

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 is a brief review of the California Governor's line-item veto authority. Article IV of the California state constitution governs the legislative branch. However, it also describes powers of the Governor and the role that the Governor plays in the legislative process.

Now specifically, Section 10 of Article IV deals with legislation and the authority of the state's chief executive, the Governor, and of particular interest here is subdivision (e) of Section 10 because that section grants the Governor with a line-item veto authority for budget and appropriations bills. Now while the Governor of California has this explicit constitutional authority, the President of the United States does not have any such authority.

Here's the exact language of subdivision (e) of Section 10 of Article IV. It reads, "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 shall transmit to the house originating the bill a copy of the statement and reasons. Items reduced or eliminated shall be separately reconsidered and may be passed over the Governor's veto in the same manner as bills."

Let's dissect this. As a result of this constitutional grant of authority, the California Governor has the authority to one, reduce a line item of appropriation or two, eliminate the item of spending entirely. In the state budget bill, which is the only measure that has multiple appropriations, the Governor can again reduce or eliminate one or more line items of the budget and still approve the budget bill in total.

Now just as with other bills that the Governor may veto, he or she must explain the reason for his or her veto and follow the same process used for other vetoed bills. Subdivision (a) of Section 10 provides for the vetoed bills and then explains that the Governor must return the bill to its house of origin with any objections to the bill attached. Then of course, if two-thirds majorities of both houses, the Senate and the Assembly vote to override the veto, then the bill becomes a statute.

This applies to any budget or appropriations bills in which items of spending were reduced or eliminated by the Governor. All of these may be subject to a veto override and then the items reduced or eliminated must be separately considered for purposes of the veto override.

If the veto override is successful, then the reduced or eliminated appropriation is restored as originally approved by the legislature. Relatively short and sweet, but that is an overview of the California Governor's line-item veto authority found in the California Constitution. Thanks for joining.