

Hi. Thanks for joining. Today's podcast is looking at what can the California Governor do with legislation that hits his or her desk. When a bill is passed by the California Legislature and sent to the Governor, there are three actions that are allowed.

One is the Governor can sign the bill into law, making it a statute. The second is the Governor can veto the bill or reject it. The third option is that the Governor can allow the bill to become law without his or her signature, generally called a pocket signature. Note of course that this is different than the pocket veto found at the federal level.

These three options that are available to California's Governor can be found in Section 10 of Article IV of the California State Constitution. Let's take a look at each of the three options for the Governor to act on measures sent to his or her desk.

The first is signature by the Governor. Section 10(a) of Article IV provides in part that each bill passed by the Legislature shall be presented to the Governor. It becomes a statute if it is signed by the Governor. In general, the Governor has 12 days in which to act on a bill that was sent to him or her by the Legislature.

This 12-day period begins once the bill has been presented to the Governor. Note that this is not the day that the bill passed the Senate or the Assembly. Instead, it has to first go through the engrossing and enrolling process and then subsequent is presented to the Governor, and that is the day upon which the 12 days begin to click.

This 12-day signing period is applicable to all the bills that are presented to the Governor throughout the year, or 12 or more days prior to the date that the Legislature adjourns for a joint recess in the first year of the two-year session and on or before August 20th of the second year of the session when the Legislature adjourns August 31st.

The applicable calendar date in the first year of the two-year session is based upon the date that the two houses of the Legislature consent to adjourn for their interim recess. It is subject to change, and this date can be changed by the Joint Rules of the Assembly and Senate.

Next is Section 10(b)2, which provides that any bill passed by the Legislature before September 1st of the second calendar year of the biennium legislative session and in the possession of the Governor on or after September 1st that is not returned on or before September 30th of that year becomes a statute.

The recess date in the second year, August 31st, is fixed by the state Constitution. As a result, bills that are passed before September 1 in the second year of the session and which are in the Governor's possession on or after September the 1st must be signed or vetoed by the 30th or they become a statute without the Governor's signature.

Now concerning special sessions, any bills passed by the Legislature at a special session, which is in the Governor's possession on or after the adjournment date of that special session, becomes law unless the Governor vetoes the bill within 12 days by returning that vetoed bill to the office of the Secretary of the Senate or the Chief Clerk of the State Assembly.

Note as a ministerial process, when the Governor approves a bill and he or she signs it, dates it, and deposits it with the Secretary of State, that bill now becomes the official record and law of the state. The Secretary of State assigns the bill a number, which is known as the chapter number.

All bills are numbered consecutively in the order in which they are received and chaptered. The resulting sequence is presumed to be the order in which the bills were approved by the Governor.

Note here that there is only sequence of chapter numbers maintained for each year of the regular session of the Legislature. As a result, the numbers do not continue into the second year of the session. Instead, they begin at chapter one in the second year of the session. In addition, the Secretary of State maintains a separate set of chapter numbers for each special session.

Let's look at the second option, which is veto by the Governor. Section 10(a) of Article IV provides in part that the Governor may veto a bill by returning it with any objections to the house of origin which shall enter the objections in the Journal and proceed to reconsider it. If each house then passes the bill by roll-call vote entered in the Journal, two-thirds of the membership concurring, the bill becomes a statute.

Now the houses of origin may consider that veto immediately or place it on their unfinished business file. The Constitution provides the Legislature has 60 calendar days, with days in joint recess excluded, to act upon the vetoed bill. If no action has been taken during this time, then the measure is removed from the Daily File and the veto is sustained.

Note that the veto overrides are quite rare in California. In fact, the Legislature has not overridden a Governor's veto since 1979.

The result of sustaining the Governor's veto or failing to consider it in the time allotted has the effect of killing the bill or reducing or eliminating the appropriation as recommended by the Governor. If two-thirds of the elected members of each house disagree with the Governor, then the bill is passed notwithstanding those objections.

When the Legislature successfully overrides a gubernatorial veto, the bill or the items of appropriation are authenticated by the Secretary of State as having become law by a certificate. It's delivered back to the Governor and then deposited with the laws in the office of the Secretary of State. In essence, the written notification that the override has occurred is delivered back to the Governor.

Bills divided in the office of the Secretary of State are given a chapter number of a vetoed bill in the same manner as other bills approved by the Governor.

Let's briefly note line-item vetoes. In section 10(e) of Article IV, the Governor may reduce or eliminate one or more items of appropriation while approving other portions of a bill. This is the so-called line-item veto authority. The Governor is required to append to the bill a statement of the items reduced or eliminated with the reasons for his or her actions.

The Governor must transmit to the house originating the bill a copy of the statement and the reasons that he or she has provided for reducing or eliminating one or more items of

appropriation. Then items reduced or eliminated must be separately reconsidered, and they may be passed over the Governor's veto in the same two-thirds vote of each house as normal bills.

If a bill presented to the Governor contains one or several items of appropriation, the Governor may eliminate or reduce any or all of those items while approving the other portions of the bill.

When the Governor utilizes this constitutional line-item-veto authority, again, he or she appends to the bill at the time of signing the bill a statement of the items to which he or she has objected and the reasons therefore. A copy of that statement is then transmitted to the house of origin, and again can be reconsidered by the respective houses in an attempt to override.

Now the third and final potential action, or in this case inaction, with a bill that reaches the Governor's desk is allowing the bill to become law without the Governor's signature.

If we turn to section 10(b)1 of Article IV of the California Constitution, it provides that any bill other than a bill which would establish or change boundaries of any legislative, congressional, or other election district that's passed by the Legislature on or before the date of adjournment and in the possession of the Governor after that date that is not returned within 30 days after that date becomes a statute.

A little further down in section 10(b)3, it states for the non-30-day bills that any bill presented to the Governor that is not returned within 12 days becomes a statute.

In essence, California has what we call a pocket-signature rule. That is if the Governor does not act on the measure within the allotted time, the 12 days or the 30 days, then the bill becomes law without his or her signature. This is the exact opposite of the federal process.

In other words, the US President has pocket-veto authority, which means that if the President doesn't act on a bill within the requisite period of time, then the federal bill is effectively vetoed. Again, in California, we have a pocket-signature rule. At the federal level, we have a pocket-veto rule.

That's a look at the three potential actions for legislation that reaches the Governor's desk. Note for the technocrats that resolutions and constitutional amendments passed by the Legislature do not go to the governor for final action.

Thanks for joining this podcast. Hope you enjoyed it.