

Hi. This is Chris Micheli, a principal with the Sacramento governmental relations firm of Aprea & Micheli and an adjunct professor at McGeorge School of Law in the Capital Lawyering program. Thanks for joining today's podcast on the role of administrative agencies in state government.

As you may know, California's administrative agencies play a key role in state government and in public policy development in this state. That's because there are over 200 state agencies, departments, boards, and commissions that have the authority to implement, interpret, and enforce state laws and regulations. These entities enjoy quasi-legislative and quasi-judicial powers.

Quasi-legislative, of course, is the authority to adopt regulations. It's similar to the legislative branch of government and it's often referred to as an agency's rulemaking authority, which is why they deem it to be quasi-legislative. It's quasi-judicial because that's the authority to interpret laws similar to a court. These state entities also formulate and influence state policies and legislation by administering the laws that are adopted by the Legislature and the Executive Orders that are promulgated by the Governor of the state.

As a result, administrative agencies of state government are often important players in developing public policy in the state; for example, by influencing pending legislation that impacts their jurisdiction such as air quality bills by the California Air Resources Board - or CARB. Interest groups, the Legislature, and the Governor are, of course, impacted by CARB's views on these bills.

These administrative agencies also interpret statutes, they enforce laws, and again, they adopt regulations to interpret and administer those statutes. Because they are a part of the executive branch of state government these agencies are generally responsible to the Governor. But they also play an important role in advising the Governor and his or her staff on pending legislation as well as the state budget and related public policy issues that are within their jurisdiction.

As such, those who are engaged in developing state public policy must always engage with these administrative agencies. And, as providing input to the Governor, legislators and interest groups must also consider the views of these agencies and departments when considering legislation and the pros and the cons of particular bills and issues.

The recommendations of these state administrative agencies, just like their federal counterparts, can often carry great weight with the Governor and his or her staff when making decisions on bills and different issues. The regulated community must also pay close attention to the work of these state agencies - these departments, the boards, and the commissions of the state. They all have general or specific rulemaking authority - which means they can add, they can amend, or they can repeal regulations that impact those who are regulated by them.

What are examples? Nurses who are regulated by the state Nursing Board. Agricultural companies that spray their crops and are regulated by the Department of Pesticide Regulation. A whole myriad, as you can see, from professionals to all sorts of other folks who may not be

licensed in the profession but whose activities are regulated by different state departments and agencies. And don't forget that many of these state administrative agencies also enjoy enforcement authority over those that they regulate.

By having that enforcement authority, these state entities can enforce the statutes and regulations governing the conduct of those that they regulate. This means also that those state agencies can investigate a company or an individual, they can cite or fine them for a violation of the law or of a regulation, and in some instances those state entities can suspend the license to conduct business in the state. This enforcement power is very important and very powerful. It means that these state entities are influential, naturally, with the regulated community that they license, regulate, and oversee.

Whether conducting these investigations or enforcing or interpreting the laws, state administrative agencies are indeed a crucial player in state government and they wield enormous power over a myriad of different entities in and out of state government. As a result, those working in and around the state capitol must be aware of the role that they play in state government.

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