

Hi, this is Chris Micheli, with the Sacramento governmental relations firm of Aprea & Micheli, and an adjunct professor at McGeorge School of Law in the Capital Lawyering program.

Today's podcast is to provide an overview of California's executive branch of government. As you may be aware, the executive branch of California state government is set forth in Article V of our state constitution, and of course, like its federal counterpart, is one of three branches of state government.

The major distinction is that our state has a Governor, while the federal government has a President. Nonetheless, in both instances, they serve as the chief executive for the state or the federal government.

Let me just briefly highlight Article V. The following are its key provisions that affect the Governor and his or her administration. Section 1 of Article V vests the executive power of the state in the Governor. Section 2 provides that the Governor is elected every four years, and he or she must be a United States citizen as well as a resident of California for the past five years.

Section 3 of Article V of the State Constitution requires the Governor to report to the Legislature each year on the condition of the state, which we usually refer to as the State of the State speech.

Section 4 provides that the Governor can require officers and agencies to furnish information related to the duties that they perform. Section 5 allows the Governor to fill a constitutional office vacancy by appointment. That appointment is subject to confirmation by a majority vote of both the Assembly and the Senate.

Section 6 of Article V authorizes a statute to allow the Governor to reorganize functions among state agencies other than the other constitutional offices. These are known as GRPs, or Governor's Reorganization Plans. Section 7 provides that the Governor is the Commander in Chief of the militia and may be called upon to execute the laws of the state.

Section 8 provides the Governor with authority to grant a reprieve, a pardon, or a commutation except in cases of impeachment. Section 9 requires the Lieutenant Governor to have the same qualifications as the Governor. In addition, the Lieutenant Governor is the President of the Senate, but may only cast a vote on a tie.

Section 10 of Article V provides that the Lieutenant Governor will become Governor when a vacancy occurs. In addition, the Lieutenant Governor shall act as the Governor during an impeachment, or when the Governor is out of state, or when the Governor has a temporary disability.

Section 11 provides that the Lieutenant Governor, the Attorney General, the Controller, the Secretary of State and the Treasurer are elected at the same time as the Governor, every four years, and are limited to two terms in office. Section 13 provides that the Attorney General is the Chief Law Officer of the state, and it is his or her duty to uniformly and adequately enforce the laws of this state.

Finally, Section 14 of Article V of our state constitution provides that no state officer shall knowingly receive any salary, wages, commission or other earned income from either a lobbyist or a lobbying firm. Also, no state officer may accept any honorarium, which is money for giving a speech or an appearance. The Legislature is required to enact laws that ban or

strictly limit accepting a gift that would create a conflict of interest, and the Legislature is required to enact laws that prohibit all state officers, agency secretaries and department directors from lobbying the executive branch for twelve months after leaving office.

Now, here in California, our executive branch of state government essentially has three levels. The first level is what political scientists refer to as plural executives. These refer to the nine constitutional offices, including the Governor, that are elected statewide by the state's electorate every four years.

The next level below that are the so-called independent agencies. This is the entities that even though they may have appointees by the Governor, that they serve independently from direct influence by the chief executive. A good example would be the University of California and its Board of Regents. The UC system is actually provided for in our state constitution, and the Regents serve twelve-year terms, with a governor only able to serve a maximum of two, four-year terms or a total of eight years. A Regent - his or her terms survives that of the appointing entity, and that's to ensure that the UC Regent has independence from the appointing authority. The Governor in this case.

The third level of state government are what are called line agencies, and they draw that name from the line that begins with the box of the Governor on the state organization chart, and goes down to the state agencies that go down to the departments.

Essentially, line agencies are state entities that report directly to the Governor, again, whose appointees are subject to the direct line of authority from the Governor's office, and are appointed by him or her.

In terms of these line agencies, there are essentially four types: primarily agencies and departments, but also some boards and commissions. The agencies are the highest level in the state government and the executive branch. They're headed by an agency secretary, followed by an agency undersecretary, both of whom are appointed by the Governor. Agency secretaries actually serve as a member of the Governor's cabinet.

Now, again, the agencies have a second-in-command called the undersecretary. Many of them have one or more deputy secretaries or assistant secretaries, all of whom are political appointees by the Governor. Now, under these state agencies, there are numerous departments, all of whom are headed by a department director. Those directors are supported by a chief deputy director, and usually several deputy directors. Again, all of whom are political appointees of the Governor. Just like the agency appointees, they're subject to confirmation by the State Senate.

The boards and commissions are usually headed by an executive officer or an appointed board, generally all of whom are political appointees by the Governor. These individuals usually report to a particular department, and are usually subject to confirmation of the state Senate as well.

In most instances, these agencies, departments, boards and commissions have rule-making authority, either general or specific rule-making authority. In fact, there are over 200 of them in state government. They often have enforcement authority over the individuals or the entities that they regulate, to barbers and cosmetologists.

These agencies also wield enormous influence in a number of different ways, including interpretation of laws as well as enforcement and investigatory authorities. They, of course, play a very significant role by interpreting and applying the laws of the state of California.

Like their federal counterpart, the executive branch of government is one of three co-equal branches. This branch, the executive branch, is essentially in charge of running the government through their different entities from agencies on down.

Thanks for joining this brief overview of California's executive branch of government. I hope you found it to be helpful.