

This is Chris Micheli, a principal with the Sacramento governmental relations firm of Aprea & Micheli and an adjunct professor at McGeorge School of Law. Today's podcast is a brief discussion about bills reaching Governor Gavin Newsom's desk at the conclusion of the 2021 legislative session. It concluded on September the 10th, and Governor Newsom can consider bills until October the 10th.

Now, when a bill is passed by the Legislature and sent to the governor, there are three actions that can take place. The governor can sign the bill into law. The governor can veto the bill or the governor can allow the bill to become law without a signature, a so-called pocket signature rule. The governor's got close to 800 bills during the month of mid-September to mid-October. These three options mentioned are available to the governor through Section 10 of Article IV of the California Constitution. Let's look briefly at each one and then consider some of the bills on the governor's desk.

Signature by the governor. Again, the governor has until October 10th to act on bills sent to his desk. When the governor approves a bill, he actually signs a physical copy, dates it, and then turns it over to the Secretary of State. This copy is the official record and law of the state and the Secretary of State in consultation with the governor's office, assigns the bill a number known as the chapter number. The bills are numbered consecutively in the order in which they're received from the governor's office to the Secretary of State. And this resulting sequence is presumed to be the order in which the bills were actually approved by the governor. Note that there is only one sequence of chapter numbers maintained for each year of the regular session of the legislature, even in a two year session. So the numbers do not continue into the second year of the two year session. Note also that there's a separate set of chapter numbers that are maintained for any special sessions called by the governor.

The next option is veto by the governor. When the governor vetoes a bill, he returns it with his objections to the bill to the house of origin. So of course, vetoing an Assembly Bill means that the bill and the message get returned to the Assembly. The house of origin may consider the veto immediately, or they can place it on their unfinished business file. With the Legislature out of session until January 3rd, 2022, the Legislature will actually have 60 calendar days to act upon the vetoed bill when they return to session on January the 3rd.

Now, if no action has been taken during 60 day period, then the measure is removed from the unfinished business file and the veto is fully effective. Veto overrides in California are quite rare. The Legislature's not overwritten a governor's veto since 1979.

The third and final option is allowing a bill to become law without the governor's signature. So California has a pocket signature as mentioned previously. In other words, if the governor does not act on the measure within the allotted time period, then the bill becomes law without the governor's signature. This too rarely occurs. For example, Governor Brown only did this two or three times during his second eight year stint as the governor.

Let's take a brief historical look at how many bills actually get to the governor's desk. So prior to the Legislature in posing bill limits in both houses beginning in the 1990s, a typical legislative year resulted in about a low of 850 bills to a high of over 2,100 bills being sent to the governor's desk for final action.

Let's look back at the last 20 years and the prior four governors. Here are the stats we have. During Governor Wilson's eight years in office, between 1,050 and 1,700 bills were sent to him each year and he vetoed a low of 8% to a high of 24% of them. During Governor Davis's five years in office, between 950 and 1,450 bills were sent to him annually and he vetoed between 6% and 25%. Then during Governor Schwarzenegger's seven years in office, between 900 bills and 1,250 bills were sent to him annually. He vetoed between 22% and 35%. And then finally, during Governor Brown's second eight years in office, between 850 and 1,200 bills were sent to him each year and he vetoed between 10 to 15% of them.

How about Governor Newsom's actions on bills? Well, obviously the 2021 legislative session is the third legislative year of Governor Newsom's time in office. So the following are his statistics. During Governor Newsom's first year in office, just over a thousand bills were sent to him and he vetoed 16.5% percent of them. During Governor Newsom's second year of office, remember when nine weeks of session were lost due to the pandemic, and the total number of introduced bills were reduced by 76%, just over 425 bills reached the governor's desk and he vetoed 13% of them.

During Governor Newsom's third year in office, which was also impacted by the pandemic, just over 800 bills have been sent to him. So far, he has acted on 159 bills. He has just shy of 300 bills pending and then just shy of 400 additional measures headed his way that were adopted by the legislature in the final week of session. Obviously on October the 11th, we'll have a determination of how many bills he signed or vetoed. Thanks for joining today's podcast.