Hi, this is Chris Micheli 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 continues our common misconceptions about the California legislative process. Today's podcast concerns the Governor's role.

The first misconception is that the governor's line-item veto authority only applies to budget bills. Actually, under Article IV, Section 10(e) of the California State Constitution, "The Governor may reduce or eliminate one or more items of appropriation while approving other portions of a bill."

"The Governor shall append to the bill a statement of the items reduced or eliminated with the reasons for the action. The Governor must transmit to the house originating that bill a copy of the statement and reasons for the line-item vetoes. Items reduced or eliminated are separately reconsidered and may be passed over the Governor's veto in the same manner as bills."

Which means, in order to override the Governor's veto of any line-item appropriations, it requires a two-thirds majority vote of both houses of the legislature. The Governor cannot veto any BCL or budget control language.

This line-item veto authority is oftentimes referred to as the Governor's blue-pencil authority. That term has been utilized because, years ago, the Governor used an editor's blue pencil for the task of line-item vetoes.

Another misconception -- the Governor can pocket veto a bill like the president can. In California, we have a pocket signature rule, which is the opposite of the federal rule. If the Governor fails to act on a bill, either accidentally or intentionally, then that bill becomes law without his or her signature. In other words, the Governor must affirmatively veto a bill to prevent it from becoming law.

This provision of a pocket signature is provided in Article IV, Section 10 of the state constitution. It's the President who has a pocket veto.

Another misconception, that the Governor has 30 days to act on legislation sent to his desk. The general rule, actually, is that the Governor has 12 days in which to act on a measure sent to his or her desk. However, at the end of the yearly legislative session, bills passed after a specified date, and that are in receipt of the Governor after adjournment, can be acted upon within a 30-day period.

This provision, too, is found in Article IV, Section 10 of the California State Constitution.

Another misconception is that the Governor must act on a bill within either 12 days or 30 days after the legislature passes a bill. There seems to be a bit of confusion about when the clock starts running to trigger either the 12-day, which is the normal period, or the end-of-session 30-day review period for the Governor.

That clock starts ticking when the bill has actually been delivered to the Governor, not when the legislature passes the bill. After passage of a bill by the legislature, the bill still

has to go through the engrossing and enrolling processes before the bill is actually delivered to the Governor's desk. It is once the Governor receives the bill that the clock actually starts ticking.

Misconception -- once a bill has passed both houses of the Legislature, it is automatically transmitted to the Governor's desk.

As we found out in the 2016 legislative session, when a major bill was delayed for more than a month before it was actually sent to the Governor's desk for action, bills can intentionally or inadvertently be delayed in the engrossing and enrolling processes, both of which must occur prior to the bill being delivered to the Governor's desk.

Misconception -- the Governor's signature on a bill is the final hurdle for a bill to be enacted into law. While this is generally true, there is one ministerial step left.

To be technical, when a bill is passed by the legislature and enacted into law -- that is, after the Governor signed the bill or he or she allowed the bill to become law without signature -- then the Secretary of State assigns the bill a chapter number. This ministerial act of giving a chapter number is actually the final procedural item for a bill to become law.

Misconception -- all resolutions are chaptered by the Secretary of State, therefore, they must be approved by the Governor.

Concurrent and joint resolutions, but note, not house resolutions, which is the third type of resolution in the California legislature. Those concurrent and joint resolutions do, in fact, receive chapter numbers by the California Secretary of State. Nonetheless, the Governor's signature is not required on any resolution.

Misconception -- constitutional amendments that are passed by the Senate and the Assembly by a two-thirds majority vote of each house are signed by the Governor before being presented to the voters at the next statewide election.

Actually, constitutional amendments are not presented to the Governor. He or she cannot sign or veto constitutional amendments. In other words, once passed by both houses of the legislature, both the Senate and the Assembly, then the proposed constitutional amendment goes directly to the voters at the next scheduled statewide election.

The only exception is when a statute has been adopted by the legislature and signed into law by the governor to change the date upon which the measure will appear on the statewide ballot.

A final misconception -- enrolled bill reports are prepared for all measures. An EBR, an enrolled bill report, is basically a policy analysis that's prepared on all legislative measures for the Governor's consideration, and provided to the Governor with information concerning the measure, generally with a recommendation -- sign or veto -- by the Governor.

While approved bill analyses become public information, EBRs do not. EBRs are not prepared for constitutional amendments or for concurrent joint or house resolutions, because these measures are not acted upon by the Governor.

I hope you enjoyed learning about some of these misconceptions of the Governor's role in the legislative process.