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The State's Budget woes have taken a legal turn due to the \$489 million in line-item vetoes exercised by the Governor on July 28. After examining the cuts, Democratic leaders began to question the legality of the additional reductions. Democrats are claiming that "In the last six pages of the bill, they inserted special "control language" that did not replace the appropriation amounts from the February budget for social services. Instead, the language in the revision bill said the February amounts were "hereby reduced." They argue the constitution specifies that the governor can line-item veto [blue pencil] only appropriations, not reductions, and therefore, he is acting outside his authority."

Legislative Counsel was asked to issue an opinion on the legality of the Governor's blue pencil actions. On August 5, the Legislative Counsel Bureau concluded the Governor's actions were not a valid exercise of his constitutional authority. On August 7, Senate President pro Tem Darrell Steinberg announced in a press release that he will be filing a lawsuit against Governor Schwarzenegger. The lawsuit, which is expected to be filed this week in San Francisco superior court, will address the "governor's constitutional authority".

The Governor's Press Secretary fired back stating: "The Governor's constitutional authority to veto appropriations is unquestioned and will be upheld by the courts. Because the legislature failed to send him a balanced budget after months of debate the Governor was forced to make these difficult cuts." The governor said additional cuts were needed to provide the state a cash cushion in tough times after the state Assembly rejected about \$1.1 billion in possible revenues from local transportation funding and by allowing new offshore oil drilling. Senate Pro Tem Steinberg stated that restoring the Governor's cuts will be the legislature's first priority upon returning from summer recess on August 17.

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