

SUPREME COURT OF CALIFORNIA

St. John's Well Child & Family Center v. Schwarzenegger

50 Cal. 4th 960 (Cal. 2010) · No. S181760 · Decided October 4, 2010

SUMMARY

The California Supreme Court considered whether the Governor exceeded his authority under article IV, section 10(e) of the California Constitution by further reducing appropriations after the Legislature had enacted midyear budget reductions. The court upheld the Governor's line-item reductions and denied the petition for a writ of mandate. The opinion analyzes the meaning of an "item of appropriation" and relies substantially on *Wood v. Riley* and *Harbor v. Deukmejian*.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	George, C. J.; Kennard, J.; Baxter, J.; Chin, J.; Moreno, J.; Corrigan, J.; Rylaarsdam, J.
JURISDICTION	California
DECIDED	October 4, 2010
DOCKET	S181760
DISPOSITION	affirmed
PROCEDURAL POSTURE	Original writ proceeding seeking a writ of mandate to prevent enforcement of the Governor's line-item reductions to appropriations in Assembly Bill 4X 1. The Court of Appeal denied the writ, and the Supreme Court granted review.
STANDARD OF REVIEW	Independent review of the constitutional scope of the Governor's line-item authority.
PRECEDENTIAL VALUE	Published California Supreme Court opinion; binding statewide precedent.
PARTIES	St. John's Well Child and Family Center, Rosa Navarro, Lionso Guzman, Californians for Disability Rights, California Foundation for Independent Living Centers, Nevada-Sierra Regional In-Home Support Services Public Authority, Liane Yasumoto, Judith Smith v. Arnold Schwarzenegger, as Governor, John Chiang, as Controller

TOPICS

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separation of powers

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QUESTIONS PRESENTED

1. Whether legislative provisions reducing appropriations previously enacted in the 2009 Budget Act constitute items of appropriation under article IV, section 10, subdivision (e) of the California Constitution.
2. Whether the Governor may use line-item authority to further reduce appropriations that the Legislature has already reduced in a subsequent budget amendment.
3. Whether the Governor's further reductions violated the separation-of-powers provision of article III, section 3 of the California Constitution.

HOLDINGS

1. A legislative provision that specifies a definite reduction to an appropriation for a designated governmental purpose is itself an item of appropriation subject to the Governor's authority to reduce or eliminate it under article IV, section 10, subdivision (e) of the California Constitution.
2. The Governor may exercise line-item authority over appropriations that the Legislature has amended or reduced after the original budget enactment; the Governor is not limited to a single opportunity to reduce an appropriation when it is first enacted.
3. The Governor's further reductions did not violate separation of powers because article IV, section 10(e) expressly authorizes the Governor to exercise this limited legislative power.

KEY QUOTATIONS

"Whether spending authority is increased or decreased, it still fundamentally remains spending authority." (978)

"What matters is not whether the Governor's act is seen as being affirmative or negative, but rather its purpose and practical effect." (986)

"The judgment rendered by the Court of Appeal, denying the petition for writ of mandate, is affirmed." (988)

FACTUAL BACKGROUND

California enacted the 2009 Budget Act, but worsening economic conditions led the Governor to declare a fiscal emergency and the Legislature to enact Assembly Bill 4X 1, which revised and reduced numerous appropriations. The Governor then exercised his authority under article IV, section 10, subdivision (e) of the California Constitution to further reduce or eliminate specified appropriations, including funding for health, welfare, disability, aging, domestic-violence, and in-home-support programs. Petitioners and legislative interveners argued that the reductions were not reductions of constitutionally cognizable items of appropriation and impermissibly invaded legislative authority.

PROCEDURAL HISTORY

Petitioners challenged the Governor's further reductions to appropriations that the Legislature had already reduced in its midyear revisions to the 2009 Budget Act. The Court of Appeal exercised original jurisdiction, denied the petition for writ of mandate, and upheld the Governor's action. The Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Harbor v. Deukmejian, 43 Cal. 3d 1078, 1084-1092 (1987)
- Wood v. Riley, 192 Cal. 293, 303-305 (1923)
- Lukens v. Nye, 156 Cal. 498, 501-503 (1909)
- People v. Kelly, 47 Cal. 4th 1008, 1027, 1043 n.60 (2010)
- People v. Coria, 21 Cal. 4th 868, 871 (1999)
- Mangini v. Aerojet-General Corp., 12 Cal. 4th 1087, 1090 (1996)
- Legislature v. Eu, 54 Cal. 3d 492, 500 (1991)
- Raven v. Deukmejian, 52 Cal. 3d 336, 340 (1990)
- Planned Parenthood Affiliates v. Van de Kamp, 181 Cal. App. 3d 245, 262-265 (1986)
- State v. Holder, 76 Miss. 158, 23 So. 643, 645 (1898)
- Thirteenth Guam Legislature v. Bordallo, 430 F. Supp. 405, 410 (D. Guam 1977)
- Bengzon v. Secretary of Justice, 299 U.S. 410, 413 (1937)
- Jessen Associates, Inc. v. Bullock, 531 S.W.2d 593, 599 (Tex. 1975)
- Commonwealth v. Dodson, 176 Va. 281, 11 S.E.2d 120, 127 (1940)
- California Assn. for Safety Education v. Brown, 30 Cal. App. 4th 1264, 1282-1283 (1994)
- Ryan v. Riley, 65 Cal. App. 181, 187 (1924)
- Stratton v. Green, 45 Cal. 149, 151 (1872)
- Santa Clara County Local Transportation Authority v. Guardino, 11 Cal. 4th 220, 238 (1995)
- California Assn. of Psychology Providers v. Rank, 51 Cal. 3d 1, 17 (1990)
- Planned Parenthood Affiliates v. Swoap, 173 Cal. App. 3d 1187, 1199 (1985)
- In re Lance W., 37 Cal. 3d 873, 895 (1985)
- American Lung Assn. v. Wilson, 51 Cal. App. 4th 743, 749 (1996)
- Hellman v. Shoulters, 114 Cal. 136, 152 (1896)
- Rios v. Symington, 172 Ariz. 3, 833 P.2d 20, 26 (1992)
- Professional Engineers in California Government v. Schwarzenegger, 50 Cal. 4th 989, 1002 (2010)
- American Civil Rights Foundation v. Berkeley Unified School Dist., 172 Cal. App. 4th 207, 219 n.9 (2009)

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