

The California Legislature and Its Legislative Process

The California Legislature and Its Legislative Process

Cases and Materials

Chris Micheli



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Foreword

I worked with my colleague, Jessica Gosney, California Deputy Legislative Counsel, to develop the first online course on legislatures and lawmaking for MSL students at McGeorge School of Law, including the federal and state legislative branches of government and their respective processes. As a result of this work, I wanted to more thoroughly explore the scholarly field and found through research that there are numerous books on statutes and regulations and the legislative process, almost all of which are focused on the federal government.

So, I decided to undertake an effort that was focused exclusively on California—its Legislature and its legislative process. The compilation of any casebook requires lots of helping hands, and this effort is not any different. I have received important guidance from Jessica Gosney, as well as my co-instructor for the Lawmaking in California course at McGeorge, who is Katie Londenberg, Deputy Legislative Counsel. Both Jessica and Katie have provided helpful suggestions regarding content of the casebook, both in topics covered and cases utilized.

I could not have completed this arduous task without the assistance of my family, colleagues, and friends who are always supportive of my academic and writing pursuits. In this regard, I am indebted to Liza, Morgan, Francesca, and Vincenzo.

Chris Micheli
May 2021

Preface

The purpose of this casebook is to provide students with an examination of the California Legislature and its lawmaking process — the state legislative process — that are set forth in the state Constitution, particularly Article IV, and relevant statutes, primarily found in the Government Code. The casebook provides extensive explanatory material on the different topics contained in this casebook and, of course, some of the key appellate court decisions.

How were the topics decided? Like other casebook authors, I spent considerable time trying to decide what topics were appropriate (and necessary) to cover. I poured over Article IV of the California Constitution and then began formulating the main topics. Always at the forefront was “How would I teach a course on the California Legislature and its legislative process, and what would I want students to learn?” That was quite a chore, because a casebook of several thousand pages would not be used by professors or students!

After I figured out the topics to cover and their relative order of presentation, I turned to reviewing cases. As one might imagine, some topics do not have any caselaw. In other subject areas, there are far too many cases to use in a single casebook. I also wanted cases that were well written, with analysis and explanation of both the law and the court’s decision-making so that students can learn about the subject area, and they can see how courts analyze and decide issues.

Hopefully, professors and students using this casebook will find the right balance of informational material, cases, and notes and questions, that will educate and prompt thought and analysis of the extensive law regarding the California Legislature and its legislative process.

Chris Micheli
May 2021

About the Author

Chris Micheli is an attorney and lobbyist in Sacramento, California where he regularly testifies before policy and fiscal committees of the California Legislature, as well as a number of administrative agencies, departments, boards, and commissions. He often drafts legislative and regulatory language and is considered a leading authority on state tax law developments and the California legislative process.

Over the last twenty years, he has published hundreds of articles and editorials in professional journals, newspapers and trade magazines, whose diverse subjects range from tax incentives to transportation funding. He wrote a bi-monthly column on civil justice reform for five years for *The Daily Recorder*, Sacramento's daily legal newspaper, authoring over 100 columns. He has served on the editorial advisory boards for both state and national tax publications.

Micheli has been an attorney of record in several key cases, having argued before the Supreme Court of California (just two years out of law school), as well as the Court of Appeal several times. He has filed more than fifteen *amicus curiae* briefs in California courts. Additionally, Micheli has been qualified as an expert witness on California's knife laws in superior court, and has appeared as an expert witness before the State Board of Equalization in several tax cases.

He has published half a dozen peer-reviewed law review articles and is the co-editor and co-author of the book *A Practitioner's Guide to Lobbying and Advocacy in California*, as well as the author of the book *Understanding the California Legislative Process*, both released in 2020 by Kendall-Hunt Publishing Company. He is the author of two additional books published in early 2021: *Introduction to California State Government* and *An Introduction to Drafting Legislation in California*.

He is a graduate of the University of California, Davis with a B.A. in Political Science — Public Service and the University of the Pacific, McGeorge School of Law with a J.D. degree. He currently serves as an Adjunct Professor of Law at McGeorge, where he teaches the course Lawmaking in California. He resides in Sacramento with his wife, Liza, two daughters, Morgan and Francesca, and son, Vincenzo.

