



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**JANICE K. BREWER v. ROBERT BURNS; KIRK ADAMS;
ARIZONA STATE SENATE; ARIZONA STATE HOUSE OF
REPRESENTATIVES; and CHARMION BILLINGTON
CV-09-0168-SA**

PARTIES AND COUNSEL:

Petitioner: Governor Jan Brewer, represented by General Counsel Joseph Kanefield and Deputy General Counsel Vanessa Hickman, Office of the Governor. Along with her petition for special action, Governor Brewer also filed a request for expedited consideration.

Respondents: Senate President Bob Burns, Speaker of the House Kirk Adams, the Arizona State Senate, the Arizona State House of Representatives and Charmion Billington, Secretary of the Senate, represented by David J. Cantelme, D. Aaron Brown, Paul R. Neil and Samuel Saks, Cantelme & Brown, P.L.C.

FACTS:

On June 4, 2009, the Senate Committee of the Whole voted to pass the amended Budget Bills, consisting of S.B. 1188 ("General Appropriations Bill"), and Senate Bills 1035, 1036, 1145, 1187 and 1258 ("Budget Reconciliation Bills"). The Budget Bills passed by a simple majority roll call vote and were transmitted to the House of Representatives. On the same day, the House passed the Budget Bills and the speaker signed them and directed the chief clerk to transmit them back to the Senate.

Under legislative procedures, bills passed by both houses are to be transmitted to the governor by the house of origin. The Budget Bills, once enrolled, were to be signed by the senate president and presented by the secretary of the senate to the governor for her consideration. Ordinarily, the governor receives bills and then signs them, allows them to take effect without her signature, or vetoes them. For appropriations in budget bills, she has the additional option to exercise a line item veto.

To date, the usual process has not occurred in this case. The Budget Bills have not been presented to the governor. As of the filing of the petition, they remain in the secretary of the senate's office, awaiting instructions from the senate president to present them to the governor. On June 16, the governor filed this petition for special action and a request for expedited consideration. The Court granted the request for expedited consideration and set oral argument for June 23, 2009.

ISSUES:

1. Whether the Arizona Legislature failed to perform its constitutional duty to present the Governor the fiscal year 2010 Budget Bills finally passed by the Legislature on June 4, 2009, as required by article 4, part 2, section 12 and article 5, section 7 of the Arizona Constitution.

2. Whether the Arizona legislature has violated the separation of powers doctrine set forth in article 3 of the Arizona Constitution by preventing the Governor from exercising her constitutional authority under article 5, Section 7 of the Arizona Constitution to either veto, line item veto or allow the finally passed fiscal year 2010 Budget Bills to become law.

3. Whether the Arizona Legislature is in violation of the principles of open and accountable government by depriving the public of a transparent budgeting process.

This Summary was prepared by the Arizona Supreme Court Staff Attorneys' Office solely for educational purposes. It should not be considered official commentary by the Court or any member thereof or part of any brief, memorandum, or other pleading filed in this case.