

SUPREME COURT OF ARIZONA

JANICE K. BREWER, Governor of) Arizona Supreme Court
the State of Arizona, in her) No. CV-09-0168-SA
official capacity,)
)

Petitioner,)
)

v.)
)

ROBERT BURNS, individually and)
as President, Arizona State)
Senate; KIRK ADAMS, individually)
and as Speaker, Arizona House of)
Representatives; The ARIZONA)
STATE SENATE; The ARIZONA HOUSE)
OF REPRESENTATIVES; and CHARMION)
BILLINGTON, individually and as)
Secretary of the Arizona State)
Senate,)
)

Respondents.)
)
)
)

O R D E R

The Court having heard oral argument on June 23, 2009,
concerning the above captioned case,

IT IS ORDERED accepting jurisdiction of the Petition for Special
Action.

The Governor has requested that this Court "compel the Arizona
Legislature to present to her for her consideration under article 5,
section 7 of the Arizona Constitution, the proposed fiscal year 2010

budget as duly passed by the Arizona Legislature on June 4, 2009, and contained in Senate Bill 1188 ("General Appropriations Bill"); Senate Bill 1027, Senate Bill 1028, Senate Bill 1029, Senate Bill 1031, Senate Bill 1035, Senate Bill 1036, Senate Bill 1145, Senate Bill 1187, and Senate Bill 1258 ("Budget Reconciliation Bills") by 5:00 p.m. today.


The Arizona Constitution directs that "[e]very measure when finally passed shall be presented to the governor for his approval or disapproval." Ariz. Const. art. 4, pt. 2, § 12. The Court concludes that, after the Legislature finally passes a bill, the Legislature cannot delay presenting it to the Governor beyond that time needed to complete required ministerial duties.

Presentment of the bills involved in this matter did not occur within the time mandated by the Arizona Constitution. This case, however, comes to us under unique circumstances.

The issue presented is one of first impression and involves a good-faith dispute between coordinate branches of government about their respective roles in Arizona's lawmaking process. Indeed, we cannot know whether the Legislature would have passed the bills when it did had it anticipated our decision. The Legislature has committed to this Court that it will present the bills at issue to the Governor no later than June 30, 2009, only five working days from today. Under these unique circumstances, although we accept jurisdiction, in our discretion, we deny the relief requested.

An Opinion fully explaining the reasoning of the Court will follow.

DATED this 23rd day of June, 2009.


RUTH V. MCGREGOR
Chief Justice

TO:

Joseph A Kanefield, Office of the Governor
Gregrey G Jernigan, Arizona State Senate
Peter A Gentala, Arizona House of Representatives
David J Cantelme, Cantelme & Brown PLC

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