

1 Prepared by the Court

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ENDORSED
FILED
San Francisco County Superior Court

JUN 01 2012

CLERK OF THE COURT
BY: ERICKA LARNAUTI
Deputy Clerk

8 **SUPERIOR COURT OF CALIFORNIA**

9 **County Of San Francisco**

10 Department No. 302

12 CALIFORNIA SCHOOL BOARDS
ASSOCIATION, et al,

13 Petitioners,

14 v.

15 STATE OF CALIFORNIA, et al,

16 Respondents.

No. CGC-11-514689

ORDER DENYING PETITION FOR WRIT
OF MANDATE

19 On March 28, 2012 a hearing was held on petitioners' claim that the 2011-12 budget bills
20 violated the minimum funding guarantee for public education required by Proposition 98. Prior
21 to the hearing I issued a tentative ruling denying petitioners' claim. At the hearing counsel on
22 both sides presented thoughtful and well-reasoned argument. Because of the great importance of
23 the issue, at the conclusion of the hearing I took the matter under submission so that I could do
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1 another full review of all of the parties' written and oral arguments. Having now completed that
2 review, I remain of the view that the petition should be denied for the reasons expressed in my
3 tentative ruling. Accordingly, with slight grammatical modifications, I now adopt that tentative
4 ruling as my order.

5 The petition is denied. Nothing in the language of Proposition 98 or its ballot materials
6 precludes the Legislature from assigning revenue to a special fund that previously had been
7 deposited in the general fund. Nor, if the Legislature does so, nothing in the language of
8 Proposition 98 or its ballot materials requires the Legislature to "rebench" that revenue for
9 purposes of Test 1.

10 IT IS SO ORDERED.

11 Dated: May 31, 2012

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14 Harold Kahn
Superior Court Judge

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Superior Court of California
County of San Francisco

CALIFORNIA SCHOOL BOARDS ASSOCIATION,
et al,

Petitioner(s)

vs.

STATE OF CALIFORNIA, et al,

Respondent(s)

Case Number: CGC-11-514689

CERTIFICATE OF MAILING
(CCP 1013a (4))

I, Ericka Larnauti, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On June 1, 2012, I served the attached ORDER DENYING PETITION FOR WRIT OF MANDATE by placing a copy thereof in a sealed envelope, addressed as follows:

DANIEL J. POWELL
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and, I then placed the sealed envelopes in the outgoing mail at 400 McAllister Street, San Francisco, CA. 94102 on the date indicated above for collection, attachment of required prepaid postage, and mailing on that date following standard court practices.

Dated: June 1, 2012

T. Michael Yuen, Clerk

By:

A handwritten signature in black ink, appearing to read 'Ericka Larnauti', written over a horizontal line.

Ericka Larnauti, Deputy Clerk