE OF THE LEGISLATOR'S ROLE IS THE INCREASE IN WHAT IT COSTS TO ATTAIN AND HOLD ONTO A SEAT IN THE LEGISLATURE.
2. THIS INCREASE IS NOTHING SHORT OF BREATH-TAKING.

B. EVIDENCE

1. I THINK YOU'RE ALL GENERALLY FAMILIAR WITH THIS TREND, SO I WON'T BORE YOU WITH A LOT OF STATISTICS.
2. BUT LET ME GIVE YOU JUST TWO SETS:
 - A. IN 1976, THE MEDIAN AMOUNT SPENT IN CONNECTION WITH THE GENERAL ELECTION (THAT IS, EXCLUDING PRIMARIES) BY CANDIDATES IN COMPETITIVE RACES WAS:

(1) \$70,000 FOR ASSEMBLY CANDIDATES, AND

(2) \$100,000 FOR SENATE CANDIDATES.

B. DURING THE NEXT SIX YEARS, EXPENDITURES MORE THAN TRIPLED,
REACHING:

(1) \$220,000 FOR THE ASSEMBLY, AND

(2) \$350,000 FOR THE SENATE.

3. THAT'S A LOT OF MONEY FOR A JOB THAT PAYS \$28,000 A YEAR---
EVEN IF THE JOB DOESN'T INVOLVE A LOT OF HEAVY LIFTING.

C. IMPLICATIONS

1. THE SHARP RISE IN THE COST OF CAMPAIGNING, PREDICTABLY, HAS
INCREASED THE AMOUNT OF TIME THAT INDIVIDUAL MEMBERS OF THE
LEGISLATURE MUST SPEND RAISING CAMPAIGN FUNDS.

2. AS ONE PROMINENT MEMBER HAS PUBLICLY STATED, "THE FIRST THING
I THINK ABOUT WHEN I WAKE UP IN THE MORNING IS MONEY, AND THE
LAST THING I THINK ABOUT BEFORE I FALL ASLEEP AT NIGHT IS
MONEY. AND IN BETWEEN, MOST OF WHAT I THINK ABOUT IS MONEY."

3. KNOWING THIS MEMBER, I CAN ASSURE YOU THAT THIS UNUSUALLY
CANDID ADMISSION DOES NOT REFLECT PERSONAL GREED.

4. RATHER, IT REFLECTS THE REALITIES OF CAMPAIGNING IN THE AGE OF
TELEVISION, WHEN A 30-SECOND SPOT DURING PRIME TIME CAN COST
BETWEEN \$2,500 AND \$15,000.

D. CONSEQUENCES

1. TWO IMPORTANT CONSEQUENCES STEM FROM THIS SHARP INCREASE IN
THE COST OF CAMPAIGNING.

2. FIRST, BECAUSE A MEMBER OF THE LEGISLATURE MUST SPEND SO MUCH TIME FINANCING HIS CAMPAIGN FOR RE-ELECTION, HE HAS LESS TIME TO SPEND ON HIS LEGISLATIVE DUTIES PER SE, WHICH IN TURN FORCES HIM (OR HER) TO TURN OVER MORE AND MORE RESPONSIBILITY TO LEGISLATIVE STAFF.
 - A. PROPOSITION 24--PAUL GANN'S LATEST CONTRIBUTION TO THE STATUTE BOOKS--MAY ULTIMATELY REDUCE THE NUMBER OF STAFF AVAILABLE TO TAKE ON THIS RESPONSIBILITY, BUT I CAN ASSURE YOU IT WON'T REVERSE THE TREND.
 - B. WITH LESS PERSONAL INVOLVEMENT IN THE POLICY-MAKING PROCESS, IT IS MORE DIFFICULT FOR THE MEMBERS TO CONTROL THE PROCESS.
 - C. (IT IS ALSO MORE DIFFICULT TO KNOW WHO, IN FACT, IS MAKING POLICY.)
3. SECOND, THE INCREASING IMPORTANCE OF MONEY, COUPLED WITH THE FRAGMENTATION OF INTEREST GROUPS, MAKES IT MORE DIFFICULT FOR INDIVIDUAL LEGISLATORS TO SAY "NO".
 - A. THIS IS NOT TO SUGGEST ANYTHING IMPROPER ABOUT THE RELATIONSHIP BETWEEN LOBBYISTS AND LEGISLATORS;
 - B. IT MERELY REFLECTS THE INCREASING DEPENDENCE OF MEMBERS ON INTEREST GROUPS FOR CAMPAIGN CONTRIBUTIONS.
 - C. AND AS ANY PARENT KNOWS, WITHOUT THE ABILITY AND WILLINGNESS TO SAY "NO", IT'S PRETTY HARD TO EXERCISE CONTROL.

IV. THE DECLINE OF POLITICAL PARTIES

A. OVERVIEW

1. A THIRD FACTOR THAT I BELIEVE IS ERODING THE MEMBERS' CONTROL OF THE POLICY-MAKING PROCESS IS THE DECLINE IN THE INFLUENCE OF POLITICAL PARTIES.
2. THIS DECLINE, OF COURSE, IS NOT UNIQUE TO CALIFORNIA--IT IS OCCURRING IN WASHINGTON AS WELL.

B. CAUSES

1. HERE AGAIN, TELEVISION IS AT THE ROOT OF THE TREND, ALTHOUGH OTHER FORCES ARE ALSO AT WORK.
2. NO LONGER DOES A CANDIDATE NEED THE PARTY LABEL TO BUILD AN IDENTITY--HE OR SHE JUST NEEDS SOME 30-SECOND SPOTS ON PRIME TIME TELEVISION TO DO THE JOB.

C. IMPLICATIONS AND CONSEQUENCES

1. WITHOUT A LARGE NUMBER OF OFFICE HOLDERS DEPENDING ON A POLITICAL PARTY, PARTIES TEND TO LOSE THEIR COHESIVENESS, MAKING IT EVEN MORE IMPORTANT FOR OFFICE HOLDERS TO BUILD AN INDEPENDENT POWER BASE.
2. ON THE SURFACE, THIS MIGHT APPEAR TO GIVE THE LEGISLATOR MORE POLICY CLOUT . . . AND IN SOME RESPECTS IT DOES.
3. HOWEVER, WITHOUT THE PARTY TO SHIELD THE MEMBER FROM CRITICISM, IT OFTEN BECOMES MORE DIFFICULT FOR THE MEMBER TO TAKE A STAND ON AN ISSUE, SINCE HE IS ON HIS OWN.

4. THUS, WHILE THE CONSEQUENCES OF THE DECLINE IN POLITICAL PARTIES ARE NOT ALL IN ONE DIRECTION, THEY FREQUENTLY RESULT IN LESS CONTROL OVER POLICY-MAKING THAN OTHERWISE WOULD BE THE CASE.

V. THE INCREASE IN JUDICIAL ACTIVISM

A. INTRODUCTION

1. SO FAR, I'VE DISCUSSED THREE FACTORS THAT ARE CHANGING THE ROLE OR POSITION OF LEGISLATORS AND, IN SO DOING, MAKING IT MORE DIFFICULT FOR THEM TO CONTROL POLICY-MAKING.
2. TWO EXTERNAL FACTORS ARE HAVING THE SAME EFFECT.
3. ONE OF THESE EXTERNAL FACTORS IS THE JUDICIARY.

B. THE COURTS AND POLICY-MAKING

1. IN RECENT YEARS, THE COURTS HAVE BECOME INCREASINGLY ACTIVE IN MAKING PUBLIC POLICY.
2. MUCH OF THIS JUDICIAL ACTIVISM IS FOCUSED DIRECTLY ON THE LEGISLATURE'S CONTROL OF THE STATE'S PURSE STRINGS.

A. THE COURTS, FOR EXAMPLE, HAVE DETERMINED (OR ATTEMPTED TO DETERMINE):

- (1) HOW THE STATE'S TWO PRIMARY RETIREMENT SYSTEMS ARE TO BE FUNDED,
- (2) WHERE THE SCHOOL FOR THE BLIND SHOULD BE LOCATED,
- (3) WHAT MEDICAL SERVICES SHOULD BE PROVIDED TO MEDI-CAL RECIPIENTS, AND
- (4) A HOST OF OTHER POLICY-SIGNIFICANT MATTERS.

3. THE COURTS' GRAB FOR THE PURSE STRINGS IS REFLECTED MOST DRAMATICALLY IN THE MANDEL V. MYERS DECISION, WHERE THE CALIFORNIA SUPREME COURT RULED THAT THE COURTS COULD REDIRECT FUNDS APPROPRIATED BY THE LEGISLATURE FOR ONE PURPOSE TO ANOTHER SO AS TO SATISFY ITS ORDERS UNLESS THE LEGISLATURE HAD THE FORESIGHT TO EXPLICITLY PROHIBIT THE USE OF THOSE FUNDS FOR THAT SPECIFIC PURPOSE.

4. THIS MAKES A MOCKERY OF THE "POWER" TO APPROPRIATE.

C. IMPLICATIONS AND CONSEQUENCES

1. THE BIG LOSER IN ALL THIS, OF COURSE, IS THE CALIFORNIA LEGISLATURE.

2. THE KIND OF JUDICIAL ACTIVISM THAT HAS BEEN SO EVIDENT IN RECENT YEARS TENDS TO LIMIT LEGISLATIVE DISCRETION IN RESPONDING TO CHANGING CONDITIONS AND PRIORITIES.

A. THIS WAS ESPECIALLY EVIDENT IN FISCAL YEAR 1982-83, WHEN THE COURTS CREATED MORE THAN ONE-FOURTH OF THE \$1.6 BILLION DEFICIT ORIGINALLY PROJECTED FOR THAT YEAR.

B. IN EFFECT, THE COURTS INSULATED CERTAIN ITEMS IN THE STATE'S BUDGET FROM REDUCTION, FORCING THE LEGISLATURE TO LOOK AT OTHER, HIGHER PRIORITY PROGRAMS FOR THE REDUCTIONS NEEDED TO BALANCE THE STATE'S BUDGET.

3. MORE AND MORE, THE COURTS ARE BEING ASKED TO GO EVEN FURTHER AND EXERCISE LEGISLATIVE DISCRETION . . . AND THEY ARE SHOWING NO RELUCTANCE TO DO SO.

4. AGAIN, THE RESULT IS A LOSS OF POLICY-MAKING CONTROL BY THE MEMBERS OF THE CALIFORNIA LEGISLATURE.

VI. THE GROWTH IN CITIZEN INITIATIVES

A. OVERVIEW

1. THE FIFTH FACTOR TENDING TO REDUCE THE LEGISLATORS' CONTROL OF POLICY-SETTING IS THE INCREASED VIABILITY OF THE INITIATIVE PROCESS.
2. INITIATIVES, THEMSELVES, ARE NOT NEW.
3. THE USE OF THE INITIATIVE PROCESS TO INITIATE CHANGES IN LAW, HOWEVER, IS INCREASING RAPIDLY.
 - A. FOR EXAMPLE, IN THIS AND THE PREVIOUS ELECTION YEAR, A TOTAL OF 16 CITIZEN INITIATIVES HAVE BEEN PRESENTED TO THE VOTERS OF CALIFORNIA.
 - B. THIS IS TWICE AS MANY AS THE TOTAL NUMBER OF INITIATIVES THAT APPEARED ON THE BALLOT DURING THE PREVIOUS TWO ELECTION YEARS.
 - C. WHEREAS CITIZEN INITIATIVES COMPRISED LESS THAN 10 PERCENT OF THE MEASURES ON THE STATEWIDE BALLOTS IN 1978 AND 1980, THEY REPRESENTED ONE-THIRD OF THE MEASURES VOTED ON IN 1982 AND 1984.

B. WHAT'S BEHIND THIS TREND?

1. IN MY JUDGMENT, THE INCREASE IN THE NUMBER OF INITIATIVES REFLECTS THE FACT THAT IT HAS BECOME A WHOLE LOT EASIER TO QUALIFY INITIATIVES FOR THE STATE BALLOT.

2. THE DEVELOPMENT OF TARGETED MAILING LISTS AND THE USE OF HIGH-SPEED COMPUTERS AND PRINTERS, COUPLED WITH THE CONSIDERABLE SKILLS OF DIRECT MAILERS, HAVE MADE IT RELATIVELY EASY FOR A WELL-FUNDED ORGANIZATION OR GROUP TO COLLECT THE 394,000 OR 630,000 SIGNATURES NEEDED TO PUT A STATUTORY OR CONSTITUTIONAL INITIATIVE ON THE BALLOT.
3. IN FACT, INDIVIDUALS HAVE DEMONSTRATED THAT INITIATIVES CAN BE PUT ON THE BALLOT AT A COST OF ONLY \$64,000.
4. AND WHEN A SOPHISTICATED FUNDRAISER LIKE HOWARD JARVIS' ORGANIZATION GETS INVOLVED, IT IS EVEN POSSIBLE TO MAKE MONEY (THROUGH FUND SOLICITATIONS) WHILE QUALIFYING A MEASURE.

C. IMPLICATIONS AND CONSEQUENCES

1. THE IMPLICATIONS OF THIS TREND CAN BE SEEN SIMPLY BY REVIEWING THE SIX CITIZEN INITIATIVES THAT WILL APPEAR ON THE STATEWIDE BALLOT NEXT MONTH.
2. IF ALL SIX OF THESE INITIATIVES ARE APPROVED, THE VOTERS WILL HAVE DECIDED DIRECTLY--WITH NO INPUT FROM THE LEGISLATURE WHATEVER:
 - A. HOW CONGRESSIONAL AND LEGISLATIVE DISTRICTS ARE TO BE ESTABLISHED;
 - B. HOW POLITICAL CAMPAIGNS FOR STATE OFFICES ARE TO BE FINANCED;
 - C. TO INITIATE A STATE LOTTERY;
 - D. HOW THE PROCEEDS FROM USER CHARGES AT THE STATE AND LOCAL LEVELS MAY BE SPENT; AND

- E. WHAT THE CEILING ON AFDC GRANT EXPENDITURES SHOULD BE.
3. NOT ONLY WILL THE ISSUE OF REAPPORTIONMENT BE ADDRESSED WITHOUT ANY INPUT FROM THE LEGISLATURE; A "YES" VOTE ON PROPOSITION 39 WILL STRIP FROM THE LEGISLATURE THAT POWER WHICH IT HOLDS MOST DEARLY.
 4. THIS WOULD FOLLOW, BY FIVE MONTHS, ANOTHER CITIZEN INITIATIVE--PROPOSITION 24--THAT SETS VERY SPECIFIC GUIDELINES FOR INTERNAL LEGISLATIVE PROCEDURES.

VII. CONCLUSION

- A. EACH ONE OF THESE FIVE TRENDS REDUCES THE ABILITY OF LEGISLATORS TO CONTROL POLICY-MAKING IN CALIFORNIA.
- B. IT IS NOT FOR ME TO SAY WHETHER THIS IS GOOD OR BAD.
- C. I SUSPECT, HOWEVER, THAT COLLECTIVELY, THESE TRENDS COMPLICATE THE LIVES OF PUBLIC OFFICIALS AT THE LOCAL LEVEL.
 1. THIS IS BECAUSE ANY REDUCTION IN LEGISLATIVE CONTROL OF THE POLICY-MAKING PROCESS MEANS THAT OTHER CENTERS OF POWER--INTEREST GROUPS, LEGISLATIVE STAFF, THE COURTS, AND GROUPS SUCH AS HOWARD JARVIS'--ARE ABLE TO EXERT MORE CONTROL.
 2. THIS, IN TURN, CAUSES A PROLIFERATION OF THE NUMBER OF Bleeps ON YOUR RADAR SCREENS . . . EACH ONE DEMANDING YOUR ATTENTION.
- D. THESE TRENDS MAY ALSO COMPLICATE THE LIVES OF CALIFORNIANS GENERALLY, BY SPREADING ACCOUNTABILITY MORE WIDELY.
- E. UNFORTUNATELY, SHARED ACCOUNTABILITY USUALLY RESULTS IN NO ACCOUNTABILITY AT ALL.