

Court to Hear Test of Governor's Veto Power

By PHILIP CARRIZOSA

SAN FRANCISCO — In an important test of the governor's powers, the California Supreme Court announced Friday that it will decide whether the governor has the power to partially veto bills that do not deal with appropriations of state money.

"Dynamite!" exclaimed legal aid attorney Peter Reid upon hearing of the court's decision. Reid and the Legal Aid Society of San Mateo are representing welfare recipients in a challenge to Gov. George Deukmejian's partial veto in June of SB 1379.

Under the Senate bill, recipients of Aid to Families with Dependent Children would receive benefits immediately upon application or not later than the first of the next month. Deukmejian vetoed a part of that bill so that the state could continue its current policy of waiting until AFDC applications are approved, a wait that can last up to 30 days.

1909 Case Cited

Under the California Constitution, the governor has the power to partially veto — or "blue pencil" — budgetary bills to reduce the amount of money appropriated by the Legislature. But the constitution makes no reference to the governor's power to eliminate only a part of non-budgetary bills.

Since the constitution does not give the governor partial veto power over non-appropriation bills, Deukmejian's veto was invalid and should be ignored, argue Reid and attorney Sarah Kurtz. The issue was settled, they say, in 1909 when the state Supreme Court ruled that the governor's partial veto power is limited to appropriation bills.

In that case, *Lukens v. Nye*, 156 Cal. 498, the court said, "In no other case is he empowered to modify or change the effect of a proposed law, or to do anything concerning it except to approve or disapprove it as a whole." That principle was recently reaffirmed in a 1979 case in which the court said the governor may not exercise "item vetoes" over non-budgetary bills.

The case, *Harbor v. Deukmejian*, S.F. 24837, was filed in the Court of Appeal in October after the state Department of Social Services announced that it considered Deukmejian's veto to be valid. The three-judge appeal court refused to hear the case, but all six justices present at the Supreme Court's weekly conference last week voted to hear the case. Justice Allen Broussard was on vacation.

According to Reid, the suit is one of three that has been filed over the starting date for AFDC benefits. Welfare recipients and the

California Welfare Rights Coalition have won favorable rulings in both of the other cases, he said.

Although the change in starting dates means a savings of \$9.7 million for the state each year, it also makes a enormous difference to poor families. According to one welfare recipient, Joyce Harbor, the changed date meant the difference between \$660 and \$180 a month when she first applied for AFDC aid last September.

REPRINTED AND DISTRIBUTED BY THE PRIMARY ORGANIZATIONAL PLAINTIFF OF THIS CASE:

Coalition of California Welfare
Rights Organizations
312 20th Street
Sacramento, CA 95814