

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 here in Sacramento. Today, we're going to take a look at some of the bases for gubernatorial vetoes and look at some potential themes after the first year of Governor Gavin Newsom's term in office.

Now that the 2019 legislative session has concluded and Governor Gavin Newsom has acted on the 1,042 bills that reached his desk this year in the first year of the two-year session, we thought we would look at some of the measures that he signed but also the 172 bills that he vetoed.

The idea in reviewing the bills that were vetoed this year is to try and ascertain whether there are any particular themes that might assist legislators, staff, and interest groups in navigating the Governor's Office during the next legislative session.

Before we take an additional look at Newsom's vetoes, let's start with some of the standard bases for gubernatorial vetoes. Generally, political scientists have identified a fair number of measures or bases that are utilized for state governors to veto legislation.

One is an agency objection. In other words, does an executive branch agency object to the bill on policy and/or fiscal grounds? A second basis is separation of powers. In other words, does the executive branch perceive the legislative branch as somehow encroaching on the authority of the executive branch?

Impact on the state budget or state fiscal affairs. Does the bill somehow negatively impact funding for the state's budget? Then another is like a public outcry. In other words, has there been a significant outpouring of objections to a particular bill?

Now, the past eight years of Governor Jerry Brown's tenure as well as this first year in office of Governor Gavin Newsom, what are some of the themes that we've seen. Well, one is no need for a formal study. In other words, a study can be conducted without enacting a bill requesting or demanding a study be done.

If an executive branch agency is already working on an issue administratively, then most governors are likely to choose that approach over a legislative solution. Also, executive branch agencies, as mentioned, often play a critical role because they have a great deal of influence. If the regulatory body objects, the Governor very well is likely to follow that objection.

Another theme if a local government or state agency can do it, then the bill may not be necessary. If the bill imposes rules on local governments that will result in a reimbursable state mandate, then that may not be an acceptable state cost to incur.

If the bill will result in a revenue loss to the state's general fund, many governors will say this bill should be considered as part of the annual budget process. Pending litigation is another one. Often, pending litigation may need to be resolved before legislation should be adopted to address the issue.

Of course, has a sufficient case been made for the bill? Maybe, maybe not. Another theme, don't try taking authority from one state agency and giving it to another or to a local agency. Also, try

not to duplicate existing activities that are currently under being taken, particularly by an executive branch agency.

Also, give changes to the law that were recently made a sufficient amount of time for them to be implemented and determine whether or not the new law is working or not. Next, if the Governor can implement the goal of a bill without legislation, that may be the preferred route.

Next, maybe a comprehensive solution is better than single bills if there are federal or state constitutional concerns with the particular bill. Another theme, don't tie the hands of the executive or even the judicial branch of government.

Another one, if the governor has already signed one bill on the topic, there probably isn't a need to sign a second one as well. Perhaps the issue isn't quite ripe for legislation yet. Sometimes, governors don't like to grant something that's better left for the collective bargaining table.

Another one, sort of like a prior one, basically the bill isn't quite ready. More work needs to be done still. Sometimes, dueling parties will try to come together and work out a deal before the governor is willing to make a decision. Perhaps a bill gets vetoed because the governor doesn't think it's quite right.

This isn't an exhaustive list by any means of bases for gubernatorial vetoes, but at least it gives you a flavor for some of the things that chief executives might use to determine whether or not they said sign or veto pending legislation. Thanks for joining today's podcast. I hope you enjoyed it.