ASSEMBLY BILL No. 2544

Introduced by Assembly Member Isenberg

January 19, 1994

An act to amend Sections 27361, 29550, 68073, 68542.5, 76000, and 76104.5 of, to add Sections 77006.5 and 77302 to, to repeal and add Section 77205 of, and to repeal Sections 68206, 77200, 77202, 77204, 77205.3, 77206, 77300, and 77301 of, the Government Code, to amend Sections 1463.001 and 1464 of, and to repeal Section 1463.003 of, the Penal Code, and to amend Sections 40611 and 42007 of, and to repeal Section 42007.1 of, the Vehicle Code, relating to trial court funding, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2544, as introduced, Isenberg. Trial court funding.

(1) Existing law specifies the responsibilities of the counties and the state for the financing of the trial courts.

This bill would define trial court funding and provide that commencing July 1, 1994, the boards of supervisors of the various counties shall only provide funding for those functions of the trial courts not provided for in the state budget, as specified, and would declare the intent of the Legislature in this regard. The bill would also eliminate the transfer of certain fees to the Controller for deposit in the General Fund, and provide instead for the deposit of those fees in the county general fund. The bill also would require the board of supervisors to submit proposed plans for courthouse construction or remodeling to the judges affected before beginning construction.

(2) Existing law establishes a penalty assessment of $7 for every $10 of each fine, forfeiture, or penalty imposed for a

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criminal offense other than a parking violation, establishes a penalty assessment of $2.50 for parking offenses, authorizes a 50¢ penalty assessment for every $7 of each fine, forfeiture, or penalty for a criminal offense other than a parking violation, to be used by the counties for DNA identification systems, and provides for the distribution of those penalty assessments.

This bill would increase the penalty assessment for non-parking offenses to $10 for every $10 of fine, forfeiture, or penalty, and require 30% thereof to be deposited in the county treasury. The bill would also eliminate provisions requiring $1 of the parking penalty assessment to be transferred to the Controller for deposit in the General Fund. The bill would also decrease the DNA penalty assessment authorized from 50¢ for each $7 of fine, forfeiture, or penalty to 50¢ for each $10 of fine, forfeiture, or penalty.

(3) Existing law requires each county to contribute a specified portion of the salary of a superior court judge, and provides for each option county under the Brown-Presley Trial Court Funding Act to receive a supplemental block grant equal to the salary of each municipal and justice court judge in the county.

This bill would eliminate those provisions.

(4) Under existing law, a county pays specified expenses of a trial court judge serving on assignment in the county.

This bill would eliminate the county's obligation for paying these expenses.

(5) Existing law specifies the intent of the Legislature to increase trial court funding, as specified; provides for block grant funding for trial courts on a county option basis; specifies the number of judicial officers in a county for the determination of trial court block grant funding, and specifies the duties of option counties beginning in the 1989–90 fiscal year.

This bill would repeal those provisions and require for the 1994–95 fiscal year and thereafter that the trial courts shall negotiate for the delivery of services shared by the courts with county agencies. The bill would also require the Judicial Council to adopt rules governing trial court management, and would authorize the Controller to audit county reports regarding trial court operations.

(6) Existing law provides for the transfer to the Judicial Council of specified funds appropriated for judges serving on assignment; and specifies that the decision by a county to opt under the Brown-Presley Trial Court Funding Act constitutes an agreement by the county raising the state appropriation limit and lowering that of the county commensurately.

This bill would repeal those provisions, and set forth the obligations of the counties and the courts with respect to trial court operations.

(7) Existing law provides for the distribution of fines, forfeitures, and penalties between the counties and the state.

This bill would revise that distribution.

(8) Existing law imposes a state penalty assessment of $10 for every $10 of each fine, forfeiture, or penalty other than parking offenses.

This bill would reduce this state penalty assessment from $10 for every $10 of each fine, forfeiture, or penalty other than parking offenses to $7 for every $10 thereof, and eliminate the deposit of 30% of these penalty assessments to the General Fund.

(9) Existing law establishes a $10 transaction fee upon proof of correction of specified Vehicle Code violations, and provides for the distribution of those fees.

This bill would eliminate the portion of those fees to be deposited in the State Penalty Fund and provide for a commensurate increase in the portion to be deposited in the county general fund.

(10) Existing law requires a court to collect a fee from each person ordered or permitted to attend a traffic violator school in the amount of the total bail for the offense involved plus $24.

This bill would eliminate the requirement that these fees be deposited in the General Fund and State Courthouse Construction Fund, which requirement would otherwise be repealed by it own terms on January 1, 1997.

(11) The bill would impose a state-mandated local program by expanding the duties of local officials.

(12) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish

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procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(13) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ⅔. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares that, since 1991, it has been the policy of the state to examine the operation and financing of superior, municipal, and justice courts in light of the need to reexamine and reconstruct the roles of each branch of government.

(b) It is also the policy of the state that the funding of trial court operations is most logically a candidate for state funding and that the state will progressively increase its share of funding and will achieve savings in court operations costs through the enactment of administrative efficiencies.

(c) The Legislature further finds that it is the policy of the state to create a judicial branch budgeting system that protects the independence of the judiciary and optimizes local trial court control and responsibility, while preserving financial accountability to the overall state budget.

(d) The Legislature further finds that, pursuant to these policies, courts are making a transition from budgeting through the counties to becoming a direct part of the state's annual budget.

(e) The Legislature declares its intent to do each of the following:

(1) Beginning in the 1994–95 fiscal year, to include the funding for the various functions of trial court operations specifically as line item allocations in the Budget Act as part of the judicial branch budget.

(2) To require progressively more careful identification of the costs of services obtained by the

courts from county agencies, and where it is agreed that the services should continue to be obtained from the county, the negotiation of agreements about the continued provision of those services at agreed costs.

(3) Through enactment of this act, to enable the transition to full state funding of the trial courts.

SEC. 2. Section 27361 of the Government Code is amended to read:

27361. (a) The fee for recording and indexing every instrument, paper, or notice required or permitted by law to be recorded is four dollars ($4) for recording the first page and three dollars ($3) for each additional page, except the recorder may charge additional fees as follows:

(1) If the printing on printed forms is spaced more than nine lines per vertical inch or more than 22 characters and spaces per inch measured horizontally for not less than 3 inches in one sentence, the recorder shall charge one dollar ($1) extra for each page or sheet on which printing appears excepting, however, the extra charge shall not apply to printed words which are directive or explanatory in nature for completion of the form or on vital statistics forms. Fees collected under this paragraph are not subject to subdivision (b) or (c).

(2) If a page or sheet does not conform with the dimensions described in subdivision (a) of Section 27361.5, the recorder shall charge three dollars ($3) extra per page or sheet of the document. The extra charge authorized under this paragraph shall be available solely to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in each county's system of recorded documents. Fees collected under this paragraph are not subject to subdivision (b) or (c).

(b) ~~One dollar ($1) of each three dollar ($3) fee for each additional page shall be transmitted by the county auditor monthly to the Controller and deposited in the General Fund.~~

~~(c)~~ One dollar ($1) for recording the first page and one dollar ($1) for each additional page shall be available solely to support, maintain, improve, and provide for the

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full operation for modernized creation, retention, and retrieval of information in each county's system of recorded documents.

SEC. 3. Section 29550 of the Government Code is amended to read:

29550. (a) Notwithstanding any other provision of law, a county may impose a fee upon a city, special district, school district, community college district, college, or university for reimbursement of county expenses incurred with respect to the booking or other processing of persons arrested by an employee of that city, special district, school district, community college district, college, or university, where the arrested persons are brought to the county jail for booking or detention. The fee imposed by a county pursuant to this section shall not exceed the actual administrative costs, including applicable overhead costs as permitted by federal Circular A-87 standards, as defined in subdivision (d), incurred in booking or otherwise processing arrested persons. A county may submit an invoice to a city, special district, school district, community college district, college, or university for these expenses incurred by the county on and after July 1, 1990. Counties shall fully disclose the costs allocated as federal Circular A-87 overhead.

(b) (1) Notwithstanding subdivision (a), a city, special district, school district, community college district, college, or university shall not be charged fees for arrests on any bench warrant for failure to appear in court, nor on any arrest warrant issued in connection with a crime not committed within the entity's jurisdiction.

(2) Notwithstanding subdivision (a), a city, special district, school district, community college district, college, or university shall not be charged fees for a person who is ordered by a court to be remanded to the county jail except that a county may charge a fee to recover those direct costs for those functions required to book a person pursuant to subdivision (g) of Section 853.6 of the Penal Code.

(3) Notwithstanding subdivision (a), a city, special district, school district, community college district, college, or university shall not be charged fees for arrests made pursuant to arrest warrants originating outside of its jurisdiction.

(4) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college, college, or university on parole violation arrests or probation-ordered returns to custody, unless a new charge has been filed for a crime committed in the jurisdiction of the arresting city, district, college, or university.

(5) An agency making a mutual aid request shall pay fees that result from arrests made in response to the mutual aid request except that in the event the Governor declares a state of emergency, no agency shall be charged fees for any arrest made during any riot, disturbance, or event that is subject to the declaration.

(6) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college, college, or university for the arrest of a prisoner who has escaped from a county, state, or federal detention or corrections facility.

(7) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college, college, or university for arrestees held in temporary detention at a court facility for purposes of arraignment when the arrestee has been previously booked at an entity detention facility.

(8) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college, college, or university as the result of an arrest made by its officer assigned to a formal multiagency task force in which the county is a participant. For the purposes of this section, "formal task force" means a task force that has been established by written agreement of the participating agencies.

(9) In those counties where the cities and the county participate in a consolidated booking program and where prior to arraignment an arrestee is transferred from a city

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detention facility to a county detention facility, the city shall not be charged for those tasks listed in subdivision (d) that are a part of the consolidated booking program which were completed by the city prior to delivering the arrestee to the county detention facility. However, the county may charge the actual administrative costs for those additional tasks listed in subdivision (d) that are performed in order to receive the arrestee into the county detention facility.

(c) Any county whose officer or agent arrests a person is entitled to recover from the arrested person a criminal justice administration fee for administrative costs it incurs in conjunction with the arrest if the person is convicted of any criminal offense related to the arrest. The fee which the county is entitled to recover pursuant to this subdivision shall not exceed the actual administrative costs, including applicable overhead costs incurred in booking or otherwise processing arrested persons. A judgment of conviction may contain an order for payment of the amount of the criminal justice administration fee by the convicted person, and execution may be issued on the order in the same manner as a judgment in a civil action, but the order shall not be enforceable by contempt. The court shall, as a condition of probation, order the convicted person, based on his or her ability to pay, to reimburse the county for the criminal justice administration fee including applicable overhead costs.

(d) As used in this section, "actual administrative costs" include only those costs for functions that are performed in order to receive an arrestee into a county detention facility. Operating expenses of the county jail facility including capitol costs and those costs involved in the housing, feeding, and care of inmates shall not be included in calculating "actual administrative costs." "Actual administrative costs" may include any one or more of the following as related to receiving an arrestee into the county detention facility:

(1) The searching, wristbanding, bathing, clothing, fingerprinting, photographing, and medical and mental

screening of an arrestee.

(2) Document preparation, retrieval, updating, filing, and court scheduling related to receiving an arrestee into the detention facility.

(3) Warrant service, processing, and detainer.

(4) Inventory of an arrestee's money and creation of cash accounts.

(5) Inventory and storage of an arrestee's property.

(6) Inventory, laundry, and storage of an arrestee's clothing.

(7) The classification of an arrestee.

(8) The direct costs of automated services utilized in paragraphs (1) to (7), inclusive.

(9) Unit management and supervision of the detention function as related to paragraphs (1) to (8), inclusive.

(e) An administrative screening fee of twenty-five dollars ($25) shall be collected from each person arrested and released on his or her own recognizance upon conviction of any criminal offense related to the arrest other than an infraction. A citation processing fee in the amount of ten dollars ($10) shall be collected from each person cited and released by any peace officer in the field or at a jail facility upon conviction of any criminal offense, other than an infraction, related to the criminal offense cited in the notice to appear. However, the court may determine a lesser fee than otherwise provided in this subdivision upon a showing that the defendant is unable to pay the full amount. All fees collected pursuant to this subdivision shall be ~~transmitted by the county auditor monthly to the Controller for deposit in the General Fund. This subdivision applies only to convictions occurring on or after the effective date of the act adding this subdivision and prior to June 30, 1996~~ *deposited in the general fund of the county.*

SEC. 4. Section 68073 of the Government Code is amended to read:

68073. ~~In~~ *(a) Until July 1, 1994, in* each county the board of supervisors shall provide suitable rooms for holding the superior, municipal, and justice courts, for

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the chambers of the judges of these courts and for court attendants, together with sufficient attendants, heat, light, furniture, furnishings, equipment, stationery, supplies, and other personal property, for the rooms and chambers and for the transaction of the business of the courts. Prior to the construction of new court facilities, the board of supervisors shall submit proposed plans to the judge or judges of the affected court for review and recommendation as to the adequacy and standard of design and such review and recommendation shall not be disregarded without reasonable grounds.

~~If the board of supervisors of any county does not provide suitable rooms for holding the superior, municipal, or justice courts, for the chambers of the judges of those courts and for the court attendants, together with sufficient attendants, furniture, furnishings, heat, light, equipment, stationery, supplies and other personal property, for such rooms and chambers and for transaction of business, the court shall give notice to the board of its particular needs. If the board then fails to provide anything necessary to the conduct of the court's functions, the court may direct the appropriate officers of the county to provide the same. The expenses incurred, certified by the judge or judges to be correct, are a charge against the county treasury, and shall be paid out of the General Fund.~~

(b) Commencing July 1, 1994, and each year thereafter, in each county the board of supervisors shall only provide funding for those functions of the trial courts not provided for in the state budget, including suitable rooms for holding the superior, municipal, and justice courts, and for the chambers of the judges of those courts together with furnishings and fixtures for the rooms and chambers.

(c) Prior to the construction of new court facilities or the alteration, remodeling, or relocation of existing court facilities, the board of supervisors shall submit proposed plans to the judge or judges of the court affected for review and recommendations as to the adequacy and standard of design, and that review and recommendation

may not be disregarded without reasonable grounds.

(d) This section shall not be construed as authorizing the county to supply to the official reporters of the courts Stenograph, Stenotype, or other shorthand machines; nor as authorizing the county to supply to the official reporters of the courts, for use in the preparation of transcripts, typewriters, transcribing equipment, supplies, or other personal property.

SEC. 5. Section 68206 of the Government Code is repealed.

~~68206. (a) Of the annual salary of each superior court judge the county for which he is elected or appointed shall pay the amount prescribed below and the remainder shall be paid by the state:~~

~~(1) Nine thousand five hundred dollars ($9,500) for a county of 250,000 or more.~~

~~(2) Seven thousand five hundred dollars ($7,500) for a county of more than 40,000 and less than 250,000.~~

~~(3) Five thousand five hundred dollars ($5,500) for a county of 40,000 or less.~~

~~(b) For each option county under the Brown/Presley Trial Court Funding Act, the state shall supplement the block grant for the 1989/90 fiscal year, and for each option year thereafter, by an amount equal to the annual salaries of each municipal and justice court judge in an option county, less the following amount per judge:~~

~~(1) Nine thousand five hundred dollars ($9,500) for a county of 250,000 or more.~~

~~(2) Seven thousand five hundred dollars ($7,500) for a county of more than 40,000 and less than 250,000.~~

~~(3) Five thousand five hundred dollars ($5,500) for a county of 40,000 or less.~~

~~(c) This section shall become operative on July 1, 1989.~~

SEC. 6. Section 68542.5 of the Government Code is amended to read:

68542.5. Any judge of a superior, municipal, or justice court ~~sitting~~ *serving* in another court in the same county under assignment by the Chairperson of the Judicial Council shall receive ~~from such county~~ the amount of actual and necessary traveling expenses incurred while

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traveling between home and the courtroom unless the courtrooms are within five miles of each other.

SEC. 7. Section 76000 of the Government Code is amended to read:

76000. (a) In each county there shall be levied an additional penalty of ~~seven dollars ($7)~~ *ten dollars ($10)* for every ten dollars ($10) or fraction thereof which shall be collected together with and in the same manner as the amounts established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except parking offenses subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code. These moneys shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1463 of the Penal Code.

The county treasurer shall deposit ~~those amounts specified by~~ *30 percent in the county general fund and shall deposit the remainder as specified by* the board of supervisors by resolution in one or more of the funds established pursuant to this chapter. However, deposits to these funds shall continue through whatever period of time is necessary to repay any borrowings made by the county on or before January 1, 1991, to pay for construction provided for in this chapter.

(b) In each authorized county, provided that the board of supervisors has adopted a resolution stating that the implementation of this subdivision is necessary to the county for the purposes authorized, with respect to each authorized fund established pursuant to Section 76100 or 76101, for every parking offense where a parking penalty, fine, or forfeiture is imposed, an added penalty of two dollars and fifty cents ($2.50) shall be included in the total penalty, fine, or forfeiture. Except as provided in subdivision (c), for each parking case collected in the courts of the county, the county treasurer shall place in each authorized fund two dollars and fifty cents ($2.50).

These moneys shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1462.3 or 1463.009 of the Penal Code. The judges of the county shall increase the bail schedule amounts as appropriate to reflect the added penalty provided for by this section. In those cities, districts, or other issuing agencies which elect to accept parking penalties, and otherwise process parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the added penalty provided for by this section. Each agency which elects to process parking violations shall pay to the county treasurer two dollars and fifty cents ($2.50) for each fund for each parking penalty collected on each violation which is not filed in court. Those payments to the county treasurer shall be made monthly, and the county treasurer shall deposit all those sums in the authorized fund. No issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges established in the resolution adopted pursuant to this chapter, except as otherwise agreed upon by the local governmental entities involved.

~~(c) The county treasurer shall transfer to the Controller one dollar ($1) of every two dollars and fifty cents ($2.50) deposited pursuant to subdivision (b). The Controller shall deposit these moneys which are received by him or her prior to January 1, 1997, in the General Fund. The Controller shall deposit these moneys which are received by him or her on or after January 1, 1997, in the State Courthouse Construction Fund.~~

SEC. 8. Section 76104.5 of the Government Code is amended to read:

76104.5. (a) For the purpose of assisting any county in the establishment of automated photographic or DNA (genetic fingerprint) identification systems, or any new technology in the county, the board of supervisors may establish in the county treasury a DNA Identification

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Fund into which shall be deposited the amounts specified in the resolutions adopted by the board of supervisors as authorized in accordance with this title, up to fifty cents ($0.50) for every ~~seven dollars ($7)~~ *ten dollars ($10)* collected pursuant to Section 76000. The moneys of the fund shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated photographic or DNA (genetic fingerprint) identification systems, or any new technology.

(b) The fund moneys described in subdivision (a), together with any interest earned thereon, shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. Deposits to the fund may continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

(c) For purposes of this section, "DNA (genetic fingerprint) identification system" means equipment, procedures, and methodologies compatible with and meeting the standards set for DNA testing by the Department of Justice pursuant to Section 290.2 of the Penal Code.

SEC. 9. Section 77006.5 is added to the Government Code, to read:

77006.5. As used in this chapter, "trial court funding" means the amount of state funds provided for the operation of the trial courts, as defined in Section 77003, appropriated in the Budget Act, and allocated or reallocated by the Trial Court Budgeting Commission created pursuant to Section 68502.5.

SEC. 10. Section 77200 of the Government Code is repealed.

~~77200. (a) Beginning with the 1994/95 fiscal year, it is the intent of the Legislature to increase trial court funding by an amount sufficient to fund 65 percent of the annual costs for court operations. It is the intent of the~~

~~Legislature that this funding shall increase to 70 percent for the 1995/96 fiscal year.~~

~~(b) In any year in which the amounts provided pursuant to this section are reduced, a county may reduce total expenditures for court operations by an amount up to, but not exceeding the total dollar amount of, the reduction to the county in state block grant funding.~~

~~(c) (1) Quarterly payments shall be transmitted by the Controller on or before the 25th day of that quarter, except that the quarterly apportionment shall be withheld from any county that is delinquent in making the full transfer of funds pursuant to Section 1463.001 of the Penal Code.~~

~~(2) Upon receipt of any delinquent payment, the Controller shall make the quarterly apportionment on or before the 25th day of the month following the month in which the delinquent payment was received from the county. The Controller shall calculate a penalty on any delinquent payment and that amount shall be deducted from the next quarterly apportionment. The penalty shall be calculated by multiplying the amount of the delinquent payment by the Pooled Money Investment Account rate at the end of the prior fiscal year.~~

~~(3) Before making any apportionments under this section, the Controller shall deduct, from the annual appropriation for that purpose, the estimated actual administrative costs that will be incurred under this section.~~

~~(4) Penalty amounts withheld under paragraph (2), up to the amount of administrative costs deducted from the annual appropriation pursuant to paragraph (3), shall be allocated to the counties in the same proportion as their annual allocations. The remainder of any such penalty amounts shall be deposited in the General Fund.~~

~~(d) (1) It is the intent of the Legislature that the state's share of funding for trial court operations shall be provided in block grants to the counties in the 1993/94 fiscal year only, and that thereafter it shall be included in the Budget Act as part of the judicial branch budget. Each option county shall receive a portion of the amount~~

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appropriated in the 1993/94 Budget Act for trial court operations as indicated in paragraph (2) of this subdivision.

(2) Each county shall receive a quarterly payment of one/fourth of the amount indicated below, as prescribed in paragraph (1) of subdivision (c).

(2) County	Amount
Alameda	$ 17,935,862
Alpine	235,424
Amador	348,927
Butte	1,535,392
Calaveras	390,598
Colusa	405,021
Contra Costa	8,094,313
Del Norte	427,196
El Dorado	1,507,455
Fresno	8,408,482
Glenn	425,439
Humboldt	1,510,058
Imperial	1,892,894
Inyo	534,154
Kern	7,872,900
Kings	1,348,550
Lake	717,730
Lassen	369,487
Los Angeles	112,566,467
Madera	1,259,834
Marin	2,707,106
Mariposa	296,291
Mendocino	1,585,779
Merced	1,927,582
Modoc	318,466
Mono	314,244
Monterey	4,704,847
Napa	1,371,625
Nevada	1,437,434
Orange	27,610,756
Placer	1,804,921
Plumas	301,222

Riverside	10,887,323
Sacramento	11,481,428
San Benito	367,021
San Bernardino	13,962,186
San Diego	25,504,286
San Francisco	10,587,030
San Joaquin	4,773,609
San Luis Obispo	2,336,736
San Mateo	6,123,666
Santa Barbara	4,500,833
Santa Clara	17,321,995
Santa Cruz	2,908,169
Shasta	1,991,069
Sierra	265,683
Siskiyou	930,043
Solano	3,685,788
Sonoma	4,157,042
Stanislaus	3,524,884
Sutter	926,746
Tehama	781,064
Trinity	290,667
Tulare	3,500,503
Tuolumne	655,106
Ventura	6,403,804
Yolo	1,992,471
Yuba	798,307
	//////////
Total	$352,824,000

(3) In addition to the allocation to San Mateo County in paragraph (2), a one/time allocation of eighty thousand dollars ($80,000) shall be granted to the superior courts of San Mateo County in the 1993/94 fiscal year if the presiding judge certifies to the Controller, prior to June 30, 1994, that the courts have commenced a family law pilot project pursuant to Title 5.7 (commencing with Section 1760) of Part 5 of Division 4 of the Civil Code.

(4) In addition to the allocation to Santa Clara County in paragraph (2), a one/time allocation of eighty

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thousand dollars ($80,000) shall be granted to the superior courts of Santa Clara County in the 1993/94 fiscal year if the presiding judge certifies to the Controller, prior to June 30, 1994, that the courts have commenced a family law pilot project pursuant to Title 5.7 (commencing with Section 4760) of Part 5 of Division 4 of the Civil Code.

(c) Funds accrued in the Trial Court Trust Fund during the 1993/94 fiscal year shall be allocated to each option county in the month of November of 1993, and in the months of February, May, and August of 1994.

(1) Except as provided in subdivision (f), the first one hundred forty million dollars ($140,000,000) in moneys allocated from the Trial Court Trust Fund shall be distributed in the following percentages to the following option counties:

County	Percentage Share of First $140 Million	Dollar Share of First $140 Million
Alameda	4.674%	6,543,871
Alpine	0.047%	66,023
Amador	0.086%	120,553
Butte	0.378%	530,475
Calaveras	0.095%	134,252
Colusa	0.100%	140,326
Contra Costa	2.171%	3,039,696
Del Norte	0.107%	150,368
El Dorado	0.394%	552,462
Fresno	2.160%	3,025,120
Glenn	0.107%	150,490
Humboldt	0.369%	517,918
Imperial	0.489%	684,784
Inyo	0.140%	195,957
Kern	2.066%	2,893,152
Kings	0.305%	427,330
Lake	0.173%	243,225
Lassen	0.089%	124,977
Los Angeles	33.381%	46,734,512
Madera	0.292%	409,072

Marin	0.745%	1,043,660
Mariposa	0.065%	92,294
Mendocino	0.316%	442,635
Merced	0.525%	735,737
Modoc	0.073%	102,337
Mono	0.071%	100,689
Monterey	1.210%	1,694,495
Napa	0.352%	493,630
Nevada	0.372%	521,438
Orange	8.558%	11,981,631
Placer	0.462%	647,533
Plumas	0.067%	94,942
Riverside	3.185%	4,459,429
Sacramento	4.159%	5,823,163
San Benito	0.088%	123,876
San Bernardino	3.582%	5,015,551
San Diego	7.185%	10,060,031
San Francisco	3.217%	4,504,772
San Joaquin	1.199%	1,679,350
San Luis Obispo	0.603%	845,109
San Mateo	2.122%	2,971,624
Santa Barbara	1.205%	1,688,252
Santa Clara	4.501%	6,302,642
Santa Cruz	0.781%	1,094,726
Shasta	0.520%	728,327
Sierra	0.056%	79,301
Siskiyou	0.212%	297,748
Solano	0.966%	1,352,982
Sonoma	1.137%	1,591,998
Stanislaus	0.890%	1,247,158
Sutter	0.240%	336,151
Tehama	0.190%	265,940
Trinity	0.064%	90,312
Tulare	0.872%	1,221,791
Tuolumne	0.154%	216,635
Ventura	1.683%	2,357,177
Yolo	0.522%	730,897
Yuba	0.199%	279,263

(2) The subsequent thirty-five million dollars

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~~($25,000,000) shall be distributed in the following percentages to the following option counties:~~

~~County~~	~~Percentage Share After 1/10 Million~~
~~Alameda~~	~~4.9051~~
~~Alpine~~	~~0.0335~~
~~Amador~~	~~0.0776~~
~~Butte~~	~~0.2847~~
~~Calaveras~~	~~0.0610~~
~~Colusa~~	~~0.0515~~
~~Contra Costa~~	~~2.2785~~
~~Del Norte~~	~~0.0826~~
~~El Dorado~~	~~0.3771~~
~~Fresno~~	~~1.4806~~
~~Glenn~~	~~0.0816~~
~~Humboldt~~	~~0.3409~~
~~Imperial~~	~~0.3949~~
~~Inyo~~	~~0.0925~~
~~Kern~~	~~1.7519~~
~~Kings~~	~~0.2429~~
~~Lake~~	~~0.1483~~
~~Lassen~~	~~0.0714~~
~~Los Angeles~~	~~35.0206~~
~~Madera~~	~~0.2024~~
~~Marin~~	~~0.7350~~
~~Mariposa~~	~~0.0421~~
~~Mendocino~~	~~0.2850~~
~~Merced~~	~~0.3536~~
~~Modoc~~	~~0.0396~~
~~Mono~~	~~0.0463~~
~~Monterey~~	~~0.8531~~
~~Napa~~	~~0.2963~~
~~Nevada~~	~~0.2361~~
~~Orange~~	~~8.9812~~
~~Placer~~	~~0.4294~~
~~Plumas~~	~~0.0937~~
~~Riverside~~	~~3.3426~~
~~Sacramento~~	~~4.3618~~
~~San Benito~~	~~0.0691~~

~~San Bernardino~~	~~3.0247~~
~~San Diego~~	~~7.5407~~
~~San Francisco~~	~~3.3766~~
~~San Joaquin~~	~~1.2588~~
~~San Luis Obispo~~	~~0.6246~~
~~San Mateo~~	~~2.2274~~
~~Santa Barbara~~	~~1.2245~~
~~Santa Clara~~	~~4.3281~~
~~Santa Cruz~~	~~1.0644~~
~~Shasta~~	~~0.4299~~
~~Sierra~~	~~0.0416~~
~~Siskiyou~~	~~0.1162~~
~~Solano~~	~~0.8483~~
~~Sonoma~~	~~1.0685~~
~~Stanislaus~~	~~0.9348~~
~~Sutter~~	~~0.1916~~
~~Tehama~~	~~0.1521~~
~~Trinity~~	~~0.0793~~
~~Tulare~~	~~0.8448~~
~~Tuolumne~~	~~0.2248~~
~~Ventura~~	~~1.5669~~
~~Yolo~~	~~0.4273~~
~~Yuba~~	~~0.1445~~

~~(3) All moneys deposited in the Trial Court Trust Fund in excess of one hundred seventy/five million dollars ($175,000,000) shall be transferred to the Trial Court Improvement Fund and shall be allocated to the trial courts by the Trial Court Budget Commission as approved by the Judicial Council.~~

~~(f) To the extent a county has elected to devote a proportion of filing fee moneys greater than that established in fiscal year 1991/92 to a purpose specified in subdivision (d) of Section 68085 in excess of the three/dollar ($3) allocation originally permitted for alternate dispute resolution services, that county shall certify to the Controller on November 1, February 1, May 1, and August 1 of each year the additional amounts so devoted for the preceding quarter. The Controller shall then deduct the amount certified by the county from the~~

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payment specified in subdivision (c). The amount offset shall be redistributed to all counties in accordance with subdivision (c) by the Controller. Should an affected county be delinquent in certifying to the Controller, the payment specified in subdivision (c) shall be withheld until the certification is received.

(g) In no event shall the total of the quarterly payments to an option county exceed 100 percent of the annual expenditures for court operations of the county as determined by the Judicial Council and reported to the Controller. The Judicial Council shall submit to the Controller a report on the annual expenditures on or before December 1 following each fiscal year. The Controller shall deduct the amount in excess of 100 percent from the subsequent quarterly apportionment.

SEC. 11. Section 77202 of the Government Code is repealed.

77202. The number of judges, court commissioners, and referees for the purpose of calculating the block grant for a county shall be as follows:

(a) The number of superior and municipal court judges for purposes of calculating the block grant shall be those authorized by Section 4 of Article VI of the California Constitution and those authorized by statute. For purposes of this chapter, a judgeship created upon the adoption of a resolution by the board of supervisors shall be deemed to be "authorized by statute" beginning with the fiscal quarter next following the adoption of that resolution.

(b) The number of justice court judges for purposes of calculating the block grant shall be the number of positions in effect on January 1, 1988, as revised thereafter by statute. However, the block grant for a part/time justice court shall be prorated according to the percentage of the workload as compared to the workload of a full/time court, as determined by the Judicial Council.

(c) The number of subordinate judicial officers for purposes of calculating the block grant shall be the number of full/time equivalent court commissioners and

referees authorized by statute, funded, filled, and reported to the Judicial Council on or before January 1, 1987, plus any such positions thereafter created on or before October 1, 1987, plus any such positions specifically authorized by statute taking effect after January 1, 1988, funded, filled, and reported to the Judicial Council.

SEC. 12. Section 77204 of the Government Code is repealed.

77204. Beginning with the 1989/90 fiscal year, an option county shall: (a) appropriate and authorize for expenditure each fiscal year for court operations an amount not less than the amount appropriated for court operations for the first full fiscal year in which the county is an option county, as adjusted each fiscal year by the percentage determined pursuant to Section 77201 for adjustment of the block grant; (b) provide the trial courts with at least the same proportionate level of indirect services as was provided in the 1986/87 fiscal year; (c) fulfill its shared financial and other obligations pursuant to Section 68073 of the Government Code; and (d) provide for judicial arbitration and court mediation and conciliation services at a level of service at least proportionate to the number of cases filed subject to such programs in the 1986 /87 fiscal year.

SEC. 13. Section 77205 of the Government Code is repealed.

77205. (a) An option county shall receive block grant disbursement from the state quarterly.

(b) The Judicial Council shall provide for the transmission of summary information concerning court revenues and expenditures to the Controller for inclusion in the Controller's annual report.

(c) Regulations, rules, and reporting requirements adopted pursuant to the provisions of this chapter shall be exempt from review and approval or other processing by the Office of Administrative Law as provided for in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3.

(d) The Controller shall perform and publish financial

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~~and compliance audits of the reports submitted by option counties under this chapter for the first full fiscal year for each county opting under this chapter. The Controller shall report the results of these audits to the Legislature.~~

SEC. 14. Section 77205 is added to the Government Code, to read:

77205. (a) For the 1994–95 fiscal year and each year thereafter, the courts and counties shall negotiate mutually agreeable arrangements to fund the delivery of services which will continue to be shared by the courts and other entities after July 1, 1996, including, but not limited to, mainframe computers, courthouse security, utilities, purchasing, stores, auditing, payroll, communications, and records storage.

(b) Any court which does not have an agreement pursuant to subdivision (a) may provide such services internally or may make contracts and agreements with any entity for provision of those services.

(c) The Judicial Council shall adopt appropriate rules for recordkeeping, accounting, budget submission, budget management, and reporting by each court, in order to determine all moneys collected by the county and the courts, including filing fees, fines, forfeitures, and penalties, and all expenditures relating to court operations.

(d) The Controller, at the request of the Legislature or the Judicial Council, may perform and publish financial and fiscal compliance audits of the reports submitted by counties under this chapter. The Controller shall report the results of these audits to the Legislature.

SEC. 15. Section 77205.3 of the Government Code is repealed.

~~77205.3. Amounts appropriated in the annual Budget Act for assigned judges shall be transferred to the Judicial Council on a monthly basis. The Judicial Council shall certify the amount expended for judicial assignment purposes monthly, and the Controller shall transfer to the Judicial Council the amount certified. The amounts so transferred by the Controller shall be credited to the appropriation available to the Judicial Council in~~

~~augmentation of the Budget Act.~~

SEC. 16. Section 77206 of the Government Code is repealed.

~~77206. A decision by an option county to opt into the system constitutes an agreement by the county that the appropriations limit of the state shall be increased and the appropriations limit of the county shall be decreased, by the amount specified below during the period of participation, to reflect the transfer to the state of financial responsibility for court services funded by the proceeds of taxes. The change in the appropriations limits shall be determined by the Department of Finance for the county's initial year of participation. The amount of the transfer shall be equal to the net amount of increased state funding, considering the increased funding for block grants and judges' salaries offset by reduced funding for trial court mandates and superior court sixty thousand dollar ($60,000) block grants. For counties whose initial year of participation is the 1988/89 fiscal year, the Department of Finance shall determine the additional amount of appropriations limit to be transferred from the counties to the state in the 1989/90 fiscal year to reflect full/year program funding. If the option county ceases to participate, the appropriations limits of the county and state shall revert to the amounts that would have been applicable if no adjustment had been made under this section.~~

SEC. 17. Section 77300 of the Government Code is repealed.

~~77300. (a) An option county shall notify the state of its decision to opt into the system for a specific fiscal year, on or before March 1 of the preceding fiscal year.~~

~~The Director of Finance shall advise the chairpersons of the legislative fiscal committees and the chairperson of the Joint Legislative Budget Committee by March 15 of each year regarding those counties which have notified the state of their decision to opt into the system for the succeeding fiscal year.~~

~~(b) However, a county which has reached its constitutional spending limit pursuant to Article XIII B of~~

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~~the California Constitution may notify the state of its decision to opt into the system after a successful override election allowing the county to utilize state funding for local trial courts, to be effective commencing with the next quarter following notification.~~

~~Nothing in this chapter shall be construed to prohibit the state and an option county, by mutual agreement between the Director of Finance and the parties signing the option resolution, from entering into a two/year option term.~~

~~By accepting state funding of trial courts, the county agrees to perform all duties and provide services required by this chapter and all other provisions of law.~~

SEC. 18. Section 77301 of the Government Code is repealed.

~~77301. A county shall notify the state of its decision to opt into the system by transmitting to the Controller a resolution, agreeing without qualification or condition to be bound by the provisions of this chapter in consideration for state funding of trail courts in that county.~~

~~The resolution shall be signed by the chairperson of the board of supervisors, the presiding judge of the superior court, and the presiding judge of the municipal court district in which the county seat is located, if there is a municipal court, or if there is no such municipal court district, the judge of the justice court district in which the county seat is located, and shall certify that a majority of each of the board of supervisors, the judges of the superior court, and the judges of the municipal and justice courts in the county requests state funding. However, in a county having only one superior court judge, no municipal court judge, and only one justice court judge who serves one/fifth time, as determined by the Judicial Council, only the superior court judge may so sign and certify for the judges of the county.~~

~~The option notification for the second half of the 1988/89 fiscal year shall be deemed effective on January 1, 1989. In subsequent years, the option notification shall become effective for the full fiscal year on the July 1~~

~~following notification, if sufficient moneys have been appropriated in the Budget Act for the fiscal year to adequately fund the program.~~

SEC. 19. Section 77302 is added to the Government Code, to read:

77302. The following provisions shall govern relationships between the counties, the trial courts, and the trial court personnel through June 30, 1995:

(a) Unless otherwise agreed between a court and the county:

(1) The county shall continue to administer payroll and workers' compensation functions, as well as judicial and nonjudicial employee benefit programs to the extent those activities were administered by the county prior to June 1, 1994. Municipal court judges, including those who formerly served as justice court judges, shall continue to have at least the same entitlements to benefits as they had on June 30, 1994.

(2) The trial courts and the county shall continue to fund, provide mutual access to, and allow use of all equipment, furnishings, and facilities used by the courts in the same proportion as that provided prior to June 1, 1994.

(3) The sheriff and marshal shall continue to provide security services for the court proportionate to that provided prior to June 1, 1994.

(b) Unless otherwise agreed between a court and the employees working in the court, any memorandum of understanding or salary ordinance governing economic or noneconomic benefits executed prior to June 1, 1994, and effective on or after July 1, 1994, shall continue in effect.

(c) No employee or judge of a court shall have any salary or benefits reduced solely by reason of the enactment of this section.

SEC. 20. Section 1463.001 of the Penal Code is amended to read:

1463.001. All fines and forfeitures imposed and collected for crimes other than parking offenses resulting from a filing in a court shall as soon as practicable after

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receipt thereof, be deposited with the county treasurer, and each month the total fines and forfeitures which have accumulated within the past month shall be distributed, as follows:

(a) The state penalties, county penalties, special penalties, service charges, and penalty allocations shall be transferred to the proper funds as required by law.

(b) The base fines shall be distributed, as follows:

(1) Any base fines which are subject to specific distribution under any other section shall be distributed to the specified funds of the state or local agency.

(2) Any amount due to the county which is collected pursuant to Section 1203.1, but excluding fees to cover the actual cost of formal probation, shall be ~~divided between the state and county, with 75 percent transferred to the General Fund and 25 percent~~ transferred to the proper funds of the county.

(3) ~~Of base fines resulting from county arrest not included in paragraph (1), 25 percent shall be transferred into the proper funds of the county, and 75 percent shall be transferred to the General Fund. In any fiscal year that a county does not remit to the General Fund an amount equal to the amount transmitted during the 1992/93 fiscal year, that county shall make a payment from county funds equal to the difference to the General Fund by October 1 of the subsequent fiscal year.~~

~~(A)~~ Of base fines resulting from city arrests not included in paragraph (1), an amount equal to the applicable county percentages set forth in Section 1463.002, as modified by Section 1463.28, shall be ~~divided between the state and county, with 75 percent~~ transferred to ~~the General Fund and 25 percent transferred into~~ the proper funds of the county. ~~In any fiscal year that a county does not remit to the General Fund an amount equal to the amount transmitted during the 1992/93 fiscal year, that county shall make a payment from county funds equal to the difference to the General Fund by October 1 of the subsequent fiscal year.~~ The remainder of base fines resulting from city arrests shall be ~~divided between each city and the state, with 50 percent~~ deposited to the General Fund, and 50 percent deposited to the treasury of the appropriate city.

~~(5)~~

(4) In a county that had an agreement as of March 22, 1977, that provides for city fines and forfeitures to accrue to the county in exchange for sales tax receipts, of base fines resulting from city arrests not included in paragraph (1), 50 percent shall be deposited to the General Fund, and 50 percent shall be deposited into the proper funds of the county.

(c) Each county shall keep a record of its deposits to its treasury and its transmittal to each city treasury pursuant to this section, and shall provide these records upon request to the Controller.

(d) Any amounts required to be distributed to the state pursuant to this section shall be remitted to the Controller no later than 45 days after the end of the month in which such fines and forfeitures were collected. This remittance shall be accompanied by a remittance advice identifying the collection month and the appropriate account in the General Fund to which it is to be deposited. ~~Any remittance which is not made in accordance with this section shall be considered delinquent and subject to subdivision (e) of Section 77200 of the Government Code.~~

~~(e) In the event that the percentage of revenues payable to the General Fund from violations of any of the provisions of the Fish and Game Code or any regulation adopted pursuant thereto, or any other law providing for the protection or preservation of birds, mammals, fish, reptiles or amphibia, is reduced by operation of law to a percentage lower than that payable to the state during the 1991/92 fiscal year, each county shall increase its transmittal to the General Fund from its share of fines and forfeitures pursuant to subdivision (b) by an amount equal to the reduction in its transmittal to the General Fund.~~

~~(f)~~

(e) The distribution specified in subdivision (b) applies to all funds subject thereto distributed on or after

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July 1, 1992, regardless of whether the court has elected to allocate and distribute funds pursuant to Section 1464.8.

SEC. 21. Section 1463.003 of the Penal Code is repealed.

~~1463.003. The maximum amount of the fines and forfeitures which may be retained in the 1991/92 fiscal year by a county under this chapter shall be calculated by computing the amount of fines and forfeitures retained by the county in the 1990/91 fiscal year, plus an amount equal to 5 percent. All moneys in excess of 25 percent of that total amount shall be transferred on a monthly basis to the General Fund.~~

~~With respect to any city in existence on July 1, 1990, the maximum amount of the fines and forfeitures which may be retained in the 1991/92 fiscal year by a city under this chapter shall be calculated by computing the amount of nonparking fines and forfeitures retained by the city in the 1990/91 fiscal year plus an amount equal to 5 percent. All moneys in excess of 50 percent of that total amount shall be transferred on a monthly basis to the General Fund.~~

SEC. 22. Section 1464 of the Penal Code is amended to read:

1464. (a) Subject to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, there shall be levied a state penalty, in an amount equal to ~~ten dollars ($10)~~ *seven dollars ($7)* for every ten dollars ($10) or fraction thereof, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses, except parking offenses as defined in subdivision (i) of Section 1463, involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code. Any bail schedule adopted pursuant to Section 1269b may include the necessary amount to pay the state penalties established by this section and Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code for all matters where a personal appearance is not mandatory and the bail is posted primarily to guarantee payment of the fine.

(b) Where multiple offenses are involved, the state penalty shall be based upon the total fine or bail for each case. When a fine is suspended, in whole or in part, the state penalty shall be reduced in proportion to the suspension.

(c) When any deposited bail is made for an offense to which this section applies, and for which a court appearance is not mandatory, the person making the deposit shall also deposit a sufficient amount to include the state penalty prescribed by this section for forfeited bail. If bail is returned, the state penalty paid thereon pursuant to this section shall also be returned.

(d) In any case where a person convicted of any offense, to which this section applies, is in prison until the fine is satisfied, the judge may waive all or any part of the state penalty, the payment of which would work a hardship on the person convicted or his or her immediate family.

(e) After a determination by the court of the amount due, the clerk of the court shall collect the penalty and transmit it to the county treasury. The portion thereof attributable to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code shall be deposited in the appropriate county fund and the balance shall then be transmitted to the State Treasury ~~; with 70 percent to be deposited~~ *for deposit in* the State Penalty Fund, which is hereby created ~~; and 30 percent to remain on deposit in the General Fund~~. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

(f) The moneys so deposited in the State Penalty Fund shall be distributed as follows:

(1) Once a month there shall be transferred into the Fish and Game Preservation Fund an amount equal to 0.33 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month, except that the total amount shall not be less than the state penalty levied on fines or forfeitures for violation of state laws relating to the protection or propagation of fish and

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game. These moneys shall be used for the education or training of department employees which fulfills a need consistent with the objectives of the Department of Fish and Game.

(2) Once a month there shall be transferred into the Restitution Fund an amount equal to 32.02 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. Those funds shall be made available in accordance with subdivision (b) of Section 13967 of the Government Code.

(3) Once a month there shall be transferred into the Peace Officers' Training Fund an amount equal to 23.99 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(4) Once a month there shall be transferred into the Driver Training Penalty Assessment Fund an amount equal to 25.70 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(5) Once a month there shall be transferred into the Corrections Training Fund an amount equal to 7.88 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. Money in the Corrections Training Fund is not continuously appropriated and shall be appropriated in the Budget Act.

(6) Once a month there shall be transferred into the Local Public Prosecutors and Public Defenders Training Fund established pursuant to Section 11503 an amount equal to 0.78 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. The amount so transferred shall not exceed the sum of eight hundred fifty thousand dollars ($850,000) in any fiscal year. The remainder in excess of eight hundred fifty thousand dollars ($850,000) shall be transferred to the Restitution Fund.

(7) Once a month there shall be transferred into the Victim-Witness Assistance Fund an amount equal to 8.64 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(8) (A) Once a month there shall be transferred into the Traumatic Brain Injury Fund, created pursuant to Section 4358 of the Welfare and Institutions Code, an amount equal to 0.66 percent of the state penalty funds deposited into the State Penalty Fund during the preceding month, until the amount deposited in the Traumatic Brain Injury Fund, as determined by the Department of Finance, for any fiscal year equals five hundred thousand dollars ($500,000). All moneys in excess of that amount shall be distributed pro rata pursuant to paragraphs (1) to (7), inclusive, and utilized in accordance with this subdivision.

(B) Any moneys deposited in the State Penalty Fund attributable to the assessments made pursuant to subdivision (i) of Section 27315 of the Vehicle Code on or after the date that Chapter 6.6 (commencing with Section 5564) of Part 1 of Division 5 of the Welfare and Institutions Code is repealed shall be utilized in accordance with paragraphs (1) to (8), inclusive, of this subdivision.

SEC. 23. Section 40611 of the Vehicle Code is amended to read:

40611. Upon proof of correction of an alleged violation of Section 12500 or 12951, or any violation cited pursuant to Section 40610, the clerk shall collect a ten dollar ($10) transaction fee for each case. The fee shall be deposited by the clerk in accordance with Section 68084 of the Government Code, and allocated monthly as follows:

(a) Thirty-three percent shall be transferred to the local governmental entity in whose jurisdiction the citation was issued for deposit in the general fund of the entity.

(b) ~~Thirty/four percent shall be transferred to the State Treasury for deposit in the State Penalty Fund established by Section 1464 of the Penal Code.~~

~~(c) Thirty/three~~ *Seventy-seven* percent shall be deposited in the county general fund.

SEC. 24. Section 42007 of the Vehicle Code is amended to read:

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42007. (a) The clerk of the court shall collect a fee from every person who is ordered or permitted to attend a traffic violator school pursuant to Section 42005 or who attends any other court-supervised program of traffic safety instruction. The fee shall be in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule *plus twenty-four dollars ($24)*. As used in this subdivision, "total bail" means the amount established pursuant to Section 1269b of the Penal Code in accordance with the Uniform Statewide Bail Schedule adopted by the Judicial Council, including all assessments, surcharges, and penalty amounts. Where multiple offenses are charged in a single notice to appear, the "total bail" is the amount applicable for the greater of the qualifying offenses. However, the court may determine a lesser fee under this subdivision upon a showing that the defendant is unable to pay the full amount.

The fee shall not include the cost, or any part thereof, of traffic safety instruction offered by the school or other program.

(b) Revenues derived from the fee collected under this section shall be deposited ~~in accordance with Section 68084 of the Government Code and allocated monthly as follows:~~

~~(1) Seventy/seven percent of the amount shall be deposited in the General Fund, except that effective January 1, 1992, 1% percent of the moneys transmitted under this paragraph shall be deposited in the State Courthouse Construction Fund.~~

~~(2) The remaining amount collected under subdivision (a) shall be deposited~~ in the general fund of the county, provided that in any county in which a fund is established pursuant to Section 76100 or 76101 of the Government Code, the sum of one dollar ($1) for each fund so established shall be deposited with the county treasurer and placed in that fund.

(c) As used in this section, "court-supervised program" includes, but is not limited to, any program of traffic safety instruction the successful completion of

which is accepted by the court in lieu of adjudicating a violation of this code.

(d) The Judicial Council shall study the minimum eligibility criteria governing drivers seeking to attend traffic violator's school, and report to the Legislature on the advisability of uniform statewide criteria on or before January 1, 1993.

(e) The clerk of the court, in a county that offers traffic school shall include in any courtesy notice mailed to a defendant for an offense that qualifies for traffic school attendance the following statement:

NOTICE: If you are eligible and decide not to attend traffic school your automobile insurance may be adversely affected.

SEC. 25. Section 42007.1 of the Vehicle Code is repealed.

~~42007.1. Notwithstanding Section 42007, on and after the effective date of this section to and including December 31, 1996.~~

~~(a) The fee collected by the clerk pursuant to subdivision (a) of Section 42007 shall be in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule plus twenty/four dollars ($24).~~

~~(b) The fee revenues shall be allocated as follows rather than as specified in subdivision (b) of Section 42007.~~

~~(1) Twenty/four dollars ($24) of each fee collected shall be deposited in the General Fund.~~

~~(2) Seventy/seven percent of the remaining amount shall be deposited in the General Fund, except that 1% percent of the revenues allocated pursuant to this paragraph from fees received on or after January 1, 1992, shall be deposited in the State Courthouse Construction Fund.~~

~~(3) The remaining amount collected under subdivision (a) of Section 42007 shall be allocated as provided in paragraph (2) of subdivision (b) of Section 42007.~~

~~This section shall remain effect until January 1, 1997,~~

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~~and on that date is repealed, unless a later enacted statute, which is enacted before January 1, 1997, deletes or extends that date.~~

SEC. 26. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 27. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide adequate trial court funding for the 1994–95 fiscal year, it is necessary that this act take effect immediately.

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AMENDED IN ASSEMBLY MARCH 3, 1994

CALIFORNIA LEGISLATURE—1993–94 REGULAR SESSION

ASSEMBLY BILL No. 2544

Introduced by Assembly Member Isenberg

January 19, 1994

An act to amend Sections 27361, 29550, 68073, *68085,* 68542.5, 76000, and 76104.5 of, to add Sections 77006.5 , *77205.1,* and 77302 to, to repeal and add Section 77205 of, and to repeal Sections 68206, 77200, 77202, 77204, 77205.3, 77206, 77300, and 77301 of, the Government Code, to amend Sections 1463.001 and 1464 of, and to repeal Section 1463.003 of, the Penal Code, and to amend Sections 40611 and 42007 of, and to repeal Section 42007.1 of, the Vehicle Code, relating to trial court funding, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2544, as amended, Isenberg. Trial court funding.

(1) Existing law specifies the responsibilities of the counties and the state for the financing of the trial courts.

This bill would define trial court funding and provide that commencing July 1, 1994, the boards of supervisors of the various counties shall only provide funding for those functions of the trial courts not provided for in the state budget, as specified, and would declare the intent of the Legislature in this regard. The bill would also eliminate the transfer of certain fees to the Controller for deposit in the General Fund, and provide instead for the deposit of those fees in the county general fund. The bill also would require the board of supervisors to submit proposed plans for courthouse construction or remodeling to the judges affected before beginning construction.

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(2) *Existing law establishes the Trial Court Trust Fund for purposes of funding trial court operations upon appropriation by the Legislature.*

This bill would require the Controller to apportion funds in the Trial Court Trust Fund quarterly, as specified.

(3) Existing law establishes a penalty assessment of $7 for every $10 of each fine, forfeiture, or penalty imposed for a criminal offense other than a parking violation, establishes a penalty assessment of $2.50 for parking offenses, authorizes a 50¢ penalty assessment for every $7 of each fine, forfeiture, or penalty for a criminal offense other than a parking violation, to be used by the counties for DNA identification systems, and provides for the distribution of those penalty assessments.

This bill would increase the penalty assessment for non-parking offenses to $10 for every $10 of fine, forfeiture, or penalty, and require 30% thereof to be deposited in the county treasury. The bill would also eliminate provisions requiring $1 of the parking penalty assessment to be transferred to the Controller for deposit in the General Fund, *and would otherwise revise the requirements for processing the parking penalty*. The bill would also decrease the DNA penalty assessment authorized from 50¢ for each $7 of fine, forfeiture, or penalty to 50¢ for each $10 of fine, forfeiture, or penalty.

~~(3)~~

(4) Existing law requires each county to contribute a specified portion of the salary of a superior court judge, and provides for each option county under the Brown-Presley Trial Court Funding Act to receive a supplemental block grant equal to the salary of each municipal and justice court judge in the county.

This bill would eliminate those provisions.

~~(4)~~

(5) Under existing law, a county pays specified expenses of a trial court judge serving on assignment in the county.

This bill would eliminate the county's obligation for paying these expenses.

~~(5)~~

(6) Existing law specifies the intent of the Legislature to increase trial court funding, as specified; provides for block grant funding for trial courts on a county option basis; specifies the number of judicial officers in a county for the determination of trial court block grant funding, and specifies the duties of option counties beginning in the 1989–90 fiscal year.

This bill would repeal those provisions and require for the ~~1994/95~~ *1995–96* fiscal year and thereafter that the trial courts shall negotiate for the delivery of services shared by the courts with county agencies. The bill would also require the Judicial Council *and the Controller, as specified,* to adopt rules governing trial court management, and would authorize the Controller to audit county reports regarding trial court operations. *The bill would require the Controller to make quarterly payments of trial court funding upon appropriation by the Legislature, as specified.*

~~(6)~~

(7) Existing law provides for the transfer to the Judicial Council of specified funds appropriated for judges serving on assignment; and specifies that the decision by a county to opt under the Brown-Presley Trial Court Funding Act constitutes an agreement by the county raising the state appropriation limit and lowering that of the county commensurately.

This bill would repeal those provisions, and set forth the obligations of the counties and the courts with respect to trial court operations.

~~(7)~~

(8) Existing law provides for the distribution of fines, forfeitures, and penalties between the counties and the state.

This bill would revise that distribution.

~~(8)~~

(9) Existing law imposes a state penalty assessment of $10 for every $10 of each fine, forfeiture, or penalty other than parking offenses.

This bill would reduce this state penalty assessment from $10 for every $10 of each fine, forfeiture, or penalty other than parking offenses to $7 for every $10 thereof, and eliminate the deposit of 30% of these penalty assessments to the General Fund.

~~(9)~~

(10) Existing law establishes a $10 transaction fee upon

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proof of correction of specified Vehicle Code violations, and provides for the distribution of those fees.

This bill would eliminate the portion of those fees to be deposited in the State Penalty Fund and provide for a commensurate increase in the portion to be deposited in the county general fund.

~~(10)~~

(11) Existing law requires a court to collect a fee from each person ordered or permitted to attend a traffic violator school in the amount of the total bail for the offense involved plus $24.

This bill would eliminate the requirement that these fees be deposited in the General Fund and State Courthouse Construction Fund, which requirement would otherwise be repealed by ~~it~~ *its* own terms on January 1, 1997.

~~(11)~~

(12) The bill would impose a state-mandated local program by expanding the duties of local officials.

~~(12)~~

(13) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(13)~~

(14) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ⅔. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares that, since 1991, it has been the policy of the state to examine the operation and financing of superior, municipal, and justice courts in light of the need to reexamine and reconstruct the roles of each branch of government.

(b) It is also the policy of the state that the funding of

trial court operations is most logically a candidate for state funding and that the state will progressively increase its share of funding and will achieve savings in court operations costs through the enactment of administrative efficiencies.

(c) The Legislature further finds that it is the policy of the state to create a judicial branch budgeting system that protects the independence of the judiciary and optimizes local trial court control and responsibility, while preserving financial accountability to the overall state budget.

(d) The Legislature further finds that, pursuant to these policies, courts are making a transition from budgeting through the counties to becoming a direct part of the state's annual budget.

(e) The Legislature declares its intent to do each of the following:

(1) Beginning in the 1994–95 fiscal year, to include the funding for the various functions of trial court operations specifically as line item allocations in the Budget Act as part of the judicial branch budget.

(2) To require progressively more careful identification of the costs of services obtained by the courts from county agencies, and where it is agreed that the services should continue to be obtained from the county, the negotiation of agreements about the continued provision of those services at agreed costs.

(3) Through enactment of this act, to enable the transition to full state funding of the trial courts.

SEC. 2. Section 27361 of the Government Code is amended to read:

27361. (a) The fee for recording and indexing every instrument, paper, or notice required or permitted by law to be recorded is four dollars ($4) for recording the first page and three dollars ($3) for each additional page, except the recorder may charge additional fees as follows:

(1) If the printing on printed forms is spaced more than nine lines per vertical inch or more than 22 characters and spaces per inch measured horizontally for not less than 3 inches in one sentence, the recorder shall

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charge one dollar ($1) extra for each page or sheet on which printing appears excepting, however, the extra charge shall not apply to printed words which are directive or explanatory in nature for completion of the form or on vital statistics forms. Fees collected under this paragraph are not subject to subdivision (b) or (c).

(2) If a page or sheet does not conform with the dimensions described in subdivision (a) of Section 27361.5, the recorder shall charge three dollars ($3) extra per page or sheet of the document. The extra charge authorized under this paragraph shall be available solely to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in each county's system of recorded documents. Fees collected under this paragraph are not subject to subdivision (b) or (c).

(b) One dollar ($1) for recording the first page and one dollar ($1) for each additional page shall be available solely to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in each county's system of recorded documents.

SEC. 3. Section 29550 of the Government Code is amended to read:

29550. (a) Notwithstanding any other provision of law, a county may impose a fee upon a city, special district, school district, community college district, college, or university for reimbursement of county expenses incurred with respect to the booking or other processing of persons arrested by an employee of that city, special district, school district, community college district, college, or university, where the arrested persons are brought to the county jail for booking or detention. The fee imposed by a county pursuant to this section shall not exceed the actual administrative costs, including applicable overhead costs as permitted by federal Circular A-87 standards, as defined in subdivision (d), incurred in booking or otherwise processing arrested persons. A county may submit an invoice to a city, special district, school district, community college district,

college, or university for these expenses incurred by the county on and after July 1, 1990. Counties shall fully disclose the costs allocated as federal Circular A-87 overhead.

(b) (1) Notwithstanding subdivision (a), a city, special district, school district, community college district, college, or university shall not be charged fees for arrests on any bench warrant for failure to appear in court, nor on any arrest warrant issued in connection with a crime not committed within the entity's jurisdiction.

(2) Notwithstanding subdivision (a), a city, special district, school district, community college district, college, or university shall not be charged fees for a person who is ordered by a court to be remanded to the county jail except that a county may charge a fee to recover those direct costs for those functions required to book a person pursuant to subdivision (g) of Section 853.6 of the Penal Code.

(3) Notwithstanding subdivision (a), a city, special district, school district, community college district, college, or university shall not be charged fees for arrests made pursuant to arrest warrants originating outside of its jurisdiction.

(4) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college, college, or university on parole violation arrests or probation-ordered returns to custody, unless a new charge has been filed for a crime committed in the jurisdiction of the arresting city, district, college, or university.

(5) An agency making a mutual aid request shall pay fees that result from arrests made in response to the mutual aid request except that in the event the Governor declares a state of emergency, no agency shall be charged fees for any arrest made during any riot, disturbance, or event that is subject to the declaration.

(6) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college, college, or university for the arrest of

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a prisoner who has escaped from a county, state, or federal detention or corrections facility.

(7) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college, college, or university for arrestees held in temporary detention at a court facility for purposes of arraignment when the arrestee has been previously booked at an entity detention facility.

(8) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college, college, or university as the result of an arrest made by its officer assigned to a formal multiagency task force in which the county is a participant. For the purposes of this section, "formal task force" means a task force that has been established by written agreement of the participating agencies.

(9) In those counties where the cities and the county participate in a consolidated booking program and where prior to arraignment an arrestee is transferred from a city detention facility to a county detention facility, the city shall not be charged for those tasks listed in subdivision (d) that are a part of the consolidated booking program which were completed by the city prior to delivering the arrestee to the county detention facility. However, the county may charge the actual administrative costs for those additional tasks listed in subdivision (d) that are performed in order to receive the arrestee into the county detention facility.

(c) Any county whose officer or agent arrests a person is entitled to recover from the arrested person a criminal justice administration fee for administrative costs it incurs in conjunction with the arrest if the person is convicted of any criminal offense related to the arrest. The fee which the county is entitled to recover pursuant to this subdivision shall not exceed the actual administrative costs, including applicable overhead costs incurred in booking or otherwise processing arrested persons. A judgment of conviction may contain an order for payment of the amount of the criminal justice administration fee by the convicted person, and

execution may be issued on the order in the same manner as a judgment in a civil action, but the order shall not be enforceable by contempt. The court shall, as a condition of probation, order the convicted person, based on his or her ability to pay, to reimburse the county for the criminal justice administration fee including applicable overhead costs.

(d) As used in this section, "actual administrative costs" include only those costs for functions that are performed in order to receive an arrestee into a county detention facility. Operating expenses of the county jail facility including capitol costs and those costs involved in the housing, feeding, and care of inmates shall not be included in calculating "actual administrative costs." "Actual administrative costs" may include any one or more of the following as related to receiving an arrestee into the county detention facility:

(1) The searching, wristbanding, bathing, clothing, fingerprinting, photographing, and medical and mental screening of an arrestee.

(2) Document preparation, retrieval, updating, filing, and court scheduling related to receiving an arrestee into the detention facility.

(3) Warrant service, processing, and detainer.

(4) Inventory of an arrestee's money and creation of cash accounts.

(5) Inventory and storage of an arrestee's property.

(6) Inventory, laundry, and storage of an arrestee's clothing.

(7) The classification of an arrestee.

(8) The direct costs of automated services utilized in paragraphs (1) to (7), inclusive.

(9) Unit management and supervision of the detention function as related to paragraphs (1) to (8), inclusive.

(e) An administrative screening fee of twenty-five dollars ($25) shall be collected from each person arrested and released on his or her own recognizance upon conviction of any criminal offense related to the arrest other than an infraction. A citation processing fee in the

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amount of ten dollars ($10) shall be collected from each person cited and released by any peace officer in the field or at a jail facility upon conviction of any criminal offense, other than an infraction, related to the criminal offense cited in the notice to appear. However, the court may determine a lesser fee than otherwise provided in this subdivision upon a showing that the defendant is unable to pay the full amount. All fees collected pursuant to this subdivision shall be deposited in the general fund of the county.

SEC. 4. Section 68073 of the Government Code is amended to read:

68073. (a) Until July 1, 1994, in each county the board of supervisors shall provide suitable rooms for holding the superior, municipal, and justice courts, for the chambers of the judges of these courts and for court attendants, together with sufficient attendants, heat, light, furniture, furnishings, equipment, stationery, supplies, and other personal property, for the rooms and chambers and for the transaction of the business of the courts. Prior to the construction of new court facilities, the board of supervisors shall submit proposed plans to the judge or judges of the affected court for review and recommendation as to the adequacy and standard of design and such review and recommendation shall not be disregarded without reasonable grounds.

(b) Commencing July 1, 1994, and each year thereafter, in each county the board of supervisors shall only provide funding for those functions of the trial courts not provided for in the state budget, including suitable rooms for holding the superior, municipal, and justice courts, and for the chambers of the judges of those courts together with furnishings and fixtures for the rooms and chambers.

(c) Prior to the construction of new court facilities or the alteration, remodeling, or relocation of existing court facilities, the board of supervisors shall submit proposed plans to the judge or judges of the court affected for review and recommendations as to the adequacy and standard of design, and that review and recommendation

may not be disregarded without reasonable grounds.

(d) This section shall not be construed as authorizing the county to supply to the official reporters of the courts stenograph, stenotype, or other shorthand machines; nor as authorizing the county to supply to the official reporters of the courts, for use in the preparation of transcripts, typewriters, transcribing equipment, supplies, or other personal property.

SEC. 4.5. Section 68085 of the Government Code is amended to read:

68085. (a) There is hereby established the Trial Court Trust Fund, the proceeds of which ~~may only be expended~~ *shall be apportioned quarterly by the Controller on or before the 25th day of the month following the end of that quarter*, upon appropriation by the Legislature, for the purpose of funding trial court operations, as defined in Section 77003.

(b) Notwithstanding any other provision of law, the fees listed in subdivision (c) shall all be deposited upon collection in a special account in the county treasury, and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

(c) Except as specified in subdivision (d), this section applies to all fees collected pursuant to Sections 26820.4, 26826, 26827, 68086, 72055, and 72056.

(d) This section does not apply to that portion of a filing fee collected pursuant to Section 26820.4, 26826, 26827, 72055, or 72056 which is allocated for dispute resolution pursuant to Section 470.3 of the Business and Professions Code, the county law library pursuant to Section 6320 of the Business and Professions Code, the Judges' Retirement Fund pursuant to Section 26822.3, automated recordkeeping or conversion to micrographics pursuant to Sections 26863 and 68090.7, and courthouse financing pursuant to Section 76238.

(e) Notwithstanding any other provision of law, no agency shall take action to change the amounts allocated to any of the above funds.

SEC. 5. Section 68206 of the Government Code is repealed.

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SEC. 6. Section 68542.5 of the Government Code is amended to read:

68542.5. Any judge of a superior, municipal, or justice court serving in another court in the same county under assignment by the Chairperson of the Judicial Council shall receive the amount of actual and necessary traveling expenses incurred while traveling between home and the courtroom unless the courtrooms are within five miles of each other.

SEC. 7. Section 76000 of the Government Code is amended to read:

76000. (a) In each county there shall be levied an additional penalty of ten dollars ($10) for every ten dollars ($10) or fraction thereof which shall be collected together with and in the same manner as the amounts established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except parking offenses subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code. These moneys shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1463 of the Penal Code.

The county treasurer shall deposit 30 percent in the county general fund and shall deposit the remainder as specified by the board of supervisors by resolution in one or more of the funds established pursuant to this chapter. However, deposits to these funds shall continue through whatever period of time is necessary to repay any borrowings made by the county on or before January 1, 1991, to pay for construction provided for in this chapter.

(b) In each authorized county, provided that the board of supervisors has adopted a resolution stating that the implementation of this subdivision is necessary to the county for the purposes authorized, with respect to each authorized fund established pursuant to Section 76100 or 76101, for every parking offense where a parking penalty, fine, or forfeiture is imposed, an added penalty of two

dollars and fifty cents ($2.50) shall be included in the total *parking* penalty, fine, or forfeiture. ~~Except as provided in subdivision (c), for each parking case collected in the courts of the county, the county treasurer shall place in each authorized fund two dollars and fifty cents ($2.50). These moneys shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1462.3 or 1463.009 of the Penal Code. The judges of the county shall increase the bail schedule amounts as appropriate to reflect the added penalty provided for by this section. In those cities, districts, or other issuing agencies which elect to accept parking penalties, and otherwise process parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the added penalty provided for by this section. Each agency which elects to process~~ *Each agency which processes* parking violations shall pay to the county treasurer two dollars and fifty cents ($2.50) for each fund for each parking penalty collected ~~on each violation which is not filed in court~~. Those payments to the county treasurer shall be made ~~monthly~~ *no later than 45 days after the last day of the month in which the parking penalty was received,* and the county treasurer shall deposit all those sums in the authorized fund. No issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the ~~surcharges~~ *added penalty* established in the resolution adopted pursuant to this chapter, except as otherwise agreed upon by the local governmental entities involved.

SEC. 8. Section 76104.5 of the Government Code is amended to read:

76104.5. (a) For the purpose of assisting any county in the establishment of automated photographic or DNA (genetic fingerprint) identification systems, or any new technology in the county, the board of supervisors may establish in the county treasury a DNA Identification Fund into which shall be deposited the amounts specified

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in the resolutions adopted by the board of supervisors as authorized in accordance with this title, up to fifty cents ($0.50) for every ten dollars ($10) collected pursuant to Section 76000. The moneys of the fund shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated photographic or DNA (genetic fingerprint) identification systems, or any new technology.

(b) The fund moneys described in subdivision (a), together with any interest earned thereon, shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. Deposits to the fund may continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

(c) For purposes of this section, "DNA (genetic fingerprint) identification system" means equipment, procedures, and methodologies compatible with and meeting the standards set for DNA testing by the Department of Justice pursuant to Section 290.2 of the Penal Code.

SEC. 9. Section 77006.5 is added to the Government Code, to read:

77006.5. As used in this chapter, "trial court funding" means the amount of state funds provided for the operation of the trial courts, as defined in Section 77003, appropriated in the Budget Act, and allocated or reallocated by the Trial Court Budgeting Commission created pursuant to Section 68502.5.

SEC. 10. Section 77200 of the Government Code is repealed.

SEC. 11. Section 77202 of the Government Code is repealed.

SEC. 12. Section 77204 of the Government Code is repealed.

SEC. 13. Section 77205 of the Government Code is repealed.

SEC. 14. Section 77205 is added to the Government Code, to read:

77205. (a) For the ~~1994/95~~ *1995–96* fiscal year and each year thereafter, the courts and counties shall negotiate mutually agreeable arrangements to fund the delivery of services which will continue to be shared by the courts and other entities after July 1, 1996, including, but not limited to, mainframe computers, courthouse security, utilities, purchasing, stores, auditing, payroll, communications, and records storage.

(b) Any court which does not have an agreement pursuant to subdivision (a) may provide such services internally or may make contracts and agreements with any entity for provision of those services.

(c) The Judicial Council shall adopt appropriate rules for ~~recordkeeping, accounting,~~ budget submission, budget management, and reporting ~~by each court~~ *of revenues and expenditures by each court. The Controller, in consultation with the Judicial Council, shall maintain appropriate regulations for recordkeeping and accounting by the county and the courts*, in order to determine all moneys collected by the county and the courts, including filing fees, fines, forfeitures, and penalties, and all expenditures relating to court operations.

(d) *Regulations, rules, and reporting requirements adopted pursuant to this chapter shall be exempt from review and approval or other processing by the Office of Administrative Law as provided for in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.*

(e) The Controller, at the request of the Legislature or the Judicial Council, may perform and publish financial and fiscal compliance audits of the reports submitted by counties under this chapter. The Controller shall report the results of these audits to the Legislature.

SEC. 14.5. Section 77205.1 is added to the Government Code, to read:

77205.1. Upon appropriation by the Legislature, the Controller shall make quarterly payments of trial court

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funding on or before the 25th day of the month following the end of that quarter.

SEC. 15. Section 77205.3 of the Government Code is repealed.

SEC. 16. Section 77206 of the Government Code is repealed.

SEC. 17. Section 77300 of the Government Code is repealed.

SEC. 18. Section 77301 of the Government Code is repealed.

SEC. 19. Section 77302 is added to the Government Code, to read:

77302. The following provisions shall govern relationships between the counties, the trial courts, and the trial court personnel through June 30, 1995:

(a) Unless otherwise agreed between a court and the county:

(1) The county shall continue to administer payroll and workers' compensation functions, as well as judicial and nonjudicial employee benefit programs to the extent those activities were administered by the county prior to June 1, 1994. Municipal court judges, including those who formerly served as justice court judges, shall continue to have at least the same entitlements to benefits as they had on June 30, 1994.

(2) The trial courts and the county shall continue to fund, provide mutual access to, and allow use of all equipment, furnishings, and facilities used by the courts in the same proportion as that provided prior to June 1, 1994.

(3) The sheriff and marshal shall continue to provide security services for the court proportionate to that provided prior to June 1, 1994.

(b) Unless otherwise agreed between a court and the employees working in the court, any memorandum of understanding or salary ordinance governing economic or noneconomic benefits executed prior to June 1, 1994, and effective on or after July 1, 1994, shall continue in effect.

(c) No employee or judge of a court shall have any

salary or benefits reduced solely by reason of the enactment of this section.

SEC. 20. Section 1463.001 of the Penal Code is amended to read:

1463.001. All fines and forfeitures imposed and collected for crimes other than parking offenses resulting from a filing in a court shall as soon as practicable after receipt thereof, be deposited with the county treasurer, and each month the total fines and forfeitures which have accumulated within the past month shall be distributed, as follows:

(a) The state penalties, county penalties, special penalties, service charges, and penalty allocations shall be transferred to the proper funds as required by law.

(b) The base fines shall be distributed, as follows:

(1) Any base fines which are subject to specific distribution under any other section shall be distributed to the specified funds of the state or local agency.

~~(2) Any amount due to the county which is collected pursuant to Section 1203.1, but excluding fees to cover the actual cost of formal probation, shall be~~

(2) Base fines resulting from county arrests shall be transferred to the proper funds of the county.

(3) Of base fines resulting from city arrests not included in paragraph (1), an amount equal to the applicable county percentages set forth in Section 1463.002, as modified by Section 1463.28, shall be transferred to the proper funds of the county. The remainder of base fines resulting from city arrests shall be deposited to the ~~General Fund~~ *general fund of the county*, and 50 percent deposited to the treasury of the appropriate city.

~~(4) In a county that had an agreement as of March 22, 1977, that provides for city fines and forfeitures to accrue to the county in exchange for sales tax receipts, of base fines resulting from city arrests not included in paragraph (1), 50 percent shall be deposited to the General Fund, and 50 percent shall be deposited into the proper funds of the county.~~

(c) Each county shall keep a record of its deposits to

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its treasury and its transmittal to each city treasury pursuant to this section, and shall provide these records upon request to the Controller.

(d) Any amounts required to be distributed to the state pursuant to this section shall be remitted to the Controller no later than 45 days after the end of the month in which such fines and forfeitures were collected. This remittance shall be accompanied by a remittance advice identifying the collection month and the appropriate account in the General Fund to which it is to be deposited.

(e) The distribution specified in subdivision (b) applies to all funds subject thereto distributed on or after July 1, 1992, regardless of whether the court has elected to allocate and distribute funds pursuant to Section 1464.8.

SEC. 21. Section 1463.003 of the Penal Code is repealed.

SEC. 22. Section 1464 of the Penal Code is amended to read:

1464. (a) Subject to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, there shall be levied a state penalty, in an amount equal to seven dollars ($7) for every ten dollars ($10) or fraction thereof, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses, except parking offenses as defined in subdivision (i) of Section 1463, involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code. Any bail schedule adopted pursuant to Section 1269b may include the necessary amount to pay the state penalties established by this section and Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code for all matters where a personal appearance is not mandatory and the bail is posted primarily to guarantee payment of the fine.

(b) Where multiple offenses are involved, the state penalty shall be based upon the total fine or bail for each case. When a fine is suspended, in whole or in part, the

state penalty shall be reduced in proportion to the suspension.

(c) When any deposited bail is made for an offense to which this section applies, and for which a court appearance is not mandatory, the person making the deposit shall also deposit a sufficient amount to include the state penalty prescribed by this section for forfeited bail. If bail is returned, the state penalty paid thereon pursuant to this section shall also be returned.

(d) In any case where a person convicted of any offense, to which this section applies, is in prison until the fine is satisfied, the judge may waive all or any part of the state penalty, the payment of which would work a hardship on the person convicted or his or her immediate family.

(e) After a determination by the court of the amount due, the clerk of the court shall collect the penalty and transmit it to the county treasury. The portion thereof attributable to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code shall be deposited in the appropriate county fund and the balance shall then be transmitted to the State Treasury for deposit in the State Penalty Fund, which is hereby created. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

(f) The moneys so deposited in the State Penalty Fund shall be distributed as follows:

(1) Once a month there shall be transferred into the Fish and Game Preservation Fund an amount equal to 0.33 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month, except that the total amount shall not be less than the state penalty levied on fines or forfeitures for violation of state laws relating to the protection or propagation of fish and game. These moneys shall be used for the education or training of department employees which fulfills a need consistent with the objectives of the Department of Fish and Game.

(2) Once a month there shall be transferred into the

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Restitution Fund an amount equal to 32.02 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. Those funds shall be made available in accordance with subdivision (b) of Section 13967 of the Government Code.

(3) Once a month there shall be transferred into the Peace Officers' Training Fund an amount equal to 23.99 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(4) Once a month there shall be transferred into the Driver Training Penalty Assessment Fund an amount equal to 25.70 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(5) Once a month there shall be transferred into the Corrections Training Fund an amount equal to 7.88 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. Money in the Corrections Training Fund is not continuously appropriated and shall be appropriated in the Budget Act.

(6) Once a month there shall be transferred into the Local Public Prosecutors and Public Defenders Training Fund established pursuant to Section 11503 an amount equal to 0.78 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. The amount so transferred shall not exceed the sum of eight hundred fifty thousand dollars ($850,000) in any fiscal year. The remainder in excess of eight hundred fifty thousand dollars ($850,000) shall be transferred to the Restitution Fund.

(7) Once a month there shall be transferred into the Victim-Witness Assistance Fund an amount equal to 8.64 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(8) (A) Once a month there shall be transferred into the Traumatic Brain Injury Fund, created pursuant to Section 4358 of the Welfare and Institutions Code, an amount equal to 0.66 percent of the state penalty funds deposited into the State Penalty Fund during the

preceding month, until the amount deposited in the Traumatic Brain Injury Fund, as determined by the Department of Finance, for any fiscal year equals five hundred thousand dollars ($500,000). All moneys in excess of that amount shall be distributed pro rata pursuant to paragraphs (1) to (7), inclusive, and utilized in accordance with this subdivision.

(B) Any moneys deposited in the State Penalty Fund attributable to the assessments made pursuant to subdivision (i) of Section 27315 of the Vehicle Code on or after the date that Chapter 6.6 (commencing with Section 5564) of Part 1 of Division 5 of the Welfare and Institutions Code is repealed shall be utilized in accordance with paragraphs (1) to (8), inclusive, of this subdivision.

SEC. 23. Section 40611 of the Vehicle Code is amended to read:

40611. Upon proof of correction of an alleged violation of Section 12500 or 12951, or any violation cited pursuant to Section 40610, the clerk shall collect a ten dollar ($10) transaction fee for each case. The fee shall be deposited by the clerk in accordance with Section 68084 of the Government Code, and allocated monthly as follows:

(a) Thirty-three percent shall be transferred to the local governmental entity in whose jurisdiction the citation was issued for deposit in the general fund of the entity.

(b) ~~Seventy/seven~~ *Sixty-seven* percent shall be deposited in the county general fund.

SEC. 24. Section 42007 of the Vehicle Code is amended to read:

42007. (a) The clerk of the court shall collect a fee from every person who is ordered or permitted to attend a traffic violator school pursuant to Section 42005 or who attends any other court-supervised program of traffic safety instruction. The fee shall be in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule plus twenty-four dollars ($24). As used in this subdivision, "total bail"

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means the amount established pursuant to Section 1269b of the Penal Code in accordance with the Uniform Statewide Bail Schedule adopted by the Judicial Council, including all assessments, surcharges, and penalty amounts. Where multiple offenses are charged in a single notice to appear, the "total bail" is the amount applicable for the greater of the qualifying offenses. However, the court may determine a lesser fee under this subdivision upon a showing that the defendant is unable to pay the full amount.

The fee shall not include the cost, or any part thereof, of traffic safety instruction offered by the school or other program.

(b) Revenues derived from the fee collected under this section shall be deposited in *accordance with Section 68084 of the Government Code and allocated monthly to* the general fund of the county, provided that in any county in which a fund is established pursuant to Section 76100 or 76101 of the Government Code, the sum of one dollar ($1) for each fund so established shall be deposited with the county treasurer and placed in that fund.

(c) As used in this section, "court-supervised program" includes, but is not limited to, any program of traffic safety instruction the successful completion of which is accepted by the court in lieu of adjudicating a violation of this code.

(d) The Judicial Council shall study the minimum eligibility criteria governing drivers seeking to attend traffic violator's school, and report to the Legislature on the advisability of uniform statewide criteria on or before January 1, 1993.

(e) The clerk of the court, in a county that offers traffic school shall include in any courtesy notice mailed to a defendant for an offense that qualifies for traffic school attendance the following statement:

NOTICE: If you are eligible and decide not to attend traffic school your automobile insurance may be adversely affected.

SEC. 25. Section 42007.1 of the Vehicle Code is repealed.

SEC. 26. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 27. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide adequate trial court funding for the 1994–95 fiscal year, it is necessary that this act take effect immediately.

O

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AMENDED IN ASSEMBLY MARCH 23, 1994

AMENDED IN ASSEMBLY MARCH 3, 1994

CALIFORNIA LEGISLATURE—1993-94 REGULAR SESSION

ASSEMBLY BILL No. 2544

Introduced by Assembly Member Isenberg

January 19, 1994

An act to amend Sections 27361, 29550, 68073, 68085, *68502.5,* 68542.5, 76000, and 76104.5 of, to add Sections 77006.5 ~~, 77205.1, and 77302 to, to repeal and add Section 77205 of, and to repeal~~ *and 77205.1 to, and to repeal* Sections 68206, 77200, 77202, 77204, *77205,* 77205.3, 77206, 77300, and 77301 of, the Government Code, to amend Sections 1463.001 and 1464 of, and to repeal Section 1463.003 of, the Penal Code, and to amend Sections 40611 and 42007 of, and to repeal Section 42007.1 of, the Vehicle Code, relating to trial court funding, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2544, as amended, Isenberg. Trial court funding.

(1) Existing law specifies the responsibilities of the counties and the state for the financing of the trial courts.

This bill would define trial court funding and provide that commencing July 1, 1994, the boards of supervisors of the various counties shall only provide funding for those functions of the trial courts not provided for in the state budget, as specified, and would declare the intent of the Legislature in this regard. The bill would also eliminate the transfer of certain fees to the Controller for deposit in the General Fund, and provide instead for the deposit of those fees in the county general fund. The bill also would require the board of supervisors to submit proposed plans for courthouse

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construction or remodeling to the judges affected before beginning construction.

(2) Existing law establishes the Trial Court Trust Fund for purposes of funding trial court operations upon appropriation by the Legislature.

This bill would require the Controller to apportion funds in the Trial Court Trust Fund quarterly, as specified.

(3) *Under existing law, the Judicial Council is required to provide for the appointment of a standing Trial Court Budget Commission, which has the authority to receive and review budget requests from the trial courts.*

This bill would require the commission, upon receipt of a trial court's budget request, to forward the request for purposes of review and comment to the county in which the court is located.

(4) Existing law establishes a penalty assessment of $7 for every $10 of each fine, forfeiture, or penalty imposed for a criminal offense other than a parking violation, establishes a penalty assessment of $2.50 for parking offenses, authorizes a 50¢ penalty assessment for every $7 of each fine, forfeiture, or penalty for a criminal offense other than a parking violation, to be used by the counties for DNA identification systems, and provides for the distribution of those penalty assessments.

This bill would increase the penalty assessment for non-parking offenses to $10 for every $10 of fine, forfeiture, or penalty, and require 30% thereof to be deposited in the county treasury. The bill would also eliminate provisions requiring $1 of the parking penalty assessment to be transferred to the Controller for deposit in the General Fund, and would otherwise revise the requirements for processing the parking penalty. The bill would also decrease the DNA penalty assessment authorized from 50¢ for each $7 of fine, forfeiture, or penalty to 50¢ for each $10 of fine, forfeiture, or penalty.

~~(4)~~

(5) Existing law requires each county to contribute a specified portion of the salary of a superior court judge, and provides for each option county under the Brown-Presley Trial Court Funding Act to receive a supplemental block grant equal to the salary of each municipal and justice court judge in the county.

This bill would eliminate those provisions.

~~(5)~~

(6) Under existing law, a county pays specified expenses of a trial court judge serving on assignment in the county.

This bill would eliminate the county's obligation for paying these expenses.

~~(6)~~

(7) Existing law specifies the intent of the Legislature to increase trial court funding, as specified; provides for block grant funding for trial courts on a county option basis; specifies the number of judicial officers in a county for the determination of trial court block grant funding, and specifies the duties of option counties beginning in the 1989–90 fiscal year.

This bill would repeal those provisions, ~~and require for the 1995/96 fiscal year and thereafter that the trial courts shall negotiate for the delivery of services shared by the courts with county agencies. The bill would also require the Judicial Council and the Controller, as specified, to adopt rules governing trial court management, and would authorize the Controller to audit county reports regarding trial court operations~~. The bill would require the Controller to make quarterly payments of trial court funding upon appropriation by the Legislature, as specified.

~~(7)~~

(8) Existing law provides for the transfer to the Judicial Council of specified funds appropriated for judges serving on assignment; and specifies that the decision by a county to opt under the Brown-Presley Trial Court Funding Act constitutes an agreement by the county raising the state appropriation limit and lowering that of the county commensurately.

This bill would repeal those provisions ; ~~and set forth the obligations of the counties and the courts with respect to trial court operations~~.

~~(8)~~

(9) Existing law provides for the distribution of fines, forfeitures, and penalties between the counties and the state.

This bill would revise that distribution.

~~(9)~~

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(10) Existing law imposes a state penalty assessment of $10 for every $10 of each fine, forfeiture, or penalty other than parking offenses.

This bill would reduce this state penalty assessment from $10 for every $10 of each fine, forfeiture, or penalty other than parking offenses to $7 for every $10 thereof, and eliminate the deposit of 30% of these penalty assessments to the General Fund.

~~(10)~~

(11) Existing law establishes a $10 transaction fee upon proof of correction of specified Vehicle Code violations, and provides for the distribution of those fees.

This bill would eliminate the portion of those fees to be deposited in the State Penalty Fund and provide for a commensurate increase in the portion to be deposited in the county general fund.

~~(11)~~

(12) Existing law requires a court to collect a fee from each person ordered or permitted to attend a traffic violator school in the amount of the total bail for the offense involved plus $24.

This bill would eliminate the requirement that these fees be deposited in the General Fund and State Courthouse Construction Fund, which requirement would otherwise be repealed by its own terms on January 1, 1997.

~~(12)~~

(13) The bill would impose a state-mandated local program by expanding the duties of local officials.

~~(13)~~

(14) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(14)~~

(15) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ⅔. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares that, since 1991, it has been the policy of the state to examine the operation and financing of superior, municipal, and justice courts in light of the need to reexamine and reconstruct the roles of each branch of government.

(b) It is also the policy of the state that the funding of trial court operations is most logically a candidate for state funding and that the state will progressively increase its share of funding *of the annual costs for court operations to 65 percent for the 1994–95 fiscal year and to 70 percent for the 1995–96 fiscal year* and will achieve savings in court operations costs through the enactment of administrative efficiencies.

(c) The Legislature further finds that it is the policy of the state to create a judicial branch budgeting system that protects the independence of the judiciary and optimizes local trial court control and responsibility, while preserving financial accountability to the overall state budget.

(d) The Legislature further finds that, pursuant to these policies, courts are making a transition from budgeting through the counties to becoming a direct part of the state's annual budget.

(e) The Legislature declares its intent to do each of the following:

(1) Beginning in the 1994–95 fiscal year, to include the funding for the various functions of trial court operations specifically as line item allocations in the Budget Act as part of the judicial branch budget.

(2) To require progressively more careful identification of the costs of services obtained by the courts from county agencies, and where it is agreed that the services should continue to be obtained from the county, the negotiation of agreements about the continued provision of those services at agreed costs.

(3) Through enactment of this act, to enable the transition to full state funding of the trial courts.

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SEC. 2. Section 27361 of the Government Code is amended to read:

27361. (a) The fee for recording and indexing every instrument, paper, or notice required or permitted by law to be recorded is four dollars ($4) for recording the first page and three dollars ($3) for each additional page, except the recorder may charge additional fees as follows:

(1) If the printing on printed forms is spaced more than nine lines per vertical inch or more than 22 characters and spaces per inch measured horizontally for not less than 3 inches in one sentence, the recorder shall charge one dollar ($1) extra for each page or sheet on which printing appears excepting, however, the extra charge shall not apply to printed words which are directive or explanatory in nature for completion of the form or on vital statistics forms. Fees collected under this paragraph are not subject to subdivision (b) or (c).

(2) If a page or sheet does not conform with the dimensions described in subdivision (a) of Section 27361.5, the recorder shall charge three dollars ($3) extra per page or sheet of the document. The extra charge authorized under this paragraph shall be available solely to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in each county's system of recorded documents. Fees collected under this paragraph are not subject to subdivision (b) or (c).

(b) One dollar ($1) for recording the first page and one dollar ($1) for each additional page shall be available solely to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in each county's system of recorded documents.

SEC. 3. Section 29550 of the Government Code is amended to read:

29550. (a) Notwithstanding any other provision of law, a county may impose a fee upon a city, special district, school district, community college district, college, or university for reimbursement of county expenses incurred with respect to the booking or other

processing of persons arrested by an employee of that city, special district, school district, community college district, college, or university, where the arrested persons are brought to the county jail for booking or detention. The fee imposed by a county pursuant to this section shall not exceed the actual administrative costs, including applicable overhead costs as permitted by federal Circular A-87 standards, as defined in subdivision (d), incurred in booking or otherwise processing arrested persons. A county may submit an invoice to a city, special district, school district, community college district, college, or university for these expenses incurred by the county on and after July 1, 1990. Counties shall fully disclose the costs allocated as federal Circular A-87 overhead.

(b) (1) Notwithstanding subdivision (a), a city, special district, school district, community college district, college, or university shall not be charged fees for arrests on any bench warrant for failure to appear in court, nor on any arrest warrant issued in connection with a crime not committed within the entity's jurisdiction.

(2) Notwithstanding subdivision (a), a city, special district, school district, community college district, college, or university shall not be charged fees for a person who is ordered by a court to be remanded to the county jail except that a county may charge a fee to recover those direct costs for those functions required to book a person pursuant to subdivision (g) of Section 853.6 of the Penal Code.

(3) Notwithstanding subdivision (a), a city, special district, school district, community college district, college, or university shall not be charged fees for arrests made pursuant to arrest warrants originating outside of its jurisdiction.

(4) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college, college, or university on parole violation arrests or probation-ordered returns to custody, unless a new charge has been filed for a crime committed

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in the jurisdiction of the arresting city, district, college, or university.

(5) An agency making a mutual aid request shall pay fees that result from arrests made in response to the mutual aid request except that in the event the Governor declares a state of emergency, no agency shall be charged fees for any arrest made during any riot, disturbance, or event that is subject to the declaration.

(6) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college, college, or university for the arrest of a prisoner who has escaped from a county, state, or federal detention or corrections facility.

(7) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college, college, or university for arrestees held in temporary detention at a court facility for purposes of arraignment when the arrestee has been previously booked at an entity detention facility.

(8) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college, college, or university as the result of an arrest made by its officer assigned to a formal multiagency task force in which the county is a participant. For the purposes of this section, "formal task force" means a task force that has been established by written agreement of the participating agencies.

(9) In those counties where the cities and the county participate in a consolidated booking program and where prior to arraignment an arrestee is transferred from a city detention facility to a county detention facility, the city shall not be charged for those tasks listed in subdivision (d) that are a part of the consolidated booking program which were completed by the city prior to delivering the arrestee to the county detention facility. However, the county may charge the actual administrative costs for those additional tasks listed in subdivision (d) that are performed in order to receive the arrestee into the county detention facility.

(c) Any county whose officer or agent arrests a person

is entitled to recover from the arrested person a criminal justice administration fee for administrative costs it incurs in conjunction with the arrest if the person is convicted of any criminal offense related to the arrest. The fee which the county is entitled to recover pursuant to this subdivision shall not exceed the actual administrative costs, including applicable overhead costs incurred in booking or otherwise processing arrested persons. A judgment of conviction may contain an order for payment of the amount of the criminal justice administration fee by the convicted person, and execution may be issued on the order in the same manner as a judgment in a civil action, but the order shall not be enforceable by contempt. The court shall, as a condition of probation, order the convicted person, based on his or her ability to pay, to reimburse the county for the criminal justice administration fee including applicable overhead costs.

(d) As used in this section, "actual administrative costs" include only those costs for functions that are performed in order to receive an arrestee into a county detention facility. Operating expenses of the county jail facility including capitol costs and those costs involved in the housing, feeding, and care of inmates shall not be included in calculating "actual administrative costs." "Actual administrative costs" may include any one or more of the following as related to receiving an arrestee into the county detention facility:

(1) The searching, wristbanding, bathing, clothing, fingerprinting, photographing, and medical and mental screening of an arrestee.

(2) Document preparation, retrieval, updating, filing, and court scheduling related to receiving an arrestee into the detention facility.

(3) Warrant service, processing, and detainer.

(4) Inventory of an arrestee's money and creation of cash accounts.

(5) Inventory and storage of an arrestee's property.

(6) Inventory, laundry, and storage of an arrestee's clothing.

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(7) The classification of an arrestee.

(8) The direct costs of automated services utilized in paragraphs (1) to (7), inclusive.

(9) Unit management and supervision of the detention function as related to paragraphs (1) to (8), inclusive.

(e) An administrative screening fee of twenty-five dollars ($25) shall be collected from each person arrested and released on his or her own recognizance upon conviction of any criminal offense related to the arrest other than an infraction. A citation processing fee in the amount of ten dollars ($10) shall be collected from each person cited and released by any peace officer in the field or at a jail facility upon conviction of any criminal offense, other than an infraction, related to the criminal offense cited in the notice to appear. However, the court may determine a lesser fee than otherwise provided in this subdivision upon a showing that the defendant is unable to pay the full amount. All fees collected pursuant to this subdivision shall be deposited in the general fund of the county.

SEC. 4. Section 68073 of the Government Code is amended to read:

68073. (a) Until July 1, 1994, in each county the board of supervisors shall provide suitable rooms for holding the superior, municipal, and justice courts, for the chambers of the judges of these courts and for court attendants, together with sufficient attendants, heat, light, furniture, furnishings, equipment, stationery, supplies, and other personal property, for the rooms and chambers and for the transaction of the business of the courts. Prior to the construction of new court facilities, the board of supervisors shall submit proposed plans to the judge or judges of the affected court for review and recommendation as to the adequacy and standard of design and such review and recommendation shall not be disregarded without reasonable grounds.

(b) Commencing July 1, 1994, and each year thereafter, *with regard to court operations as defined in Section 77003,* in each county the board of supervisors

shall only provide funding for those functions of the trial courts not provided for in the state budget, ~~including~~ *and is obligated to fund those functions only in the amount for each of those functions that is provided in the budget adopted by the Judicial Council pursuant to paragraph (3) of subdivision (a) of Section 68502.5 and adopted by the Legislature. In each county, the board of supervisors shall provide funding for* suitable rooms for holding the superior, municipal, and justice courts, and for the chambers of the judges of those courts together with furnishings and fixtures for the rooms and chambers.

(c) Prior to the construction of new court facilities or the alteration, remodeling, or relocation of existing court facilities, the board of supervisors shall submit proposed plans to the judge or judges of the court affected for review and recommendations as to the adequacy and standard of design, and that review and recommendation may not be disregarded without reasonable grounds.

(d) This section shall not be construed as authorizing the county to supply to the official reporters of the courts stenograph, stenotype, or other shorthand machines; nor as authorizing the county to supply to the official reporters of the courts, for use in the preparation of transcripts, typewriters, transcribing equipment, supplies, or other personal property.

SEC. 4.5. Section 68085 of the Government Code is amended to read:

68085. (a) There is hereby established the Trial Court Trust Fund, the proceeds of which shall be apportioned quarterly by the Controller on or before the 25th day of ~~the month following the end of~~ that quarter, upon appropriation by the Legislature, for the purpose of funding trial court operations, as defined in Section 77003.

(b) Notwithstanding any other provision of law, the fees listed in subdivision (c) shall all be deposited upon collection in a special account in the county treasury, and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

(c) Except as specified in subdivision (d), this section applies to all fees collected pursuant to Sections 26820.4,

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26826, 26827, 68086, 72055, and 72056.

(d) This section does not apply to that portion of a filing fee collected pursuant to Section 26820.4, 26826, 26827, 72055, or 72056 which is allocated for dispute resolution pursuant to Section 470.3 of the Business and Professions Code, the county law library pursuant to Section 6320 of the Business and Professions Code, the Judges' Retirement Fund pursuant to Section 26822.3, automated recordkeeping or conversion to micrographics pursuant to Sections 26863 and 68090.7, and courthouse financing pursuant to Section 76238.

(e) Notwithstanding any other provision of law, no agency shall take action to change the amounts allocated to any of the above funds.

SEC. 5. Section 68206 of the Government Code is repealed.

SEC. 6. *Section 68502.5 of the Government Code is amended to read:*

68502.5. (a) The Judicial Council shall provide by rule for the appointment of a standing Trial Court Budget Commission and the deadlines for meeting its various responsibilities. The commission shall have the authority to:

(1) Receive and review budget requests from the trial courts. *Upon receipt of a trial court's budget request, the commission shall forward the request for purposes of review and comment to the county in which the court is located.*

(2) Annually submit a recommended trial court budget to the Judicial Council for approval and forwarding to the Governor for inclusion in the Governor's proposed State Budget.

(3) Prepare a recommended schedule for the allocation of moneys to individual courts for approval by the Judicial Council and forwarding to the Governor for inclusion in the Governor's proposed State Budget.

(4) Reallocate funds in accordance with Judicial Council rules during the course of the fiscal year to ensure equal access to the trial courts by the public, to improve trial court operations, and to meet trial court

emergencies. Reallocations shall be limited to 15 percent of that portion of any court's annual budget amount funded by the state, excluding any amount derived from trial court block grants appropriated to a county by the Legislature. Counties shall have no obligation to replace moneys reallocated pursuant to this paragraph.

(5) Allocate funds in the Trial Court Improvement Fund in accordance to Judicial Council rules to ensure equal access to trial courts by the public, to improve trial court operations, and to meet trial court emergencies.

(6) At the request of the presiding judge of a trial court, conduct an independent review of the funding level of the court to determine whether it is adequate to enable the court to discharge its statutory and constitutional responsibilities.

(7) From time to time, review the level of fees charged by the courts for various services and prepare recommended adjustments for approval and forwarding to the Legislature by the Judicial Council.

(b) Members of the commission shall receive no compensation from the state for their services. When called into session, they shall receive their actual and necessary expenses for travel, board, and lodging, which shall be paid from the funds appropriated for this use. These expenses shall be appropriated in the manner as the Judicial Council directs, and shall be audited by the Controller in accordance with the rules of the *State* Board of Control.

SEC. 6.5. Section 68542.5 of the Government Code is amended to read:

68542.5. Any judge of a superior, municipal, or justice court serving in another court in the same county under assignment by the Chairperson of the Judicial Council shall receive the amount of actual and necessary traveling expenses incurred while traveling between home and the courtroom unless the courtrooms are within five miles of each other.

SEC. 7. Section 76000 of the Government Code is amended to read:

76000. (a) In each county there shall be levied an

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additional penalty of ten dollars ($10) for every ten dollars ($10) or fraction thereof which shall be collected together with and in the same manner as the amounts established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except parking offenses subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code. These moneys shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1463 of the Penal Code.

The county treasurer shall deposit 30 percent in the county general fund and shall deposit the remainder as specified by the board of supervisors by resolution in one or more of the funds established pursuant to this chapter. However, deposits to these funds shall continue through whatever period of time is necessary to repay any borrowings made by the county on or before January 1, 1991, to pay for construction provided for in this chapter.

(b) In each authorized county, provided that the board of supervisors has adopted a resolution stating that the implementation of this subdivision is necessary to the county for the purposes authorized, with respect to each authorized fund established pursuant to Section 76100 or 76101, for every parking offense where a parking penalty, fine, or forfeiture is imposed, an added penalty of two dollars and fifty cents ($2.50) shall be included in the total parking penalty, fine, or forfeiture. Each agency which processes parking violations shall pay to the county treasurer two dollars and fifty cents ($2.50) for each fund for each parking penalty collected. Those payments to the county treasurer shall be made no later than 45 days after the last day of the month in which the parking penalty was received, and the county treasurer shall deposit all those sums in the authorized fund. No issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the added penalty established in the resolution adopted

pursuant to this chapter, except as otherwise agreed upon by the local governmental entities involved.

SEC. 8. Section 76104.5 of the Government Code is amended to read:

76104.5. (a) For the purpose of assisting any county in the establishment of automated photographic or DNA (genetic fingerprint) identification systems, or any new technology in the county, the board of supervisors may establish in the county treasury a DNA Identification Fund into which shall be deposited the amounts specified in the resolutions adopted by the board of supervisors as authorized in accordance with this title, up to fifty cents ($0.50) for every ten dollars ($10) collected pursuant to Section 76000. The moneys of the fund shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated photographic or DNA (genetic fingerprint) identification systems, or any new technology.

(b) The fund moneys described in subdivision (a), together with any interest earned thereon, shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. Deposits to the fund may continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

(c) For purposes of this section, "DNA (genetic fingerprint) identification system" means equipment, procedures, and methodologies compatible with and meeting the standards set for DNA testing by the Department of Justice pursuant to Section 290.2 of the Penal Code.

SEC. 9. Section 77006.5 is added to the Government Code, to read:

77006.5. As used in this chapter, "trial court funding" means the amount of state funds provided for the operation of the trial courts, as defined in Section 77003, appropriated in the Budget Act, and allocated or

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reallocated by the Trial Court Budgeting Commission created pursuant to Section 68502.5.

SEC. 10. Section 77200 of the Government Code is repealed.

SEC. 11. Section 77202 of the Government Code is repealed.

SEC. 12. Section 77204 of the Government Code is repealed.

SEC. 13. Section 77205 of the Government Code is repealed.

SEC. 14. ~~Section 77205 is added to the Government Code, to read:~~

~~77205. (a) For the 1995/96 fiscal year and each year thereafter, the courts and counties shall negotiate mutually agreeable arrangements to fund the delivery of services which will continue to be shared by the courts and other entities after July 1, 1996, including, but not limited to, mainframe computers, courthouse security, utilities, purchasing, stores, auditing, payroll, communications, and records storage.~~

~~(b) Any court which does not have an agreement pursuant to subdivision (a) may provide such services internally or may make contracts and agreements with any entity for provision of those services.~~

~~(c) The Judicial Council shall adopt appropriate rules for budget submission, budget management, and reporting of revenues and expenditures by each court. The Controller, in consultation with the Judicial Council, shall maintain appropriate regulations for recordkeeping and accounting by the county and the courts, in order to determine all moneys collected by the county and the courts, including filing fees, fines, forfeitures, and penalties, and all expenditures relating to court operations.~~

~~(d) Regulations, rules, and reporting requirements adopted pursuant to this chapter shall be exempt from review and approval or other processing by the Office of Administrative Law as provided for in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.~~

~~(e) The Controller, at the request of the Legislature or the Judicial Council, may perform and publish financial and fiscal compliance audits of the reports submitted by counties under this chapter. The Controller shall report the results of these audits to the Legislature.~~

~~SEC. 14.5.~~ Section 77205.1 is added to the Government Code, to read:

77205.1. Upon appropriation by the Legislature, the Controller shall make quarterly payments of trial court funding on or before the 25th day of ~~the month following the end of~~ that quarter.

SEC. 15. Section 77205.3 of the Government Code is repealed.

SEC. 16. Section 77206 of the Government Code is repealed.

SEC. 17. Section 77300 of the Government Code is repealed.

SEC. 18. Section 77301 of the Government Code is repealed.

~~SEC. 19. Section 77302 is added to the Government Code, to read:~~

~~77302. The following provisions shall govern relationships between the counties, the trial courts, and the trial court personnel through June 30, 1995:~~

~~(a) Unless otherwise agreed between a court and the county:~~

~~(1) The county shall continue to administer payroll and workers' compensation functions, as well as judicial and nonjudicial employee benefit programs to the extent those activities were administered by the county prior to June 1, 1994. Municipal court judges, including those who formerly served as justice court judges, shall continue to have at least the same entitlements to benefits as they had on June 30, 1994.~~

~~(2) The trial courts and the county shall continue to fund, provide mutual access to, and allow use of all equipment, furnishings, and facilities used by the courts in the same proportion as that provided prior to June 1, 1994.~~

~~(3) The sheriff and marshal shall continue to provide~~

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~~security services for the court proportionate to that provided prior to June 1, 1994.~~

~~(b) Unless otherwise agreed between a court and the employees working in the court, any memorandum of understanding or salary ordinance governing economic or noneconomic benefits executed prior to June 1, 1994, and effective on or after July 1, 1994, shall continue in effect.~~

~~(c) No employee or judge of a court shall have any salary or benefits reduced solely by reason of the enactment of this section.~~

~~SEC. 20.~~

SEC. 19. Section 1463.001 of the Penal Code is amended to read:

1463.001. All fines and forfeitures imposed and collected for crimes other than parking offenses resulting from a filing in a court shall as soon as practicable after receipt thereof, be deposited with the county treasurer, and each month the total fines and forfeitures which have accumulated within the past month shall be distributed, as follows:

(a) The state penalties, county penalties, special penalties, service charges, and penalty allocations shall be transferred to the proper funds as required by law.

(b) The base fines shall be distributed, as follows:

(1) Any base fines which are subject to specific distribution under any other section shall be distributed to the specified funds of the state or local agency.

(2) Base fines resulting from county arrests shall be transferred to the proper funds of the county.

(3) Of base fines resulting from city arrests not included in paragraph (1), an amount equal to the applicable county percentages set forth in Section 1463.002, as modified by Section 1463.28, shall be transferred to the proper funds of the county. The remainder of base fines resulting from city arrests shall be deposited to the ~~general fund of the county~~ *General Fund*, and 50 percent deposited to the treasury of the appropriate city.

(4) In a county that had an agreement as of March 22, 1977, that provides for city fines and forfeitures to accrue to the county in exchange for sales tax receipts, of base fines resulting from city arrests not included in paragraph (1), 50 percent shall be deposited to the General Fund, and 50 percent shall be deposited into the proper funds of the county.

(c) Each county shall keep a record of its deposits to its treasury and its transmittal to each city treasury pursuant to this section, and shall provide these records upon request to the Controller.

(d) Any amounts required to be distributed to the state pursuant to this section shall be remitted to the Controller no later than 45 days after the end of the month in which ~~such fines and forfeitures~~ *those amounts* were collected. This remittance shall be accompanied by a remittance advice identifying the collection month and the appropriate account in the General Fund to which it is to be deposited.

(e) The distribution specified in subdivision (b) applies to all funds subject thereto distributed on or after July 1, ~~1992~~ *1994*, regardless of whether the court has elected to allocate and distribute funds pursuant to Section 1464.8.

~~SEC. 21.~~

SEC. 20. Section 1463.003 of the Penal Code is repealed.

~~SEC. 22.~~

SEC. 21. Section 1464 of the Penal Code is amended to read:

1464. (a) Subject to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, there shall be levied a state penalty, in an amount equal to seven dollars ($7) for every ten dollars ($10) or fraction thereof, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses, except parking offenses as defined in subdivision (i) of Section 1463, involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code. Any bail schedule adopted pursuant to Section 1269b may include the

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necessary amount to pay the state penalties established by this section and Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code for all matters where a personal appearance is not mandatory and the bail is posted primarily to guarantee payment of the fine.

(b) Where multiple offenses are involved, the state penalty shall be based upon the total fine or bail for each case. When a fine is suspended, in whole or in part, the state penalty shall be reduced in proportion to the suspension.

(c) When any deposited bail is made for an offense to which this section applies, and for which a court appearance is not mandatory, the person making the deposit shall also deposit a sufficient amount to include the state penalty prescribed by this section for forfeited bail. If bail is returned, the state penalty paid thereon pursuant to this section shall also be returned.

(d) In any case where a person convicted of any offense, to which this section applies, is in prison until the fine is satisfied, the judge may waive all or any part of the state penalty, the payment of which would work a hardship on the person convicted or his or her immediate family.

(e) After a determination by the court of the amount due, the clerk of the court shall collect the penalty and transmit it to the county treasury. The portion thereof attributable to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code shall be deposited in the appropriate county fund and the balance shall then be transmitted to the State Treasury for deposit in the State Penalty Fund, which is hereby created. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

(f) The moneys so deposited in the State Penalty Fund shall be distributed as follows:

(1) Once a month there shall be transferred into the Fish and Game Preservation Fund an amount equal to 0.33 percent of the state penalty funds deposited in the

State Penalty Fund during the preceding month, except that the total amount shall not be less than the state penalty levied on fines or forfeitures for violation of state laws relating to the protection or propagation of fish and game. These moneys shall be used for the education or training of department employees which fulfills a need consistent with the objectives of the Department of Fish and Game.

(2) Once a month there shall be transferred into the Restitution Fund an amount equal to 32.02 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. Those funds shall be made available in accordance with subdivision (b) of Section 13967 of the Government Code.

(3) Once a month there shall be transferred into the Peace Officers' Training Fund an amount equal to 23.99 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(4) Once a month there shall be transferred into the Driver Training Penalty Assessment Fund an amount equal to 25.70 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(5) Once a month there shall be transferred into the Corrections Training Fund an amount equal to 7.88 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. Money in the Corrections Training Fund is not continuously appropriated and shall be appropriated in the Budget Act.

(6) Once a month there shall be transferred into the Local Public Prosecutors and Public Defenders Training Fund established pursuant to Section 11503 an amount equal to 0.78 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. The amount so transferred shall not exceed the sum of eight hundred fifty thousand dollars ($850,000) in any fiscal year. The remainder in excess of eight hundred fifty thousand dollars ($850,000) shall be transferred to the Restitution Fund.

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(7) Once a month there shall be transferred into the Victim-Witness Assistance Fund an amount equal to 8.64 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(8) (A) Once a month there shall be transferred into the Traumatic Brain Injury Fund, created pursuant to Section 4358 of the Welfare and Institutions Code, an amount equal to 0.66 percent of the state penalty funds deposited into the State Penalty Fund during the preceding month, until the amount deposited in the Traumatic Brain Injury Fund, as determined by the Department of Finance, for any fiscal year equals five hundred thousand dollars ($500,000). All moneys in excess of that amount shall be distributed pro rata pursuant to paragraphs (1) to (7), inclusive, and utilized in accordance with this subdivision.

(B) Any moneys deposited in the State Penalty Fund attributable to the assessments made pursuant to subdivision (i) of Section 27315 of the Vehicle Code on or after the date that Chapter 6.6 (commencing with Section 5564) of Part 1 of Division 5 of the Welfare and Institutions Code is repealed shall be utilized in accordance with paragraphs (1) to (8), inclusive, of this subdivision.

~~SEC. 23.~~

SEC. 22. Section 40611 of the Vehicle Code is amended to read:

40611. Upon proof of correction of an alleged violation of Section 12500 or 12951, or any violation cited pursuant to Section 40610, the clerk shall collect a ten dollar ($10) transaction fee for each case. The fee shall be deposited by the clerk in accordance with Section 68084 of the Government Code, and allocated monthly as follows:

(a) Thirty-three percent shall be transferred to the local governmental entity in whose jurisdiction the citation was issued for deposit in the general fund of the entity.

(b) Sixty-seven percent shall be deposited in the county general fund.

~~SEC. 24.~~

SEC. 23. Section 42007 of the Vehicle Code is amended to read:

42007. (a) The clerk of the court shall collect a fee from every person who is ordered or permitted to attend a traffic violator school pursuant to Section 42005 or who attends any other court-supervised program of traffic safety instruction. The fee shall be in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule plus twenty-four dollars ($24). As used in this subdivision, "total bail" means the amount established pursuant to Section 1269b of the Penal Code in accordance with the Uniform Statewide Bail Schedule adopted by the Judicial Council, including all assessments, surcharges, and penalty amounts. Where multiple offenses are charged in a single notice to appear, the "total bail" is the amount applicable for the greater of the qualifying offenses. However, the court may determine a lesser fee under this subdivision upon a showing that the defendant is unable to pay the full amount.

The fee shall not include the cost, or any part thereof, of traffic safety instruction offered by the school or other program.

(b) Revenues derived from the fee collected under this section shall be deposited in accordance with Section 68084 of the Government Code and allocated monthly to the general fund of the county, provided that in any county in which a fund is established pursuant to Section 76100 or 76101 of the Government Code, the sum of one dollar ($1) for each fund so established shall be deposited with the county treasurer and placed in that fund.

(c) As used in this section, "court-supervised program" includes, but is not limited to, any program of traffic safety instruction the successful completion of which is accepted by the court in lieu of adjudicating a violation of this code.

(d) The Judicial Council shall study the minimum eligibility criteria governing drivers seeking to attend traffic violator's school, and report to the Legislature on

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the advisability of uniform statewide criteria on or before January 1, 1993.

(e) The clerk of the court, in a county that offers traffic school shall include in any courtesy notice mailed to a defendant for an offense that qualifies for traffic school attendance the following statement:

NOTICE: If you are eligible and decide not to attend traffic school your automobile insurance may be adversely affected.

~~SEC. 25.~~

SEC. 24. Section 42007.1 of the Vehicle Code is repealed.

~~SEC. 26.~~

SEC. 25. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

~~SEC. 27.~~

SEC. 26. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide adequate trial court funding for the 1994–95 fiscal year, it is necessary that this act take effect immediately.

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AMENDED IN ASSEMBLY APRIL 21, 1994
AMENDED IN ASSEMBLY MARCH 23, 1994
AMENDED IN ASSEMBLY MARCH 3, 1994

CALIFORNIA LEGISLATURE—1993–94 REGULAR SESSION

ASSEMBLY BILL No. 2544

Introduced by Assembly Member Isenberg

January 19, 1994

An act to amend Sections 27361, 29550, 68073, 68085, 68502.5, 68542.5, 76000, and 76104.5 of, to add Sections 77006.5 and 77205.1 to, *to repeal and add Section 77205 of,* and to repeal Sections 68206, 77200, 77202, 77204, ~~77205,~~ 77205.3, 77206, 77300, and 77301 of, the Government Code, to amend Sections 1463.001 and 1464 of, and to repeal Section 1463.003 of, the Penal Code, and to amend Sections 40611 and 42007 of, and to repeal Section 42007.1 of, the Vehicle Code, relating to trial court funding, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2544, as amended, Isenberg. Trial court funding.

(1) Existing law specifies the responsibilities of the counties and the state for the financing of the trial courts.

This bill would define trial court funding and provide that commencing July 1, 1994, the boards of supervisors of the various counties shall only provide funding for those functions of the trial courts not provided for in the State Budget, as specified, and would declare the intent of the Legislature in this regard. The bill would also eliminate the transfer of certain fees to the Controller for deposit in the General Fund, and provide instead for the deposit of those fees in the county general fund. The bill also would require the board of

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supervisors to submit proposed plans for courthouse construction or remodeling to the judges affected before beginning construction.

(2) Existing law establishes the Trial Court Trust Fund for purposes of funding trial court operations upon appropriation by the Legislature.

This bill would require the Controller to apportion funds in the Trial Court Trust Fund quarterly, *after deducting administrative costs,* as specified.

(3) Under existing law, the Judicial Council is required to provide for the appointment of a standing Trial Court Budget Commission, which has the authority to receive and review budget requests from the trial courts.

This bill would require the commission, upon receipt of a trial court's budget request, to forward the request for purposes of review and comment to the county in which the court is located. *The bill would revise the authority of the commission, as specified.*

(4) Existing law establishes a penalty assessment of $7 for every $10 of each fine, forfeiture, or penalty imposed for a criminal offense other than a parking violation, establishes a penalty assessment of $2.50 for parking offenses, authorizes a 50¢ penalty assessment for every $7 of each fine, forfeiture, or penalty for a criminal offense other than a parking violation, to be used by the counties for DNA identification systems, and provides for the distribution of those penalty assessments.

This bill would increase the penalty assessment for nonparking offenses to $10 for every $10 of fine, forfeiture, or penalty, and require 30% thereof to be deposited in the county treasury. The bill would also eliminate provisions requiring $1 of the parking penalty assessment to be transferred to the Controller for deposit in the General Fund, and would otherwise revise the requirements for processing the parking penalty. The bill would also decrease the DNA penalty assessment authorized from 50¢ for each $7 of fine, forfeiture, or penalty to 50¢ for each $10 of fine, forfeiture, or penalty.

(5) Existing law requires each county to contribute a specified portion of the salary of a superior court judge, and provides for each option county under the Brown-Presley

Trial Court Funding Act to receive a supplemental block grant equal to the salary of each municipal and justice court judge in the county.

This bill would eliminate those provisions.

(6) Under existing law, a county pays specified expenses of a trial court judge serving on assignment in the county.

This bill would eliminate the county's obligation for paying these expenses.

(7) Existing law specifies the intent of the Legislature to increase trial court funding, as specified; provides for block grant funding for trial courts on a county option basis; specifies the number of judicial officers in a county for the determination of trial court block grant funding, and specifies the duties of option counties beginning in the 1989–90 fiscal year.

This bill would repeal those provisions. *The bill would also require the Judicial Council and the Controller, as specified, to adopt rules governing trial court fiscal management, and would authorize the Controller to perform and publish financial and fiscal compliance audits of county reports regarding trial court operations.* The bill would require the Controller to make quarterly payments of trial court funding upon appropriation by the Legislature, as specified.

(8) Existing law provides for the transfer to the Judicial Council of specified funds appropriated for judges serving on assignment; and specifies that the decision by a county to opt under the Brown-Presley Trial Court Funding Act constitutes an agreement by the county raising the state appropriation limit and lowering that of the county commensurately.

This bill would repeal those provisions.

(9) Existing law provides for the distribution of fines, forfeitures, and penalties between the counties and the state.

This bill would revise that distribution.

(10) Existing law imposes a state penalty assessment of $10 for every $10 of each fine, forfeiture, or penalty other than parking offenses.

This bill would reduce this state penalty assessment from $10 for every $10 of each fine, forfeiture, or penalty other than parking offenses to $7 for every $10 thereof, and eliminate the deposit of 30% of these penalty assessments to the General

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Fund.

(11) Existing law establishes a $10 transaction fee upon proof of correction of specified Vehicle Code violations, and provides for the distribution of those fees.

This bill would eliminate the portion of those fees to be deposited in the State Penalty Fund and provide for a commensurate increase in the portion to be deposited in the county general fund.

(12) Existing law requires a court to collect a fee from each person ordered or permitted to attend a traffic violator school in the amount of the total bail for the offense involved plus $24.

This bill would eliminate the requirement that these fees be deposited in the General Fund and State Courthouse Construction Fund, which requirement would otherwise be repealed by its own terms on January 1, 1997.

(13) The bill would impose a state-mandated local program by expanding the duties of local officials.

(14) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(15) The bill would declare that it is to take effect immediately as an urgency statute, *but that it would become operative only upon receipt of a specified notice from the Director of Finance to the Controller.*

Vote: ⅔. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares that, since 1991, it has been the policy of the state to examine the operation and financing of superior, municipal, and justice courts in light of the need to reexamine and reconstruct the roles of each branch of government.

(b) It is also the policy of the state that the funding of

trial court operations is most logically a candidate for state funding and that the state will progressively increase its share of funding of the annual costs for court operations to 65 percent for the 1994–95 fiscal year and to 70 percent for the 1995–96 fiscal year and will achieve savings in court operations costs through the enactment of administrative efficiencies.

(c) The Legislature further finds that it is the policy of the state to create a judicial branch budgeting system that protects the independence of the judiciary and optimizes local trial court control and responsibility, while preserving financial accountability to the overall State Budget.

(d) The Legislature further finds that, pursuant to these policies, courts are making a transition from budgeting through the counties to becoming a direct part of the state's annual budget.

(e) The Legislature declares its intent to do each of the following:

(1) Beginning in the 1994–95 fiscal year, to include the funding for the various functions of trial court operations specifically as line item allocations in the Budget Act as part of the judicial branch budget.

(2) To require progressively more careful identification of the costs of services obtained by the courts from county agencies, and where it is agreed that the services should continue to be obtained from the county, the negotiation of agreements about the continued provision of those services at agreed costs.

(3) Through enactment of this act, to enable the transition to full state funding of the trial courts.

SEC. 2. Section 27361 of the Government Code is amended to read:

27361. (a) The fee for recording and indexing every instrument, paper, or notice required or permitted by law to be recorded is four dollars ($4) for recording the first page and three dollars ($3) for each additional page, except the recorder may charge additional fees as follows:

(1) If the printing on printed forms is spaced more than nine lines per vertical inch or more than 22

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characters and spaces per inch measured horizontally for not less than 3 inches in one sentence, the recorder shall charge one dollar ($1) extra for each page or sheet on which printing appears excepting, however, the extra charge shall not apply to printed words which are directive or explanatory in nature for completion of the form or on vital statistics forms. Fees collected under this paragraph are not subject to subdivision (b) or (c).

(2) If a page or sheet does not conform with the dimensions described in subdivision (a) of Section 27361.5, the recorder shall charge three dollars ($3) extra per page or sheet of the document. The extra charge authorized under this paragraph shall be available solely to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in each county's system of recorded documents. Fees collected under this paragraph are not subject to subdivision (b) or (c).

(b) One dollar ($1) for recording the first page and one dollar ($1) for each additional page shall be available solely to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in each county's system of recorded documents.

SEC. 3. Section 29550 of the Government Code is amended to read:

29550. (a) Notwithstanding any other provision of law, a county may impose a fee upon a city, special district, school district, community college district, college, or university for reimbursement of county expenses incurred with respect to the booking or other processing of persons arrested by an employee of that city, special district, school district, community college district, college, or university, where the arrested persons are brought to the county jail for booking or detention. The fee imposed by a county pursuant to this section shall not exceed the actual administrative costs, including applicable overhead costs as permitted by federal Circular A-87 standards, as defined in subdivision (d), incurred in booking or otherwise processing arrested persons. A county may submit an invoice to a city, special district, school district, community college district, college, or university for these expenses incurred by the county on and after July 1, 1990. Counties shall fully disclose the costs allocated as federal Circular A-87 overhead.

(b) (1) Notwithstanding subdivision (a), a city, special district, school district, community college district, college, or university shall not be charged fees for arrests on any bench warrant for failure to appear in court, nor on any arrest warrant issued in connection with a crime not committed within the entity's jurisdiction.

(2) Notwithstanding subdivision (a), a city, special district, school district, community college district, college, or university shall not be charged fees for a person who is ordered by a court to be remanded to the county jail except that a county may charge a fee to recover those direct costs for those functions required to book a person pursuant to subdivision (g) of Section 853.6 of the Penal Code.

(3) Notwithstanding subdivision (a), a city, special district, school district, community college district, college, or university shall not be charged fees for arrests made pursuant to arrest warrants originating outside of its jurisdiction.

(4) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college, college, or university on parole violation arrests or probation-ordered returns to custody, unless a new charge has been filed for a crime committed in the jurisdiction of the arresting city, district, college, or university.

(5) An agency making a mutual aid request shall pay fees that result from arrests made in response to the mutual aid request except that in the event the Governor declares a state of emergency, no agency shall be charged fees for any arrest made during any riot, disturbance, or event that is subject to the declaration.

(6) Notwithstanding subdivision (a), no fees shall be

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charged to a city, special district, school district, community college, college, or university for the arrest of a prisoner who has escaped from a county, state, or federal detention or corrections facility.

(7) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college, college, or university for arrestees held in temporary detention at a court facility for purposes of arraignment when the arrestee has been previously booked at an entity detention facility.

(8) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college, college, or university as the result of an arrest made by its officer assigned to a formal multiagency task force in which the county is a participant. For the purposes of this section, "formal task force" means a task force that has been established by written agreement of the participating agencies.

(9) In those counties where the cities and the county participate in a consolidated booking program and where prior to arraignment an arrestee is transferred from a city detention facility to a county detention facility, the city shall not be charged for those tasks listed in subdivision (d) that are a part of the consolidated booking program which were completed by the city prior to delivering the arrestee to the county detention facility. However, the county may charge the actual administrative costs for those additional tasks listed in subdivision (d) that are performed in order to receive the arrestee into the county detention facility.

(c) Any county whose officer or agent arrests a person is entitled to recover from the arrested person a criminal justice administration fee for administrative costs it incurs in conjunction with the arrest if the person is convicted of any criminal offense related to the arrest. The fee which the county is entitled to recover pursuant to this subdivision shall not exceed the actual administrative costs, including applicable overhead costs incurred in booking or otherwise processing arrested persons. A judgment of conviction may contain an order

for payment of the amount of the criminal justice administration fee by the convicted person, and execution may be issued on the order in the same manner as a judgment in a civil action, but the order shall not be enforceable by contempt. The court shall, as a condition of probation, order the convicted person, based on his or her ability to pay, to reimburse the county for the criminal justice administration fee including applicable overhead costs.

(d) As used in this section, "actual administrative costs" include only those costs for functions that are performed in order to receive an arrestee into a county detention facility. Operating expenses of the county jail facility including capitol costs and those costs involved in the housing, feeding, and care of inmates shall not be included in calculating "actual administrative costs." "Actual administrative costs" may include any one or more of the following as related to receiving an arrestee into the county detention facility:

(1) The searching, wristbanding, bathing, clothing, fingerprinting, photographing, and medical and mental screening of an arrestee.

(2) Document preparation, retrieval, updating, filing, and court scheduling related to receiving an arrestee into the detention facility.

(3) Warrant service, processing, and detainer.

(4) Inventory of an arrestee's money and creation of cash accounts.

(5) Inventory and storage of an arrestee's property.

(6) Inventory, laundry, and storage of an arrestee's clothing.

(7) The classification of an arrestee.

(8) The direct costs of automated services utilized in paragraphs (1) to (7), inclusive.

(9) Unit management and supervision of the detention function as related to paragraphs (1) to (8), inclusive.

(e) An administrative screening fee of twenty-five dollars ($25) shall be collected from each person arrested and released on his or her own recognizance upon

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conviction of any criminal offense related to the arrest other than an infraction. A citation processing fee in the amount of ten dollars ($10) shall be collected from each person cited and released by any peace officer in the field or at a jail facility upon conviction of any criminal offense, other than an infraction, related to the criminal offense cited in the notice to appear. However, the court may determine a lesser fee than otherwise provided in this subdivision upon a showing that the defendant is unable to pay the full amount. All fees collected pursuant to this subdivision shall be deposited in the general fund of the county.

SEC. 4. Section 68073 of the Government Code is amended to read:

68073. (a) Until July 1, 1994, in each county the board of supervisors shall provide suitable rooms for holding the superior, municipal, and justice courts, for the chambers of the judges of these courts and for court attendants, together with sufficient attendants, heat, light, furniture, furnishings, equipment, stationery, supplies, and other personal property, for the rooms and chambers and for the transaction of the business of the courts. Prior to the construction of new court facilities, the board of supervisors shall submit proposed plans to the judge or judges of the affected court for review and recommendation as to the adequacy and standard of design and such review and recommendation shall not be disregarded without reasonable grounds.

(b) Commencing July 1, 1994, and each year thereafter, with regard to court operations as defined in Section 77003, in each county the board of supervisors shall only provide funding for those functions of the trial courts not provided for in the State Budget, and is obligated to fund those functions only in the amount for each of those functions that is provided in the budget adopted by the Judicial Council pursuant to paragraph (3) of subdivision (a) of Section 68502.5 and adopted by the Legislature. In each county, the board of supervisors shall provide funding for suitable rooms for holding the superior, municipal, and justice courts, and for the

chambers of the judges of those courts together with furnishings and fixtures for the rooms and chambers.

(c) Prior to the construction of new court facilities or the alteration, remodeling, or relocation of existing court facilities, the board of supervisors shall submit proposed plans to the judge or judges of the court affected for review and recommendations as to the adequacy and standard of design, and that review and recommendation may not be disregarded without reasonable grounds.

(d) This section shall not be construed as authorizing the county to supply to the official reporters of the courts stenograph, stenotype, or other shorthand machines; nor as authorizing the county to supply to the official reporters of the courts, for use in the preparation of transcripts, typewriters, transcribing equipment, supplies, or other personal property.

SEC. 4.5. Section 68085 of the Government Code is amended to read:

68085. (a) There is hereby established the Trial Court Trust Fund, the proceeds of which shall be apportioned quarterly by the Controller on or before the 25th day of *the month following the end of* that quarter, upon appropriation by the Legislature, for the purpose of funding trial court operations, as defined in Section 77003.

(b) Notwithstanding any other provision of law, the fees listed in subdivision (c) shall all be deposited upon collection in a special account in the county treasury, and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

(c) Except as specified in subdivision (d), this section applies to all fees collected pursuant to Sections 26820.4, 26826, 26827, 68086, 72055, and 72056.

(d) This section does not apply to that portion of a filing fee collected pursuant to Section 26820.4, 26826, 26827, 72055, or 72056 which is allocated for dispute resolution pursuant to Section 470.3 of the Business and Professions Code, the county law library pursuant to Section 6320 of the Business and Professions Code, the Judges' Retirement Fund pursuant to Section 26822.3, automated recordkeeping or conversion to

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micrographics pursuant to Sections 26863 and 68090.7, and courthouse financing pursuant to Section 76238.

(e) Notwithstanding any other provision of law, no agency shall take action to change the amounts allocated to any of the above funds.

(f) Before making any apportionments under this section, the Controller shall deduct, from the annual appropriation for that purpose, the actual administrative costs that will be incurred under this section. Costs reimbursed under this section shall be determined on an annual basis in consultation with the Judicial Council.

SEC. 5. Section 68206 of the Government Code is repealed.

SEC. 6. Section 68502.5 of the Government Code is amended to read:

68502.5. (a) The Judicial Council shall provide by rule for the appointment of a standing Trial Court Budget Commission and the deadlines for meeting its various responsibilities. The commission shall have the authority to:

(1) Receive ~~and review~~ budget requests from the trial courts. Upon receipt of a trial court's budget request, the commission shall forward the request for purposes of review and comment to the county in which the court is located.

~~(2) Annually submit a recommended trial court budget to the Judicial Council for approval and forwarding to the Governor for inclusion in the Governor's proposed State Budget.~~

(2) Review the trial courts' budget requests and evaluate them against performance criteria established by the commission by which a court's performance and efficiency can be measured.

(3) ~~Prepare~~ *Annually prepare* a recommended schedule for the allocation of moneys to individual courts *and a recommended overall trial court budget* for approval by the Judicial Council and forwarding to the Governor for inclusion in the Governor's proposed State Budget. *The recommended schedule shall be based on a minimum standard established by the commission for*

the operation and staffing of all trial court operations. The schedule of allocations shall assure that all trial courts receive funding for the minimum operating and staffing standards before funding operating and staffing requests above the minimum standards, and shall include incentives and rewards for any trial court's implementation of efficiencies and cost saving measures enacted since 1991.

(4) Reallocate funds in accordance with Judicial Council rules during the course of the fiscal year to ensure equal access to the trial courts by the public, to improve trial court operations, and to meet trial court emergencies. Reallocations shall be limited to 15 percent of that portion of any court's annual budget amount funded by the state, excluding any amount derived from trial court block grants appropriated to a county by the Legislature. Counties shall have no obligation to replace moneys reallocated pursuant to this paragraph.

(5) Allocate funds in the Trial Court Improvement Fund in accordance to Judicial Council rules to ensure equal access to trial courts by the public, to improve trial court operations, and to meet trial court emergencies.

(6) *Upon approval of the trial courts' budget by the Legislature, prepare during the course of the budget year an allocation schedule for quarterly payments to the counties which shall be submitted to the Controller's office by the 10th day of the month in which payments under this section are to be made.*

(7) At the request of the presiding judge of a trial court, conduct an independent review of the funding level of the court to determine whether it is adequate to enable the court to discharge its statutory and constitutional responsibilities.

~~(7)~~

(8) From time to time, review the level of fees charged by the courts for various services and prepare recommended adjustments for approval and forwarding to the Legislature by the Judicial Council.

(b) Members of the commission shall receive no compensation from the state for their services. When

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called into session, they shall receive their actual and necessary expenses for travel, board, and lodging, which shall be paid from the funds appropriated for this use. These expenses shall be appropriated in the manner as the Judicial Council directs, and shall be audited by the Controller in accordance with the rules of the State Board of Control.

SEC. 6.5. Section 68542.5 of the Government Code is amended to read:

68542.5. Any judge of a superior, municipal, or justice court serving in another court in the same county under assignment by the Chairperson of the Judicial Council shall receive the amount of actual and necessary traveling expenses incurred while traveling between home and the courtroom unless the courtrooms are within five miles of each other.

SEC. 7. Section 76000 of the Government Code is amended to read:

76000. (a) In each county there shall be levied an additional penalty of ten dollars ($10) for every ten dollars ($10) or fraction thereof which shall be collected together with and in the same manner as the amounts established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except parking offenses subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code. These moneys shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1463 of the Penal Code.

The county treasurer shall deposit 30 percent in the county general fund and shall deposit the remainder as specified by the board of supervisors by resolution in one or more of the funds established pursuant to this chapter. However, deposits to these funds shall continue through whatever period of time is necessary to repay any borrowings made by the county on or before January 1, 1991, to pay for construction provided for in this chapter.

(b) In each authorized county, provided that the board of supervisors has adopted a resolution stating that the implementation of this subdivision is necessary to the county for the purposes authorized, with respect to each authorized fund established pursuant to Section 76100 or 76101, for every parking offense where a parking penalty, fine, or forfeiture is imposed, an added penalty of two dollars and fifty cents ($2.50) shall be included in the total parking penalty, fine, or forfeiture. Each agency which processes parking violations shall pay to the county treasurer two dollars and fifty cents ($2.50) for each fund for each parking penalty collected. Those payments to the county treasurer shall be made no later than 45 days after the last day of the month in which the parking penalty was received, and the county treasurer shall deposit all those sums in the authorized fund. No issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the added penalty established in the resolution adopted pursuant to this chapter, except as otherwise agreed upon by the local governmental entities involved.

SEC. 8. Section 76104.5 of the Government Code is amended to read:

76104.5. (a) For the purpose of assisting any county in the establishment of automated photographic or DNA (genetic fingerprint) identification systems, or any new technology in the county, the board of supervisors may establish in the county treasury a DNA Identification Fund into which shall be deposited the amounts specified in the resolutions adopted by the board of supervisors as authorized in accordance with this title, up to fifty cents ($0.50) for every ten dollars ($10) collected pursuant to Section 76000. The moneys of the fund shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated photographic or DNA (genetic fingerprint) identification systems, or any new technology.

(b) The fund moneys described in subdivision (a), together with any interest earned thereon, shall be held by the county treasurer separate from any funds subject

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to transfer or division pursuant to Section 1463 of the Penal Code. Deposits to the fund may continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

(c) For purposes of this section, "DNA (genetic fingerprint) identification system" means equipment, procedures, and methodologies compatible with and meeting the standards set for DNA testing by the Department of Justice pursuant to Section 290.2 of the Penal Code.

SEC. 9. Section 77006.5 is added to the Government Code, to read:

77006.5. As used in this chapter, "trial court funding" means the amount of state funds provided for the operation of the trial courts, as defined in Section 77003, appropriated in the Budget Act, and allocated or reallocated by the Trial Court Budgeting Commission created pursuant to Section 68502.5.

SEC. 10. Section 77200 of the Government Code is repealed.

SEC. 11. Section 77202 of the Government Code is repealed.

SEC. 12. Section 77204 of the Government Code is repealed.

SEC. 13. Section 77205 of the Government Code is repealed.

SEC. 13.5. Section 77205 is added to the Government Code, to read:

77205. (a) The Judicial Council shall adopt appropriate rules for budget submission, budget management, and reporting of revenues and expenditures by each court. The Controller, in consultation with the Judicial Council, shall maintain appropriate regulations for recordkeeping and accounting by the county and the courts, in order to determine all moneys collected by the county and the courts, including filing fees, fines, forfeitures, and penalties, and all revenues and expenditures relating to court operations.

(b) Regulations, rules, and reporting requirements adopted pursuant to this chapter shall be exempt from review and approval or other processing by the Office of Administrative Law as provided for in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(c) The Controller, at the request of the Legislature or the Judicial Council, may perform and publish financial and fiscal compliance audits of the reports submitted by the counties under this chapter. The Controller shall report the results of these audits to the Legislature.

SEC. 14. Section 77205.1 is added to the Government Code, to read:

77205.1. Upon appropriation by the Legislature, the Controller shall make quarterly payments of trial court funding on or before the 25th day of that quarter.

SEC. 15. Section 77205.3 of the Government Code is repealed.

SEC. 16. Section 77206 of the Government Code is repealed.

SEC. 17. Section 77300 of the Government Code is repealed.

SEC. 18. Section 77301 of the Government Code is repealed.

SEC. 19. Section 1463.001 of the Penal Code is amended to read:

1463.001. All fines and forfeitures imposed and collected for crimes other than parking offenses resulting from a filing in a court shall as soon as practicable after receipt thereof, be deposited with the county treasurer, and each month the total fines and forfeitures which have accumulated within the past month shall be distributed, as follows:

(a) The state penalties, county penalties, special penalties, service charges, and penalty allocations shall be transferred to the proper funds as required by law.

(b) The base fines shall be distributed, as follows:

(1) Any base fines which are subject to specific

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distribution under any other section shall be distributed to the specified funds of the state or local agency.

(2) Base fines resulting from county arrests shall be transferred to the proper funds of the county.

(3) Of base fines resulting from city arrests not included in paragraph (1), an amount equal to the applicable county percentages set forth in Section 1463.002, as modified by Section 1463.28, shall be transferred to the proper funds of the county. The remainder of base fines resulting from city arrests shall be deposited to the General Fund, and 50 percent deposited to the treasury of the appropriate city.

(4) In a county that had an agreement as of March 22, 1977, that provides for city fines and forfeitures to accrue to the county in exchange for sales tax receipts, of base fines resulting from city arrests not included in paragraph (1), 50 percent shall be deposited to the General Fund, and 50 percent shall be deposited into the proper funds of the county.

(c) Each county shall keep a record of its deposits to its treasury and its transmittal to each city treasury pursuant to this section, and shall provide these records upon request to the Controller.

(d) Any amounts required to be distributed to the state pursuant to this section shall be remitted to the Controller no later than 45 days after the end of the month in which those amounts were collected. This remittance shall be accompanied by a remittance advice identifying the collection month and the appropriate account in the General Fund to which it is to be deposited.

(e) The distribution specified in subdivision (b) applies to all funds subject thereto distributed on or after July 1, 1994, regardless of whether the court has elected to allocate and distribute funds pursuant to Section 1464.8.

SEC. 20. Section 1463.003 of the Penal Code is repealed.

SEC. 21. Section 1464 of the Penal Code is amended to read:

1464. (a) Subject to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, there shall be levied a state penalty, in an amount equal to seven dollars ($7) for every ten dollars ($10) or fraction thereof, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses, except parking offenses as defined in subdivision (i) of Section 1463, involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code. Any bail schedule adopted pursuant to Section 1269b may include the necessary amount to pay the state penalties established by this section and Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code for all matters where a personal appearance is not mandatory and the bail is posted primarily to guarantee payment of the fine.

(b) Where multiple offenses are involved, the state penalty shall be based upon the total fine or bail for each case. When a fine is suspended, in whole or in part, the state penalty shall be reduced in proportion to the suspension.

(c) When any deposited bail is made for an offense to which this section applies, and for which a court appearance is not mandatory, the person making the deposit shall also deposit a sufficient amount to include the state penalty prescribed by this section for forfeited bail. If bail is returned, the state penalty paid thereon pursuant to this section shall also be returned.

(d) In any case where a person convicted of any offense, to which this section applies, is in prison until the fine is satisfied, the judge may waive all or any part of the state penalty, the payment of which would work a hardship on the person convicted or his or her immediate family.

(e) After a determination by the court of the amount due, the clerk of the court shall collect the penalty and transmit it to the county treasury. The portion thereof attributable to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code shall be

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deposited in the appropriate county fund and the balance shall then be transmitted to the State Treasury for deposit in the State Penalty Fund, which is hereby created. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

(f) The moneys so deposited in the State Penalty Fund shall be distributed as follows:

(1) Once a month there shall be transferred into the Fish and Game Preservation Fund an amount equal to 0.33 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month, except that the total amount shall not be less than the state penalty levied on fines or forfeitures for violation of state laws relating to the protection or propagation of fish and game. These moneys shall be used for the education or training of department employees which fulfills a need consistent with the objectives of the Department of Fish and Game.

(2) Once a month there shall be transferred into the Restitution Fund an amount equal to 32.02 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. Those funds shall be made available in accordance with subdivision (b) of Section 13967 of the Government Code.

(3) Once a month there shall be transferred into the Peace Officers' Training Fund an amount equal to 23.99 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(4) Once a month there shall be transferred into the Driver Training Penalty Assessment Fund an amount equal to 25.70 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(5) Once a month there shall be transferred into the Corrections Training Fund an amount equal to 7.88 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. Money in the Corrections Training Fund is not continuously appropriated and shall be appropriated in the Budget

Act.

(6) Once a month there shall be transferred into the Local Public Prosecutors and Public Defenders Training Fund established pursuant to Section 11503 an amount equal to 0.78 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. The amount so transferred shall not exceed the sum of eight hundred fifty thousand dollars ($850,000) in any fiscal year. The remainder in excess of eight hundred fifty thousand dollars ($850,000) shall be transferred to the Restitution Fund.

(7) Once a month there shall be transferred into the Victim-Witness Assistance Fund an amount equal to 8.64 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(8) (A) Once a month there shall be transferred into the Traumatic Brain Injury Fund, created pursuant to Section 4358 of the Welfare and Institutions Code, an amount equal to 0.66 percent of the state penalty funds deposited into the State Penalty Fund during the preceding month, until the amount deposited in the Traumatic Brain Injury Fund, as determined by the Department of Finance, for any fiscal year equals five hundred thousand dollars ($500,000). All moneys in excess of that amount shall be distributed pro rata pursuant to paragraphs (1) to (7), inclusive, and utilized in accordance with this subdivision.

(B) Any moneys deposited in the State Penalty Fund attributable to the assessments made pursuant to subdivision (i) of Section 27315 of the Vehicle Code on or after the date that Chapter 6.6 (commencing with Section 5564) of Part 1 of Division 5 of the Welfare and Institutions Code is repealed shall be utilized in accordance with paragraphs (1) to (8), inclusive, of this subdivision.

SEC. 22. Section 40611 of the Vehicle Code is amended to read:

40611. Upon proof of correction of an alleged violation of Section 12500 or 12951, or any violation cited pursuant to Section 40610, the clerk shall collect a ten

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dollar ($10) transaction fee for each case. The fee shall be deposited by the clerk in accordance with Section 68084 of the Government Code, and allocated monthly as follows:

(a) Thirty-three percent shall be transferred to the local governmental entity in whose jurisdiction the citation was issued for deposit in the general fund of the entity.

(b) Sixty-seven percent shall be deposited in the county general fund.

SEC. 23. Section 42007 of the Vehicle Code is amended to read:

42007. (a) The clerk of the court shall collect a fee from every person who is ordered or permitted to attend a traffic violator school pursuant to Section 42005 or who attends any other court-supervised program of traffic safety instruction. The fee shall be in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule plus twenty-four dollars ($24). As used in this subdivision, "total bail" means the amount established pursuant to Section 1269b of the Penal Code in accordance with the Uniform Statewide Bail Schedule adopted by the Judicial Council, including all assessments, surcharges, and penalty amounts. Where multiple offenses are charged in a single notice to appear, the "total bail" is the amount applicable for the greater of the qualifying offenses. However, the court may determine a lesser fee under this subdivision upon a showing that the defendant is unable to pay the full amount.

The fee shall not include the cost, or any part thereof, of traffic safety instruction offered by the school or other program.

(b) Revenues derived from the fee collected under this section shall be deposited in accordance with Section 68084 of the Government Code and allocated monthly to the general fund of the county, provided that in any county in which a fund is established pursuant to Section 76100 or 76101 of the Government Code, the sum of one dollar ($1) for each fund so established shall be deposited

with the county treasurer and placed in that fund.

(c) As used in this section, "court-supervised program" includes, but is not limited to, any program of traffic safety instruction the successful completion of which is accepted by the court in lieu of adjudicating a violation of this code.

(d) The Judicial Council shall study the minimum eligibility criteria governing drivers seeking to attend traffic violator's school, and report to the Legislature on the advisability of uniform statewide criteria on or before January 1, 1993.

(e) The clerk of the court, in a county that offers traffic school shall include in any courtesy notice mailed to a defendant for an offense that qualifies for traffic school attendance the following statement:

NOTICE: If you are eligible and decide not to attend traffic school your automobile insurance may be adversely affected.

SEC. 24. Section 42007.1 of the Vehicle Code is repealed.

SEC. 25. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 26. *This act shall not become operative unless the Director of Finance finds that a transfer of programmatic responsibility from the state to the counties of an equal dollar value has been enacted and so notifies the Controller in writing, in which case this act shall become operative upon receipt of that notice.*

SEC. 27. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts

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constituting the necessity are:

In order to provide adequate trial court funding for the 1994–95 fiscal year, it is necessary that this act take effect immediately.

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AMENDED IN SENATE JUNE 21, 1994
AMENDED IN ASSEMBLY APRIL 21, 1994
AMENDED IN ASSEMBLY MARCH 23, 1994
AMENDED IN ASSEMBLY MARCH 3, 1994

CALIFORNIA LEGISLATURE—1993-94 REGULAR SESSION

ASSEMBLY BILL No. 2544

Introduced by Assembly Member Isenberg

January 19, 1994

~~An act to amend Sections 27361, 29550, 68073, 68085, 68502.5, 635[illegible]2.5, 76000, and 76104.5 of, to add Sections 77006.5 and 77205.1 to, to repeal and add Section 77205 of, and to repeal Sections 68206, 77200, 77202, 77204, 77205.3, 77206, An act to amend Sections 22754.1, 24353, 27361, 29550, 68085, 68101, 68502.5, 76000, 76100, 76104.5, and 77003 of, to add Sections 22754.35, 77006.5, 77203.5, 77205.1, and 77205.3 to, to repeal and add Sections 68073, 77205, and 77205.3 of, and to repeal Sections 22816.32, 22816.35, 22816.4, 22825, 68206, 77200, 77202, 77204, 77206,~~ 77300, and 77301 of, the Government Code, to amend Sections 1463.001 and 1464 of, and to repeal Section 1463.003 of, the ~~Penal Code, and to amend Sections 40611 and 42007 of, and to repeal Section 42007.1 of, the Vehicle Code, relating to trial~~ *Penal Code, and to amend Sections 11205, 40611, 42007, 42007.1, and 42201 of the Vehicle Code, relating to trial* court funding, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2544, as amended, Isenberg. Trial court funding.

(1) Existing law specifies the responsibilities of the counties and the state for the financing of the trial courts.

This bill would define trial court funding and provide that

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commencing July 1, 1994, the boards of supervisors of the various counties shall only provide funding for those functions of the trial courts not provided for in the State Budget, as specified, and would declare the intent of the Legislature in this regard. The bill would also eliminate the transfer of certain fees to the Controller for deposit in the General Fund, and provide instead for the deposit of those fees in the county general fund. The bill also would require the board of supervisors to submit proposed plans for courthouse construction or remodeling to the judges affected before beginning construction. *The bill would also direct each board of supervisors to establish a Trial Court Operations Fund for the deposit of moneys for trial court funding and court operations, as specified.*

(2) Existing law establishes the Trial Court Trust Fund for purposes of funding trial court operations upon appropriation by the Legislature.

This bill would require the Controller to apportion funds in the Trial Court Trust Fund quarterly, after deducting administrative costs, as specified. *It also would provide for the investment of that fund and the allocation of interest therefrom.*

(3) *Existing law specifies the health benefits of state employees.*

This bill would revise those benefits with respect to judges of municipal and justice courts.

(4) Under existing law, the Judicial Council is required to provide for the appointment of a standing Trial Court Budget Commission, which has the authority to receive and review budget requests from the trial courts.

This bill would require the ~~commission, upon receipt of a trial court's budget request, to forward the request for purposes of review and comment to the county in which the court is located~~ *trial courts to send a copy of their proposed budgets to the board of supervisors at the same time their budget requests are submitted to the Trial Court Budget Commission. The bill would authorize courts to order counties to provide specified funding for court operations where the board of supervisors has failed to provide that funding, as specified.* The bill *also* would revise the authority

of the commission, as specified. *The bill also would revise the definition of "court operations."*

~~(4)~~

(5) Existing law establishes a penalty assessment of $7 for every $10 of each fine, forfeiture, or penalty imposed for a criminal offense other than a parking violation, establishes a penalty assessment of $2.50 for parking offenses, authorizes a 50¢ penalty assessment for every $7 of each fine, forfeiture, or penalty for a criminal offense other than a parking violation, to be used by the counties for DNA identification systems, and provides for the distribution of those penalty assessments.

This bill would increase the penalty assessment for nonparking offenses to $10 for every $10 of fine, forfeiture, or penalty, and require 30% thereof to be deposited in the county treasury. The bill would also eliminate provisions requiring $1 of the parking penalty assessment to be transferred to the Controller for deposit in the General Fund, and would otherwise revise the requirements for processing the parking penalty. The bill would also decrease the DNA penalty assessment authorized from 50¢ for each $7 of fine, forfeiture, or penalty to 50¢ for each $10 of fine, forfeiture, or penalty.

~~(5)~~

(6) Existing law requires each county to contribute a specified portion of the salary of a superior court judge, and provides for each option county under the Brown-Presley Trial Court Funding Act to receive a supplemental block grant equal to the salary of each municipal and justice court judge in the county.

This bill would eliminate those provisions.

~~(6) Under existing law, a county pays specified expenses of a trial court judge serving on assignment in the county.~~

~~This bill would eliminate the county's obligation for paying these expenses.~~

(7) Existing law specifies the intent of the Legislature to increase trial court funding, as specified; provides for block grant funding for trial courts on a county option basis; specifies the number of judicial officers in a county for the determination of trial court block grant funding, and specifies the duties of option counties beginning in the 1989–90 fiscal

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year.

This bill would repeal those provisions. The bill would also require the Judicial Council and the Controller, as specified, to adopt rules governing trial court fiscal management, and would authorize the Controller to perform and publish financial and fiscal compliance audits of county reports regarding trial court operations. The bill would require the Controller to make quarterly payments of trial court funding upon appropriation by the Legislature, as specified.

(8) Existing law provides for the transfer to the Judicial Council of specified funds appropriated for judges serving on assignment; and specifies that the decision by a county to opt under the Brown-Presley Trial Court Funding Act constitutes an agreement by the county raising the state appropriation limit and lowering that of the county commensurately.

This bill would *revise the former provision and* repeal ~~those provisions~~ *the latter.*

(9) Existing law provides for the distribution of fines, forfeitures, and penalties between the counties and the state.

This bill would revise that distribution.

(10) Existing law imposes a state penalty assessment of $10 for every $10 of each fine, forfeiture, or penalty other than parking offenses.

This bill would reduce this state penalty assessment from $10 for every $10 of each fine, forfeiture, or penalty other than parking offenses to $7 for every $10 thereof, and eliminate the deposit of 30% of these penalty assessments to the General Fund.

(11) Existing law establishes a $10 transaction fee upon proof of correction of specified Vehicle Code violations, and provides for the distribution of those fees.

This bill would eliminate the portion of those fees to be deposited in the State Penalty Fund and provide for a commensurate increase in the portion to be deposited in the county general fund. *It also would revise the distribution of fines and forfeitures collected with respect to Vehicle Code misdemeanor offenses.*

(12) Existing law requires a court to collect a fee from each person ordered or permitted to attend a traffic violator school in the amount of the total bail for the offense involved plus

$24. *Existing law provides for the allocation of these revenues.*

~~This bill would eliminate the requirement that these fees be deposited in the General Fund and State Courthouse Construction Fund, which requirement would otherwise be repealed by its own terms on January 1, 1997.~~

This bill would revise that allocation.

(13) *Existing law authorizes the Department of Motor Vehicles to publish a semiannual list of all traffic violator schools. A court may use that list, or when the court also uses a nonprofit agency to administer and monitor traffic violator school, a statewide referral list may be published by the nonprofit agency and distributed by the court.*

This bill would permit the nonprofit agency to charge a traffic violator a fee to offset specified costs.

(14) The bill would impose a state-mandated local program by expanding the duties of local officials.

~~(14)~~

(15) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(15)~~

(16) The bill would declare that it is to take effect immediately as an urgency statute, but that it would become operative only upon receipt of a specified notice from the Director of Finance to the Controller.

Vote: ⅔. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares that, since 1991, it has been the policy of the state to examine the operation and financing of superior, municipal, and justice courts in light of the need to reexamine and reconstruct the roles of each branch of government.

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(b) It is also the policy of the state that the funding of trial court operations is most logically a candidate for state funding and that the state will progressively increase its share of funding of the annual costs for court operations to 65 percent for the 1994–95 fiscal year and to 70 percent for the 1995–96 fiscal year and will achieve savings in court operations costs through the enactment of administrative efficiencies.

(c) The Legislature further finds that it is the policy of the state to create a judicial branch budgeting system that protects the independence of the judiciary and optimizes local trial court control and responsibility, while preserving financial accountability to the overall State Budget.

(d) The Legislature further finds that, pursuant to these policies, courts are making a transition from budgeting through the counties to becoming a direct part of the state's annual budget.

(e) The Legislature declares its intent to do each of the following:

(1) Beginning in the 1994–95 fiscal year, to include the funding for the various functions of trial court operations specifically as ~~line item~~ allocations in the Budget Act as part of the judicial branch budget.

(2) To require progressively more careful identification of the costs of services obtained by the courts from county agencies, and ~~where it is agreed that the services should continue to be obtained from the county, the negotiation of agreements about the continued provision of those services at agreed costs.~~ *to require the negotiation of agreements on the cost of county provided services.*

(3) Through enactment of this act, to enable the transition to full state funding of the trial courts.

SEC. 2. *Section 22754.1 of the Government Code is amended to read:*

22754.1. (a) As used in this part, unless the context otherwise requires, the term "employee" includes any judge of a municipal court or justice court, and the terms "employer" and "contracting agency" with respect to

~~such~~ a judge enrolled in a health benefits plan, include the county in which the municipal court or justice court is located, provided that adoption of a resolution under Section 22850 shall not be required. ~~The state is not obligated to make any contribution to health benefit plans for active and retired municipal or justice court judges, except for municipal or justice court judges serving on senior judge status and then only during the time as a municipal or justice court judge is actively serving as a senior judge.~~ A municipal or justice court judge may elect to come under the provisions of this part only within 90 days of assuming office for the first time ~~as such a judge~~. If a municipal or justice court judge elects to come under the provisions of this part, the county employing the judge shall contribute to the Public Employees' Contingency Reserve Fund the sums as it would have otherwise contributed to a health benefit plan provided for county employees, unless the municipal or justice court judge elects to enroll under the county health benefit plan. Those contributions shall be applied first to the contribution required of it as an employer under Section 22831 and any remainder shall be applied to the contribution required under Sections 22825 and 22825.6. The municipal or justice court judge whether enrolled as an employee or annuitant shall contribute the cost of that enrollment plus the amount required of an employer under Section 22831 less the amount, if any, contributed by his or her county. A county shall not be required to contribute any portion of the cost of a health benefits plan under this part for a judge after retirement unless the health benefits plan provided for county employees provides that coverage.

(b) No conversion of a county's justice courts to municipal courts or consolidations of justice or municipal court districts pursuant to Chapter 6 (commencing with Section 71001) of Title 8, and no election by a judge or judge's failure to make any election pursuant to those provisions, shall have any effect on the continuation of rights and obligations under this section. Obligations of the county as employer or contracting agency and the

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rights of a judge as employee under this section are identical and are continuous and of equal force, whether the judge serves on a justice court or municipal court. Nothing in this section shall be construed to authorize any county to pay the member contributions to the Judges' Retirement Fund.

SEC. 3. Section 22754.35 is added to the Government Code, to read:

22754.35. (a) As used in this part, "employee" includes any judge of a municipal or justice court.

(b) As used in this part, "annuitant" includes any judge of a municipal or justice court who retires on or after the effective date of this act.

(c) For purposes of this part, a municipal or justice court judge's entitlement shall be the same as a superior court judge in terms of health benefits and employer contributions, and the continuation of health benefits coverage shall be administered by the board.

SEC. 4. Section 22816.32 of the Government Code is repealed.

~~22816.32. When a county, pursuant to Section 77208, chooses to provide health benefits to judges retired from municipal or justice courts within that county substantially similar to those provided retired superior court judges, any continuation of health benefits coverage under Section 22754.1 shall be administered by the board.~~

SEC. 5. Section 22816.35 of the Government Code is repealed.

~~22816.35. Any justice court judge who is an employee or an annuitant of a county which is not a contracting agency under this part shall be entitled to enroll or have his or her coverage and the coverage of any family member continued, under this part, upon assuming payment of the contributions otherwise required for the total health benefit premium costs.~~

~~Monthly health benefit premium payments shall include an amount required of an employer under Section 22831.~~

~~A justice court judge may elect to come under the provisions of this part within 90 days of the effective date of this section or within 90 days of assuming office for the first time as such a judge.~~

~~An annuitant who retired from a justice court judgeship and otherwise meets the definition of annuitant may elect to come under the provisions of this part only within 90 days of the effective date of this section.~~

~~For a justice court judge who enrolls in, or continues the coverage of, a health benefits plan pursuant to this section, the employing county, by the 10th day of each month, shall remit to the Public Employees' Contingency Reserve Fund the total health benefits premium costs assumed by the judge. For a judge who retired from a county which is subject to the County Employees Retirement Law of 1937, the county shall deduct the health benefits cost from the judge's retirement allowance and remit that sum to the Public Employees' Contingency Reserve Fund. A county may charge a judge a reasonable administrative fee or additional premium amount for the costs incurred by the county in remitting payments pursuant to this section.~~

SEC. 6. Section 22816.4 of the Government Code is repealed.

~~22816.4. Any judge in a county which is not a contracting agency under this part who is certified by the Judicial Council as available for regular judicial assignment and who has not retired or deferred retirement, shall be eligible to enroll in a health plan under this part upon assuming payment of the contributions required on account of his or her enrollment. Regular judicial assignment is defined as 26 weeks of service in any prior 52/week period. Eligibility for coverage shall terminate upon notice from the Judicial Council that a judge is no longer available for regular judicial assignment in the month following receipt of this notice.~~

SEC. 7. Section 22825 of the Government Code is repealed.

~~22825. (a) The employer and each employee or~~

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~~annuitant shall contribute a portion of the cost of providing for each employee and annuitant the benefit coverage afforded under any health benefit plan which the board has approved or for which it has executed a contract pursuant to this part, and in which the employee or annuitant may be enrolled.~~

~~The employer's contribution for each employee or annuitant shall be the amount necessary to pay the cost of his or her enrollment, including the enrollment of his family members, in a health benefits plan or plans, or, if less, sixteen dollars ($16) per month. There shall be only one such contribution with respect to all annuitants receiving allowances as survivors of the same employee or annuitant.~~

~~The contribution of each employee and annuitant shall be the total cost per month of the benefit coverage afforded him or her under the plan or plans less the portion thereof to be contributed by the employer.~~

~~(b) With respect to an annuitant who is a retired municipal or justice court judge continuing coverage under Section 22816.32, the employer shall not be required to make any contribution toward the cost of benefit coverage. Whether a county chooses to make a contribution toward the monthly cost of the coverage pursuant to Section 22816.32, subdivision (b) of Section 22790, or Section 77203 or not, the annuitant's contribution shall be computed pursuant to subdivision (a) of this section.~~

~~(c) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if such provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.~~

SEC. 8. Section 24353 of the Government Code is amended to read:

24353. Each officer of a county or judicial district authorized to collect money shall pay into the county

treasury all money collected by him or her, or under his or her control, that is payable into the treasury in the form and at the time the *county* auditor requires. No officer who collects money as described in this section shall be required to accept payment in coin. *If the county auditor finds that an officer of the county has failed to comply with the requirements for payment of moneys pursuant to this section or Section 68101, which directly results in the assessment of a financial penalty pursuant to Section 68085, the county department which failed to comply shall reimburse the judicial district in an amount equal to the actual penalty.*

SEC. 9. Section 27361 of the Government Code is amended to read:

27361. (a) The fee for recording and indexing every instrument, paper, or notice required or permitted by law to be recorded is four dollars ($4) for recording the first page and three dollars ($3) for each additional page, except the recorder may charge additional fees as follows:

(1) If the printing on printed forms is spaced more than nine lines per vertical inch or more than 22 characters and spaces per inch measured horizontally for not less than 3 inches in one sentence, the recorder shall charge one dollar ($1) extra for each page or sheet on which printing appears excepting, however, the extra charge shall not apply to printed words which are directive or explanatory in nature for completion of the form or on vital statistics forms. Fees collected under this paragraph are not subject to subdivision (b) or (c).

(2) If a page or sheet does not conform with the dimensions described in subdivision (a) of Section 27361.5, the recorder shall charge three dollars ($3) extra per page or sheet of the document. The extra charge authorized under this paragraph shall be available solely to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in each county's system of recorded documents. Fees collected under this paragraph are not subject to subdivision (b) or (c).

(b) One dollar ($1) for recording the first page and

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one dollar ($1) for each additional page shall be available solely to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in each county's system of recorded documents.

~~SEC. 3.~~

SEC. 10. Section 29550 of the Government Code is amended to read:

29550. (a) Notwithstanding any other provision of law, a county may impose a fee upon a city, special district, school district, community college district, college, or university for reimbursement of county expenses incurred with respect to the booking or other processing of persons arrested by an employee of that city, special district, school district, community college district, college, or university, where the arrested persons are brought to the county jail for booking or detention. The fee imposed by a county pursuant to this section shall not exceed the actual administrative costs, including applicable overhead costs as permitted by federal Circular A-87 standards, as defined in subdivision (d), incurred in booking or otherwise processing arrested persons. A county may submit an invoice to a city, special district, school district, community college district, college, or university for these expenses incurred by the county on and after July 1, 1990. Counties shall fully disclose the costs allocated as federal Circular A-87 overhead.

(b) (1) Notwithstanding subdivision (a), a city, special district, school district, community college district, college, or university shall not be charged fees for arrests on any bench warrant for failure to appear in court, nor on any arrest warrant issued in connection with a crime not committed within the entity's jurisdiction.

(2) Notwithstanding subdivision (a), a city, special district, school district, community college district, college, or university shall not be charged fees for a person who is ordered by a court to be remanded to the county jail except that a county may charge a fee to

recover those direct costs for those functions required to book a person pursuant to subdivision (g) of Section 853.6 of the Penal Code.

(3) Notwithstanding subdivision (a), a city, special district, school district, community college district, college, or university shall not be charged fees for arrests made pursuant to arrest warrants originating outside of its jurisdiction.

(4) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college, college, or university on parole violation arrests or probation-ordered returns to custody, unless a new charge has been filed for a crime committed in the jurisdiction of the arresting city, district, college, or university.

(5) An agency making a mutual aid request shall pay fees that result from arrests made in response to the mutual aid request except that in the event the Governor declares a state of emergency, no agency shall be charged fees for any arrest made during any riot, disturbance, or event that is subject to the declaration.

(6) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college, college, or university for the arrest of a prisoner who has escaped from a county, state, or federal detention or corrections facility.

(7) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college, college, or university for arrestees held in temporary detention at a court facility for purposes of arraignment when the arrestee has been previously booked at an entity detention facility.

(8) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college, college, or university as the result of an arrest made by its officer assigned to a formal multiagency task force in which the county is a participant. For the purposes of this section, "formal task force" means a task force that has been established by written agreement of the participating agencies.

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(9) In those counties where the cities and the county participate in a consolidated booking program and where prior to arraignment an arrestee is transferred from a city detention facility to a county detention facility, the city shall not be charged for those tasks listed in subdivision (d) that are a part of the consolidated booking program which were completed by the city prior to delivering the arrestee to the county detention facility. However, the county may charge the actual administrative costs for those additional tasks listed in subdivision (d) that are performed in order to receive the arrestee into the county detention facility.

(c) Any county whose officer or agent arrests a person is entitled to recover from the arrested person a criminal justice administration fee for administrative costs it incurs in conjunction with the arrest if the person is convicted of any criminal offense related to the arrest. The fee which the county is entitled to recover pursuant to this subdivision shall not exceed the actual administrative costs, including applicable overhead costs incurred in booking or otherwise processing arrested persons. A judgment of conviction may contain an order for payment of the amount of the criminal justice administration fee by the convicted person, and execution may be issued on the order in the same manner as a judgment in a civil action, but the order shall not be enforceable by contempt. The court shall, as a condition of probation, order the convicted person, based on his or her ability to pay, to reimburse the county for the criminal justice administration fee including applicable overhead costs.

(d) As used in this section, "actual administrative costs" include only those costs for functions that are performed in order to receive an arrestee into a county detention facility. Operating expenses of the county jail facility including capitol costs and those costs involved in the housing, feeding, and care of inmates shall not be included in calculating "actual administrative costs." "Actual administrative costs" may include any one or more of the following as related to receiving an arrestee

into the county detention facility:

(1) The searching, wristbanding, bathing, clothing, fingerprinting, photographing, and medical and mental screening of an arrestee.

(2) Document preparation, retrieval, updating, filing, and court scheduling related to receiving an arrestee into the detention facility.

(3) Warrant service, processing, and detainer.

(4) Inventory of an arrestee's money and creation of cash accounts.

(5) Inventory and storage of an arrestee's property.

(6) Inventory, laundry, and storage of an arrestee's clothing.

(7) The classification of an arrestee.

(8) The direct costs of automated services utilized in paragraphs (1) to (7), inclusive.

(9) Unit management and supervision of the detention function as related to paragraphs (1) to (8), inclusive.

(e) An administrative screening fee of twenty-five dollars ($25) shall be collected from each person arrested and released on his or her own recognizance upon conviction of any criminal offense related to the arrest other than an infraction. A citation processing fee in the amount of ten dollars ($10) shall be collected from each person cited and released by any peace officer in the field or at a jail facility upon conviction of any criminal offense, other than an infraction, related to the criminal offense cited in the notice to appear. However, the court may determine a lesser fee than otherwise provided in this subdivision upon a showing that the defendant is unable to pay the full amount. All fees collected pursuant to this subdivision shall be deposited in the general fund of the county.

~~SEC. 4. Section 68073 of the Government Code is amended to read:~~

~~68073. (a) Until July 1, 1994, in each county the board of supervisors shall provide suitable rooms for holding the superior, municipal, and justice courts, for the chambers of the judges of these courts and for court attendants,~~

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~~together with sufficient attendants, heat, light, furniture, furnishings, equipment, stationery, supplies, and other personal property, for the rooms and chambers and for the transaction of the business of the courts. Prior to the construction of new court facilities, the board of supervisors shall submit proposed plans to the judge or judges of the affected court for review and recommendation as to the adequacy and standard of design and such review and recommendation shall not be disregarded without reasonable grounds.~~

~~(b) Commencing July 1, 1994, and each year thereafter, with regard to court operations as defined in Section 77003, in each county the board of supervisors shall only provide funding for those functions of the trial courts not provided for in the State Budget, and is obligated to fund those functions only in the amount for each of those functions that is provided in the budget adopted by the Judicial Council pursuant to paragraph (3) of subdivision (a) of Section 68502.5 and adopted by the Legislature. In each county, the board of supervisors shall provide funding for suitable rooms for holding the superior, municipal, and justice courts, and for the chambers of the judges of those courts together with furnishings and fixtures for the rooms and chambers.~~

~~(c) Prior to the construction of new court facilities or the alteration, remodeling, or relocation of existing court facilities, the board of supervisors shall submit proposed plans to the judge or judges of the court affected for review and recommendations as to the adequacy and standard of design, and that review and recommendation may not be disregarded without reasonable grounds.~~

~~(d) This section shall not be construed as authorizing the county to supply to the official reporters of the courts stenograph, stenotype, or other shorthand machines, nor as authorizing the county to supply to the official reporters of the courts, for use in the preparation of transcripts, typewriters, transcribing equipment, supplies, or other personal property.~~

~~SEC. 1.5.~~

SEC. 11. Section 68073 of the Government Code is repealed.

~~68073. In each county the board of supervisors shall provide suitable rooms for holding the superior, municipal, and justice courts, for the chambers of the judges of these courts and for court attendants, together with sufficient attendants, heat, light, furniture, furnishings, equipment, stationery, supplies, and other personal property, for the rooms and chambers and for the transaction of the business of the courts. Prior to the construction of new court facilities, the board of supervisors shall submit proposed plans to the judge or judges of the affected court for review and recommendation as to the adequacy and standard of design and such review and recommendation shall not be disregarded without reasonable grounds.~~

~~If the board of supervisors of any county does not provide suitable rooms for holding the superior, municipal, or justice courts, for the chambers of the judges of these courts and for the court attendants, together with sufficient attendants, furniture, furnishings, heat, light, equipment, stationery, supplies and other personal property, for such rooms and chambers and for transaction of business, the court shall give notice to the board of its particular needs. If the board then fails to provide anything necessary to the conduct of the court's functions, the court may direct the appropriate officers of the county to provide the same. The expenses incurred, certified by the judge or judges to be correct, are a charge against the county treasury, and shall be paid out of the General Fund.~~

~~This section shall not be construed as authorizing the county to supply to the official reporters of the courts Stenograph, Stenotype, or other shorthand machines, nor as authorizing the county to supply to the official reporters of the courts, for use in the preparation of transcripts, typewriters, transcribing equipment, supplies, or other personal property.~~

SEC. 12. Section 68073 is added to the Government Code, to read:

68073. (a) Commencing July 1, 1994, a board of

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supervisors, subject to the funding limitation set forth in subdivision (b), shall provide funding for suitable rooms for holding the superior, municipal, and justice courts, for the chambers of the judges of these courts and for court attendants, together with sufficient attendants, heat, light, furniture, furnishings, equipment, stationery, supplies, and other personal property, for the rooms and chambers and for the transaction of the business of the courts.

(b) Commencing July 1, 1994, and each year thereafter, with regard to court operations as defined in Section 77003, no board of supervisors shall be required to provide funding for those functions of the trial courts which are provided for in the state budget; however, in each county the board of supervisors shall provide funding for those functions for which funds are not provided for in the state budget, in an amount which complies with subdivision (a), recognizing the needs of the court, the county's fiscal condition, and the budget adopted by the Judicial Council, pursuant to paragraph (4) of subdivision (a) of Section 68502.5 and approved by the Legislature pursuant to paragraph (7) of subdivision (a) of Section 68502.5.

(c) If the board of supervisors of any county fails to provide funding as described in subdivision (b), the court shall give notice to the board of a specific deficiency. If the board then fails to provide funding necessary to comply with subdivision (b), the court may direct the appropriate officers of the county to provide the funding. The expenses incurred, certified by the judge or judges to be correct, are a charge against the county treasury and shall be paid out of the general fund.

(d) Prior to the taking action pursuant to subdivision (c), a court shall present to the Trial Court Budget Commission a written finding attesting to the necessity of the action. The finding shall include a summary of relevant facts, an assessment of the operational consequences of not receiving the funds at issue, and an outline of the steps taken to the exercise of this section. Upon review, the commission, upon authorization of the

Judicial Council, may or may not reallocate trial court funds from other trial courts, if it deems appropriate, in order to address the needs of the court. If moneys are not reallocated by the commission, the court may then direct the appropriate officers of the county to provide for the necessary resources to perform the court's functions, if the court deems it appropriate to do so.

(e) Prior to the construction of new court facilities or the alteration, remodeling, or relocation of existing court facilities, the board of supervisors shall submit proposed plans to the judge or judges of the court affected for review and recommendations as to the adequacy and standard of design, and that review and recommendation shall not be disregarded without reasonable grounds.

(f) This section shall not be construed as authorizing the county to supply to the official reporters of the courts stenograph, stenotype, or other shorthand machines; nor as authorizing the county to supply to the official reporters of the courts, for use in the preparation of transcripts, typewriters, transcribing equipment, supplies, or other personal property.

SEC. 13. Section 68085 of the Government Code is amended to read:

68085. (a) *(1)* There is hereby established the Trial Court Trust Fund, the proceeds of which shall be apportioned quarterly by the Controller on or before the 25th day of the month following the end of that quarter, upon appropriation by the Legislature, for the purpose of funding trial court operations, as defined in Section 77003.

(2) The quarterly apportionment payments shall be made by the Controller, except that the quarterly apportionment shall be withheld from any county that is delinquent in making the full transfer of funds pursuant to this section.

(b) Notwithstanding any other provision of law, the fees listed in subdivision (c) shall all be deposited upon collection in a special account in the county treasury, and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

(c) Except as specified in subdivision (d), this section

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applies to all fees collected pursuant to Sections 26820.4, 26826, 26827, 68086, 72055, and 72056.

(d) This section does not apply to that portion of a filing fee collected pursuant to Section 26820.4, 26826, 26827, 72055, or 72056 which is allocated for dispute resolution pursuant to Section 470.3 of the Business and Professions Code, the county law library pursuant to Section 6320 of the Business and Professions Code, the Judges' Retirement Fund pursuant to Section 26822.3, automated recordkeeping or conversion to micrographics pursuant to Sections 26863 and 68090.7, and courthouse financing pursuant to Section 76238.

(e) Notwithstanding any other provision of law, no agency shall take action to change the amounts allocated to any of the above funds.

(f) Before making any apportionments under this section, the Controller shall deduct, from the annual appropriation for that purpose, the actual administrative costs that will be incurred under this section. Costs reimbursed under this section shall be determined on an annual basis in consultation with the Judicial Council.

~~SEC. 5.~~

(g) Any amounts required to be transmitted by a county to the state pursuant to this section shall be remitted to the Controller no later than 45 days after the end of the month in which the fees were collected. This remittance shall be accompanied by a remittance advice identifying the collection month and the appropriate account in the Trial Court Trust Fund to which it is to be deposited. Any remittance which is not made by the county in accordance with this section shall be considered delinquent, and subject to the penalties pursuant to this section.

(h) Upon receipt of any delinquent payment, the Controller shall make the quarterly apportionment on or before the 25th day of the month following the month in which the delinquent payment was received from the county. The Controller shall calculate a penalty on any delinquent payment and that amount shall be deducted from the next quarterly apportionment. The penalty shall be calculated by multiplying the amount of the delinquent payment by the Pooled Money Investment Account rate at the end of the prior fiscal year.

(i) Penalty amounts withheld under subdivision (h) shall be reserved in the Trial Court Trust Fund. The Judicial Council shall allocate these moneys based upon the recommendations of the Trial Court Budget Commission.

(j) The Trial Court Trust Fund shall be invested in the Surplus Money Investment Fund and all interest earned shall be allocated to the Trial Court Trust Fund semiannually and shall be allocated among the counties in accordance with the requirements of subdivision (a). The specific allocations shall be specified by the Judicial Council, based upon recommendations from the Trial Court Budget Commission.

(k) Funds accrued in the Trial Court Trust Fund during the 1993–94 fiscal year shall be allocated pursuant to subdivision (j) to each option county in the month of November of 1993, and in the months of February, May, and August of 1994.

SEC. 14. Section 68101 of the Government Code is amended to read:

68101. Whenever pursuant to law the ~~State~~ *state* is entitled to receive any portion of any money, forfeited bail or fines received by a judge of any court, ~~such~~ *that* portion shall as soon as practicable after the receipt thereof, be deposited with the county treasurer of the county in which ~~such~~ *that* court is situated, and paid, by warrant of the county auditor drawn upon a requisition of the clerk or judge of ~~such~~ *the* court, at least once a month to the ~~State~~ Treasurer to be deposited in the State Treasury. *Any remittance not made pursuant to this section or Section 24353 shall be considered delinquent and subject to Section 68085.*

Any judge imposing or collecting ~~such~~ *those* fines or forfeitures shall keep a record of them and at least monthly transmit a record thereof to the county auditor. The county auditor shall transmit a record of the imposition, collection and payment of such fines or

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forfeitures to the ~~State~~ Controller at the time of transmittal of each warrant to the ~~State~~ Treasurer pursuant to this section.

SEC. 15. Section 68206 of the Government Code is repealed.

~~SEC. 6.~~

SEC. 16. Section 68502.5 of the Government Code is amended to read:

68502.5. (a) The Judicial Council shall provide by rule for the appointment of a standing Trial Court Budget Commission and the deadlines for meeting its various responsibilities. The commission shall have the authority to:

(1) Receive budget requests from the trial ~~courts. Upon receipt of a trial court's budget request, the commission shall forward the request for purposes of review and comment to the county in which the court is located.~~ *courts. Trial courts shall send to the county board of supervisors a copy of their proposed budgets and any revisions or appeals at the time their budget requests are submitted to the Trial Court Budget Commission, pursuant to this section. The counties may submit timely comments to the commission regarding the contents of the proposed budgets of their respective trial courts.*

(2) Review the trial courts' budget requests and evaluate them against performance criteria established by the ~~commission~~ *Judicial Council* by which a court's performance and efficiency can be measured.

(3) *Annually recommend to the Judicial Council for its approval the projected cost in the subsequent fiscal year of court operations as defined in Section 77003 for each trial court. This estimation shall serve as the basis for court budgets, which shall be developed programmatically by court function, as approved by the Judicial Council, for comparison purposes and to delineate the funding responsibilities.*

(4) Annually prepare a recommended schedule for the allocation of moneys to individual courts and a recommended overall trial court budget for approval by the Judicial Council and forwarding to the Governor for

inclusion in the Governor's proposed State Budget. The recommended schedule shall be based on a minimum standard established by the ~~commission~~ *Judicial Council* for the operation and staffing of all trial court operations. The schedule of allocations shall assure that all trial courts receive funding for the minimum operating and staffing standards before funding operating and staffing requests above the minimum standards, and shall include incentives and rewards for any trial court's implementation of efficiencies and cost saving measures ~~enacted since 1991.~~

~~(4)~~

(5) Reallocate funds in accordance with Judicial Council rules during the course of the fiscal year to ensure equal access to the trial courts by the public, to improve trial court operations, and to meet trial court emergencies. Reallocations shall be limited to 15 percent of that portion of any court's annual budget amount funded by the state, excluding any amount derived from trial court ~~block grants~~ *funding moneys* appropriated to a county by the Legislature. Counties shall have no obligation to replace moneys reallocated pursuant to this paragraph.

~~(5)~~

(6) Allocate funds in the Trial Court Improvement Fund in accordance to Judicial Council rules to ensure equal access to trial courts by the public, to improve trial court operations, and to meet trial court emergencies.

~~(6)~~

(7) Upon approval of the trial courts' budget by the Legislature, prepare during the course of the ~~budget~~ *fiscal* year an allocation schedule for quarterly payments to the counties, *consistent with Sections 68085 and 77205.1,* which shall be submitted to the Controller's office by the 10th day of the month in which payments ~~under this section~~ are to be made.

~~(7)~~

(8) Establish rules regarding a court's authority to transfer trial court funding moneys from one functional category to another in order to address needs in any

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functional category.

(9) At the request of the presiding judge of a trial court, conduct an independent review of the funding level of the court to determine whether it is adequate to enable the court to discharge its statutory and constitutional responsibilities.

~~(8)~~

(10) From time to time, review the level of fees charged by the courts for various services and prepare recommended adjustments for approval and forwarding to the Legislature by the Judicial Council.

(b) Members of the commission shall receive no compensation from the state for their services. When called into session, they shall receive their actual and necessary expenses for travel, board, and lodging, which shall be paid from the funds appropriated for this use. These expenses shall be appropriated in the manner as the Judicial Council directs, and shall be audited by the Controller in accordance with the rules of the State Board of Control.

~~SEC. 6.5. Section 68542.5 of the Government Code is amended to read:~~

~~68542.5. Any judge of a superior, municipal, or justice court serving in another court in the same county under assignment by the Chairperson of the Judicial Council shall receive the amount of actual and necessary traveling expenses incurred while traveling between home and the courtroom unless the courtrooms are within five miles of each other.~~

~~SEC. 7.~~

SEC. 17. Section 76000 of the Government Code is amended to read:

76000. (a) In each county there shall be levied an additional penalty of ten dollars ($10) for every ten dollars ($10) or fraction thereof which shall be collected together with and in the same manner as the amounts established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local

ordinance adopted pursuant to the Vehicle Code, except parking offenses subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code. These moneys shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1463 of the Penal Code.

The county treasurer shall deposit 30 percent in the county general fund and shall deposit the remainder as specified by the board of supervisors by resolution in one or more of the funds established pursuant to this chapter. However, deposits to these funds shall continue through whatever period of time is necessary to repay any borrowings made by the county on or before January 1, 1991, to pay for construction provided for in this chapter.

(b) In each authorized county, provided that the board of supervisors has adopted a resolution stating that the implementation of this subdivision is necessary to the county for the purposes authorized, with respect to each authorized fund established pursuant to Section 76100 or 76101, for every parking offense where a parking penalty, fine, or forfeiture is imposed, an added penalty of two dollars and fifty cents ($2.50) shall be included in the total parking penalty, fine, or forfeiture. Each agency which processes parking violations shall pay to the county treasurer two dollars and fifty cents ($2.50) for each fund for each parking penalty collected. Those payments to the county treasurer shall be made no later than 45 days after the last day of the month in which the parking penalty was received, and the county treasurer shall deposit all those sums in the authorized fund. No issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the added penalty established in the resolution adopted pursuant to this chapter, except as otherwise agreed upon by the local governmental entities involved.

~~SEC. 8.~~

SEC. 18. Section 76100 of the Government Code is amended to read:

76100. (a) Except as provided in Article 3 (commencing with Section 76200), for the purpose of

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assisting any county in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, the board of supervisors may establish in the county treasury a Courthouse Construction Fund into which shall be deposited the amounts specified in the resolutions adopted by the board of supervisors in accordance with this chapter. The moneys of the Courthouse Construction Fund shall be payable only for the purposes set forth in subdivision (b) and at the time necessary therefor.

(b) In conjunction with the acquisition, rehabilitation, construction, or financing of court buildings referred to in subdivision (a), the county may use the moneys of the Courthouse Construction Fund (1) to rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if a new courtroom or a courtroom building or buildings are acquired, constructed, or financed or (2) to acquire, rehabilitate, construct, or finance excess courtrooms or an excess courtroom building or buildings if that excess is anticipated to be needed at a later time.

(c) Any excess courtroom or excess courtroom building or buildings that are acquired, rehabilitated, constructed, or financed pursuant to subdivision (b) may be leased or rented for uses other than the operation of the justice system until such time as the excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amount received as lease or rental payments pursuant to this subdivision shall be deposited in the Courthouse Construction Fund.

(d) The fund moneys shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. Except as otherwise provided by statute, deposits to the fund in accordance with this section shall continue through and including the 20th year after the initial year for which the surcharge or additional penalty is collected,

or through and including the 20th year after any borrowings are made for any construction funded under this section.

(e) The county shall consult with the trial courts in the county regarding the appropriateness of expenditures from this fund.

SEC. 19. Section 76104.5 of the Government Code is amended to read:

76104.5. (a) For the purpose of assisting any county in the establishment of automated photographic or DNA (genetic fingerprint) identification systems, or any new technology in the county, the board of supervisors may establish in the county treasury a DNA Identification Fund into which shall be deposited the amounts specified in the resolutions adopted by the board of supervisors as authorized in accordance with this title, up to fifty cents ($0.50) for every ten dollars ($10) collected pursuant to Section 76000. The moneys of the fund shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated photographic or DNA (genetic fingerprint) identification systems, or any new technology.

(b) The fund moneys described in subdivision (a), together with any interest earned thereon, shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. Deposits to the fund may continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

(c) For purposes of this section, "DNA (genetic fingerprint) identification system" means equipment, procedures, and methodologies compatible with and meeting the standards set for DNA testing by the Department of Justice pursuant to Section 290.2 of the Penal Code.

~~SEC. 9.~~

SEC. 20. Section 77003 of the Government Code is

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amended to read:

77003. (a) As used in this chapter, "court operations" means all of the following:

(1) Salaries, benefits, and public agency retirement contributions for superior, municipal, and justice court judges and for subordinate judicial officers.

(2) The salary, benefits, and public agency retirement contributions for other court staff including all municipal court staff positions specifically prescribed by statute.

(3) Those marshals, constables, and sheriffs as the court deems necessary for court operations.

(4) Court-appointed counsel in juvenile court dependency proceedings and counsel appointed by the court to represent a minor pursuant to Chapter 10 (commencing with Section 3150) of Part 2 of Division 8 of the Family Code.

(5) Services and supplies relating to court operations.

(6) Collective bargaining under the Meyers-Milias-Brown Act with respect to court employees specified in Section 3501.5.

(7) Actual indirect costs, not to exceed 18 percent of state trial court funding payments to counties for county general services attributable to court operations, but specifically excluding, but not limited to, law library operations conducted by a trust pursuant to statute; courthouse construction; district attorney services; probation services; indigent criminal defense; grand jury expenses and operations; and pretrial release services.

(8) ~~In a county with a population of 350,000 or less as determined by the Department of Finance, to the extent that the block grant for a given fiscal year exceeds the 1987/88 funding level for the trial courts in that county, as adjusted by the current consumer price index, "court operations" includes probation services, indigent criminal defense, and pretrial release services.~~

~~(9)~~ The salaries, benefits, and public agency retirement contributions to be used in computing "court operations" are those salaries, benefits, and public agency retirement contributions in existence on June 30, 1991, and any reclassification made thereafter primarily for

purposes of granting a salary increase shall not be applicable for purposes of this section.

SEC. 21. Section 77006.5 is added to the Government Code, to read:

77006.5. As used in this chapter, "trial court funding" means the amount of state funds provided for the operation of the trial courts, as defined in Section 77003, appropriated in the Budget Act, and allocated or reallocated by the Trial Court ~~Budgeting Commission~~ *Budget Commission, upon authorization of the Judicial Council,* created pursuant to Section 68502.5.

~~SEC. 10.~~

SEC. 22. Section 77200 of the Government Code is repealed.

~~SEC. 11.~~

SEC. 23. Section 77202 of the Government Code is repealed.

~~SEC. 12.~~

SEC. 24. Section 77203.5 is added to the Government Code, to read:

77203.5. (a) For the purpose of funding trial court operations, each board of supervisors shall establish in the county treasury a Trial Court Operations Fund, which will operate as a special revenue fund. All funds appropriated in the Budget Act and allocated and reallocated by the Trial Court Budget Commission created pursuant to Section 68502.5 shall be deposited into the fund.

(b) The moneys of the Trial Court Operations Fund shall be payable only for purposes set forth pursuant to Sections 77003 and 77006.5. The court's executive officer/clerk or court administrator/clerk, in consultation with the county executive/administrator, shall authorize the expenditures from this fund, consistent with the trial court's budget, as recommended by the Trial Court Budget Commission and approved by the Judicial Council. All state allocations deposited into this fund shall be exclusively dedicated to offset the costs identified in the approved trial court budget. The purpose of this requirement is to produce a reduction in the net county

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costs of trial courts.

(c) Interest received by a county from the investment of money in its Trial Court Operations Fund shall be deposited in the fund and shall be used for trial court operations purposes.

(d) Pursuant to Section 77205, the Controller, at the request of the Legislature or Judicial Council, may perform financial and fiscal audits of this fund.

SEC. 25. Section 77204 of the Government Code is repealed.

~~SEC. 13.~~

SEC. 26. Section 77205 of the Government Code is repealed.

~~SEC. 13.5.~~

SEC. 27. Section 77205 is added to the Government Code, to read:

77205. (a) The Judicial Council shall adopt appropriate rules for budget submission, budget management, and reporting of revenues and expenditures by each court. The Controller, in consultation with the Judicial Council, shall maintain appropriate regulations for recordkeeping and accounting by the county and the courts, in order to determine all moneys collected by the county and the courts, including filing fees, fines, forfeitures, and penalties, and all revenues and expenditures relating to court operations.

(b) Regulations, rules, and reporting requirements adopted pursuant to this chapter shall be exempt from review and approval or other processing by the Office of Administrative Law as provided for in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(c) The Controller, at the request of the Legislature or the Judicial Council, may perform and publish financial and fiscal compliance audits of the reports submitted by the counties under this chapter. The Controller shall report the results of these audits to the Legislature.

~~SEC. 14.~~

SEC. 28. Section 77205.1 is added to the Government Code, to read:

77205.1. Upon appropriation by the Legislature, the Controller shall make quarterly payments of trial court funding on or before the 25th day of that quarter.

~~SEC. 15.~~

SEC. 29. Section 77205.3 of the Government Code is repealed.

~~SEC. 16.~~

SEC. 30. Section 77205.3 is added to the Government Code, to read:

77205.3. Amounts appropriated in the annual Budget Act for assigned judges shall be transferred to the Judicial Council on a monthly basis. The Judicial Council shall certify the amount expended for judicial assignment purposes monthly, and the Controller shall transfer to the Judicial Council the amount certified. The amounts so transferred by the Controller shall be credited to the appropriation available to the Judicial Council in augmentation of the Budget Act.

SEC. 31. Section 77206 of the Government Code is repealed.

~~SEC. 17.~~

SEC. 32. Section 77300 of the Government Code is repealed.

~~SEC. 18.~~

SEC. 33. Section 77301 of the Government Code is repealed.

~~SEC. 19.~~

SEC. 34. Section 1463.001 of the Penal Code is amended to read:

1463.001. All fines and forfeitures imposed and collected for crimes other than parking offenses resulting from a filing in a court shall as soon as practicable after receipt thereof, be deposited with the county treasurer, and each month the total fines and forfeitures which have accumulated within the past month shall be distributed, as follows:

(a) The state penalties, county penalties, special penalties, service charges, and penalty allocations shall be transferred to the proper funds as required by law.

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(b) The base fines shall be distributed, as follows:

(1) Any base fines which are subject to specific distribution under any other section shall be distributed to the specified funds of the state or local agency.

(2) Base fines resulting from county arrests shall be transferred to the proper funds of the county.

(3) Of base fines resulting from city arrests not included in paragraph (1), an amount equal to the applicable county percentages set forth in Section 1463.002, as modified by Section 1463.28, shall be transferred to the proper funds of the county. The remainder of base fines resulting from city arrests shall be deposited to the General Fund, and 50 percent deposited to the treasury of the appropriate city.

(4) In a county that had an agreement as of March 22, 1977, that provides for city fines and forfeitures to accrue to the county in exchange for sales tax receipts, of base fines resulting from city arrests not included in paragraph (1), 50 percent shall be deposited to the General Fund, and 50 percent shall be deposited into the proper funds of the county.

(c) Each county shall keep a record of its deposits to its treasury and its transmittal to each city treasury pursuant to this section, and shall provide these records upon request to the Controller.

(d) Any amounts required to be distributed to the state pursuant to this section shall be remitted to the Controller no later than 45 days after the end of the month in which those amounts were collected. This remittance shall be accompanied by a remittance advice identifying the collection month and the appropriate account in the General Fund to which it is to be deposited.

(e) The distribution specified in subdivision (b) applies to all funds subject thereto distributed on or after July 1, 1994, regardless of whether the court has elected to allocate and distribute funds pursuant to Section 1464.8.

~~SEC. 20.~~

SEC. 35. Section 1463.003 of the Penal Code is

repealed.

~~SEC. 21.~~

SEC. 36. Section 1464 of the Penal Code is amended to read:

1464. (a) Subject to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, there shall be levied a state penalty, in an amount equal to seven dollars ($7) for every ten dollars ($10) or fraction thereof, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses, except parking offenses as defined in subdivision (i) of Section 1463, involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code. Any bail schedule adopted pursuant to Section 1269b may include the necessary amount to pay the state penalties established by this section and Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code for all matters where a personal appearance is not mandatory and the bail is posted primarily to guarantee payment of the fine.

(b) Where multiple offenses are involved, the state penalty shall be based upon the total fine or bail for each case. When a fine is suspended, in whole or in part, the state penalty shall be reduced in proportion to the suspension.

(c) When any deposited bail is made for an offense to which this section applies, and for which a court appearance is not mandatory, the person making the deposit shall also deposit a sufficient amount to include the state penalty prescribed by this section for forfeited bail. If bail is returned, the state penalty paid thereon pursuant to this section shall also be returned.

(d) In any case where a person convicted of any offense, to which this section applies, is in prison until the fine is satisfied, the judge may waive all or any part of the state penalty, the payment of which would work a hardship on the person convicted or his or her immediate family.

(e) After a determination by the court of the amount

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due, the clerk of the court shall collect the penalty and transmit it to the county treasury. The portion thereof attributable to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code shall be deposited in the appropriate county fund and the balance shall then be transmitted to the State Treasury for deposit in the State Penalty Fund, which is hereby created. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

(f) The moneys so deposited in the State Penalty Fund shall be distributed as follows:

(1) Once a month there shall be transferred into the Fish and Game Preservation Fund an amount equal to 0.33 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month, except that the total amount shall not be less than the state penalty levied on fines or forfeitures for violation of state laws relating to the protection or propagation of fish and game. These moneys shall be used for the education or training of department employees which fulfills a need consistent with the objectives of the Department of Fish and Game.

(2) Once a month there shall be transferred into the Restitution Fund an amount equal to 32.02 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. Those funds shall be made available in accordance with subdivision (b) of Section 13967 of the Government Code.

(3) Once a month there shall be transferred into the Peace Officers' Training Fund an amount equal to 23.99 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(4) Once a month there shall be transferred into the Driver Training Penalty Assessment Fund an amount equal to 25.70 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(5) Once a month there shall be transferred into the Corrections Training Fund an amount equal to 7.88

percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. Money in the Corrections Training Fund is not continuously appropriated and shall be appropriated in the Budget Act.

(6) Once a month there shall be transferred into the Local Public Prosecutors and Public Defenders Training Fund established pursuant to Section 11503 an amount equal to 0.78 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. The amount so transferred shall not exceed the sum of eight hundred fifty thousand dollars ($850,000) in any fiscal year. The remainder in excess of eight hundred fifty thousand dollars ($850,000) shall be transferred to the Restitution Fund.

(7) Once a month there shall be transferred into the Victim-Witness Assistance Fund an amount equal to 8.64 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(8) (A) Once a month there shall be transferred into the Traumatic Brain Injury Fund, created pursuant to Section 4358 of the Welfare and Institutions Code, an amount equal to 0.66 percent of the state penalty funds deposited into the State Penalty Fund during the preceding month, until the amount deposited in the Traumatic Brain Injury Fund, as determined by the Department of Finance, for any fiscal year equals five hundred thousand dollars ($500,000). All moneys in excess of that amount shall be distributed pro rata pursuant to paragraphs (1) to (7), inclusive, and utilized in accordance with this subdivision.

(B) Any moneys deposited in the State Penalty Fund attributable to the assessments made pursuant to subdivision (i) of Section 27315 of the Vehicle Code on or after the date that Chapter 6.6 (commencing with Section 5564) of Part 1 of Division 5 of the Welfare and Institutions Code is repealed shall be utilized in accordance with paragraphs (1) to (8), inclusive, of this subdivision.

~~SEC. 22.~~

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SEC. 37. Section 11205 of the Vehicle Code is amended to read:

11205. (a) The department shall publish a traffic violator school referral list of all the approved locations of traffic violator school classes, by school name, to be transmitted to each municipal and justice court in the state in sufficient quantity to allow the courts to provide a copy to each person referred to traffic violator school. The list shall be revised at least twice annually and transmitted to the courts by the first day of January and the first day of July. It shall include all of the following:

(1) The name of each traffic violator school or, pursuant to subdivision (d), the general term "traffic violator school" followed by its traffic violator school license number.

(2) A phone number used for student information.

(3) The county and the judicial district.

(4) The cities where classes are available.

(b) Each traffic violator school owner shall be permitted one school name in a judicial district.

(c) The list shall be organized alphabetically in sections for each county and subsections for each judicial district within the county. The order of the names within each judicial district shall be random pursuant to a drawing or lottery conducted by the department.

(d) On the list prepared by the department under subdivision (c), each traffic violator school shall appear by name unless a court determines, pursuant to subdivision (e), that a name is inappropriate and directs the department to delete the name and instead list the school by the term "traffic violator school" followed by its license number. The deletion of the name of a school from the list for a judicial district shall not affect whether that school appears by name on the list for any other judicial district within the state. In making a determination under this subdivision regarding the deletion of a name from the list, the court shall use as its criteria whether the name is misleading to the public, undignified, or implies that the school offers inducements or premiums which derogate or distort the instructional

intent of the traffic safety program.

(e) When the department transmits any referral list to each municipal and justice court pursuant to subdivision (a), each municipal and justice court shall do all of the following:

(1) Within 30 days of receipt of the list, notify the school owner of any school name that the court intends to remove from the referral list.

(2) Within 60 days of receipt of the list, make every effort to schedule, conduct, and complete a hearing for the school owner, or a representative, if requested, at which the sole issue shall be whether the name violates the standards set forth in subdivision (d). A substitute name may be submitted to the court at the conclusion of the hearing, pursuant to subdivision (h).

(3) Within 10 days of the completion of that hearing, notify the department and school owner of any school names it intends to remove from the referral list.

(f) In order for a court action to delete a school name from the next referral list published by the department, the department shall receive court notification no later than 90 days prior to publication of the next referral list and, absent a direct order by a superior court or court of higher jurisdiction, the department shall not fail to publish a referral list on the grounds that there exists pending litigation or appeals concerning the lists.

(g) Any court notifying the department of a school name it intends to remove from the list, pursuant to this section, shall provide the school owner with the name of the judge making those findings.

(h) When a court informs a school owner, pursuant to subdivision (e), of its decision to delete the name of a traffic violator school from that judicial district's subsection of the department's traffic violator school referral list, the owner may, on a form approved by the department, submit a substitute name to the court and request approval of that name. The court shall, within 30 days of receipt of the request for approval of the substitute name, inform the department and the school owner, on a form approved by the department, of its

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approval or rejection of the substitute name. The school owner may continue this appeal process for approval of a substitute name until the court determines that the name does not violate the standard set forth in subdivision (d). A name approval in a judicial district shall not affect the school's name or listing in any other district in the state. The department shall not impose any fee or license requirement under this subdivision.

(i) If a court fails to act within 30 days on a request of a traffic violator school owner, pursuant to subdivision (h), the proposed substitute name shall be deemed approved by the court for the purposes of the traffic violator school referral list.

(j) (1) Every application filed with the department on and after June 1, 1991, for an original license by a traffic school owner or for approval to conduct classes in a judicial district not previously approved, shall be accompanied by the approval of the court in each judicial district proposed for those operations of the name of the school, on a form approved by the department for that purpose. For the approved name to be included in the traffic violator school referral list, the form shall be received by the department no later than 90 days prior to publication.

(2) When a court disapproves a school name pursuant to this subdivision, the court shall notify the school owner within 30 days of its disapproval and schedule a hearing for that school owner, or a representative, if requested, at which the sole issue shall be whether the name violates the standards set forth in subdivision (d). A substitute name may be submitted to the court at the conclusion of the hearing, pursuant to subdivision (h).

(3) The court shall make every effort to schedule, conduct, and complete a hearing within 60 days of receipt of the school owner's request for a school name approval. A name approval in a judicial district shall not affect the school's name or listing in any other district in the state. A change in physical location by a school within a judicial district shall not require approval pursuant to this subdivision.

(k) The department shall publish a list of the owners of traffic violator schools. One copy shall be provided to each municipal and justice court in the state. This list shall be revised at least twice annually and transmitted to the courts by the first day of January and the first day of July. This list shall include all of the following:

(1) The name of each school, grouped by owner.

(2) The business office address.

(3) The business office telephone number.

(4) The license number.

(5) The owner's name.

(6) The operator's name.

(*l*) Except as otherwise provided in subdivision (d) of Section 42005, the court shall use either the current list of traffic violator schools published by the department when it orders a person to ~~attend~~ *complete* a traffic violator school pursuant to subdivision (a) or (b) of Section 42005 or, when a court utilizing a nonprofit agency for traffic violator school administration and monitoring services in which all traffic violator schools licensed by the department are allowed the opportunity to participate, a statewide referral list may be published by the nonprofit agency and distributed by the court. The agency shall monitor each classroom location represented on its referral list at least once every 90 days with reports forwarded to the department and the respective courts on a monthly basis. *The agency may charge a traffic violator a fee sufficient in amount to defray the costs incurred by the agency for the monitoring reports and services provided to the court. That fee shall be approved and regulated by the court. The agency shall submit annual financial reports to the respective courts for their review.*

(m) If any provision of subdivision (d) or (e), as added by Section 4 of Assembly Bill 185 of the 1991–92 Regular Session, or the application thereof to any person, is held to be unconstitutional, this section is repealed on the date the decision of the court so holding becomes final.

SEC. 38. Section 11205 of the Vehicle Code is amended to read:

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11205. (a) The department shall publish semiannually, or more often as necessary to serve the purposes of this act, a list of all traffic violator schools which are licensed pursuant to this section. The list shall identify classroom facilities within a judicial district that are at a different location from a licensed school's principal facility. The department shall transmit the list to each municipal and justice court with a sufficient number of copies to allow the courts to provide one copy to each person referred to a licensed traffic violator school. The department shall, at least semiannually, revise the list to ensure that each court has a current list of all licensed traffic violator schools.

(b) Each licensed traffic violator school owner shall be permitted one school name per judicial district.

(c) The referral list shall be organized alphabetically, in sections for each county, and contain subsections for each judicial district within the county. The order of the names within each judicial district shall be random pursuant to a drawing or lottery conducted by the department.

(d) Except as otherwise provided in subdivision (d) of Section 42005, the court shall use either the current referral list of traffic violator schools published by the department when it orders a person to ~~attend~~ *complete* a traffic violator school pursuant to subdivision (a) or (b) of Section 42005 or, when a court utilizing a nonprofit agency for traffic violator school administration and monitoring services in which all traffic violator schools licensed by the department are allowed the opportunity to participate, a statewide referral list may be published by the nonprofit agency and distributed by the court. The agency shall monitor each classroom location represented on its referral list at least once every 90 days with reports forwarded to the department and the respective courts on a monthly basis. *The agency may charge a traffic violator a fee sufficient in amount to defray the costs incurred by the agency for the monitoring reports and services provided to the court. Fees shall be approved and regulated by the court. The agency shall submit annual financial reports to the respective courts for their review.*

(e) If any provision of subdivision (d) or (e) of Section 11205, as added by Section 4 of Assembly Bill 185 of the 1991–92 Regular Session, or the application thereof to any person, is held to be unconstitutional, that Section 11205 is repealed on the date the decision of the court so holding becomes final, and on that date, this section shall become operative.

SEC. 39. Section 40611 of the Vehicle Code is amended to read:

40611. Upon proof of correction of an alleged violation of Section 12500 or 12951, or any violation cited pursuant to Section 40610, the clerk shall collect a ten dollar ($10) transaction fee for each case. The fee shall be deposited by the clerk in accordance with Section 68084 of the Government Code, and allocated monthly as follows:

(a) Thirty-three percent shall be transferred to the local governmental entity in whose jurisdiction the citation was issued for deposit in the general fund of the entity.

(b) Sixty-seven percent shall be deposited in the county general fund.

~~SEC. 23.~~

SEC. 40. Section 42007 of the Vehicle Code is amended to read:

42007. (a) The clerk of the court shall collect a fee from every person who is ordered or permitted to attend a traffic violator school pursuant to Section 42005 or who attends any other court-supervised program of traffic safety instruction. The fee shall be in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule ~~plus twenty-four dollars ($24)~~. As used in this subdivision, "total bail" means the amount established pursuant to Section 1269b of the Penal Code in accordance with the Uniform Statewide Bail Schedule adopted by the Judicial Council, including all assessments, surcharges, and penalty amounts. Where multiple offenses are charged in a single

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notice to appear, the "total bail" is the amount applicable for the greater of the qualifying offenses. However, the court may determine a lesser fee under this subdivision upon a showing that the defendant is unable to pay the full amount.

The fee shall not include the cost, or any part thereof, of traffic safety instruction offered by the school or other program.

(b) Revenues derived from the fee collected under this section shall be deposited in accordance with Section 68084 of the Government Code and allocated monthly to the general fund of the county, provided that in any county in which a fund is established pursuant to Section 76100 or 76101 of the Government Code, the sum of one dollar ($1) for each fund so established shall be deposited with the county treasurer and placed in that fund.

(c) As used in this section, "court-supervised program" includes, but is not limited to, any program of traffic safety instruction the successful completion of which is accepted by the court in lieu of adjudicating a violation of this code.

(d) The Judicial Council shall study the minimum eligibility criteria governing drivers seeking to attend traffic violator's school, and report to the Legislature on the advisability of uniform statewide criteria on or before January 1, 1993.

(e) The clerk of the court, in a county that offers traffic school shall include in any courtesy notice mailed to a defendant for an offense that qualifies for traffic school attendance the following statement:

NOTICE: If you are eligible and decide not to attend traffic school your automobile insurance may be adversely affected.

~~SEC. 24.~~

SEC. 41. Section 42007.1 of the Vehicle Code is ~~repealed.~~ *amended to read:*

42007.1. Notwithstanding Section 42007, on and after the effective date of this section to and including December 31, 1996:

(a) The fee collected by the clerk pursuant to

subdivision (a) of Section 42007 shall be in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule plus twenty-four dollars ($24).

(b) The fee revenues shall be allocated as follows rather than as specified in subdivision (b) of Section 42007:

(1) Twenty-four dollars ($24) of each fee collected shall be deposited in the General Fund.

(2) ~~Seventy/seven percent of the remaining amount shall be deposited in the General Fund, except that 14 percent of the revenues allocated pursuant to this paragraph from fees received on or after January 1, 1992, shall be deposited in the State Courthouse Construction Fund.~~

~~(3)~~ The remaining amount collected under subdivision (a) of Section 42007 shall be allocated as provided in ~~paragraph (2) of~~ subdivision (b) of Section 42007.

This section shall remain effect until January 1, 1997, and on that date is repealed, unless a later enacted statute, which is enacted before January 1, 1997, deletes or extends that date:

~~SEC. 25.~~

SEC. 42. Section 42201 of the Vehicle Code is amended to read:

42201. (a) Of the total amount of fines and forfeitures received by a county under ~~subsection (a) of subdivision (1) of~~ Section ~~1463~~ *1463.001* of the Penal Code, ~~that proportion which is represented by~~ fines and forfeitures collected from any person charged with a misdemeanor under this code following arrest by any officer employed by the state or by the county shall be paid into the ~~treasury~~ *general fund* of the county ~~and deposited in the road fund of the county; provided, however, that~~ . *However,* the board of supervisors of the county may, by resolution, provide that ~~not more than 50 percent~~ *a portion* thereof be transferred into the ~~General Fund~~ *road fund* of the county.

(b) The board of supervisors of a county may enter

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into a contract with the Department of the California Highway Patrol for the purpose of providing adequate protection for school pupils who are required to cross heavily traveled streets, highways, and roadways in the unincorporated areas of the county. When requested, the Department of the California Highway Patrol may provide such service and the county shall reimburse the state for salaries and wages of crossing guards furnished by the Department of the California Highway Patrol pursuant to such contract, including any necessary retirement and general administrative costs and expenses in connection therewith, and may pay the costs thereof from amounts deposited in the road fund pursuant to this section.

(c) Fines and forfeitures received by a county under Section ~~1463~~ *1463.001* of the Penal Code may be used to pay the compensation of school crossing guards and necessary equipment costs and administrative costs.

(d) When requested by any county which had in effect on June 30, 1979, a contract with the Department of the California Highway Patrol, to provide protection for school pupils at school crossings, the department upon request of a county shall continue to administer such school crossing program until June 30, 1980. The county shall reimburse the Department of the California Highway Patrol for general administrative costs and expenses in connection therewith, except that, effective January 1, 1980, the crossing guards shall be furnished to the California Highway Patrol and such crossing guards shall be employees of the county, the county superintendent of schools, the affected school districts, or both the superintendent and the affected school districts, at the option of the board of supervisors of the county. Any salaries and wages of crossing guards, including necessary retirement and equipment costs and any administrative costs shall be paid or reimbursed by the county from amounts deposited in the road fund pursuant to this section.

(e) The board of supervisors may adopt standards for the provision of school crossing guards. The board has

final authority over the total cost of the school crossing guard program of any agency to be paid or reimbursed from amounts deposited in the road fund pursuant to this section. The board of supervisors may specify that a designated county officer, employee, or commissioner is to hire school crossing guards, or, in the alternative, the board may specify that any school district crossing guard program in unincorporated areas shall be maintained by the school districts desiring the program.

SEC. 43. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

~~SEC. 26.~~

SEC. 44. This act shall not become operative unless the Director of Finance finds that a transfer of programmatic responsibility from the state to the counties of an equal dollar value has been enacted and so notifies the Controller in writing, in which case this act shall become operative upon receipt of that notice.

~~SEC. 27.~~

SEC. 45. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide adequate trial court funding for the 1994–95 fiscal year, it is necessary that this act take effect immediately.

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AMENDED IN SENATE JUNE 30, 1994

AMENDED IN SENATE JUNE 21, 1994

AMENDED IN ASSEMBLY APRIL 21, 1994

AMENDED IN ASSEMBLY MARCH 23, 1994

AMENDED IN ASSEMBLY MARCH 3, 1994

CALIFORNIA LEGISLATURE—1993–94 REGULAR SESSION

ASSEMBLY BILL No. 2544

Introduced by Assembly Member Isenberg

January 19, 1994

An act to amend Sections ~~22754.1,~~ ~~24353,~~ ~~27361,~~ ~~29550~~ *22825, 24353,* 68085, 68101, 68502.5, ~~76000,~~ ~~76100,~~ ~~76104.5,~~ and 77003 of, to add Sections 22754.35, 77006.5, ~~77203.5,~~ ~~77205.1,~~ ~~and~~ ~~77205.3~~ *and 77205.1* to, to repeal and add Sections 68073, ~~77205,~~ ~~and~~ ~~77205.3~~ *77203.5, 77205, and 77208* of, and to repeal Sections *22754.1,* 22816.32, 22816.35, 22816.4, ~~22825,~~ 68206, 77200, 77202, 77204, *77205.3, 77205.5,* 77206, 77300, and 77301 of, the Government ~~Code, to amend Sections 1463.001 and 1464 of, and to repeal Section 1463.003 of, the Penal Code, and to amend~~ *Code, and to amend* Sections 11205 ; ~~40611,~~ ~~42007,~~ ~~42007.1,~~ and 42201 of the Vehicle Code, relating to trial court funding, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2544, as amended, Isenberg. Trial court funding.

(1) Existing law specifies the responsibilities of the counties and the state for the financing of the trial courts.

This bill would define trial court funding and provide that commencing July 1, 1994, the boards of supervisors of the various counties shall only provide funding for those functions

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of the trial courts not provided for in the State Budget, as specified, and would declare the intent of the Legislature in this regard. ~~The bill would also eliminate the transfer of certain fees to the Controller for deposit in the General Fund, and provide instead for the deposit of those fees in the county general fund.~~ The bill also would require the board of supervisors to submit proposed plans for courthouse construction or remodeling to the judges affected before beginning construction. The bill would also direct each board of supervisors to establish a Trial Court Operations Fund for the deposit of moneys for trial court funding and court operations, as specified.

(2) *Under existing law, the initial decision by a county to opt into the Brown-Presley Trial Court Funding Act shall constitute a waiver of all claims for reimbursement for state-mandated local programs, as specified, and of any claim with respect to the Trial Court Funding Act of 1985.*

This bill would repeal this provision.

(3) Existing law establishes the Trial Court Trust Fund for purposes of funding trial court operations upon appropriation by the Legislature.

This bill would require the Controller to apportion funds in the Trial Court Trust Fund quarterly, after deducting administrative costs, as specified. It also would provide for the investment of that fund and the allocation of interest therefrom.

~~(3)~~

(4) Existing law specifies the health benefits of state employees.

This bill would revise those benefits with respect to judges of municipal and justice courts.

~~(4)~~

(5) Under existing law, the Judicial Council is required to provide for the appointment of a standing Trial Court Budget Commission, which has the authority to receive and review budget requests from the trial courts.

This bill would require the trial courts to send a copy of their proposed budgets to the board of supervisors at the same time their budget requests are submitted to the Trial Court Budget Commission. The bill would authorize courts to order

counties to provide specified funding for court operations where the board of supervisors has failed to provide that funding, as specified. The bill also would revise the authority of the commission, as specified. The bill also would revise the definition of "court operations."

~~(5) Existing law establishes a penalty assessment of $7 for every $10 of each fine, forfeiture, or penalty imposed for a criminal offense other than a parking violation, establishes a penalty assessment of $2.50 for parking offenses, authorizes a 50¢ penalty assessment for every $7 of each fine, forfeiture, or penalty for a criminal offense other than a parking violation, to be used by the counties for DNA identification systems, and provides for the distribution of those penalty assessments.~~

~~This bill would increase the penalty assessment for nonparking offenses to $10 for every $10 of fine, forfeiture, or penalty, and require 30% thereof to be deposited in the county treasury. The bill would also eliminate provisions requiring $1 of the parking penalty assessment to be transferred to the Controller for deposit in the General Fund, and would otherwise revise the requirements for processing the parking penalty. The bill would also decrease the DNA penalty assessment authorized from 50¢ for each $7 of fine, forfeiture, or penalty to 50¢ for each $10 of fine, forfeiture, or penalty.~~

(6) Existing law requires each county to contribute a specified portion of the salary of a superior court judge, and provides for each option county under the Brown-Presley Trial Court Funding Act to receive a supplemental block grant equal to the salary of each municipal and justice court judge in the county.

This bill would eliminate those provisions.

(7) Existing law specifies the intent of the Legislature to increase trial court funding, as specified; provides for block grant funding for trial courts on a county option basis; specifies the number of judicial officers in a county for the determination of trial court block grant funding, and specifies the duties of option counties beginning in the 1989–90 fiscal year.

This bill would repeal those provisions. The bill would also require the Judicial Council and the Controller, as specified,

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to adopt rules governing trial court fiscal management, and would authorize the Controller to perform and publish financial and fiscal compliance audits of county reports regarding trial court operations. The bill would require the Controller to make quarterly payments of trial court funding upon appropriation by the Legislature, as specified.

(8) Existing law provides for the transfer to the Judicial Council of specified funds appropriated for judges serving on assignment; and specifies that the decision by a county to opt under the Brown-Presley Trial Court Funding Act constitutes an agreement by the county raising the state appropriation limit and lowering that of the county commensurately.

This bill would ~~revise the former provision and~~ repeal ~~the latter~~ *these provisions.*

(9) Existing law ~~provides for the distribution of fines, forfeitures, and penalties between the counties and the state.~~

~~This bill would revise that distribution~~ *requires the Judicial Council to adopt rules to further the implementation of the Brown-Presley Trial Court Funding Act, except as specified, and to certify to the Controller the salaries of justice court judges in counties that have opted into that act, and the number of reimbursable positions by category in each county for purposes of calculating the block grant, as specified.*

This bill would repeal this provision.

(10) Existing law ~~imposes a state penalty assessment of $10 for every $10 of each fine, forfeiture, or penalty other than parking offenses.~~

~~This bill would reduce this state penalty assessment from $10 for every $10 of each fine, forfeiture, or penalty other than parking offenses to $7 for every $10 thereof, and eliminate the deposit of 30% of these penalty assessments to the General Fund~~ *provides for the health benefits of retired state employees.*

This bill would revise those benefits with regard to retired judges of municipal and justice courts.

(11) Existing law ~~establishes a $10 transaction fee upon proof of correction of specified Vehicle Code violations, and~~ provides for the distribution of ~~those fees.~~

~~This bill would eliminate the portion of those fees to be deposited in the State Penalty Fund and provide for a~~

~~commensurate increase in the portion to be deposited in the county general fund. It also would revise the distribution of~~ fines and forfeitures collected with respect to Vehicle Code misdemeanor offenses.

This bill would revise this distribution.

(12) ~~Existing law requires a court to collect a fee from each person ordered or permitted to attend a traffic violator school in the amount of the total bail for the offense involved plus $24. Existing law provides for the allocation of these revenues.~~

~~This bill would revise that allocation.~~

~~(13)~~ Existing law authorizes the Department of Motor Vehicles to publish a semiannual list of all traffic violator schools. A court may use that list, or when the court also uses a nonprofit agency to administer and monitor traffic violator school, a statewide referral list may be published by the nonprofit agency and distributed by the court.

This bill would permit the nonprofit agency to charge a traffic violator a fee to offset specified costs.

~~(14)~~

(13) The bill would impose a state-mandated local program by expanding the duties of local officials.

~~(15)~~

(14) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(16)~~

(15) The bill would declare that it is to take effect immediately as an urgency statute ~~, but that it would become operative only upon receipt of a specified notice from the Director of Finance to the Controller~~.

Vote: ⅔. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares that, since 1991, it has been the policy of the state to examine the operation and financing of superior, municipal, and justice courts in light of the need to reexamine and reconstruct the roles of each branch of government.

(b) It is also the policy of the state that the funding of trial court operations is most logically a candidate for state funding and that the state will progressively increase its share of funding of the annual costs for court operations to 65 percent for the 1994–95 fiscal year and to 70 percent for the 1995–96 fiscal year and will achieve savings in court operations costs through the enactment of administrative efficiencies.

(c) The Legislature further finds that it is the policy of the state to create a judicial branch budgeting system that protects the independence of the judiciary and optimizes local trial court control and responsibility, while preserving financial accountability to the overall State Budget.

(d) The Legislature further finds that, pursuant to these policies, courts are making a transition from budgeting through the counties to becoming a direct part of the state's annual budget.

(e) The Legislature declares its intent to do each of the following:

(1) Beginning in the 1994–95 fiscal year, to include the funding for the various functions of trial court operations specifically as allocations in the Budget Act as part of the judicial branch budget.

(2) To require progressively more careful identification of the costs of services obtained by the courts from county agencies, and to require the negotiation of agreements on the cost of county provided services.

(3) Through enactment of this act, to enable the transition to full state funding of the trial courts.

SEC. 2. Section 22754.1 of the Government Code is

~~amended to read:~~

~~22754.1. (a) As used in this part, unless the context otherwise requires, the term "employee" includes any judge of a municipal court or justice court, and the terms "employer" and "contracting agency" with respect to a judge enrolled in a health benefits plan, include the county in which the municipal court or justice court is located, provided that adoption of a resolution under Section 22850 shall not be required. A municipal or justice court judge may elect to come under the provisions of this part only within 90 days of assuming office for the first time. If a municipal or justice court judge elects to come under the provisions of this part, the county employing the judge shall contribute to the Public Employees' Contingency Reserve Fund the sums as it would have otherwise contributed to a health benefit plan provided for county employees, unless the municipal or justice court judge elects to enroll under the county health benefit plan. Those contributions shall be applied first to the contribution required of it as an employer under Section 22831 and any remainder shall be applied to the contribution required under Sections 22825 and 22825.6. The municipal or justice court judge whether enrolled as an employee or annuitant shall contribute the cost of that enrollment plus the amount required of an employer under Section 22831 less the amount, if any, contributed by his or her county. A county shall not be required to contribute any portion of the cost of a health benefits plan under this part for a judge after retirement unless the health benefits plan provided for county employees provides that coverage.~~

~~(b) No conversion of a county's justice courts to municipal courts or consolidations of justice or municipal court districts pursuant to Chapter 6 (commencing with Section 71001) of Title 8, and no election by a judge or judge's failure to make any election pursuant to those provisions, shall have any effect on the continuation of rights and obligations under this section. Obligations of the county as employer or contracting agency and the rights of a judge as employee under this section are~~

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~~identical and are continuous and of equal force, whether the judge serves on a justice court or municipal court. Nothing in this section shall be construed to authorize any county to pay the member contributions to the Judges' Retirement Fund.~~ *repealed.*

SEC. 3. Section 22754.35 is added to the Government Code, to read:

22754.35. (a) As used in this part, "employee" includes any judge of a municipal or justice court.

(b) As used in this part, "annuitant" includes any judge of a municipal or justice court ~~who retires on or after the effective date of this act.~~ *retired under the Judges' Retirement System.*

(c) For purposes of this part, a municipal or justice court judge's entitlement shall be the same as a superior court judge in terms of health benefits and employer contributions, and the continuation of health benefits coverage shall be administered by the board.

(d) The state shall provide each sitting municipal court and justice court judge with health, dental, and vision care benefits equal to and in the same manner as the health, dental, and vision care benefits provided to superior court judges. These benefits shall be paid from funds provided pursuant to Section 77006.5.

(e) No judge shall have any salary or benefits reduced solely by reason of the enactment of this section.

(f) If a judge opts to receive health, dental, or vision care benefits from the state, the county shall reduce the judge's compensation by an amount equal to the amount the state pays for his or her health, dental, or vision care benefits.

SEC. 4. Section 22816.32 of the Government Code is repealed.

SEC. 5. Section 22816.35 of the Government Code is repealed.

SEC. 6. Section 22816.4 of the Government Code is repealed.

SEC. 7. Section 22825 of the Government Code is ~~repealed.~~ *amended to read:*

22825. (a) The employer and each employee or annuitant shall contribute a portion of the cost of providing for each employee and annuitant the benefit coverage afforded under any health benefit plan which the board has approved or for which it has executed a contract pursuant to this part, and in which the employee or annuitant may be enrolled.

The employer's contribution for each employee or annuitant shall be the amount necessary to pay the cost of his or her enrollment, including the enrollment of his family members, in a health benefits plan or plans, or, if less, sixteen dollars ($16) per month. There shall be only one such contribution with respect to all annuitants receiving allowances as survivors of the same employee or annuitant.

The contribution of each employee and annuitant shall be the total cost per month of the benefit coverage afforded him or her under the plan or plans less the portion thereof to be contributed by the employer.

(b) ~~With respect to an annuitant who is a retired municipal or justice court judge continuing coverage under Section 22816.32, the employer shall not be required to make any contribution toward the cost of benefit coverage. Whether a county chooses to make a contribution toward the monthly cost of the coverage pursuant to Section 22816.32, subdivision (b) of Section 22790, or Section 77208 or not, the annuitant's contribution shall be computed pursuant to subdivision (a) of this section.~~

~~(c)~~ If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if such provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

SEC. 8. Section 24353 of the Government Code is amended to read:

24353. Each officer of a county or judicial district authorized to collect money shall pay into the county

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treasury all money collected by him or her, or under his or her control, that is payable into the treasury in the form and at the time the county auditor requires. No officer who collects money as described in this section shall be required to accept payment in coin. If the county auditor finds that an officer of the county has failed to comply with the requirements for payment of moneys pursuant to this section or Section 68101, which directly results in the assessment of a financial penalty pursuant to Section 68085, the county department which failed to comply shall reimburse the judicial district in an amount equal to the actual penalty.

~~SEC. 9. Section 27361 of the Government Code is amended to read:~~

~~27361. (a) The fee for recording and indexing every instrument, paper, or notice required or permitted by law to be recorded is four dollars ($4) for recording the first page and three dollars ($3) for each additional page, except the recorder may charge additional fees as follows:~~

~~(1) If the printing on printed forms is spaced more than nine lines per vertical inch or more than 22 characters and spaces per inch measured horizontally for not less than 3 inches in one sentence, the recorder shall charge one dollar ($1) extra for each page or sheet on which printing appears excepting, however, the extra charge shall not apply to printed words which are directive or explanatory in nature for completion of the form or on vital statistics forms. Fees collected under this paragraph are not subject to subdivision (b) or (c).~~

~~(2) If a page or sheet does not conform with the dimensions described in subdivision (a) of Section 27361.5, the recorder shall charge three dollars ($3) extra per page or sheet of the document. The extra charge authorized under this paragraph shall be available solely to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in each county's system of recorded documents. Fees collected under this paragraph are not subject to subdivision (b) or (c).~~

~~(b) One dollar ($1) for recording the first page and one dollar ($1) for each additional page shall be available solely to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in each county's system of recorded documents.~~

~~SEC. 10. Section 29550 of the Government Code is amended to read:~~

~~29550. (a) Notwithstanding any other provision of law, a county may impose a fee upon a city, special district, school district, community college district, college, or university for reimbursement of county expenses incurred with respect to the booking or other processing of persons arrested by an employee of that city, special district, school district, community college district, college, or university, where the arrested persons are brought to the county jail for booking or detention. The fee imposed by a county pursuant to this section shall not exceed the actual administrative costs, including applicable overhead costs as permitted by federal Circular A/87 standards, as defined in subdivision (d), incurred in booking or otherwise processing arrested persons. A county may submit an invoice to a city, special district, school district, community college district, college, or university for these expenses incurred by the county on and after July 1, 1990. Counties shall fully disclose the costs allocated as federal Circular A/87 overhead.~~

~~(b) (1) Notwithstanding subdivision (a), a city, special district, school district, community college district, college, or university shall not be charged fees for arrests on any bench warrant for failure to appear in court, nor on any arrest warrant issued in connection with a crime not committed within the entity's jurisdiction.~~

~~(2) Notwithstanding subdivision (a), a city, special district, school district, community college district, college, or university shall not be charged fees for a person who is ordered by a court to be remanded to the county jail except that a county may charge a fee to recover those direct costs for those functions required to~~

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book a person pursuant to subdivision (g) of Section 853.6 of the Penal Code.

(3) Notwithstanding subdivision (a), a city, special district, school district, community college district, college, or university shall not be charged fees for arrests made pursuant to arrest warrants originating outside of its jurisdiction.

(4) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college, college, or university on parole violation arrests or probation/ordered returns to custody, unless a new charge has been filed for a crime committed in the jurisdiction of the arresting city, district, college, or university.

(5) An agency making a mutual aid request shall pay fees that result from arrests made in response to the mutual aid request except that in the event the Governor declares a state of emergency, no agency shall be charged fees for any arrest made during any riot, disturbance, or event that is subject to the declaration.

(6) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college, college, or university for the arrest of a prisoner who has escaped from a county, state, or federal detention or corrections facility.

(7) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college, college, or university for arrestees held in temporary detention at a court facility for purposes of arraignment when the arrestee has been previously booked at an entity detention facility.

(8) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college, college, or university as the result of an arrest made by its officer assigned to a formal multiagency task force in which the county is a participant. For the purposes of this section, "formal task force" means a task force that has been established by written agreement of the participating agencies.

(9) In those counties where the cities and the county

participate in a consolidated booking program and where prior to arraignment an arrestee is transferred from a city detention facility to a county detention facility, the city shall not be charged for those tasks listed in subdivision (d) that are a part of the consolidated booking program which were completed by the city prior to delivering the arrestee to the county detention facility. However, the county may charge the actual administrative costs for those additional tasks listed in subdivision (d) that are performed in order to receive the arrestee into the county detention facility.

(c) Any county whose officer or agent arrests a person is entitled to recover from the arrested person a criminal justice administration fee for administrative costs it incurs in conjunction with the arrest if the person is convicted of any criminal offense related to the arrest. The fee which the county is entitled to recover pursuant to this subdivision shall not exceed the actual administrative costs, including applicable overhead costs incurred in booking or otherwise processing arrested persons. A judgment of conviction may contain an order for payment of the amount of the criminal justice administration fee by the convicted person, and execution may be issued on the order in the same manner as a judgment in a civil action, but the order shall not be enforceable by contempt. The court shall, as a condition of probation, order the convicted person, based on his or her ability to pay, to reimburse the county for the criminal justice administration fee including applicable overhead costs.

(d) As used in this section, "actual administrative costs" include only those costs for functions that are performed in order to receive an arrestee into a county detention facility. Operating expenses of the county jail facility including capitol costs and those costs involved in the housing, feeding, and care of inmates shall not be included in calculating "actual administrative costs." "Actual administrative costs" may include any one or more of the following as related to receiving an arrestee into the county detention facility.

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~~(1) The searching, wristbanding, bathing, clothing, fingerprinting, photographing, and medical and mental screening of an arrestee.~~

~~(2) Document preparation, retrieval, updating, filing, and court scheduling related to receiving an arrestee into the detention facility.~~

~~(3) Warrant service, processing, and detainer.~~

~~(4) Inventory of an arrestee's money and creation of cash accounts.~~

~~(5) Inventory and storage of an arrestee's property.~~

~~(6) Inventory, laundry, and storage of an arrestee's clothing.~~

~~(7) The classification of an arrestee.~~

~~(8) The direct costs of automated services utilized in paragraphs (1) to (7), inclusive.~~

~~(9) Unit management and supervision of the detention function as related to paragraphs (1) to (8), inclusive.~~

~~(c) An administrative screening fee of twenty-five dollars ($25) shall be collected from each person arrested and released on his or her own recognizance upon conviction of any criminal offense related to the arrest other than an infraction. A citation processing fee in the amount of ten dollars ($10) shall be collected from each person cited and released by any peace officer in the field or at a jail facility upon conviction of any criminal offense, other than an infraction, related to the criminal offense cited in the notice to appear. However, the court may determine a lesser fee than otherwise provided in this subdivision upon a showing that the defendant is unable to pay the full amount. All fees collected pursuant to this subdivision shall be deposited in the general fund of the county.~~

~~SEC. 11.~~

SEC. 9. Section 68073 of the Government Code is repealed.

~~SEC. 12.~~

SEC. 10. Section 68073 is added to the Government Code, to read:

68073. (a) Commencing July 1, 1994, a board of supervisors, subject to the funding limitation set forth in subdivision (b), shall provide ~~funding for~~ suitable rooms for holding the superior, municipal, and justice courts, for the chambers of the judges of these courts and for court attendants, together with sufficient attendants, heat, light, furniture, furnishings, equipment, stationery, supplies, and other personal property, for the rooms and chambers and for the transaction of the business of the courts.

(b) Commencing July 1, 1994, and each year thereafter, with regard to court operations as defined in Section 77003, no board of supervisors shall be required to provide funding for those functions of the trial courts which are provided for in the state budget; however, in each county the board of supervisors shall provide funding for those functions for which funds are not provided for in the state budget, in an amount which complies with subdivision (a), recognizing the needs of the court, the county's fiscal condition, and the budget adopted by the Judicial Council, pursuant to paragraph (4) of subdivision (a) of Section 68502.5 and approved by the Legislature pursuant to paragraph (7) of subdivision (a) of Section 68502.5.

(c) If the board of supervisors of any county fails to provide funding as described in subdivision (b), the court shall give notice to the board of a specific deficiency. If the board then fails to provide funding necessary to comply with subdivision (b), the court may direct the appropriate officers of the county to provide the funding. The expenses incurred, certified by the judge or judges to be correct, are a charge against the county treasury and shall be paid out of the general fund.

(d) Prior to the taking action pursuant to subdivision (c), a court shall present to the Trial Court Budget Commission a written finding attesting to the necessity of the action. The finding shall include a summary of relevant facts, an assessment of the operational consequences of not receiving the funds at issue, and an outline of the steps taken to the exercise of this section. Upon review, the commission, upon authorization of the

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Judicial Council, may or may not reallocate trial court funds from other trial courts, if it deems appropriate, in order to address the needs of the court. If moneys are not reallocated by the commission, the court may then direct the appropriate officers of the county to provide for the necessary resources to perform the court's functions, if the court deems it appropriate to do so.

(e) Prior to the construction of new court facilities or the alteration, remodeling, or relocation of existing court facilities, the board of supervisors shall submit proposed plans to the judge or judges of the court affected for review and recommendations as to the adequacy and standard of design, and that review and recommendation shall not be disregarded without reasonable grounds.

(f) This section shall not be construed as authorizing the county to supply to the official reporters of the courts stenograph, stenotype, or other shorthand machines; nor as authorizing the county to supply to the official reporters of the courts, for use in the preparation of transcripts, typewriters, transcribing equipment, supplies, or other personal property.

~~SEC. 13.~~

SEC. 11. Section 68085 of the Government Code is amended to read:

68085. (a) (1) There is hereby established the Trial Court Trust Fund, the proceeds of which shall be apportioned quarterly by the Controller on or before the 25th day of the month following the end of that quarter, upon appropriation by the Legislature, for the purpose of funding trial court operations, as defined in Section 77003.

(2) The quarterly apportionment payments shall be made by the Controller, except that the quarterly apportionment shall be withheld from any county that is delinquent in making the full transfer of funds pursuant to this section.

(b) Notwithstanding any other provision of law, the fees listed in subdivision (c) shall all be deposited upon collection in a special account in the county treasury, and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

(c) Except as specified in subdivision (d), this section applies to all fees collected pursuant to Sections 26820.4, 26826, 26827, 68086, 72055, and 72056.

(d) This section does not apply to that portion of a filing fee collected pursuant to Section 26820.4, 26826, 26827, 72055, or 72056 which is allocated for dispute resolution pursuant to Section 470.3 of the Business and Professions Code, the county law library pursuant to Section 6320 of the Business and Professions Code, the Judges' Retirement Fund pursuant to Section 26822.3, automated recordkeeping or conversion to micrographics pursuant to Sections 26863 and 68090.7, and courthouse financing pursuant to Section 76238.

(e) Notwithstanding any other provision of law, no agency shall take action to change the amounts allocated to any of the above funds.

(f) Before making any apportionments under this section, the Controller shall deduct, from the annual appropriation for that purpose, the actual administrative costs that will be incurred under this section. Costs reimbursed under this section shall be determined on an annual basis in consultation with the Judicial Council.

(g) Any amounts required to be transmitted by a county to the state pursuant to this section shall be remitted to the Controller no later than 45 days after the end of the month in which the fees were collected. This remittance shall be accompanied by a remittance advice identifying the collection month and the appropriate account in the Trial Court Trust Fund to which it is to be deposited. Any remittance which is not made by the county in accordance with this section shall be considered delinquent, and subject to the penalties pursuant to this section.

(h) Upon receipt of any delinquent payment, the Controller shall make the quarterly apportionment on or before the 25th day of the month following the month in which the delinquent payment was received from the county. The Controller shall calculate a penalty on any delinquent payment and that amount shall be deducted from the next quarterly apportionment. The penalty shall

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be calculated by multiplying the amount of the delinquent payment by the Pooled Money Investment Account rate at the end of the prior fiscal year.

(i) Penalty amounts withheld under subdivision (h) shall be reserved in the Trial Court Trust Fund. The Judicial Council shall allocate these moneys based upon the recommendations of the Trial Court Budget Commission.

(j) The Trial Court Trust Fund shall be invested in the Surplus Money Investment Fund and all interest earned shall be allocated to the Trial Court Trust Fund semiannually and shall be allocated among the counties in accordance with the requirements of subdivision (a). The specific allocations shall be specified by the Judicial Council, based upon recommendations from the Trial Court Budget Commission.

(k) Funds accrued in the Trial Court Trust Fund during the 1993–94 fiscal year shall be allocated pursuant to subdivision (j) to each option county in the month of November of 1993, and in the months of February, May, and August of 1994.

~~SEC. 11.~~

SEC. 12. Section 68101 of the Government Code is amended to read:

68101. Whenever pursuant to law the state is entitled to receive any portion of any money, forfeited bail or fines received by a judge of any court, that portion shall as soon as practicable after the receipt thereof, be deposited with the county treasurer of the county in which that court is situated, and paid, by warrant of the county auditor drawn upon a requisition of the clerk or judge of the court, at least once a month to the Treasurer to be deposited in the State Treasury. Any remittance not made pursuant to this section or Section 24353 shall be considered delinquent and subject to Section 68085.

Any judge imposing or collecting those fines or forfeitures shall keep a record of them and at least monthly transmit a record thereof to the county auditor. The county auditor shall transmit a record of the imposition, collection and payment of such fines or

forfeitures to the Controller at the time of transmittal of each warrant to the Treasurer pursuant to this section.

~~SEC. 15.~~

SEC. 13. Section 68206 of the Government Code is repealed.

~~SEC. 16.~~

SEC. 14. Section 68502.5 of the Government Code is amended to read:

68502.5. (a) The Judicial Council shall provide by rule for the appointment of a standing Trial Court Budget Commission and the deadlines for meeting its various responsibilities. The commission shall have the authority to:

(1) Receive budget requests from the trial courts. Trial courts shall send to the county board of supervisors a copy of their proposed budgets and any revisions or appeals at the time their budget requests are submitted to the Trial Court Budget Commission, pursuant to this section. The counties may submit timely comments to the commission regarding the contents of the proposed budgets of their respective trial courts.

(2) Review the trial courts' budget requests and evaluate them against performance criteria established by the Judicial Council by which a court's performance, *level of coordination,* and efficiency can be measured.

(3) Annually recommend to the Judicial Council for its approval the projected cost in the subsequent fiscal year of court operations as defined in Section 77003 for each trial court. This estimation shall serve as the basis for court budgets, which shall be developed programmatically by court function, as approved by the Judicial Council, for comparison purposes and to delineate the funding responsibilities.

(4) Annually prepare a recommended schedule for the allocation of moneys to individual courts and a recommended overall trial court budget for approval by the Judicial Council and forwarding to the Governor for inclusion in the Governor's proposed State Budget. The recommended schedule shall be based *on the performance criteria established pursuant to paragraph*

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(2) and on a minimum standard established by the Judicial Council for the operation and staffing of all trial court operations. *This minimum standard shall be modeled on court operations using all reasonable and available measures to increase court efficiency and coordination.* The schedule of allocations shall assure that all trial courts receive funding for the minimum operating and staffing standards before funding operating and staffing requests above the minimum standards, and shall include incentives and rewards for any trial court's implementation of efficiencies and cost saving measures.

(5) Reallocate funds in accordance with Judicial Council rules during the course of the fiscal year to ensure equal access to the trial courts by the public, to improve trial court operations, and to meet trial court emergencies. Reallocations shall be limited to 15 percent of that portion of any court's annual budget amount funded by the state, excluding any amount derived from trial court funding moneys appropriated to a county by the Legislature. Counties shall have no obligation to replace moneys reallocated pursuant to this paragraph.

(6) Allocate funds in the Trial Court Improvement Fund in accordance to Judicial Council rules to ensure equal access to trial courts by the public, to improve trial court operations, and to meet trial court emergencies.

(7) Upon approval of the trial courts' budget by the Legislature, prepare during the course of the fiscal year an allocation schedule for quarterly payments to the counties, consistent with Sections 68085 and 77205.1, which shall be submitted to the Controller's office by the 10th day of the month in which payments are to be made.

(8) Establish rules, *pursuant to the authority of the Judicial Council,* regarding a court's authority to transfer trial court funding moneys from one functional category to another in order to address needs in any functional category.

(9) At the request of the presiding judge of a trial court, conduct an independent review of the funding level of the court to determine whether it is adequate to enable the court to discharge its statutory and constitutional responsibilities.

(10) From time to time, review the level of fees charged by the courts for various services and prepare recommended adjustments for approval and forwarding to the Legislature by the Judicial Council.

(b) Members of the commission shall receive no compensation from the state for their services. When called into session, they shall receive their actual and necessary expenses for travel, board, and lodging, which shall be paid from the funds appropriated for this use. These expenses shall be appropriated in the manner as the Judicial Council directs, and shall be audited by the Controller in accordance with the rules of the State Board of Control.

~~SEC. 17. Section 76000 of the Government Code is amended to read:~~

~~76000. (a) In each county there shall be levied an additional penalty of ten dollars ($10) for every ten dollars ($10) or fraction thereof which shall be collected together with and in the same manner as the amounts established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except parking offenses subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code. These moneys shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1463 of the Penal Code.~~

~~The county treasurer shall deposit 30 percent in the county general fund and shall deposit the remainder as specified by the board of supervisors by resolution in one or more of the funds established pursuant to this chapter. However, deposits to these funds shall continue through whatever period of time is necessary to repay any borrowings made by the county on or before January 1, 1991, to pay for construction provided for in this chapter.~~

~~(b) In each authorized county, provided that the~~

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board of supervisors has adopted a resolution stating that the implementation of this subdivision is necessary to the county for the purposes authorized, with respect to each authorized fund established pursuant to Section 76100 or 76101, for every parking offense where a parking penalty, fine, or forfeiture is imposed, an added penalty of two dollars and fifty cents ($2.50) shall be included in the total parking penalty, fine, or forfeiture. Each agency which processes parking violations shall pay to the county treasurer two dollars and fifty cents ($2.50) for each fund for each parking penalty collected. Those payments to the county treasurer shall be made no later than 45 days after the last day of the month in which the parking penalty was received, and the county treasurer shall deposit all those sums in the authorized fund. No issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the added penalty established in the resolution adopted pursuant to this chapter, except as otherwise agreed upon by the local governmental entities involved.

SEC. 18. Section 76100 of the Government Code is amended to read:

76100. (a) Except as provided in Article 3 (commencing with Section 76200), for the purpose of assisting any county in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, the board of supervisors may establish in the county treasury a Courthouse Construction Fund into which shall be deposited the amounts specified in the resolutions adopted by the board of supervisors in accordance with this chapter. The moneys of the Courthouse Construction Fund shall be payable only for the purposes set forth in subdivision (b) and at the time necessary therefor.

(b) In conjunction with the acquisition, rehabilitation, construction, or financing of court buildings referred to in subdivision (a), the county may use the moneys of the Courthouse Construction Fund (1) to rehabilitate

existing courtrooms or an existing courtroom building or buildings for other uses if a new courtroom or a courtroom building or buildings are acquired, constructed, or financed or (2) to acquire, rehabilitate, construct, or finance excess courtrooms or an excess courtroom building or buildings if that excess is anticipated to be needed at a later time.

(c) Any excess courtroom or excess courtroom building or buildings that are acquired, rehabilitated, constructed, or financed pursuant to subdivision (b) may be leased or rented for uses other than the operation of the justice system until such time as the excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amount received as lease or rental payments pursuant to this subdivision shall be deposited in the Courthouse Construction Fund.

(d) The fund moneys shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. Except as otherwise provided by statute, deposits to the fund in accordance with this section shall continue through and including the 20th year after the initial year for which the surcharge or additional penalty is collected, or through and including the 20th year after any borrowings are made for any construction funded under this section.

(e) The county shall consult with the trial courts in the county regarding the appropriateness of expenditures from this fund.

SEC. 19. Section 76104.5 of the Government Code is amended to read:

76104.5. (a) For the purpose of assisting any county in the establishment of automated photographic or DNA (genetic fingerprint) identification systems, or any new technology in the county, the board of supervisors may establish in the county treasury a DNA Identification Fund into which shall be deposited the amounts specified in the resolutions adopted by the board of supervisors as authorized in accordance with this title, up to fifty cents

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~~($0.50) for every ten dollars ($10) collected pursuant to Section 76000. The moneys of the fund shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated photographic or DNA (genetic fingerprint) identification systems, or any new technology.~~

~~(b) The fund moneys described in subdivision (a), together with any interest earned thereon, shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. Deposits to the fund may continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.~~

~~(c) For purposes of this section, "DNA (genetic fingerprint) identification system" means equipment, procedures, and methodologies compatible with and meeting the standards set for DNA testing by the Department of Justice pursuant to Section 290.2 of the Penal Code.~~

~~SEC. 20.~~

SEC. 15. Section 77003 of the Government Code is amended to read:

77003. (a) As used in this chapter, "court operations" means all of the following:

(1) Salaries, benefits, and public agency retirement contributions for superior, municipal, and justice court judges and for subordinate judicial officers.

(2) The salary, benefits, and public agency retirement contributions for other court staff including all municipal court staff positions specifically prescribed by statute.

(3) Those marshals, constables, and sheriffs as the court deems necessary for court operations.

(4) Court-appointed counsel in juvenile court dependency proceedings and counsel appointed by the court to represent a minor pursuant to Chapter 10 (commencing with Section 3150) of Part 2 of Division 8 of the Family Code.

(5) Services and supplies relating to court operations.

(6) Collective bargaining under the Meyers-Milias-Brown Act with respect to court employees specified in Section 3501.5.

(7) Actual indirect costs, not to exceed 18 percent of state trial court funding payments to counties for county general services attributable to court operations, but specifically excluding, but not limited to, law library operations conducted by a trust pursuant to statute; courthouse construction; district attorney services; probation services; indigent criminal defense; grand jury expenses and operations; and pretrial release services.

(8) The salaries, benefits, and public agency retirement contributions to be used in computing "court operations" are those salaries, benefits, and public agency retirement contributions in existence on June 30, 1991, and any reclassification made thereafter primarily for purposes of granting a salary increase shall not be applicable for purposes of this section.

~~SEC. 21.~~

SEC. 16. Section 77006.5 is added to the Government Code, to read:

77006.5. As used in this chapter, "trial court funding" means the amount of state funds provided for the operation of the trial courts, as defined in Section 77003, appropriated in the Budget Act, and allocated or reallocated by the Trial Court Budget Commission, upon authorization of the Judicial Council, created pursuant to Section 68502.5.

~~SEC. 22.~~

SEC. 17. Section 77200 of the Government Code is repealed.

~~SEC. 23.~~

SEC. 18. Section 77202 of the Government Code is repealed.

~~SEC. 24.~~

SEC. 19. Section 77203.5 of the Government Code is repealed.

~~77203.5. (a) The initial decision by a county to opt into the system pursuant to Section 77300 shall constitute~~

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~~a waiver of all claims for reimbursement for state/mandated local programs not theretofore approved by the State Board of Control, the Commission on State Mandates, or the courts to the extent the Governor, in his discretion, determines that waiver to be appropriate; provided, that a decision by a county to opt into the system pursuant to Section 77300 beginning with the second half of the 1988/89 fiscal year shall not constitute a waiver of a claim for reimbursement based on a statute chaptered on or before the date the act which added this chapter is chaptered, which is filed in acceptable form on or before the date the act which added this chapter is chaptered. A county may petition the Governor to exempt any such claim from this waiver requirement; and the Governor, in his discretion, may grant the exemption in whole or in part. The waiver shall not apply to or otherwise affect any claims accruing after initial notification. Renewal, renegotiation, or subsequent notification to continue in the program shall not constitute a waiver.~~

~~(b) The initial decision by a county to opt into the system pursuant to Section 77300 shall constitute a waiver of any claim, cause of action, or action whenever filed, with respect to the Trial Court Funding Act of 1985, Chapter 1607 of the Statutes of 1985, or Chapter 1211 of the Statutes of 1987.~~

SEC. 20. Section 77203.5 is added to the Government Code, to read:

77203.5. (a) For the purpose of funding trial court operations, each board of supervisors shall establish in the county treasury a Trial Court Operations Fund, which will operate as a special revenue fund. All funds appropriated in the Budget Act and allocated and reallocated by the Trial Court Budget Commission created pursuant to Section 68502.5 shall be deposited into the fund.

(b) The moneys of the Trial Court Operations Fund shall be payable only for purposes set forth pursuant to Sections 77003 and 77006.5. The ~~court's executive officer/clerk or court administrator/clerk, in consultation~~ *presiding judge or his or her designee, in consultation* with the county executive/administrator, shall authorize the expenditures from this fund, consistent with the trial court's budget, as recommended by the Trial Court Budget Commission and approved by the Judicial Council. All state allocations deposited into this fund shall be exclusively dedicated to offset the costs identified in the approved trial court budget. The purpose of this requirement is to produce a reduction in the net county costs of trial courts.

(c) Interest received by a county from the investment of money in its Trial Court Operations Fund shall be deposited in the fund and shall be used for trial court operations purposes.

(d) Pursuant to Section 77205, the Controller, at the request of the Legislature or Judicial Council, may perform financial and fiscal audits of this fund.

~~SEC. 25.~~

SEC. 21. Section 77204 of the Government Code is repealed.

~~SEC. 26.~~

SEC. 22. Section 77205 of the Government Code is repealed.

~~SEC. 27.~~

SEC. 23. Section 77205 is added to the Government Code, to read:

77205. (a) The Judicial Council shall adopt appropriate rules for budget submission, budget management, and reporting of revenues and expenditures by each court. The Controller, in consultation with the Judicial Council, shall maintain appropriate regulations for recordkeeping and accounting by the county and the courts, in order to determine all moneys collected by the county and the courts, including filing fees, fines, forfeitures, and penalties, and all revenues and expenditures relating to court operations.

(b) Regulations, rules, and reporting requirements adopted pursuant to this chapter shall be exempt from review and approval or other processing by the Office of

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Administrative Law as provided for in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(c) The Controller, at the request of the Legislature or the Judicial Council, may perform and publish financial and fiscal compliance audits of the reports submitted by the counties under this chapter. The Controller shall report the results of these audits to the Legislature.

~~SEC. 28.~~

SEC. 24. Section 77205.1 is added to the Government Code, to read:

77205.1. Upon appropriation by the Legislature, the Controller shall make quarterly payments of trial court funding on or before the 25th day of that quarter.

~~SEC. 29.~~

SEC. 25. Section 77205.3 of the Government Code is repealed.

~~SEC. 30. Section 77205.3 is added to the Government Code, to read:~~

~~77205.3. Amounts appropriated in the annual Budget Act for assigned judges shall be transferred to the Judicial Council on a monthly basis. The Judicial Council shall certify the amount expended for judicial assignment purposes monthly, and the Controller shall transfer to the Judicial Council the amount certified. The amounts so transferred by the Controller shall be credited to the appropriation available to the Judicial Council in augmentation of the Budget Act.~~

~~SEC. 31.~~

SEC. 26. Section 77205.5 of the Government Code is repealed.

~~77205.5. Except as to matters covered by Section 77205, the Judicial Council shall adopt pertinent rules to further the implementation of this chapter.~~

~~The Judicial Council shall certify to the Controller at least 30 days before the beginning of each quarter the salaries of justice court judges in option counties, and the number of reimbursable positions by category as provided in Section 77202 in each county for purposes of calculating the block grant as provided in Section 77200.~~

SEC. 27. Section 77206 of the Government Code is repealed.

~~SEC. 32.~~

SEC. 28. Section 77208 of the Government Code is repealed.

~~77208. Except as provided in Sections 73642, 73952, 74342, and 74742 with respect to San Diego County, the board of supervisors of an option county may, at county cost, provide municipal and justice court judges serving in any municipal or justice court in the county or retired therefrom with retiree health benefits substantially equal to the retiree health benefits provided to superior court judges.~~

SEC. 29. Section 77208 is added to the Government Code, to read:

77208. (a) The state shall provide municipal court and justice court judges retired under the Judges' Retirement System with retiree health, dental, and vision care plans equal to and in the same manner as the health, dental, and vision benefits provided to retired superior court judges.

(b) No judge shall have any salary or benefits reduced solely by reason of the enactment of this section.

SEC. 30. Section 77300 of the Government Code is repealed.

~~SEC. 33.~~

SEC. 31. Section 77301 of the Government Code is repealed.

~~SEC. 34. Section 1463.001 of the Penal Code is amended to read:~~

~~1463.001. All fines and forfeitures imposed and collected for crimes other than parking offenses resulting from a filing in a court shall as soon as practicable after receipt thereof, be deposited with the county treasurer, and each month the total fines and forfeitures which have accumulated within the past month shall be distributed, as follows:~~

~~(a) The state penalties, county penalties, special penalties, service charges, and penalty allocations shall be transferred to the proper funds as required by law.~~

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(b) The base fines shall be distributed, as follows:

(1) Any base fines which are subject to specific distribution under any other section shall be distributed to the specified funds of the state or local agency.

(2) Base fines resulting from county arrests shall be transferred to the proper funds of the county.

(3) Of base fines resulting from city arrests not included in paragraph (1), an amount equal to the applicable county percentages set forth in Section 1463.002, as modified by Section 1463.28, shall be transferred to the proper funds of the county. The remainder of base fines resulting from city arrests shall be deposited to the General Fund, and 50 percent deposited to the treasury of the appropriate city.

(4) In a county that had an agreement as of March 22, 1977, that provides for city fines and forfeitures to accrue to the county in exchange for sales tax receipts, of base fines resulting from city arrests not included in paragraph (1), 50 percent shall be deposited to the General Fund, and 50 percent shall be deposited into the proper funds of the county.

(c) Each county shall keep a record of its deposits to its treasury and its transmittal to each city treasury pursuant to this section, and shall provide these records upon request to the Controller.

(d) Any amounts required to be distributed to the state pursuant to this section shall be remitted to the Controller no later than 45 days after the end of the month in which those amounts were collected. This remittance shall be accompanied by a remittance advice identifying the collection month and the appropriate account in the General Fund to which it is to be deposited.

(e) The distribution specified in subdivision (b) applies to all funds subject thereto distributed on or after July 1, 1994, regardless of whether the court has elected to allocate and distribute funds pursuant to Section 1464.8.

SEC. 35. Section 1463.003 of the Penal Code is repealed.

SEC. 36. Section 1464 of the Penal Code is amended to read:

1464. (a) Subject to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, there shall be levied a state penalty, in an amount equal to seven dollars ($7) for every ten dollars ($10) or fraction thereof, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses, except parking offenses as defined in subdivision (i) of Section 1463, involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code. Any bail schedule adopted pursuant to Section 1269b may include the necessary amount to pay the state penalties established by this section and Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code for all matters where a personal appearance is not mandatory and the bail is posted primarily to guarantee payment of the fine.

(b) Where multiple offenses are involved, the state penalty shall be based upon the total fine or bail for each case. When a fine is suspended, in whole or in part, the state penalty shall be reduced in proportion to the suspension.

(c) When any deposited bail is made for an offense to which this section applies, and for which a court appearance is not mandatory, the person making the deposit shall also deposit a sufficient amount to include the state penalty prescribed by this section for forfeited bail. If bail is returned, the state penalty paid thereon pursuant to this section shall also be returned.

(d) In any case where a person convicted of any offense, to which this section applies, is in prison until the fine is satisfied, the judge may waive all or any part of the state penalty, the payment of which would work a hardship on the person convicted or his or her immediate family.

(e) After a determination by the court of the amount due, the clerk of the court shall collect the penalty and transmit it to the county treasury. The portion thereof

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attributable to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code shall be deposited in the appropriate county fund and the balance shall then be transmitted to the State Treasury for deposit in the State Penalty Fund, which is hereby created. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

(f) The moneys so deposited in the State Penalty Fund shall be distributed as follows:

(1) Once a month there shall be transferred into the Fish and Game Preservation Fund an amount equal to 0.33 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month, except that the total amount shall not be less than the state penalty levied on fines or forfeitures for violation of state laws relating to the protection or propagation of fish and game. These moneys shall be used for the education or training of department employees which fulfills a need consistent with the objectives of the Department of Fish and Game.

(2) Once a month there shall be transferred into the Restitution Fund an amount equal to 32.02 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. These funds shall be made available in accordance with subdivision (b) of Section 13967 of the Government Code.

(3) Once a month there shall be transferred into the Peace Officers' Training Fund an amount equal to 23.99 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(4) Once a month there shall be transferred into the Driver Training Penalty Assessment Fund an amount equal to 25.70 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(5) Once a month there shall be transferred into the Corrections Training Fund an amount equal to 7.88 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. Money in the

Corrections Training Fund is not continuously appropriated and shall be appropriated in the Budget Act.

(6) Once a month there shall be transferred into the Local Public Prosecutors and Public Defenders Training Fund established pursuant to Section 11503 an amount equal to 0.78 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. The amount so transferred shall not exceed the sum of eight hundred fifty thousand dollars ($850,000) in any fiscal year. The remainder in excess of eight hundred fifty thousand dollars ($850,000) shall be transferred to the Restitution Fund.

(7) Once a month there shall be transferred into the Victim/Witness Assistance Fund an amount equal to 8.64 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(8) (A) Once a month there shall be transferred into the Traumatic Brain Injury Fund, created pursuant to Section 4358 of the Welfare and Institutions Code, an amount equal to 0.66 percent of the state penalty funds deposited into the State Penalty Fund during the preceding month, until the amount deposited in the Traumatic Brain Injury Fund, as determined by the Department of Finance, for any fiscal year equals five hundred thousand dollars ($500,000). All moneys in excess of that amount shall be distributed pro rata pursuant to paragraphs (1) to (7), inclusive, and utilized in accordance with this subdivision.

(B) Any moneys deposited in the State Penalty Fund attributable to the assessments made pursuant to subdivision (i) of Section 27315 of the Vehicle Code on or after the date that Chapter 6.6 (commencing with Section 5564) of Part 1 of Division 5 of the Welfare and Institutions Code is repealed shall be utilized in accordance with paragraphs (1) to (8), inclusive, of this subdivision.

SEC. 37.

SEC. 32. Section 11205 of the Vehicle Code is amended to read:

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11205. (a) The department shall publish a traffic violator school referral list of all the approved locations of traffic violator school classes, by school name, to be transmitted to each municipal and justice court in the state in sufficient quantity to allow the courts to provide a copy to each person referred to traffic violator school. The list shall be revised at least twice annually and transmitted to the courts by the first day of January and the first day of July. It shall include all of the following:

(1) The name of each traffic violator school or, pursuant to subdivision (d), the general term "traffic violator school" followed by its traffic violator school license number.

(2) A phone number used for student information.

(3) The county and the judicial district.

(4) The cities where classes are available.

(b) Each traffic violator school owner shall be permitted one school name in a judicial district.

(c) The list shall be organized alphabetically in sections for each county and subsections for each judicial district within the county. The order of the names within each judicial district shall be random pursuant to a drawing or lottery conducted by the department.

(d) On the list prepared by the department under subdivision (c), each traffic violator school shall appear by name unless a court determines, pursuant to subdivision (e), that a name is inappropriate and directs the department to delete the name and instead list the school by the term "traffic violator school" followed by its license number. The deletion of the name of a school from the list for a judicial district shall not affect whether that school appears by name on the list for any other judicial district within the state. In making a determination under this subdivision regarding the deletion of a name from the list, the court shall use as its criteria whether the name is misleading to the public, undignified, or implies that the school offers inducements or premiums which derogate or distort the instructional intent of the traffic safety program.

(e) When the department transmits any referral list to

each municipal and justice court pursuant to subdivision (a), each municipal and justice court shall do all of the following:

(1) Within 30 days of receipt of the list, notify the school owner of any school name that the court intends to remove from the referral list.

(2) Within 60 days of receipt of the list, make every effort to schedule, conduct, and complete a hearing for the school owner, or a representative, if requested, at which the sole issue shall be whether the name violates the standards set forth in subdivision (d). A substitute name may be submitted to the court at the conclusion of the hearing, pursuant to subdivision (h).

(3) Within 10 days of the completion of that hearing, notify the department and school owner of any school names it intends to remove from the referral list.

(f) In order for a court action to delete a school name from the next referral list published by the department, the department shall receive court notification no later than 90 days prior to publication of the next referral list and, absent a direct order by a superior court or court of higher jurisdiction, the department shall not fail to publish a referral list on the grounds that there exists pending litigation or appeals concerning the lists.

(g) Any court notifying the department of a school name it intends to remove from the list, pursuant to this section, shall provide the school owner with the name of the judge making those findings.

(h) When a court informs a school owner, pursuant to subdivision (e), of its decision to delete the name of a traffic violator school from that judicial district's subsection of the department's traffic violator school referral list, the owner may, on a form approved by the department, submit a substitute name to the court and request approval of that name. The court shall, within 30 days of receipt of the request for approval of the substitute name, inform the department and the school owner, on a form approved by the department, of its approval or rejection of the substitute name. The school owner may continue this appeal process for approval of

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a substitute name until the court determines that the name does not violate the standard set forth in subdivision (d). A name approval in a judicial district shall not affect the school's name or listing in any other district in the state. The department shall not impose any fee or license requirement under this subdivision.

(i) If a court fails to act within 30 days on a request of a traffic violator school owner, pursuant to subdivision (h), the proposed substitute name shall be deemed approved by the court for the purposes of the traffic violator school referral list.

(j) (1) Every application filed with the department on and after June 1, 1991, for an original license by a traffic school owner or for approval to conduct classes in a judicial district not previously approved, shall be accompanied by the approval of the court in each judicial district proposed for those operations of the name of the school, on a form approved by the department for that purpose. For the approved name to be included in the traffic violator school referral list, the form shall be received by the department no later than 90 days prior to publication.

(2) When a court disapproves a school name pursuant to this subdivision, the court shall notify the school owner within 30 days of its disapproval and schedule a hearing for that school owner, or a representative, if requested, at which the sole issue shall be whether the name violates the standards set forth in subdivision (d). A substitute name may be submitted to the court at the conclusion of the hearing, pursuant to subdivision (h).

(3) The court shall make every effort to schedule, conduct, and complete a hearing within 60 days of receipt of the school owner's request for a school name approval. A name approval in a judicial district shall not affect the school's name or listing in any other district in the state. A change in physical location by a school within a judicial district shall not require approval pursuant to this subdivision.

(k) The department shall publish a list of the owners of traffic violator schools. One copy shall be provided to

each municipal and justice court in the state. This list shall be revised at least twice annually and transmitted to the courts by the first day of January and the first day of July. This list shall include all of the following:

(1) The name of each school, grouped by owner.

(2) The business office address.

(3) The business office telephone number.

(4) The license number.

(5) The owner's name.

(6) The operator's name.

(*l*) Except as otherwise provided in subdivision (d) of Section 42005, the court shall use either the current list of traffic violator schools published by the department when it orders a person to complete a traffic violator school pursuant to subdivision (a) or (b) of Section 42005 or, when a court utilizing a nonprofit agency for traffic violator school administration and monitoring services in which all traffic violator schools licensed by the department are allowed the opportunity to participate, a statewide referral list may be published by the nonprofit agency and distributed by the court. The agency shall monitor each classroom location represented on its referral list at least once every 90 days with reports forwarded to the department and the respective courts on a monthly basis. The agency may charge a traffic violator a fee sufficient in amount to defray the costs incurred by the agency for the monitoring reports and services provided to the court. That fee shall be approved and regulated by the court. The agency shall submit annual financial reports to the respective courts for their review.

(m) If any provision of subdivision (d) or (e), as added by Section 4 of Assembly Bill 185 of the 1991–92 Regular Session, or the application thereof to any person, is held to be unconstitutional, this section is repealed on the date the decision of the court so holding becomes final.

~~SEC. 38.~~

SEC. 33. Section 11205 of the Vehicle Code is amended to read:

11205. (a) The department shall publish

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semiannually, or more often as necessary to serve the purposes of this act, a list of all traffic violator schools which are licensed pursuant to this section. The list shall identify classroom facilities within a judicial district that are at a different location from a licensed school's principal facility. The department shall transmit the list to each municipal and justice court with a sufficient number of copies to allow the courts to provide one copy to each person referred to a licensed traffic violator school. The department shall, at least semiannually, revise the list to ensure that each court has a current list of all licensed traffic violator schools.

(b) Each licensed traffic violator school owner shall be permitted one school name per judicial district.

(c) The referral list shall be organized alphabetically, in sections for each county, and contain subsections for each judicial district within the county. The order of the names within each judicial district shall be random pursuant to a drawing or lottery conducted by the department.

(d) Except as otherwise provided in subdivision (d) of Section 42005, the court shall use either the current referral list of traffic violator schools published by the department when it orders a person to complete a traffic violator school pursuant to subdivision (a) or (b) of Section 42005 or, when a court utilizing a nonprofit agency for traffic violator school administration and monitoring services in which all traffic violator schools licensed by the department are allowed the opportunity to participate, a statewide referral list may be published by the nonprofit agency and distributed by the court. The agency shall monitor each classroom location represented on its referral list at least once every 90 days with reports forwarded to the department and the respective courts on a monthly basis. The agency may charge a traffic violator a fee sufficient in amount to defray the costs incurred by the agency for the monitoring reports and services provided to the court. Fees shall be approved and regulated by the court. The agency shall submit annual financial reports to the

respective courts for their review.

(e) If any provision of subdivision (d) or (e) of Section 11205, as added by Section 4 of Assembly Bill 185 of the 1991–92 Regular Session, or the application thereof to any person, is held to be unconstitutional, that Section 11205 is repealed on the date the decision of the court so holding becomes final, and on that date, this section shall become operative.

~~SEC. 39. Section 40611 of the Vehicle Code is amended to read:~~

~~40611. Upon proof of correction of an alleged violation of Section 12500 or 12951, or any violation cited pursuant to Section 40610, the clerk shall collect a ten dollar ($10) transaction fee for each case. The fee shall be deposited by the clerk in accordance with Section 68084 of the Government Code, and allocated monthly as follows:~~

~~(a) Thirty/three percent shall be transferred to the local governmental entity in whose jurisdiction the citation was issued for deposit in the general fund of the entity.~~

~~(b) Sixty/seven percent shall be deposited in the county general fund.~~

~~SEC. 40. Section 42007 of the Vehicle Code is amended to read:~~

~~42007. (a) The clerk of the court shall collect a fee from every person who is ordered or permitted to attend a traffic violator school pursuant to Section 42005 or who attends any other court/supervised program of traffic safety instruction. The fee shall be in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule. As used in this subdivision, "total bail" means the amount established pursuant to Section 1269b of the Penal Code in accordance with the Uniform Statewide Bail Schedule adopted by the Judicial Council, including all assessments, surcharges, and penalty amounts. Where multiple offenses are charged in a single notice to appear, the "total bail" is the amount applicable for the greater of the qualifying offenses. However, the court may~~

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~~determine a lesser fee under this subdivision upon a showing that the defendant is unable to pay the full amount.~~

~~The fee shall not include the cost, or any part thereof, of traffic safety instruction offered by the school or other program.~~

~~(b) Revenues derived from the fee collected under this section shall be deposited in accordance with Section 68084 of the Government Code and allocated monthly to the general fund of the county, provided that in any county in which a fund is established pursuant to Section 76100 or 76101 of the Government Code, the sum of one dollar ($1) for each fund so established shall be deposited with the county treasurer and placed in that fund.~~

~~(c) As used in this section, "court/supervised program" includes, but is not limited to, any program of traffic safety instruction the successful completion of which is accepted by the court in lieu of adjudicating a violation of this code.~~

~~(d) The Judicial Council shall study the minimum eligibility criteria governing drivers seeking to attend traffic violator's school, and report to the Legislature on the advisability of uniform statewide criteria on or before January 1, 1993.~~

~~(e) The clerk of the court, in a county that offers traffic school shall include in any courtesy notice mailed to a defendant for an offense that qualifies for traffic school attendance the following statement:~~

~~NOTICE: If you are eligible and decide not to attend traffic school your automobile insurance may be adversely affected.~~

~~SEC. 41. Section 42007.1 of the Vehicle Code is amended to read:~~

~~42007.1. Notwithstanding Section 42007, on and after the effective date of this section to and including December 31, 1996:~~

~~(a) The fee collected by the clerk pursuant to subdivision (a) of Section 42007 shall be in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule plus twenty/four dollars ($24).~~

~~(b) The fee revenues shall be allocated as follows rather than as specified in subdivision (b) of Section 42007:~~

~~(1) Twenty/four dollars ($24) of each fee collected shall be deposited in the General Fund.~~

~~(2) The remaining amount collected under subdivision (a) of Section 42007 shall be allocated as provided in subdivision (b) of Section 42007.~~

~~This section shall remain effect until January 1, 1997, and on that date is repealed, unless a later enacted statute, which is enacted before January 1, 1997, deletes or extends that date.~~

~~SEC. 42.~~

SEC. 34. Section 42201 of the Vehicle Code is amended to read:

42201. (a) Of the total amount of fines and forfeitures received by a county under Section 1463.001 of the Penal Code, fines and forfeitures collected from any person charged with a misdemeanor under this code following arrest by any officer employed by the state or by the county shall be paid into the general fund of the county. However, the board of supervisors of the county may, by resolution, provide that a portion thereof be transferred into the road fund of the county.

(b) The board of supervisors of a county may enter into a contract with the Department of the California Highway Patrol for the purpose of providing adequate protection for school pupils who are required to cross heavily traveled streets, highways, and roadways in the unincorporated areas of the county. When requested, the Department of the California Highway Patrol may provide such service and the county shall reimburse the state for salaries and wages of crossing guards furnished by the Department of the California Highway Patrol pursuant to such contract, including any necessary retirement and general administrative costs and expenses in connection therewith, and may pay the costs thereof from amounts deposited in the road fund pursuant to this section.

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(c) Fines and forfeitures received by a county under Section 1463.001 of the Penal Code may be used to pay the compensation of school crossing guards and necessary equipment costs and administrative costs.

(d) When requested by any county which had in effect on June 30, 1979, a contract with the Department of the California Highway Patrol, to provide protection for school pupils at school crossings, the department upon request of a county shall continue to administer such school crossing program until June 30, 1980. The county shall reimburse the Department of the California Highway Patrol for general administrative costs and expenses in connection therewith, except that, effective January 1, 1980, the crossing guards shall be furnished to the California Highway Patrol and such crossing guards shall be employees of the county, the county superintendent of schools, the affected school districts, or both the superintendent and the affected school districts, at the option of the board of supervisors of the county. Any salaries and wages of crossing guards, including necessary retirement and equipment costs and any administrative costs shall be paid or reimbursed by the county from amounts deposited in the road fund pursuant to this section.

(e) The board of supervisors may adopt standards for the provision of school crossing guards. The board has final authority over the total cost of the school crossing guard program of any agency to be paid or reimbursed from amounts deposited in the road fund pursuant to this section. The board of supervisors may specify that a designated county officer, employee, or commissioner is to hire school crossing guards, or, in the alternative, the board may specify that any school district crossing guard program in unincorporated areas shall be maintained by the school districts desiring the program.

~~SEC. 13.~~

SEC. 35. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the local agency or school district has the authority to levy service charges, fees, or

assessments sufficient to pay for the program or level of service mandated by this act. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

~~SEC. 14. This act shall not become operative unless the Director of Finance finds that a transfer of programmatic responsibility from the state to the counties of an equal dollar value has been enacted and so notifies the Controller in writing, in which case this act shall become operative upon receipt of that notice.~~

~~SEC. 15.~~

SEC. 36. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide adequate trial court funding for the 1994–95 fiscal year, it is necessary that this act take effect immediately.

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AMENDED IN SENATE JULY 7, 1994

AMENDED IN SENATE JUNE 30, 1994

AMENDED IN SENATE JUNE 21, 1994

AMENDED IN ASSEMBLY APRIL 21, 1994

AMENDED IN ASSEMBLY MARCH 23, 1994

AMENDED IN ASSEMBLY MARCH 3, 1994

CALIFORNIA LEGISLATURE—1993–94 REGULAR SESSION

ASSEMBLY BILL No. 2544

Introduced by Assembly Member Isenberg

January 19, 1994

An act to amend Sections 22825, 24353, 68085, 68101, 68502.5, and 77003 of, to add Sections 22754.35, 77006.5, and 77205.1 to, to repeal and add Sections 68073, 77203.5, 77205, and 77208 of, and to repeal Sections 22754.1, 22816.32, 22816.35, 22816.4, 68206, 77200, 77202, 77204, 77205.3, 77205.5, 77206, 77300, and 77301 of, the Government Code, and to amend Sections 11205 and 42201 of the Vehicle Code, relating to trial court funding, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2544, as amended, Isenberg. Trial court funding.

(1) Existing law specifies the responsibilities of the counties and the state for the financing of the trial courts.

This bill would define trial court funding and provide that commencing July 1, 1994, the boards of supervisors of the various counties shall only provide funding for those functions of the trial courts not provided for in the State Budget, as specified, and would declare the intent of the Legislature in this regard. The bill also would require the board of

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supervisors to submit proposed plans for courthouse construction or remodeling to the judges affected before beginning construction. The bill would also direct each board of supervisors to establish a Trial Court Operations Fund for the deposit of moneys for trial court funding and court operations, as specified.

(2) Under existing law, the initial decision by a county to opt into the Brown-Presley Trial Court Funding Act shall constitute a waiver of all claims for reimbursement for state-mandated local programs, as specified, and of any claim with respect to the Trial Court Funding Act of 1985.

This bill would repeal this provision.

(3) Existing law establishes the Trial Court Trust Fund for purposes of funding trial court operations upon appropriation by the Legislature.

This bill would require the Controller to apportion funds in the Trial Court Trust Fund quarterly, after deducting administrative costs, as specified. It also would provide for the investment of that fund and the allocation of interest therefrom.

(4) Existing law specifies the health benefits of state employees.

This bill would revise those benefits with respect to judges of municipal and justice courts.

(5) Under existing law, the Judicial Council is required to provide for the appointment of a standing Trial Court Budget Commission, which has the authority to receive and review budget requests from the trial courts.

This bill would require the trial courts to send a copy of their proposed budgets to the board of supervisors at the same time their budget requests are submitted to the Trial Court Budget Commission. The bill would authorize courts to order counties to provide specified funding for court operations where the board of supervisors has failed to provide that funding, as specified. The bill also would revise the authority of the commission, as specified. The bill also would revise the definition of "court operations."

(6) Existing law requires each county to contribute a specified portion of the salary of a superior court judge, and provides for each option county under the Brown-Presley

Trial Court Funding Act to receive a supplemental block grant equal to the salary of each municipal and justice court judge in the county.

This bill would eliminate those provisions.

(7) Existing law specifies the intent of the Legislature to increase trial court funding, as specified; provides for block grant funding for trial courts on a county option basis; specifies the number of judicial officers in a county for the determination of trial court block grant funding, and specifies the duties of option counties beginning in the 1989–90 fiscal year.

This bill would repeal those provisions. The bill would also require the Judicial Council and the Controller, as specified, to adopt rules governing trial court fiscal management, and would authorize the Controller to perform and publish financial and fiscal compliance audits of county reports regarding trial court operations. The bill would require the Controller to make quarterly payments of trial court funding upon appropriation by the Legislature, as specified.

(8) Existing law provides for the transfer to the Judicial Council of specified funds appropriated for judges serving on assignment; and specifies that the decision by a county to opt under the Brown-Presley Trial Court Funding Act constitutes an agreement by the county raising the state appropriation limit and lowering that of the county commensurately.

This bill would repeal these provisions.

(9) Existing law requires the Judicial Council to adopt rules to further the implementation of the Brown-Presley Trial Court Funding Act, except as specified, and to certify to the Controller the salaries of justice court judges in counties that have opted into that act, and the number of reimbursable positions by category in each county for purposes of calculating the block grant, as specified.

This bill would repeal this provision.

(10) Existing law provides for the health benefits of retired state employees..

This bill would revise those benefits with regard to retired judges of municipal and justice courts.

(11) Existing law provides for the distribution of fines and forfeitures collected with respect to Vehicle Code

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misdemeanor offenses.

This bill would revise this distribution.

(12) Existing law authorizes the Department of Motor Vehicles to publish a semiannual list of all traffic violator schools. A court may use that list, or when the court also uses a nonprofit agency to administer and monitor traffic violator school, a statewide referral list may be published by the nonprofit agency and distributed by the court.

This bill would permit ~~the nonprofit agency to charge~~ a traffic violator *to be charged* a fee to offset specified costs. *This provision would only be operative until June 30, 1995.*

(13) The bill would impose a state-mandated local program by expanding the duties of local officials.

(14) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(15) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ⅔. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares that, since 1991, it has been the policy of the state to examine the operation and financing of superior, municipal, and justice courts in light of the need to reexamine and reconstruct the roles of each branch of government.

(b) It is also the policy of the state that the funding of trial court operations is most logically a candidate for state funding and that the state will progressively increase its share of funding of the annual costs for court operations to 65 percent for the 1994–95 fiscal year and to 70 percent for the 1995–96 fiscal year and will achieve savings in court operations costs through the enactment of administrative efficiencies.

(c) The Legislature further finds that it is the policy of the state to create a judicial branch budgeting system that protects the independence of the judiciary and optimizes local trial court control and responsibility, while preserving financial accountability to the overall State Budget.

(d) The Legislature further finds that, pursuant to these policies, courts are making a transition from budgeting through the counties to becoming a direct part of the state's annual budget.

(e) The Legislature declares its intent to do each of the following:

(1) Beginning in the 1994–95 fiscal year, to include the funding for the various functions of trial court operations specifically as allocations in the Budget Act as part of the judicial branch budget.

(2) To require progressively more careful identification of the costs of services obtained by the courts from county agencies, and to require the negotiation of agreements on the cost of county provided services.

(3) Through enactment of this act, to enable the transition to full state funding of the trial courts.

SEC. 2. Section 22754.1 of the Government Code is repealed.

SEC. 3. Section 22754.35 is added to the Government Code, to read:

22754.35. (a) As used in this part, "employee" includes any judge of a municipal or justice court.

(b) As used in this part, "annuitant" includes any judge of a municipal or justice court retired under the Judges' Retirement System.

(c) For purposes of this part, a municipal or justice court judge's entitlement shall be the same as a superior court judge in terms of health benefits and employer contributions, and the continuation of health benefits coverage shall be administered by the board.

(d) The state shall provide each sitting municipal court and justice court judge with health, dental, and vision care benefits equal to and in the same manner as

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the health, dental, and vision care benefits provided to superior court judges. These benefits shall be paid from funds provided pursuant to Section 77006.5.

(e) No judge shall have any salary or benefits reduced solely by reason of the enactment of this section.

(f) If a judge opts to receive health, dental, or vision care benefits from the state, the county shall reduce the judge's compensation by an amount equal to the amount the state pays for his or her health, dental, or vision care benefits.

SEC. 4. Section 22816.32 of the Government Code is repealed.

SEC. 5. Section 22816.35 of the Government Code is repealed.

SEC. 6. Section 22816.4 of the Government Code is repealed.

SEC. 7. Section 22825 of the Government Code is amended to read:

22825. (a) The employer and each employee or annuitant shall contribute a portion of the cost of providing for each employee and annuitant the benefit coverage afforded under any health benefit plan which the board has approved or for which it has executed a contract pursuant to this part, and in which the employee or annuitant may be enrolled.

The employer's contribution for each employee or annuitant shall be the amount necessary to pay the cost of his or her enrollment, including the enrollment of his family members, in a health benefits plan or plans, or, if less, sixteen dollars ($16) per month. There shall be only one such contribution with respect to all annuitants receiving allowances as survivors of the same employee or annuitant.

The contribution of each employee and annuitant shall be the total cost per month of the benefit coverage afforded him or her under the plan or plans less the portion thereof to be contributed by the employer.

(b) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if such provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

SEC. 8. Section 24353 of the Government Code is amended to read:

24353. Each officer of a county or judicial district authorized to collect money shall pay into the county treasury all money collected by him or her, or under his or her control, that is payable into the treasury in the form and at the time the county auditor requires. No officer who collects money as described in this section shall be required to accept payment in coin. If the county auditor finds that an officer of the county has failed to comply with the requirements for payment of moneys pursuant to this section or Section 68101, which directly results in the assessment of a financial penalty pursuant to Section 68085, the county department which failed to comply shall reimburse the judicial district in an amount equal to the actual penalty.

SEC. 9. Section 68073 of the Government Code is repealed.

SEC. 10. Section 68073 is added to the Government Code, to read:

68073. (a) Commencing July 1, 1994, a board of supervisors, subject to the funding limitation set forth in subdivision (b), shall provide suitable rooms for holding the superior, municipal, and justice courts, for the chambers of the judges of these courts and for court attendants, together with sufficient attendants, heat, light, furniture, furnishings, equipment, stationery, supplies, and other personal property, for the rooms and chambers and for the transaction of the business of the courts.

(b) Commencing July 1, 1994, and each year thereafter, with regard to court operations as defined in Section 77003, no board of supervisors shall be required to provide funding for those functions of the trial courts which are provided for in the state budget; however, in

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each county the board of supervisors shall provide funding for those functions for which funds are not provided for in the state budget, in an amount which complies with subdivision (a), recognizing the needs of the court, the county's fiscal condition, and the budget adopted by the Judicial Council, pursuant to paragraph (4) of subdivision (a) of Section 68502.5 and approved by the Legislature pursuant to paragraph (7) of subdivision (a) of Section 68502.5.

(c) If the board of supervisors of any county fails to provide funding as described in subdivision (b), the court shall give notice to the board of a specific deficiency. If the board then fails to provide funding necessary to comply with subdivision (b), the court may direct the appropriate officers of the county to provide the funding. The expenses incurred, certified by the judge or judges to be correct, are a charge against the county treasury and shall be paid out of the general fund.

(d) Prior to the taking action pursuant to subdivision (c), a court shall present to the Trial Court Budget Commission a written finding attesting to the necessity of the action. The finding shall include a summary of relevant facts, an assessment of the operational consequences of not receiving the funds at issue, and an outline of the steps taken to the exercise of this section. Upon review, the commission, upon authorization of the Judicial Council, may or may not reallocate trial court funds from other trial courts, if it deems appropriate, in order to address the needs of the court. If moneys are not reallocated by the commission, the court may then direct the appropriate officers of the county to provide for the necessary resources to perform the court's functions, if the court deems it appropriate to do so.

(e) Prior to the construction of new court facilities or the alteration, remodeling, or relocation of existing court facilities, the board of supervisors shall submit proposed plans to the judge or judges of the court affected for review and recommendations as to the adequacy and standard of design, and that review and recommendation shall not be disregarded without reasonable grounds.

(f) This section shall not be construed as authorizing the county to supply to the official reporters of the courts stenograph, stenotype, or other shorthand machines; nor as authorizing the county to supply to the official reporters of the courts, for use in the preparation of transcripts, typewriters, transcribing equipment, supplies, or other personal property.

SEC. 11. Section 68085 of the Government Code is amended to read:

68085. (a) (1) There is hereby established the Trial Court Trust Fund, the proceeds of which shall be apportioned quarterly by the Controller on or before the 25th day of the month following the end of that quarter, upon appropriation by the Legislature, for the purpose of funding trial court operations, as defined in Section 77003.

(2) The quarterly apportionment payments shall be made by the Controller, except that the quarterly apportionment shall be withheld from any county that is delinquent in making the full transfer of funds pursuant to this section.

(b) Notwithstanding any other provision of law, the fees listed in subdivision (c) shall all be deposited upon collection in a special account in the county treasury, and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

(c) Except as specified in subdivision (d), this section applies to all fees collected pursuant to Sections 26820.4, 26826, 26827, 68086, 72055, and 72056.

(d) This section does not apply to that portion of a filing fee collected pursuant to Section 26820.4, 26826, 26827, 72055, or 72056 which is allocated for dispute resolution pursuant to Section 470.3 of the Business and Professions Code, the county law library pursuant to Section 6320 of the Business and Professions Code, the Judges' Retirement Fund pursuant to Section 26822.3, automated recordkeeping or conversion to micrographics pursuant to Sections 26863 and 68090.7, and courthouse financing pursuant to Section 76238.

(e) Notwithstanding any other provision of law, no agency shall take action to change the amounts allocated

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to any of the above funds.

(f) Before making any apportionments under this section, the Controller shall deduct, from the annual appropriation for that purpose, the actual administrative costs that will be incurred under this section. Costs reimbursed under this section shall be determined on an annual basis in consultation with the Judicial Council.

(g) Any amounts required to be transmitted by a county to the state pursuant to this section shall be remitted to the Controller no later than 45 days after the end of the month in which the fees were collected. This remittance shall be accompanied by a remittance advice identifying the collection month and the appropriate account in the Trial Court Trust Fund to which it is to be deposited. Any remittance which is not made by the county in accordance with this section shall be considered delinquent, and subject to the penalties pursuant to this section.

(h) Upon receipt of any delinquent payment, the Controller shall make the quarterly apportionment on or before the 25th day of the month following the month in which the delinquent payment was received from the county. The Controller shall calculate a penalty on any delinquent payment and that amount shall be deducted from the next quarterly apportionment. The penalty shall be calculated by multiplying the amount of the delinquent payment by the Pooled Money Investment Account rate at the end of the prior fiscal year.

(i) Penalty amounts withheld under subdivision (h) shall be reserved in the Trial Court Trust Fund. The Judicial Council shall allocate these moneys based upon the recommendations of the Trial Court Budget Commission.

(j) The Trial Court Trust Fund shall be invested in the Surplus Money Investment Fund and all interest earned shall be allocated to the Trial Court Trust Fund semiannually and shall be allocated among the counties in accordance with the requirements of subdivision (a). The specific allocations shall be specified by the Judicial Council, based upon recommendations from the Trial

Court Budget Commission.

(k) Funds accrued in the Trial Court Trust Fund during the 1993–94 fiscal year shall be allocated pursuant to subdivision (j) to each option county in the month of November of 1993, and in the months of February, May, and August of 1994.

SEC. 12. Section 68101 of the Government Code is amended to read:

68101. Whenever pursuant to law the state is entitled to receive any portion of any money, forfeited bail or fines received by a judge of any court, that portion shall as soon as practicable after the receipt thereof, be deposited with the county treasurer of the county in which that court is situated, and paid, by warrant of the county auditor drawn upon a requisition of the clerk or judge of the court, at least once a month to the Treasurer to be deposited in the State Treasury. Any remittance not made pursuant to this section or Section 24353 shall be considered delinquent and subject to Section 68085.

Any judge imposing or collecting those fines or forfeitures shall keep a record of them and at least monthly transmit a record thereof to the county auditor. The county auditor shall transmit a record of the imposition, collection and payment of such fines or forfeitures to the Controller at the time of transmittal of each warrant to the Treasurer pursuant to this section.

SEC. 13. Section 68206 of the Government Code is repealed.

SEC. 14. Section 68502.5 of the Government Code is amended to read:

68502.5. (a) The Judicial Council shall provide by rule for the appointment of a standing Trial Court Budget Commission and the deadlines for meeting its various responsibilities. The commission shall have the authority to:

(1) Receive budget requests from the trial courts. Trial courts shall send to the county board of supervisors a copy of their proposed budgets and any revisions or appeals at the time their budget requests are submitted to the Trial Court Budget Commission, pursuant to this

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section. The counties may submit timely comments to the commission regarding the contents of the proposed budgets of their respective trial courts.

(2) Review the trial courts' budget requests and evaluate them against performance criteria established by the Judicial Council by which a court's performance, level of coordination, and efficiency can be measured.

(3) Annually recommend to the Judicial Council for its approval the projected cost in the subsequent fiscal year of court operations as defined in Section 77003 for each trial court. This estimation shall serve as the basis for court budgets, which shall be developed programmatically by court function, as approved by the Judicial Council, for comparison purposes and to delineate the funding responsibilities.

(4) Annually prepare a recommended schedule for the allocation of moneys to individual courts and a recommended overall trial court budget for approval by the Judicial Council and forwarding to the Governor for inclusion in the Governor's proposed State Budget. The recommended schedule shall be based on the performance criteria established pursuant to paragraph (2) and on a minimum standard established by the Judicial Council for the operation and staffing of all trial court operations. This minimum standard shall be modeled on court operations using all reasonable and available measures to increase court efficiency and coordination. The schedule of allocations shall assure that all trial courts receive funding for the minimum operating and staffing standards before funding operating and staffing requests above the minimum standards, and shall include incentives and rewards for any trial court's implementation of efficiencies and cost saving measures.

(5) Reallocate funds in accordance with Judicial Council rules during the course of the fiscal year to ensure equal access to the trial courts by the public, to improve trial court operations, and to meet trial court emergencies. Reallocations shall be limited to 15 percent of that portion of any court's annual budget amount

funded by the state, excluding any amount derived from trial court funding moneys appropriated to a county by the Legislature. Counties shall have no obligation to replace moneys reallocated pursuant to this paragraph.

(6) Allocate funds in the Trial Court Improvement Fund in accordance to Judicial Council rules to ensure equal access to trial courts by the public, to improve trial court operations, and to meet trial court emergencies.

(7) Upon approval of the trial courts' budget by the Legislature, prepare during the course of the fiscal year an allocation schedule for quarterly payments to the counties, consistent with Sections 68085 and 77205.1, which shall be submitted to the Controller's office by the 10th day of the month in which payments are to be made.

(8) Establish rules, pursuant to the authority of the Judicial Council, regarding a court's authority to transfer trial court funding moneys from one functional category to another in order to address needs in any functional category.

(9) At the request of the presiding judge of a trial court, conduct an independent review of the funding level of the court to determine whether it is adequate to enable the court to discharge its statutory and constitutional responsibilities.

(10) From time to time, review the level of fees charged by the courts for various services and prepare recommended adjustments for approval and forwarding to the Legislature by the Judicial Council.

(b) Members of the commission shall receive no compensation from the state for their services. When called into session, they shall receive their actual and necessary expenses for travel, board, and lodging, which shall be paid from the funds appropriated for this use. These expenses shall be appropriated in the manner as the Judicial Council directs, and shall be audited by the Controller in accordance with the rules of the State Board of Control.

SEC. 15. Section 77003 of the Government Code is amended to read:

77003. (a) As used in this chapter, "court operations"

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means all of the following:

(1) Salaries, benefits, and public agency retirement contributions for superior, municipal, and justice court judges and for subordinate judicial officers.

(2) The salary, benefits, and public agency retirement contributions for other court staff including all municipal court staff positions specifically prescribed by statute.

(3) Those marshals, constables, and sheriffs as the court deems necessary for court operations.

(4) Court-appointed counsel in juvenile court dependency proceedings and counsel appointed by the court to represent a minor pursuant to Chapter 10 (commencing with Section 3150) of Part 2 of Division 8 of the Family Code.

(5) Services and supplies relating to court operations.

(6) Collective bargaining under the Meyers-Milias-Brown Act with respect to court employees specified in Section 3501.5.

(7) Actual indirect costs, not to exceed 18 percent of state trial court funding payments to counties for county general services attributable to court operations, but specifically excluding, but not limited to, law library operations conducted by a trust pursuant to statute; courthouse construction; district attorney services; probation services; indigent criminal defense; grand jury expenses and operations; and pretrial release services.

(8) The salaries, benefits, and public agency retirement contributions to be used in computing "court operations" are those salaries, benefits, and public agency retirement contributions in existence on June 30, 1991, and any reclassification made thereafter primarily for purposes of granting a salary increase shall not be applicable for purposes of this section.

SEC. 16. Section 77006.5 is added to the Government Code, to read:

77006.5. As used in this chapter, "trial court funding" means the amount of state funds provided for the operation of the trial courts, as defined in Section 77003, appropriated in the Budget Act, and allocated or reallocated by the Trial Court Budget Commission, upon

authorization of the Judicial Council, created pursuant to Section 68502.5.

SEC. 17. Section 77200 of the Government Code is repealed.

SEC. 18. Section 77202 of the Government Code is repealed.

SEC. 19. Section 77203.5 of the Government Code is repealed.

SEC. 20. Section 77203.5 is added to the Government Code, to read:

77203.5. (a) For the purpose of funding trial court operations, each board of supervisors shall establish in the county treasury a Trial Court Operations Fund, which will operate as a special revenue fund. All funds appropriated in the Budget Act and allocated and reallocated by the Trial Court Budget Commission created pursuant to Section 68502.5 shall be deposited into the fund.

(b) The moneys of the Trial Court Operations Fund shall be payable only for purposes set forth pursuant to Sections 77003 and 77006.5. The presiding judge or his or her designee, in consultation with the county executive/administrator, shall authorize the expenditures from this fund, consistent with the trial court's budget, as recommended by the Trial Court Budget Commission and approved by the Judicial Council. All state allocations deposited into this fund shall be exclusively dedicated to offset the costs identified in the approved trial court budget. The purpose of this requirement is to produce a reduction in the net county costs of trial courts.

(c) Interest received by a county from the investment of money in its Trial Court Operations Fund shall be deposited in the fund and shall be used for trial court operations purposes.

(d) Pursuant to Section 77205, the Controller, at the request of the Legislature or Judicial Council, may perform financial and fiscal audits of this fund.

SEC. 21. Section 77204 of the Government Code is repealed.

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SEC. 22. Section 77205 of the Government Code is repealed.

SEC. 23. Section 77205 is added to the Government Code, to read:

77205. (a) The Judicial Council shall adopt appropriate rules for budget submission, budget management, and reporting of revenues and expenditures by each court. The Controller, in consultation with the Judicial Council, shall maintain appropriate regulations for recordkeeping and accounting by the county and the courts, in order to determine all moneys collected by the county and the courts, including filing fees, fines, forfeitures, and penalties, and all revenues and expenditures relating to court operations.

(b) Regulations, rules, and reporting requirements adopted pursuant to this chapter shall be exempt from review and approval or other processing by the Office of Administrative Law as provided for in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(c) The Controller, at the request of the Legislature or the Judicial Council, may perform and publish financial and fiscal compliance audits of the reports submitted by the counties under this chapter. The Controller shall report the results of these audits to the Legislature.

SEC. 24. Section 77205.1 is added to the Government Code, to read:

77205.1. Upon appropriation by the Legislature, the Controller shall make quarterly payments of trial court funding on or before the 25th day of that quarter.

SEC. 25. Section 77205.3 of the Government Code is repealed.

SEC. 26. Section 77205.5 of the Government Code is repealed.

SEC. 27. Section 77206 of the Government Code is repealed.

SEC. 28. Section 77208 of the Government Code is repealed.

SEC. 29. Section 77208 is added to the Government

Code, to read:

77208. (a) The state shall provide municipal court and justice court judges retired under the Judges' Retirement System with retiree health, dental, and vision care plans equal to and in the same manner as the health, dental, and vision benefits provided to retired superior court judges.

(b) No judge shall have any salary or benefits reduced solely by reason of the enactment of this section.

SEC. 30. Section 77300 of the Government Code is repealed.

SEC. 31. Section 77301 of the Government Code is repealed.

SEC. 32. Section 11205 of the Vehicle Code is amended to read:

11205. (a) The department shall publish a traffic violator school referral list of all the approved locations of traffic violator school classes, by school name, to be transmitted to each municipal and justice court in the state in sufficient quantity to allow the courts to provide a copy to each person referred to traffic violator school. The list shall be revised at least twice annually and transmitted to the courts by the first day of January and the first day of July. It shall include all of the following:

(1) The name of each traffic violator school or, pursuant to subdivision (d), the general term "traffic violator school" followed by its traffic violator school license number.

(2) A phone number used for student information.

(3) The county and the judicial district.

(4) The cities where classes are available.

(b) Each traffic violator school owner shall be permitted one school name in a judicial district.

(c) The list shall be organized alphabetically in sections for each county and subsections for each judicial district within the county. The order of the names within each judicial district shall be random pursuant to a drawing or lottery conducted by the department.

(d) On the list prepared by the department under subdivision (c), each traffic violator school shall appear

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by name unless a court determines, pursuant to subdivision (e), that a name is inappropriate and directs the department to delete the name and instead list the school by the term "traffic violator school" followed by its license number. The deletion of the name of a school from the list for a judicial district shall not affect whether that school appears by name on the list for any other judicial district within the state. In making a determination under this subdivision regarding the deletion of a name from the list, the court shall use as its criteria whether the name is misleading to the public, undignified, or implies that the school offers inducements or premiums which derogate or distort the instructional intent of the traffic safety program.

(e) When the department transmits any referral list to each municipal and justice court pursuant to subdivision (a), each municipal and justice court shall do all of the following:

(1) Within 30 days of receipt of the list, notify the school owner of any school name that the court intends to remove from the referral list.

(2) Within 60 days of receipt of the list, make every effort to schedule, conduct, and complete a hearing for the school owner, or a representative, if requested, at which the sole issue shall be whether the name violates the standards set forth in subdivision (d). A substitute name may be submitted to the court at the conclusion of the hearing, pursuant to subdivision (h).

(3) Within 10 days of the completion of that hearing, notify the department and school owner of any school names it intends to remove from the referral list.

(f) In order for a court action to delete a school name from the next referral list published by the department, the department shall receive court notification no later than 90 days prior to publication of the next referral list and, absent a direct order by a superior court or court of higher jurisdiction, the department shall not fail to publish a referral list on the grounds that there exists pending litigation or appeals concerning the lists.

(g) Any court notifying the department of a school

name it intends to remove from the list, pursuant to this section, shall provide the school owner with the name of the judge making those findings.

(h) When a court informs a school owner, pursuant to subdivision (e), of its decision to delete the name of a traffic violator school from that judicial district's subsection of the department's traffic violator school referral list, the owner may, on a form approved by the department, submit a substitute name to the court and request approval of that name. The court shall, within 30 days of receipt of the request for approval of the substitute name, inform the department and the school owner, on a form approved by the department, of its approval or rejection of the substitute name. The school owner may continue this appeal process for approval of a substitute name until the court determines that the name does not violate the standard set forth in subdivision (d). A name approval in a judicial district shall not affect the school's name or listing in any other district in the state. The department shall not impose any fee or license requirement under this subdivision.

(i) If a court fails to act within 30 days on a request of a traffic violator school owner, pursuant to subdivision (h), the proposed substitute name shall be deemed approved by the court for the purposes of the traffic violator school referral list.

(j) (1) Every application filed with the department on and after June 1, 1991, for an original license by a traffic school owner or for approval to conduct classes in a judicial district not previously approved, shall be accompanied by the approval of the court in each judicial district proposed for those operations of the name of the school, on a form approved by the department for that purpose. For the approved name to be included in the traffic violator school referral list, the form shall be received by the department no later than 90 days prior to publication.

(2) When a court disapproves a school name pursuant to this subdivision, the court shall notify the school owner within 30 days of its disapproval and schedule a hearing

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for that school owner, or a representative, if requested, at which the sole issue shall be whether the name violates the standards set forth in subdivision (d). A substitute name may be submitted to the court at the conclusion of the hearing, pursuant to subdivision (h).

(3) The court shall make every effort to schedule, conduct, and complete a hearing within 60 days of receipt of the school owner's request for a school name approval. A name approval in a judicial district shall not affect the school's name or listing in any other district in the state. A change in physical location by a school within a judicial district shall not require approval pursuant to this subdivision.

(k) The department shall publish a list of the owners of traffic violator schools. One copy shall be provided to each municipal and justice court in the state. This list shall be revised at least twice annually and transmitted to the courts by the first day of January and the first day of July. This list shall include all of the following:

(1) The name of each school, grouped by owner.

(2) The business office address.

(3) The business office telephone number.

(4) The license number.

(5) The owner's name.

(6) The operator's name.

(*l*) Except as otherwise provided in subdivision (d) of Section 42005, the court shall use either the current list of traffic violator schools published by the department when it orders a person to complete a traffic violator school pursuant to subdivision (a) or (b) of Section 42005 or, when a court utilizing a nonprofit agency for traffic violator school administration and monitoring services in which all traffic violator schools licensed by the department are allowed the opportunity to participate, a statewide referral list may be published by the nonprofit agency and distributed by the court. The agency shall monitor each classroom location represented on its referral list at least once every 90 days with reports forwarded to the department and the respective courts on a monthly basis. ~~The agency may charge a traffic violator a fee sufficient in amount to defray the costs incurred by the agency for the monitoring reports and services provided to the court. That fee shall be approved and regulated by the court. The agency shall submit annual financial reports to the respective courts for their review.~~

~~(m)~~

(m) The court may charge a traffic violator a fee to defray the costs incurred by the agency for the monitoring reports and services provided to the court. The court may delegate collection of the fee to the agency. Fees shall be approved and regulated by the court. Until December 31, 1994, the fee shall not exceed the actual cost incurred by the agency or six dollars ($6), whichever is less. From January 1, 1995, until June 30, 1995, the fee shall not exceed the actual cost incurred by the agency or five dollars ($5), which ever is less. This subdivision shall remain operative until June 30, 1995, and on that date shall become inoperative unless a later enacted statute, which is enacted on or before June 30, 1995, deletes or extends that date.

(o) If any provision of subdivision (d) or (e), as added by Section 4 of Assembly Bill 185 of the 1991–92 Regular Session, or the application thereof to any person, is held to be unconstitutional, this section is repealed on the date the decision of the court so holding becomes final.

SEC. 33. Section 11205 of the Vehicle Code is amended to read:

11205. (a) The department shall publish semiannually, or more often as necessary to serve the purposes of this act, a list of all traffic violator schools which are licensed pursuant to this section. The list shall identify classroom facilities within a judicial district that are at a different location from a licensed school's principal facility. The department shall transmit the list to each municipal and justice court with a sufficient number of copies to allow the courts to provide one copy to each person referred to a licensed traffic violator school. The department shall, at least semiannually, revise the list to ensure that each court has a current list

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of all licensed traffic violator schools.

(b) Each licensed traffic violator school owner shall be permitted one school name per judicial district.

(c) The referral list shall be organized alphabetically, in sections for each county, and contain subsections for each judicial district within the county. The order of the names within each judicial district shall be random pursuant to a drawing or lottery conducted by the department.

(d) Except as otherwise provided in subdivision (d) of Section 42005, the court shall use either the current referral list of traffic violator schools published by the department when it orders a person to complete a traffic violator school pursuant to subdivision (a) or (b) of Section 42005 or, when a court utilizing a nonprofit agency for traffic violator school administration and monitoring services in which all traffic violator schools licensed by the department are allowed the opportunity to participate, a statewide referral list may be published by the nonprofit agency and distributed by the court. The agency shall monitor each classroom location represented on its referral list at least once every 90 days with reports forwarded to the department and the respective courts on a monthly basis. ~~The agency may charge a traffic violator a fee sufficient in amount to defray the costs incurred by the agency for the monitoring reports and services provided to the court. Fees shall be approved and regulated by the court. The agency shall submit annual financial reports to the respective courts for their review.~~

~~(e)~~

(e) The court may charge a traffic violator a fee to defray the costs incurred by the agency for the monitoring reports and services provided to the court. The court may delegate collection of the fee to the agency. Fees shall be approved and regulated by the court. Until December 31, 1994, the fee shall not exceed the actual cost incurred by the agency or six dollars ($6), whichever is less. From January 1, 1995, until June 30, 1995, the fee shall not exceed the actual cost incurred by the agency or five dollars ($5), whichever is less. This subdivision shall remain operative until June 30, 1995, and on that date shall become inoperative unless a later enacted statute, which is enacted on or before June 30, 1995, deletes or extends that date.

(f) If any provision of subdivision (d) or (e) of Section 11205, as added by Section 4 of Assembly Bill 185 of the 1991–92 Regular Session, or the application thereof to any person, is held to be unconstitutional, that Section 11205 is repealed on the date the decision of the court so holding becomes final, and on that date, this section shall become operative.

SEC. 34. Section 42201 of the Vehicle Code is amended to read:

42201. (a) Of the total amount of fines and forfeitures received by a county under Section 1463.001 of the Penal Code, fines and forfeitures collected from any person charged with a misdemeanor under this code following arrest by any officer employed by the state or by the county shall be paid into the general fund of the county. However, the board of supervisors of the county may, by resolution, provide that a portion thereof be transferred into the road fund of the county.

(b) The board of supervisors of a county may enter into a contract with the Department of the California Highway Patrol for the purpose of providing adequate protection for school pupils who are required to cross heavily traveled streets, highways, and roadways in the unincorporated areas of the county. When requested, the Department of the California Highway Patrol may provide such service and the county shall reimburse the state for salaries and wages of crossing guards furnished by the Department of the California Highway Patrol pursuant to such contract, including any necessary retirement and general administrative costs and expenses in connection therewith, and may pay the costs thereof from amounts deposited in the road fund pursuant to this section.

(c) Fines and forfeitures received by a county under Section 1463.001 of the Penal Code may be used to pay

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the compensation of school crossing guards and necessary equipment costs and administrative costs.

(d) When requested by any county which had in effect on June 30, 1979, a contract with the Department of the California Highway Patrol, to provide protection for school pupils at school crossings, the department upon request of a county shall continue to administer such school crossing program until June 30, 1980. The county shall reimburse the Department of the California Highway Patrol for general administrative costs and expenses in connection therewith, except that, effective January 1, 1980, the crossing guards shall be furnished to the California Highway Patrol and such crossing guards shall be employees of the county, the county superintendent of schools, the affected school districts, or both the superintendent and the affected school districts, at the option of the board of supervisors of the county. Any salaries and wages of crossing guards, including necessary retirement and equipment costs and any administrative costs shall be paid or reimbursed by the county from amounts deposited in the road fund pursuant to this section.

(e) The board of supervisors may adopt standards for the provision of school crossing guards. The board has final authority over the total cost of the school crossing guard program of any agency to be paid or reimbursed from amounts deposited in the road fund pursuant to this section. The board of supervisors may specify that a designated county officer, employee, or commissioner is to hire school crossing guards, or, in the alternative, the board may specify that any school district crossing guard program in unincorporated areas shall be maintained by the school districts desiring the program.

SEC. 35. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act. Notwithstanding Section 17580 of the Government Code, unless otherwise

specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 36. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide adequate trial court funding for the 1994–95 fiscal year, it is necessary that this act take effect immediately.

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CHAPTER 308

An act to amend Sections 22825, 24353, 68085, 68101, 68502.5, and 77003 of, to add Sections 22754.35, 77006.5, and 77205.1 to, to repeal and add Sections 68073, 77203.5, 77205, and 77208 of, and to repeal Sections 22754.1, 22816.32, 22816.35, 22816.4, 68206, 77200, 77202, 77204, 77205.3, 77205.5, 77206, 77300, and 77301 of, the Government Code, and to amend Sections 11205 and 42201 of the Vehicle Code, relating to trial court funding, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 20, 1994. Filed with Secretary of State July 21, 1994.]

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LEGISLATIVE COUNSEL'S DIGEST

AB 2544, Isenberg. Trial court funding.

(1) Existing law specifies the responsibilities of the counties and the state for the financing of the trial courts.

This bill would define trial court funding and provide that commencing July 1, 1994, the boards of supervisors of the various counties shall only provide funding for those functions of the trial courts not provided for in the State Budget, as specified, and would declare the intent of the Legislature in this regard. The bill also would require the board of supervisors to submit proposed plans for courthouse construction or remodeling to the judges affected before beginning construction. The bill would also direct each board of supervisors to establish a Trial Court Operations Fund for the deposit of moneys for trial court funding and court operations, as specified.

(2) Under existing law, the initial decision by a county to opt into the Brown-Presley Trial Court Funding Act shall constitute a waiver of all claims for reimbursement for state-mandated local programs, as specified, and of any claim with respect to the Trial Court Funding Act of 1985.

This bill would repeal this provision.

(3) Existing law establishes the Trial Court Trust Fund for purposes of funding trial court operations upon appropriation by the Legislature.

This bill would require the Controller to apportion funds in the Trial Court Trust Fund quarterly, after deducting administrative costs, as specified. It also would provide for the investment of that fund and the allocation of interest therefrom.

(4) Existing law specifies the health benefits of state employees.

This bill would revise those benefits with respect to judges of municipal and justice courts.

(5) Under existing law, the Judicial Council is required to provide for the appointment of a standing Trial Court Budget Commission,

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which has the authority to receive and review budget requests from the trial courts.

This bill would require the trial courts to send a copy of their proposed budgets to the board of supervisors at the same time their budget requests are submitted to the Trial Court Budget Commission. The bill would authorize courts to order counties to provide specified funding for court operations where the board of supervisors has failed to provide that funding, as specified. The bill also would revise the authority of the commission, as specified. The bill also would revise the definition of "court operations."

(6) Existing law requires each county to contribute a specified portion of the salary of a superior court judge, and provides for each option county under the Brown-Presley Trial Court Funding Act to receive a supplemental block grant equal to the salary of each municipal and justice court judge in the county.

This bill would eliminate those provisions.

(7) Existing law specifies the intent of the Legislature to increase trial court funding, as specified; provides for block grant funding for trial courts on a county option basis; specifies the number of judicial officers in a county for the determination of trial court block grant funding, and specifies the duties of option counties beginning in the 1989–90 fiscal year.

This bill would repeal those provisions. The bill would also require the Judicial Council and the Controller, as specified, to adopt rules governing trial court fiscal management, and would authorize the Controller to perform and publish financial and fiscal compliance audits of county reports regarding trial court operations. The bill would require the Controller to make quarterly payments of trial court funding upon appropriation by the Legislature, as specified.

(8) Existing law provides for the transfer to the Judicial Council of specified funds appropriated for judges serving on assignment; and specifies that the decision by a county to opt under the Brown-Presley Trial Court Funding Act constitutes an agreement by the county raising the state appropriation limit and lowering that of the county commensurately.

This bill would repeal these provisions.

(9) Existing law requires the Judicial Council to adopt rules to further the implementation of the Brown-Presley Trial Court Funding Act, except as specified, and to certify to the Controller the salaries of justice court judges in counties that have opted into that act, and the number of reimbursable positions by category in each county for purposes of calculating the block grant, as specified.

This bill would repeal this provision.

(10) Existing law provides for the health benefits of retired state employees.

This bill would revise those benefits with regard to retired judges of municipal and justice courts.

(11) Existing law provides for the distribution of fines and forfeitures collected with respect to Vehicle Code misdemeanor offenses.

This bill would revise this distribution.

(12) Existing law authorizes the Department of Motor Vehicles to publish a semiannual list of all traffic violator schools. A court may use that list, or when the court also uses a nonprofit agency to administer and monitor traffic violator school, a statewide referral list may be published by the nonprofit agency and distributed by the court.

This bill would permit a traffic violator to be charged a fee to offset specified costs. This provision would only be operative until June 30, 1995.

(13) The bill would impose a state-mandated local program by expanding the duties of local officials.

(14) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(15) The bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares that, since 1991, it has been the policy of the state to examine the operation and financing of superior, municipal, and justice courts in light of the need to reexamine and reconstruct the roles of each branch of government.

(b) It is also the policy of the state that the funding of trial court operations is most logically a candidate for state funding and that the state will progressively increase its share of funding of the annual costs for court operations to 65 percent for the 1994–95 fiscal year and to 70 percent for the 1995–96 fiscal year and will achieve savings in court operations costs through the enactment of administrative efficiencies.

(c) The Legislature further finds that it is the policy of the state to create a judicial branch budgeting system that protects the independence of the judiciary and optimizes local trial court control and responsibility, while preserving financial accountability to the overall State Budget.

(d) The Legislature further finds that, pursuant to these policies, courts are making a transition from budgeting through the counties to becoming a direct part of the state's annual budget.

(e) The Legislature declares its intent to do each of the following:

(1) Beginning in the 1994–95 fiscal year, to include the funding for various functions of trial court operations specifically

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allocations in the Budget Act as part of the judicial branch budget.

(2) To require progressively more careful identification of the costs of services obtained by the courts from county agencies, and to require the negotiation of agreements on the cost of county provided services.

(3) Through enactment of this act, to enable the transition to full state funding of the trial courts.

SEC. 2. Section 22754.1 of the Government Code is repealed.

SEC. 3. Section 22754.35 is added to the Government Code, to read:

22754.35. (a) As used in this part, "employee" includes any judge of a municipal or justice court.

(b) As used in this part, "annuitant" includes any judge of a municipal or justice court retired under the Judges' Retirement System.

(c) For purposes of this part, a municipal or justice court judge's entitlement shall be the same as a superior court judge in terms of health benefits and employer contributions, and the continuation of health benefits coverage shall be administered by the board.

(d) The state shall provide each sitting municipal court and justice court judge with health, dental, and vision care benefits equal to and in the same manner as the health, dental, and vision care benefits provided to superior court judges. These benefits shall be paid from funds provided pursuant to Section 77006.5.

(e) No judge shall have any salary or benefits reduced solely by reason of the enactment of this section.

(f) If a judge opts to receive health, dental, or vision care benefits from the state, the county shall reduce the judge's compensation by an amount equal to the amount the state pays for his or her health, dental, or vision care benefits.

SEC. 4. Section 22816.32 of the Government Code is repealed.

SEC. 5. Section 22816.35 of the Government Code is repealed.

SEC. 6. Section 22816.4 of the Government Code is repealed.

SEC. 7. Section 22825 of the Government Code is amended to read:

22825. (a) The employer and each employee or annuitant shall contribute a portion of the cost of providing for each employee and annuitant the benefit coverage afforded under any health benefit plan which the board has approved or for which it has executed a contract pursuant to this part, and in which the employee or annuitant may be enrolled.

The employer's contribution for each employee or annuitant shall be the amount necessary to pay the cost of his or her enrollment, including the enrollment of his family members, in a health benefits plan or plans, or, if less, sixteen dollars ($16) per month. There shall be only one such contribution with respect to all annuitants receiving allowances as survivors of the same employee or annuitant.

The contribution of each employee and annuitant shall be the total cost per month of the benefit coverage afforded him or her under the plan or plans less the portion thereof to be contributed by the employer.

(b) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if such provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

SEC. 8. Section 24353 of the Government Code is amended to read:

24353. Each officer of a county or judicial district authorized to collect money shall pay into the county treasury all money collected by him or her, or under his or her control, that is payable into the treasury in the form and at the time the county auditor requires. No officer who collects money as described in this section shall be required to accept payment in coin. If the county auditor finds that an officer of the county has failed to comply with the requirements for payment of moneys pursuant to this section or Section 68101, which directly results in the assessment of a financial penalty pursuant to Section 68085, the county department which failed to comply shall reimburse the judicial district in an amount equal to the actual penalty.

SEC. 9. Section 68073 of the Government Code is repealed.

SEC. 10. Section 68073 is added to the Government Code, to read:

68073. (a) Commencing July 1, 1994, a board of supervisors, subject to the funding limitation set forth in subdivision (b), shall provide suitable rooms for holding the superior, municipal, and justice courts, for the chambers of the judges of these courts and for court attendants, together with sufficient attendants, heat, light, furniture, furnishings, equipment, stationery, supplies, and other personal property, for the rooms and chambers and for the transaction of the business of the courts.

(b) Commencing July 1, 1994, and each year thereafter, with regard to court operations as defined in Section 77003, no board of supervisors shall be required to provide funding for those functions of the trial courts which are provided for in the state budget; however, in each county the board of supervisors shall provide funding for those functions for which funds are not provided for in the state budget, in an amount which complies with subdivision (a), recognizing the needs of the court, the county's fiscal condition, and the budget adopted by the Judicial Council, pursuant to paragraph (4) of subdivision (a) of Section 68502.5 and approved by the Legislature pursuant to paragraph (7) of subdivision (a) of Section 68502.5.

(c) If the board of supervisors of any county fails to provide described in subdivision (b), the court shall give no

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to the board of a specific deficiency. If the board then fails to provide funding necessary to comply with subdivision (b), the court may direct the appropriate officers of the county to provide the funding. The expenses incurred, certified by the judge or judges to be correct, are a charge against the county treasury and shall be paid out of the general fund.

(d) Prior to the taking action pursuant to subdivision (c), a court shall present to the Trial Court Budget Commission a written finding attesting to the necessity of the action. The finding shall include a summary of relevant facts, an assessment of the operational consequences of not receiving the funds at issue, and an outline of the steps taken to the exercise of this section. Upon review, the commission, upon authorization of the Judicial Council, may or may not reallocate trial court funds from other trial courts, if it deems appropriate, in order to address the needs of the court. If moneys are not reallocated by the commission, the court may then direct the appropriate officers of the county to provide for the necessary resources to perform the court's functions, if the court deems it appropriate to do so.

(e) Prior to the construction of new court facilities or the alteration, remodeling, or relocation of existing court facilities, the board of supervisors shall submit proposed plans to the judge or judges of the court affected for review and recommendations as to the adequacy and standard of design, and that review and recommendation shall not be disregarded without reasonable grounds.

(f) This section shall not be construed as authorizing the county to supply to the official reporters of the courts stenograph, stenotype, or other shorthand machines; nor as authorizing the county to supply to the official reporters of the courts, for use in the preparation of transcripts, typewriters, transcribing equipment, supplies, or other personal property.

SEC. 11. Section 68085 of the Government Code is amended to read:

68085. (a) (1) There is hereby established the Trial Court Trust Fund, the proceeds of which shall be apportioned quarterly by the Controller on or before the 25th day of the month following the end of that quarter, upon appropriation by the Legislature, for the purpose of funding trial court operations, as defined in Section 77003.

(2) The quarterly apportionment payments shall be made by the Controller, except that the quarterly apportionment shall be withheld from any county that is delinquent in making the full transfer of funds pursuant to this section.

(b) Notwithstanding any other provision of law, the fees listed in subdivision (c) shall all be deposited upon collection in a special account in the county treasury, and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

(c) Except as specified in subdivision (d), this section applies to all fees collected pursuant to Sections 26820.4, 26826, 26827, 68086, 72055, and 72056.

(d) This section does not apply to that portion of a filing fee collected pursuant to Section 26820.4, 26826, 26827, 72055, or 72056 which is allocated for dispute resolution pursuant to Section 470.3 of the Business and Professions Code, the county law library pursuant to Section 6320 of the Business and Professions Code, the Judges' Retirement Fund pursuant to Section 26822.3, automated recordkeeping or conversion to micrographics pursuant to Sections 26863 and 68090.7, and courthouse financing pursuant to Section 76238.

(e) Notwithstanding any other provision of law, no agency shall take action to change the amounts allocated to any of the above funds.

(f) Before making any apportionments under this section, the Controller shall deduct, from the annual appropriation for that purpose, the actual administrative costs that will be incurred under this section. Costs reimbursed under this section shall be determined on an annual basis in consultation with the Judicial Council.

(g) Any amounts required to be transmitted by a county to the state pursuant to this section shall be remitted to the Controller no later than 45 days after the end of the month in which the fees were collected. This remittance shall be accompanied by a remittance advice identifying the collection month and the appropriate account in the Trial Court Trust Fund to which it is to be deposited. Any remittance which is not made by the county in accordance with this section shall be considered delinquent, and subject to the penalties pursuant to this section.

(h) Upon receipt of any delinquent payment, the Controller shall make the quarterly apportionment on or before the 25th day of the month following the month in which the delinquent payment was received from the county. The Controller shall calculate a penalty on any delinquent payment and that amount shall be deducted from the next quarterly apportionment. The penalty shall be calculated by multiplying the amount of the delinquent payment by the Pooled Money Investment Account rate at the end of the prior fiscal year.

(i) Penalty amounts withheld under subdivision (h) shall be reserved in the Trial Court Trust Fund. The Judicial Council shall allocate these moneys based upon the recommendations of the Trial Court Budget Commission.

(j) The Trial Court Trust Fund shall be invested in the Surplus Money Investment Fund and all interest earned shall be allocated to the Trial Court Trust Fund semiannually and shall be allocated among the counties in accordance with the requirements of subdivision (a). The specific allocations shall be specified by the Judicial Council, based upon recommendations from the Trial Court Budget Commission.

(k) Funds accrued in the Trial Court Trust Fund during

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1993–94 fiscal year shall be allocated pursuant to subdivision (j) to each option county in the month of November of 1993, and in the months of February, May, and August of 1994.

SEC. 12. Section 68101 of the Government Code is amended to read:

68101. Whenever pursuant to law the state is entitled to receive any portion of any money, forfeited bail or fines received by a judge of any court, that portion shall as soon as practicable after the receipt thereof, be deposited with the county treasurer of the county in which that court is situated, and paid, by warrant of the county auditor drawn upon a requisition of the clerk or judge of the court, at least once a month to the Treasurer to be deposited in the State Treasury. Any remittance not made pursuant to this section or Section 24353 shall be considered delinquent and subject to Section 68085.

Any judge imposing or collecting those fines or forfeitures shall keep a record of them and at least monthly transmit a record thereof to the county auditor. The county auditor shall transmit a record of the imposition, collection and payment of such fines or forfeitures to the Controller at the time of transmittal of each warrant to the Treasurer pursuant to this section.

SEC. 13. Section 68206 of the Government Code is repealed.

SEC. 14. Section 68502.5 of the Government Code is amended to read:

68502.5. (a) The Judicial Council shall provide by rule for the appointment of a standing Trial Court Budget Commission and the deadlines for meeting its various responsibilities. The commission shall have the authority to:

(1) Receive budget requests from the trial courts. Trial courts shall send to the county board of supervisors a copy of their proposed budgets and any revisions or appeals at the time their budget requests are submitted to the Trial Court Budget Commission, pursuant to this section. The counties may submit timely comments to the commission regarding the contents of the proposed budgets of their respective trial courts.

(2) Review the trial courts' budget requests and evaluate them against performance criteria established by the Judicial Council by which a court's performance, level of coordination, and efficiency can be measured.

(3) Annually recommend to the Judicial Council for its approval the projected cost in the subsequent fiscal year of court operations as defined in Section 77003 for each trial court. This estimation shall serve as the basis for court budgets, which shall be developed programmatically by court function, as approved by the Judicial Council, for comparison purposes and to delineate the funding responsibilities.

(4) Annually prepare a recommended schedule for the allocation of mon o individual courts and a recommended overall trial court

budget for approval by the Judicial Council and forwarding to the Governor for inclusion in the Governor's proposed State Budget. The recommended schedule shall be based on the performance criteria established pursuant to paragraph (2) and on a minimum standard established by the Judicial Council for the operation and staffing of all trial court operations. This minimum standard shall be modeled on court operations using all reasonable and available measures to increase court efficiency and coordination. The schedule of allocations shall assure that all trial courts receive funding for the minimum operating and staffing standards before funding operating and staffing requests above the minimum standards, and shall include incentives and rewards for any trial court's implementation of efficiencies and cost saving measures.

(5) Reallocate funds in accordance with Judicial Council rules during the course of the fiscal year to ensure equal access to the trial courts by the public, to improve trial court operations, and to meet trial court emergencies. Reallocations shall be limited to 15 percent of that portion of any court's annual budget amount funded by the state, excluding any amount derived from trial court funding moneys appropriated to a county by the Legislature. Counties shall have no obligation to replace moneys reallocated pursuant to this paragraph.

(6) Allocate funds in the Trial Court Improvement Fund in accordance to Judicial Council rules to ensure equal access to trial courts by the public, to improve trial court operations, and to meet trial court emergencies.

(7) Upon approval of the trial courts' budget by the Legislature, prepare during the course of the fiscal year an allocation schedule for quarterly payments to the counties, consistent with Sections 68085 and 77205.1, which shall be submitted to the Controller's office by the 10th day of the month in which payments are to be made.

(8) Establish rules, pursuant to the authority of the Judicial Council, regarding a court's authority to transfer trial court funding moneys from one functional category to another in order to address needs in any functional category.

(9) At the request of the presiding judge of a trial court, conduct an independent review of the funding level of the court to determine whether it is adequate to enable the court to discharge its statutory and constitutional responsibilities.

(10) From time to time, review the level of fees charged by the courts for various services and prepare recommended adjustments for approval and forwarding to the Legislature by the Judicial Council.

(b) Members of the commission shall receive no compensation from the state for their services. When called into session, they shall receive their actual and necessary expenses for travel, board, and lodging, which shall be paid from the funds appropriated for this use. These expenses shall be appropriated in the manner as the Judicial Council directs, and shall be audited by the Controller in accordanc

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with the rules of the State Board of Control.

SEC. 15. Section 77003 of the Government Code is amended to read:

77003. (a) As used in this chapter, "court operations" means all of the following:

(1) Salaries, benefits, and public agency retirement contributions for superior, municipal, and justice court judges and for subordinate judicial officers.

(2) The salary, benefits, and public agency retirement contributions for other court staff including all municipal court staff positions specifically prescribed by statute.

(3) Those marshals, constables, and sheriffs as the court deems necessary for court operations.

(4) Court-appointed counsel in juvenile court dependency proceedings and counsel appointed by the court to represent a minor pursuant to Chapter 10 (commencing with Section 3150) of Part 2 of Division 8 of the Family Code.

(5) Services and supplies relating to court operations.

(6) Collective bargaining under the Meyers-Milias-Brown Act with respect to court employees specified in Section 3501.5.

(7) Actual indirect costs, not to exceed 18 percent of state trial court funding payments to counties for county general services attributable to court operations, but specifically excluding, but not limited to, law library operations conducted by a trust pursuant to statute; courthouse construction; district attorney services; probation services; indigent criminal defense; grand jury expenses and operations; and pretrial release services.

(8) The salaries, benefits, and public agency retirement contributions to be used in computing "court operations" are those salaries, benefits, and public agency retirement contributions in existence on June 30, 1991, and any reclassification made thereafter primarily for purposes of granting a salary increase shall not be applicable for purposes of this section.

SEC. 16. Section 77006.5 is added to the Government Code, to read:

77006.5. As used in this chapter, "trial court funding" means the amount of state funds provided for the operation of the trial courts, as defined in Section 77003, appropriated in the Budget Act, and allocated or reallocated by the Trial Court Budget Commission, upon authorization of the Judicial Council, created pursuant to Section 68502.5.

SEC. 17. Section 77200 of the Government Code is repealed.

SEC. 18. Section 77202 of the Government Code is repealed.

SEC. 19. Section 77203.5 of the Government Code is repealed.

SEC. 20. Section 77203.5 is added to the Government Code, to read:

77203.5. (a) For the purpose of funding trial court operations, each l l of supervisors shall establish in the county treasury a Trial

Court Operations Fund, which will operate as a special revenue fund. All funds appropriated in the Budget Act and allocated and reallocated by the Trial Court Budget Commission created pursuant to Section 68502.5 shall be deposited into the fund.

(b) The moneys of the Trial Court Operations Fund shall be payable only for purposes set forth pursuant to Sections 77003 and 77006.5. The presiding judge or his or her designee, in consultation with the county executive/administrator, shall authorize the expenditures from this fund, consistent with the trial court's budget, as recommended by the Trial Court Budget Commission and approved by the Judicial Council. All state allocations deposited into this fund shall be exclusively dedicated to offset the costs identified in the approved trial court budget. The purpose of this requirement is to produce a reduction in the net county costs of trial courts.

(c) Interest received by a county from the investment of money in its Trial Court Operations Fund shall be deposited in the fund and shall be used for trial court operations purposes.

(d) Pursuant to Section 77205, the Controller, at the request of the Legislature or Judicial Council, may perform financial and fiscal audits of this fund.

SEC. 21. Section 77204 of the Government Code is repealed.

SEC. 22. Section 77205 of the Government Code is repealed.

SEC. 23. Section 77205 is added to the Government Code, to read:

77205. (a) The Judicial Council shall adopt appropriate rules for budget submission, budget management, and reporting of revenues and expenditures by each court. The Controller, in consultation with the Judicial Council, shall maintain appropriate regulations for recordkeeping and accounting by the county and the courts, in order to determine all moneys collected by the county and the courts, including filing fees, fines, forfeitures, and penalties, and all revenues and expenditures relating to court operations.

(b) Regulations, rules, and reporting requirements adopted pursuant to this chapter shall be exempt from review and approval or other processing by the Office of Administrative Law as provided for in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(c) The Controller, at the request of the Legislature or the Judicial Council, may perform and publish financial and fiscal compliance audits of the reports submitted by the counties under this chapter. The Controller shall report the results of these audits to the Legislature.

SEC. 24. Section 77205.1 is added to the Government Code, to read:

77205.1. Upon appropriation by the Legislature, the Controller shall make quarterly payments of trial court funding on or before the 25th day of that quarter.

SEC. 25. Section 77205.3 of the Government Code is repealed

SEC. 26. Section 77205.5 of the Government Code is repeal

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SEC. 27. Section 77206 of the Government Code is repealed.

SEC. 28. Section 77208 of the Government Code is repealed.

SEC. 29. Section 77208 is added to the Government Code, to read:

77208. (a) The state shall provide municipal court and justice court judges retired under the Judges' Retirement System with retiree health, dental, and vision care plans equal to and in the same manner as the health, dental, and vision benefits provided to retired superior court judges.

(b) No judge shall have any salary or benefits reduced solely by reason of the enactment of this section.

SEC. 30. Section 77300 of the Government Code is repealed.

SEC. 31. Section 77301 of the Government Code is repealed.

SEC. 32. Section 11205 of the Vehicle Code is amended to read:

11205. (a) The department shall publish a traffic violator school referral list of all the approved locations of traffic violator school classes, by school name, to be transmitted to each municipal and justice court in the state in sufficient quantity to allow the courts to provide a copy to each person referred to traffic violator school. The list shall be revised at least twice annually and transmitted to the courts by the first day of January and the first day of July. It shall include all of the following:

(1) The name of each traffic violator school or, pursuant to subdivision (d), the general term "traffic violator school" followed by its traffic violator school license number.

(2) A phone number used for student information.

(3) The county and the judicial district.

(4) The cities where classes are available.

(b) Each traffic violator school owner shall be permitted one school name in a judicial district.

(c) The list shall be organized alphabetically in sections for each county and subsections for each judicial district within the county. The order of the names within each judicial district shall be random pursuant to a drawing or lottery conducted by the department.

(d) On the list prepared by the department under subdivision (c), each traffic violator school shall appear by name unless a court determines, pursuant to subdivision (e), that a name is inappropriate and directs the department to delete the name and instead list the school by the term "traffic violator school" followed by its license number. The deletion of the name of a school from the list for a judicial district shall not affect whether that school appears by name on the list for any other judicial district within the state. In making a determination under this subdivision regarding the deletion of a name from the list, the court shall use as its criteria whether the name is misleading to the public, undignified, or implies that the school offers inducements or premiums which derogate or distort the instructional intent of the traffic safety program.

(e) When the department transmits any referral list to each municipal and justice court pursuant to subdivision (a), each

municipal and justice court shall do all of the following:

(1) Within 30 days of receipt of the list, notify the school owner of any school name that the court intends to remove from the referral list.

(2) Within 60 days of receipt of the list, make every effort to schedule, conduct, and complete a hearing for the school owner, or a representative, if requested, at which the sole issue shall be whether the name violates the standards set forth in subdivision (d). A substitute name may be submitted to the court at the conclusion of the hearing, pursuant to subdivision (h).

(3) Within 10 days of the completion of that hearing, notify the department and school owner of any school names it intends to remove from the referral list.

(f) In order for a court action to delete a school name from the next referral list published by the department, the department shall receive court notification no later than 90 days prior to publication of the next referral list and, absent a direct order by a superior court or court of higher jurisdiction, the department shall not fail to publish a referral list on the grounds that there exists pending litigation or appeals concerning the lists.

(g) Any court notifying the department of a school name it intends to remove from the list, pursuant to this section, shall provide the school owner with the name of the judge making those findings.

(h) When a court informs a school owner, pursuant to subdivision (e), of its decision to delete the name of a traffic violator school from that judicial district's subsection of the department's traffic violator school referral list, the owner may, on a form approved by the department, submit a substitute name to the court and request approval of that name. The court shall, within 30 days of receipt of the request for approval of the substitute name, inform the department and the school owner, on a form approved by the department, of its approval or rejection of the substitute name. The school owner may continue this appeal process for approval of a substitute name until the court determines that the name does not violate the standard set forth in subdivision (d). A name approval in a judicial district shall not affect the school's name or listing in any other district in the state. The department shall not impose any fee or license requirement under this subdivision.

(i) If a court fails to act within 30 days on a request of a traffic violator school owner, pursuant to subdivision (h), the proposed substitute name shall be deemed approved by the court for the purposes of the traffic violator school referral list.

(j) (1) Every application filed with the department on and after June 1, 1991, for an original license by a traffic school owner or for approval to conduct classes in a judicial district not previously approved, shall be accompanied by the approval of the court in each judicial district proposed for those operations of the name of the school on a form approved by the department for that purpose

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the approved name to be included in the traffic violator school referral list, the form shall be received by the department no later than 90 days prior to publication.

(2) When a court disapproves a school name pursuant to this subdivision, the court shall notify the school owner within 30 days of its disapproval and schedule a hearing for that school owner, or a representative, if requested, at which the sole issue shall be whether the name violates the standards set forth in subdivision (d). A substitute name may be submitted to the court at the conclusion of the hearing, pursuant to subdivision (h).

(3) The court shall make every effort to schedule, conduct, and complete a hearing within 60 days of receipt of the school owner's request for a school name approval. A name approval in a judicial district shall not affect the school's name or listing in any other district in the state. A change in physical location by a school within a judicial district shall not require approval pursuant to this subdivision.

(k) The department shall publish a list of the owners of traffic violator schools. One copy shall be provided to each municipal and justice court in the state. This list shall be revised at least twice annually and transmitted to the courts by the first day of January and the first day of July. This list shall include all of the following:

(1) The name of each school, grouped by owner.
(2) The business office address.
(3) The business office telephone number.
(4) The license number.
(5) The owner's name.
(6) The operator's name.

(*l*) Except as otherwise provided in subdivision (d) of Section 42005, the court shall use either the current list of traffic violator schools published by the department when it orders a person to complete a traffic violator school pursuant to subdivision (a) or (b) of Section 42005 or, when a court utilizing a nonprofit agency for traffic violator school administration and monitoring services in which all traffic violator schools licensed by the department are allowed the opportunity to participate, a statewide referral list may be published by the nonprofit agency and distributed by the court. The agency shall monitor each classroom location represented on its referral list at least once every 90 days with reports forwarded to the department and the respective courts on a monthly basis.

(m) The court may charge a traffic violator a fee to defray the costs incurred by the agency for the monitoring reports and services provided to the court. The court may delegate collection of the fee to the agency. Fees shall be approved and regulated by the court. Until December 31, 1994, the fee shall not exceed the actual cost incurred by the agency or six dollars ($6), whichever is less. From Janu , 1995, until June 30, 1995, the fee shall not exceed the actual cost incurred by the agency or five dollars ($5), which ever is less.

This subdivision shall remain operative until June 30, 1995, and on that date shall become inoperative unless a later enacted statute, which is enacted on or before June 30, 1995, deletes or extends that date.

(o) If any provision of subdivision (d) or (e), as added by Section 4 of Assembly Bill 185 of the 1991–92 Regular Session, or the application thereof to any person, is held to be unconstitutional, this section is repealed on the date the decision of the court so holding becomes final.

SEC. 33. Section 11205 of the Vehicle Code is amended to read:

11205. (a) The department shall publish semiannually, or more often as necessary to serve the purposes of this act, a list of all traffic violator schools which are licensed pursuant to this section. The list shall identify classroom facilities within a judicial district that are at a different location from a licensed school's principal facility. The department shall transmit the list to each municipal and justice court with a sufficient number of copies to allow the courts to provide one copy to each person referred to a licensed traffic violator school. The department shall, at least semiannually, revise the list to ensure that each court has a current list of all licensed traffic violator schools.

(b) Each licensed traffic violator school owner shall be permitted one school name per judicial district.

(c) The referral list shall be organized alphabetically, in sections for each county, and contain subsections for each judicial district within the county. The order of the names within each judicial district shall be random pursuant to a drawing or lottery conducted by the department.

(d) Except as otherwise provided in subdivision (d) of Section 42005, the court shall use either the current referral list of traffic violator schools published by the department when it orders a person to complete a traffic violator school pursuant to subdivision (a) or (b) of Section 42005 or, when a court utilizing a nonprofit agency for traffic violator school administration and monitoring services in which all traffic violator schools licensed by the department are allowed the opportunity to participate, a statewide referral list may be published by the nonprofit agency and distributed by the court. The agency shall monitor each classroom location represented on its referral list at least once every 90 days with reports forwarded to the department and the respective courts on a monthly basis.

(e) The court may charge a traffic violator a fee to defray the costs incurred by the agency for the monitoring reports and services provided to the court. The court may delegate collection of the fee to the agency. Fees shall be approved and regulated by the court. Until December 31, 1994, the fee shall not exceed the actual cost incurred by the agency or six dollars ($6), whichever is less. From January 1, 1995, until June 30, 1995, the fee shall not exceed the actual cost incurred by the agency or five dollars ($5), whichever is

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This subdivision shall remain operative until June 30, 1995, and on

that date shall become inoperative unless a later enacted statute, which is enacted on or before June 30, 1995, deletes or extends that date.

(f) If any provision of subdivision (d) or (e) of Section 11205, as added by Section 4 of Assembly Bill 185 of the 1991–92 Regular Session, or the application thereof to any person, is held to be unconstitutional, that Section 11205 is repealed on the date the decision of the court so holding becomes final, and on that date, this section shall become operative.

SEC. 34. Section 42201 of the Vehicle Code is amended to read:

42201. (a) Of the total amount of fines and forfeitures received by a county under Section 1463.001 of the Penal Code, fines and forfeitures collected from any person charged with a misdemeanor under this code following arrest by any officer employed by the state or by the county shall be paid into the general fund of the county. However, the board of supervisors of the county may, by resolution, provide that a portion thereof be transferred into the road fund of the county.

(b) The board of supervisors of a county may enter into a contract with the Department of the California Highway Patrol for the purpose of providing adequate protection for school pupils who are required to cross heavily traveled streets, highways, and roadways in the unincorporated areas of the county. When requested, the Department of the California Highway Patrol may provide such service and the county shall reimburse the state for salaries and wages of crossing guards furnished by the Department of the California Highway Patrol pursuant to such contract, including any necessary retirement and general administrative costs and expenses in connection therewith, and may pay the costs thereof from amounts deposited in the road fund pursuant to this section.

(c) Fines and forfeitures received by a county under Section 1463.001 of the Penal Code may be used to pay the compensation of school crossing guards and necessary equipment costs and administrative costs.

(d) When requested by any county which had in effect on June 30, 1979, a contract with the Department of the California Highway Patrol, to provide protection for school pupils at school crossings, the department upon request of a county shall continue to administer such school crossing program until June 30, 1980. The county shall reimburse the Department of the California Highway Patrol for general administrative costs and expenses in connection therewith, except that, effective January 1, 1980, the crossing guards shall be furnished to the California Highway Patrol and such crossing guards shall be employees of the county, the county superintendent of schools, the affected school districts, or both the superintendent and the affected school districts, at the option of the board of supervisors of the county. Any salaries and wages of crossing guards, including necessary retirement and equipment costs and any administrative costs shall be paid or reimbursed by the county from amounts deposited in the road fund pursuant to this section.

(e) The board of supervisors may adopt standards for the provision of school crossing guards. The board has final authority over the total cost of the school crossing guard program of any agency to be paid or reimbursed from amounts deposited in the road fund pursuant to this section. The board of supervisors may specify that a designated county officer, employee, or commissioner is to hire school crossing guards, or, in the alternative, the board may specify that any school district crossing guard program in unincorporated areas shall be maintained by the school districts desiring the program.

SEC. 35. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 36. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide adequate trial court funding for the 1994–95 fiscal year, it is necessary that this act take effect immediately.

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VOLUME 2

CALIFORNIA LEGISLATURE

AT SACRAMENTO

1993–94 REGULAR SESSION
1993–94 FIRST EXTRAORDINARY SESSION

ASSEMBLY FINAL HISTORY

SYNOPSIS OF

ASSEMBLY BILLS, CONSTITUTIONAL AMENDMENTS, CONCURRENT, JOINT, AND HOUSE RESOLUTIONS

Assembly Convened December 7, 1992

Recessed December 8, 1992	Reconvened January 4, 1993
Recessed April 1, 1993	Reconvened April 12, 1993
Recessed September 11, 1993	Reconvened January 3, 1994
Recessed March 24, 1994	Reconvened April 4, 1994
Recessed July 7, 1994	Reconvened August 8, 1994
Recessed August 31, 1994	Reconvened November 17, 1994
Recessed November 17, 1994	

Adjourned Sine Die November 30, 1994

Legislative Days..... 245

HON. WILLIE L. BROWN
Speaker

HON. JACK O'CONNELL
Speaker pro Tempore

HON. RICHARD POLANCO
Assistant Speaker pro Tempore

HON. THOMAS HANNIGAN
Majority Floor Leader

HON. JIM BRULTE
Minority Floor Leader

Compiled Under the Direction of
E. DOTSON WILSON
Chief Clerk

SUSAN S. FLYNN
History Clerk

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A.B. No. 2544—Isenberg.

An act to amend Sections 22825, 24353, 68085, 68101, 68502.5, and 77003 of, to add Sections 22754.35, 77006.5, and 77205.1 to, to repeal and add Sections 68073, 77203.5, 77205, and 77208 of, and to repeal Sections 22754.1, 22816.32, 22816.35, 22816.4, 68206, 77200, 77202, 77204, 77205.3, 77205.5, 77206, 77300, and 77301 of, the Government Code, and to amend Sections 11205 and 42201 of the Vehicle Code, relating to trial court funding, and declaring the urgency thereof, to take effect immediately.

1994

Jan. 19—Read first time. To print.
Jan. 20—From printer. May be heard in committee February 19.
Jan. 27—Referred to Com. on JUD.
Feb. 22—In committee: Hearing postponed by committee.
Mar. 2—From committee chairman, with author's amendments: Amend, and re-refer to Com. on JUD. Read second time and amended.
Mar. 7—Re-referred to Com. on JUD.
Mar. 22—From committee: Amend, do pass as amended, and re-refer to Com. on W. & M. (Ayes 10. Noes 1.) (March 9).
Mar. 23—Read second time and amended.
Mar. 24—Re-referred to Com. on W. & M.
April 20—From committee: Amend, and do pass as amended. (Ayes 20. Noes 0.) (April 13).
April 21—Read second time and amended. Ordered returned to second reading.
April 25—Read second time. To third reading.
April 28—Read third time. Urgency clause adopted. Passed and to Senate. (Ayes 64. Noes 1. Page 6350.)
April 28—In Senate. Read first time. To Com. on RLS. for assignment.
May 3—Referred to Com. on JUD.
June 2—In committee: Set, first hearing. Hearing canceled at the request of author.
June 20—From committee: Amend, do pass as amended, and re-refer to Com. on APPR. (Ayes 9. Noes 0.).
June 21—Read second time, amended, and re-referred to Com. on APPR.
June 29—From committee: Amend, and do pass as amended. (Ayes 10. Noes 0.).
June 30—Read second time, amended, and to third reading.
July 7—Read third time and amended. Read third time. Urgency clause adopted. Passed and to Assembly. (Ayes 31. Noes 2. Page 5875.)
July 7—In Assembly. Senate amendments concurred in. To enrollment. (Ayes 71. Noes 1. Page 7881.)
July 12—Enrolled and to the Governor at 3:15 p.m.
July 20—Approved by the Governor.
July 21—Chaptered by Secretary of State - Chapter 308, Statutes of 1994.

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Date of Hearing: February 23, 1994

ASSEMBLY COMMITTEE ON JUDICIARY
Phillip Isenberg, Chair

AB 2544 (Isenberg) - As Introduced: January 19, 1994

SUBJECT: This bill enacts statutory changes necessary to carry out revised state and county obligations in regard to trial court funding.

BACKGROUND

History. SB 612 (Presley) and AB 1197 (Brown) were passed in 1988 and put into effect the State Trial Court Funding Act, which entitled counties to optional trial court block grants and judicial salary support.

The Trial Court Realignment and Efficiency Act of 1991 and related legislation in 1992 increased the state's share of funding for court operations, put in place a number of efficiency measures and increased the courts' and the counties' ability to collect unpaid fines and forfeitures.

These bills also stated legislative intent to increase the state's share of trial court funding to 70 percent by 1995-96 and to switch from block grant funding to direct funding of specific court operations in the state budget.

1993 legislation created the Trial Court Budget Commission, which prepared the trial courts' budget for inclusion in the 1994-95 state budget. This budget, which is 65 percent of the estimated cost of trial court operations, is included in the Governor's 1994-95 proposed budget. This budget requires a $400 million increase in the state's trial court expenditures, and it is a part of the Governor's larger state-county realignment proposal, which also includes the redirection of $350 million in fines, penalties and fees from the state General Fund to local government. A variety of statutory changes are necessary to carry out this revised method of court funding.

DIGEST

Urgency statute. 2/3 vote required.

Existing law provides the state's share of trial court funding through block grants to each county, which are paid both from the state's General Fund and the Trial Court Trust Fund.

This bill repeals that method of funding. Courts would be funded through a line item in the state budget, which may be allocated and reallocated by the Trial Court Budget Commission.

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Existing law requires counties to "opt in" to the trial court funding program by March 1 of each year in order to be eligible for a block grant. The "opt-in" agreement must be agreed to by the local bench.

This bill repeals that requirement.

Existing law requires the counties to provide funding for a variety of trial court personnel and facilities.

This bill relieves the counties of that responsibility for those items that are funded by the state through the state budget and requires the counties to consult with the local bench before altering, remodeling or relocating existing court facilities.

Existing law has no provision governing the relationship between the counties and the courts regarding facilities, services and personnel in the absence of block grant funding.

This bill provides that, through June 30, 1995, the counties shall continue to provide payroll services, workers' compensation functions, employee benefit programs, equipment, facilities, and court security. It also provides that existing employee agreements and contracts shall remain in effect.

It further provides that the courts and counties shall negotiate for the contractual provision of such services subsequently, and it permits the courts to contract with entities other than the counties if such mutually agreeable arrangements cannot be made.

Existing law requires the counties to pay a portion of superior judge salaries and the expenses of trial court judges sitting on assignment.

This bill repeals those requirements.

Existing law requires the transfer to the state General Fund by the counties of a variety of revenues, including shares of criminal fines, a $3 penalty assessment, traffic school fees, and some miscellaneous fees charged for jail booking, citation releases, parking surcharges, vehicle equipment corrections, and document recording.

This bill transfers those revenues to the counties' general funds.

FISCAL EFFECT

Revenues to the state General Fund would be reduced by an estimated $350 million, which was the 1992-93 revenue from the miscellaneous revenues proposed to be transferred from the state to the counties. This bill will be referred to the Assembly Committee on Ways and Means.

- continued -

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COMMENTS

This bill has two purposes:

1) To make the statutory changes necessary to change the method of trial court funding from block grants to direct line item funding in the state budget.

2) To enact the proposed return of miscellaneous state General Fund revenues to local government. This bill returns all $350 million to the counties. The governor's budget proposal returns $50 million of that amount to cities. Either version of this transfer will improve the counties' incentive to collect these revenues. Current law requires the counties to pay for collection efforts, but does not provide a sufficient share to the counties to motivate rigorous efforts.

SUPPORT

Unknown

OPPOSITION

Unknown

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Alison Harvey
445-4560
ajud

Date of Hearing: March 9, 1994

ASSEMBLY COMMITTEE ON JUDICIARY
Phillip Isenberg, Chair

AB 2544 (Isenberg) - As Amended: March 3, 1994

SUBJECT: This bill enacts statutory changes necessary to carry out revised state and county obligations in regard to trial court funding, generally as proposed in the governor's 1994-95 budget.

BACKGROUND

History. SB 612 (Presley) and AB 1197 (Brown) were passed in 1988 and put into effect the State Trial Court Funding Act, which entitled counties to optional trial court block grants and judicial salary support.

The Trial Court Realignment and Efficiency Act of 1991 and related legislation in 1992 increased the state's share of funding for court operations, put in place a number of efficiency measures and increased the courts' and the counties' ability to collect unpaid fines and forfeitures.

These bills also stated legislative intent to increase the state's share of trial court funding to 70 percent by 1995-96 and to switch from block grant funding to direct funding of specific court operations in the state budget.

1993 legislation created the Trial Court Budget Commission, which prepared the trial courts' budget for inclusion in the 1994-95 state budget. This budget, which is 65 percent of the estimated cost of trial court operations, is included in the Governor's 1994-95 proposed budget. This budget requires a $400 million increase in the state's trial court expenditures, and it is a part of the Governor's larger state-county realignment proposal, which also includes the redirection of $350 million in fines, penalties and fees from the state General Fund to local government. A variety of statutory changes are necessary to carry out this revised method of court funding.

DIGEST

Urgency statute. 2/3 vote required.

Existing law provides the state's share of trial court funding through block grants to each county, which are paid both from the state's General Fund and the Trial Court Trust Fund.

This bill repeals that method of funding. Courts would be funded through a line item in the state budget, which may be allocated and reallocated by the Trial Court Budget Commission.

- continued -

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Existing law requires counties to "opt in" to the trial court funding program by March 1 of each year in order to be eligible for a block grant. The "opt-in" agreement must be agreed to by the local bench.

This bill repeals that requirement.

Existing law requires the counties to provide funding for a variety of trial court personnel and facilities.

This bill relieves the counties of that responsibility for those items that are funded by the state through the state budget and requires the counties to consult with the local bench before altering, remodeling or relocating existing court facilities.

Existing law has no provision governing the relationship between the counties and the courts regarding facilities, services and personnel in the absence of block grant funding.

This bill provides that, through June 30, 1995, the counties shall continue to provide payroll services, workers' compensation functions, employee benefit programs, equipment, facilities, and court security. It also provides that existing employee agreements and contracts shall remain in effect.

It further provides that the courts and counties shall negotiate for the contractual provision of such services subsequently, and it permits the courts to contract with entities other than the counties if such mutually agreeable arrangements cannot be made.

Existing law requires the counties to pay a portion of superior judge salaries and the expenses of trial court judges sitting on assignment.

This bill repeals those requirements.

Existing law requires the transfer to the state General Fund by the counties of a variety of revenues, including shares of criminal fines, a $3 penalty assessment, traffic school fees, and some miscellaneous fees charged for jail booking, citation releases, parking surcharges, vehicle equipment corrections, and document recording.

This bill transfers those revenues to the counties' general funds.

FISCAL EFFECT

Revenues to the state General Fund would be reduced by an estimated $350 million, which was the 1992-93 revenue from the miscellaneous revenues proposed to be transferred from the state to the counties. This bill will be referred to the Assembly Committee on Ways and Means.

- continued -

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COMMENTS

This bill has two purposes:

1) To make the statutory changes necessary to change the method of trial court funding from block grants to direct line item funding in the state budget.

2) To enact the proposed return of miscellaneous state General Fund revenues to local government. This bill returns all $350 million to the counties. The governor's budget proposal returns $50 million of that amount to cities. Either version of this transfer will improve the counties' incentive to collect these revenues. Current law requires the counties to pay for collection efforts, but does not provide a sufficient share to the counties to motivate rigorous efforts.

   Cities are opposed to this bill because it does not include the governor's proposal to give $50 million in state General Fund revenues to the cities.

SUPPORT	OPPOSITION
California State Association of Counties	League of California Cities Various individual cities.

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Alison Harvey
445-4560
ajud

Date of Hearing: March 9, 1994

ASSEMBLY COMMITTEE ON JUDICIARY
Phillip Isenberg, Chair

AB 2544 (Isenberg) - As Amended: March 23, 1994

SUBJECT: This bill enacts statutory changes necessary to carry out revised state and county obligations in regard to trial court funding, generally as proposed in the governor's 1994-95 budget.

BACKGROUND

History. SB 612 (Presley) and AB 1197 (Brown) were passed in 1988 and put into effect the State Trial Court Funding Act, which entitled counties to optional trial court block grants and judicial salary support.

The Trial Court Realignment and Efficiency Act of 1991 and related legislation in 1992 increased the state's share of funding for court operations, put in place a number of efficiency measures and increased the courts' and the counties' ability to collect unpaid fines and forfeitures.

These bills also stated legislative intent to increase the state's share of trial court funding to 70 percent by 1995-96 and to switch from block grant funding to direct funding of specific court operations in the state budget.

1993 legislation created the Trial Court Budget Commission, which prepared the trial courts' budget for inclusion in the 1994-95 state budget. This budget, which is 65 percent of the estimated cost of trial court operations, is included in the Governor's 1994-95 proposed budget. This budget requires a $400 million increase in the state's trial court expenditures, and it is a part of the Governor's larger state-county realignment proposal, which also includes the redirection of $350 million in fines, penalties and fees from the state General Fund to local government. A variety of statutory changes are necessary to carry out this revised method of court funding.

DIGEST

Urgency statute. 2/3 vote required.

Existing law provides the state's share of trial court funding through block grants to each county, which are paid both from the state's General Fund and the Trial Court Trust Fund.

This bill repeals that method of funding. Courts would be funded through a line item in the state budget, which may be allocated and reallocated by the Trial Court Budget Commission.

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Existing law requires counties to "opt in" to the trial court funding program by March 1 of each year in order to be eligible for a block grant. The "opt-in" agreement must be agreed to by the local bench.

This bill repeals that requirement.

Existing law requires the counties to provide funding for a variety of trial court personnel and facilities.

This bill relieves the counties of that responsibility for those items that are funded by the state through the state budget, limits the counties' funding obligations to the remaining amount in the courts' budgets as adopted by the Judicial Council and the Legislature, and requires the counties to consult with the local bench before altering, remodeling or relocating existing court facilities.

Existing law requires the counties to pay a portion of superior judge salaries and the expenses of trial court judges sitting on assignment.

This bill repeals those requirements.

Existing law requires the transfer to the state General Fund by the counties of a variety of revenues, including shares of criminal fines, a $3 penalty assessment, traffic school fees, and some miscellaneous fees charged for jail booking, citation releases, parking surcharges, vehicle equipment corrections, and document recording.

This bill transfers those revenues except the state's share of criminal fines and forfeitures from city arrests to the counties' general funds.

FISCAL EFFECT

Revenues to the state General Fund would be reduced by an estimated $300 million, which was the 1992-93 revenue from the miscellaneous revenues proposed to be transferred from the state to the counties. This bill will be referred to the Assembly Committee on Ways and Means.

COMMENTS

This bill has two purposes:

1) To make the statutory changes necessary to change the method of trial court funding from block grants to direct line item funding in the state budget.

2) To enact the proposed return of miscellaneous state General Fund revenues to local government. This bill returns $300 million to the counties. The governor's budget proposal, in addition, would return $50 million to cities. The county transfer will improve the counties' incentive to

- continued -

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collect these revenues. Current law requires the counties to pay for collection efforts, but does not provide a sufficient share to the counties to motivate rigorous efforts.

SUPPORT

California State Association of Counties
Miscellaneous counties

OPPOSITION

League of California Cities
Various individual cities.

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Alison Harvey
445-4560
ajud

ASSEMBLY JUDICIARY COMMITTEE
REPUBLICAN ANALYSIS

AB 2544 (Isenberg) -- TRIAL COURT FUNDING. (URGENCY)
Version: Original — Lead Republican: Jan Goldsmith
Analyzed: 03/01/94 — Vote: 2/3 (Urgency)
Recommendation: Support with Amendment (See 3rd o of COMMENTS)

SUMMARY: **Revises state and county obligations in regard to trial court funding.** This bill would: **(1)** Repeal block grant funding of trial courts as currently derived from the state's General Fund and Trial Court Trust Fund in favor of "line item" state budgeting with allocation and reallocation by the Trial Court Budgeting Commission; **(2)** Repeal the annual "opt in" procedure that allowed counties, with the approval of their courts, to participate in the state block grant funding program; **(3)** Relieves the counties of responsibility for items and functions to be funded in the state budget (which would currently propose to include: Judicial Officers; Jury Fees and Mileage; Verbatim Reporting; Interpreters; Collection Enhancement; Dispute Resolution Programs; Court-Appointed Counsel; Court Security; Data Processing; State and Other Operating Expenses; and Indirect Costs); **(4)** Requires the counties to consult with the local bench before altering or relocating existing court facilities; **(5)** Requires counties to continue to provide payroll services, compensation functions, employee benefit programs, equipment, facilities, and court security through June 30, 1995; **(6)** Requires existing employee agreements and contracts with the courts to continue in effect through June 30, 1995; **(7)** Authorizes the courts, after FY 1994-95, to negotiate for the contractual provision of the services of (5), above, or otherwise permit the courts to contract with other entities if agreements can not be reached with the counties; **(8)** Repeals the requirement of counties to pay a portion of superior court judge salaries and the expenses of trial court judges sitting on assignment; **(9)** Requires a shift in the distribution of revenues that include shares of criminal fines, traffic school fees and other miscellaneous fees currently allocated to the state General Fund to be retained in counties' general funds. FISCAL EFFECT: Non-reimburseable state mandated local program. Reduces the state General Fund by an estimated $350 million for revenues enumerated in (9) above that would hereafter be retained in counties general funds.

TAX OR FEE INCREASE: No net increase. Increases one existing fine/fee assessments and decreases another existing fine/fee assessments. Increases a county penalty assessment of $7 for every $10 of each fine, forfeiture or penalty imposed for criminal offenses (other than parking violations) under Govt. Code 76000 to $10 while decreasing a state penalty assessment of $10 for every $10 of each fine, forfeiture or penalty for criminal offenses (other than parking offenses) under Penal Code 1464 to $7. The portion increased under the Govt. Code 76000 assessments is allocated to counties' general funds. The portion to be decreased under Penal Code 1464 assessments would no longer be allocated to the state General Fund.

POTENTIAL EFFECTS: With the exception of no reallocation of fine revenues to the cities, the bill generally implements provisions of the Governor's state and local restructure proposal for the

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SUPPORT: California State Association of Counties (CSAC).
OPPOSITION: League of California Cities, San Diego, San Jose, Sacramento, Oakland and several other cities.
GOVERNOR'S POSITION: Unknown

COMMENTS:

- The author's office states two primary purposes for this bill: (1) To make statutory changes that replace the state block grant funding of trial courts with direct line item funding in the state budget. [AB 392 (Isenberg),Chapter 158/93, (final Assembly passage vote of 66-6) provided in Sec. 18.2 legislative intent language to subsequently make this funding change after FY 1993-94.]; and (2) To return miscellaneous state General Fund revenues to local government (approximately $350 million per year) to improve county incentive to collect these revenues.
- The Governor's proposed 1993-94 budget initially seeks the return of such revenues to local government with approximately $300 million to the counties and $50 million to the cities as part of a $5.4 billion plan. (His plan includes such additional revenues to local government in return for local government picking up more funding responsibilities for a variety of existing government service programs.)
- League of California Cities (League) and the Cities of San Diego, San Jose, Sacramento, Oakland and several other cities oppose the earmarking of 50 percent of city fine revenues for counties. The League argues that "Cities have had insufficient revenue to adequately enforce traffic laws which has resulted in fewer fines being collected on a statewide basis." The League supports the Governor's proposal to return all city fine revenues to cities. It is recommended that the bill be amended so as to limit the reallocation to the counties in keeping with the Governor's proposal (i.e. approximately $300 million to the counties) and thereby allow subsequent negotiations among interested parties to determine reallocation of an estimated $50 million which the cities would apparently seek as a full return to cities of city fine revenues of which half had been allocated to state funds under the 1991 court realignment (noting that counties would generally be receiving a full return of revenues which were also allocated to state funds under the 1991 court realignment legislation-AB 1297/91.
- CSAC generally support this bill, but apparently counties have some concerns over being subjected to certain ongoing services to the courts without adequate leverage under this bill.
- The Legislative Analyst Office (LAO) generally concurs with the rationale for greater state funding "on the basis that the state exercises primary control over trial court procedures and appoints the judges." However LAO recommends supplemental budget language "to exert" the Legislature's "influence to control trial court expenses and bring about operational efficiencies." LAO's Analysis of the 1994-95 Budget Bill offers three proposals to require: (1) Judicial Council to work with the Controller to refine expenditure reporting and standardization of accounting guidelines and report by October to the Legislature; (2) Trial Court Budget Commission and Judicial Council to implement allocation criteria that includes incentives for courts to implement optional court efficiency measures enacted in 1991 with an October report to the Legislature; and (3) Judicial Council to adopt specific trial court performance measures for use in developing its 1995-96 trial court funding budget with a November

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in this bill.

- Judicial Council's concerns include the bill's statutory deletion of court authority to order counties to provide adequate services. The loss of judicial "signoff" is a continuing concern with some judges which was also raised by some before AB 392/93 passed to declare legislative intent to move from the state block grant program to "line item" state budgeting.

Assembly Republican Committee vote
Judiciary -- 3/09/94
(>) Ayes: >
Noes: >
Abs.: >
N.V.: >
Consultant: Mark Redmond

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Joe A. Gonsalves
Anthony D. Gonsalves
PROFESSIONAL LEGISLATIVE REPRESENTATION
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MEMORANDUM

DATE: MARCH 7, 1994

TO: MEMBERS OF THE ASSEMBLY JUDICIARY COMMITTEE

FROM: JOE AND ANTHONY GONSALVES

RE: AB 2544 (ISENBERG) - OPPOSE UNLESS AMENDED

On behalf of our clients, the cities of Palm Desert, Lakewood, Torrance, Pittsburg, Commerce, La Mirada, Rosemead, Laguna Hills, Rancho Cucamonga, and Victorville, we are in opposition to AB 2544 unless it is amended.

The reason AB 2544 has been introduced is because a decision to take fines and forfeiture revenues from cities and counties two years ago has not produced the desired results.

Because of that legislation, approximately $350 million dollars has been taken from counties and cities in fine revenues, but as a result of that there has been a disincentive to deploy traffic law enforcement patrols. This has resulted in fewer fines being collected statewide.

What this bill does in its present form is recognize a part of the problem. It recognizes that counties have lost their incentive for traffic law enforcement, but it does not recognize the fact that cities have lost their incentive for traffic law enforcement.

So what this bill needs is an amendment. Instead of returning all of the $350 million dollars which currently under this proposal would go to the counties, provide that $300 million go to the counties and $50 million to the cities.

We ask for your support of this amendment.

Jack I. Horton
Chief Deputy

James L. Ashford
Harvey J. Foster
John T. Studebaker
Daniel A. Weitzman

David D. Alves
John A. Corzine
C. David Dickerson
Robert Cullen Duffy
Robert D. Gronke
James A. Marsala
Robert G. Miller
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Richard Thomson
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Richard B. Weisberg
Thomas D. Whelan
Jack G. Zorman

Deputies

March 10, 1994

Honorable Phillip Isenberg

A.B. 2544 — Conflict

Supplemental

The above measure, introduced by you, which is now set for hearing in the Assembly Judiciary Committee

appears to be in conflict with the following other measure(s):

A.B. 38(1x) - Speier
A.B. 419 - Cortese
S.B. 1393 - Committee on Local Government

ENACTMENT OF THESE MEASURES IN THEIR PRESENT FORM MAY GIVE RISE TO A SERIOUS LEGAL PROBLEM WHICH PROBABLY CAN BE AVOIDED BY APPROPRIATE AMENDMENTS.

WE URGE YOU TO CONSULT OUR OFFICE IN THIS REGARD AT YOUR EARLIEST CONVENIENCE.

Very truly yours,
BION M. GREGORY
Legislative Counsel

By: Corrections Section
Ph. 5-0430

cc: Committee named above
Each lead author concerned

AP-5

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LEGISLATIVE BULLETIN

League of California Cities

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MAR 14 1994

#10-1994

March 11, 1994

**********LEGISLATIVE ACTIVITIES**********

1. Trial Court Funding. Funding of the Trial Courts and Redirection of City and County Fines and Penalties. AB 2544 (Isenberg). Amendments Taken in Assembly Judiciary Committee. League May Remove Opposition. **Oppose.**

2. Proposition 172. Sales and Use Tax. Public Safety Services. AB 3746 (Mountjoy). Maintenance of Effort Requirements for Proposition 172 Sales Tax Revenues. Bill Introduced. **Oppose.**

3. Air Quality. Measure Abolishes SCAQMD Governing Board. SB 1272 (Presley). Hearing: Wednesday, April 6. Senate Local Government Committee. WRITE LETTERS NOW! **Oppose.**

4. Sales Tax Exemption. New Trade or Business. SB 1695 (Hurtt). Exempts Property Purchased by any New Trade or Business from the Sales Tax. Hearing: Wednesday, April 6, Senate Revenue and Taxation Committee. **Oppose.**

5. Sales Tax Exemption. Passenger Vehicles. SB 1274 (Kopp). Exempts Passenger Transportation Vehicles Purchased by the State Department of Transportation. Hearing: Wednesday, March 16, Senate Revenue and Taxation Committee. **Oppose.**

6. Air Quality. City Representation on Governing Boards. Counties Try to Change Last Year's AB 75 (Hauser). AB 2692 (Seastrand)--Oppose. AB 2720 (Bornstein)--League May Go Neutral. Hearing: Monday, March 21, Assembly Natural Resources Committee. **Oppose.**

7. State Mandated Local Costs. SB 1321 (Wyman). Reimbursement of State Mandated Local Costs for Cities with Populations Less than 25,000. Hearing: Wednesday, April 6, Senate Local Government Committee. **Support.**

8. Homeless Assistance. Measure Requires State Armories Made Available. SB 1691 (Campbell). Pending in Senate Veterans Affairs Committee. **Support.**

9. Benefit Assessments. SB 1286 (Bergeson). Overrule of Majority Protest by Legislative Body. **Information.**

AP-6

10. Sales Tax. Exemption for Leases to a State or Local Entity of Personal Property in Excess of $1,000. SB 1424 (Kopp). Hearing: Wednesday, April 6, Senate Revenue and Taxation Committee. **Information.**

11. Changed Status of Bills Previously Reported. AB 2471 (Rainey). Benefit Assessments. Voter Approval. Hearing Canceled at Request of Author. **Oppose.**

LEGISLATIVE ACTIVITIES

1. OPPOSE — Trial Court Funding. Funding of the Trial Courts and Redirection of City and County Fines and Penalties. AB 2544 (Isenberg). Amendments Taken in Assembly Judiciary Committee.

AB 2544 (Isenberg) contains some of the Governor's proposal to restructure the funding of the trial courts. The bill repeals the provisions requiring counties to send 75 percent of their fines to the State General Fund. The bill was amended in the Assembly Judiciary Committee to delete the provisions requiring cities to send 50 percent of their fines (about $50 million) to counties rather than the State General Fund. As amended, the bill will not address the issue of city fines. Assembly Member Isenberg indicated he would address this allocation issue at a later date. The Governor's Budget proposes to return the fifty percent of fines currently allocated to the state to the cities. The bill will next be heard in Assembly Ways and Means Committee. No hearing date set. The League will review the amendments and remove opposition, if appropriate. (Referred to previously in Bulletins #7-1994, 8-1994, and 9-1994.)

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2. OPPOSE — Proposition 172. Sales and Use Tax. Public Safety Services. AB 3746 (Mountjoy). Maintenance of Effort Requirements for Proposition 172 Sales Tax Revenues. Bill Introduced.

AB 3746 would require a maintenance of effort for public safety as a condition of receiving revenues under Proposition 172. Under this bill, a city or county must allocate existing resources for local public safety services at the 1992-93 fiscal year funding level and report those allocations to the State Controller prior to receiving a share of the Proposition 172 sales tax revenues. If any city or county fails to meet this maintenance of effort requirement, the county auditor is authorized to allocate that entity's share of the Proposition 172 sales tax revenue to the other jurisdictions in the county that qualify for an allocation of Proposition 172 sales tax revenues.

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Santa Ana, CA
(Orange County)
Orange County Reporter
(Cir. 5 x W. 750)

Allen's P. C. B Est. 1888

Bill would place limits on judges' power over funding

C-4/3 By Tom Dresslar
Special to the Orange County Reporter

SACRAMENTO — Legislation that would significantly reduce local judges' power over trial court funding decisions won approval Wednesday from the Assembly Judiciary Committee.

The panel voted 8-1 to send AB2544 by Chairman Phil Isenberg, D-Sacramento, to the Ways and Means Committee.

The measure contains two provisions that would cut local judges' authority in the trial court budgeting process.

The first would strip judges of their power to force county officials to provide the facilities and other items needed to conduct the courts' business.

Currently, Government Code Section 68073 requires boards of supervisors to provide local courts sufficient rooms, furniture, supplies, lighting, heat and attendants. If the supervisors fail to provide adequate support, the court must notify the board of its needs. "If the board fails to provide anything necessary to the conduct of the court's functions, the court may direct the appropriate officers of the county to provide the same," the law states.

AB2544 would amend Section 68073, effective July 1, to instead specify that boards of supervisors must provide the courts only enough money to make up the difference between the state's allocation and the total required to fully fund the courts according to the state Judicial Council's Trial Court Budgeting Commission's formula. The provision contains no language that allows judges to enforce the new requirement. And it removes the current language that allows judges to order county officials to "provide anything necessary to the conduct of the court's functions.

AB2544 also would remove judges' ability to veto their county's participation in

See FUNDING, page

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AP-8

FUNDING

Continued from page 1

Trial Court Funding Program. But the bill also would end the requirement that counties affirmatively decide to opt into the program. And since the measure would eliminate the block grants, which vests more funding discretion with local officials, the demise of the veto power would appear a lesser concern to the bench than the amendment to Section 68073.

Indeed, local judges reportedly have expressed serious concerns about proposed erosion of their power proposed under that provision of AB2544. Whether the judiciary and Isenberg can reach an agreement on the issue appeared questionable Wednesday.

Testifying for the Judicial Council, lobbyist Michael Corbett said the group had not yet taken a formal position on the measure. He indicated the council's willingness to work with Isenberg to iron out any differences.

Isenberg, however, didn't exactly sound conciliatory, saying he was adamantly opposed to the preservation of judges' current power under Section 68073.

AB2544 also contains provisions designed to implement Gov. Pete Wilson's trial court funding plan for fiscal 1994-95. Under Wilson's budget proposal, the state would provide $1.017 billion for local court operations, a $400 million increase over the 1993-94 level and roughly 58 percent of the total statewide expenditures projected by the Judicial Council's Trial Court Budgeting Commission.

To implement Wilson's budget plan, AB2544 would eliminate the block grant method for providing state funds. The governor proposes to make trial court funding a line item in the state budget, with money allotted for specific court functions. The budgeting commission, responsible for developing the trial court spending plan for the governor, would allocate the funds to individual counties.

Another provision of the measure would implement Wilson's proposal to allow cities and counties to keep the criminal fines, forfeitures and penalties they now remit to the state general fund. That budget provision and the increase in state funding for trial courts are part of a larger plan to realign state and local government financial responsibilities.

Wilson's budget proposes to give $300 million of the fine money to counties and $50 million to cities. Isenberg wanted to give all $350 million to the counties. But in the face of opposition from cities, he agreed to set the disputed $50 million aside while city and county law enforcement officials try to reach an agreement on the issue.

In other action, the committee approved:

- A measure that would make elected officials found liable for intentional torts, except defamation, primarily responsible for payment of such judgments, even when the tortious conduct is within the scope of duties.

AB2058 by Assemblyman Richard Katz, D-Panorama City, is one of several bills that responds to a 1993 case in which Los Angeles County paid a $1.2 million judgment against Supervisor Michael Antonovich. The damage award arose from Antonovich's ex parte contact with a judge on behalf of a campaign contributor embroiled in a lawsuit. The measure now goes to the Assembly floor.

- A bill that would expand the state's "Son of Sam" law by barring convicted felons from profiting from any business, activity, service or product that derives an enhanced value from the notoriety of the felon or his or her crime. AB33X by Assemblywoman Barbara Alby, R-Sacramento, is a reaction to fears that Charles Manson could earn royalties from the rock group Guns 'n Roses' recent release of a song penned by Manson about 20 years ago. The bill now goes to the Assembly Public Safety Committee.

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Los Angeles, CA
(Los Angeles Co.)
Daily Journal
(Clr. 5xW. 20,000)

Allen's P. C. B. Est. 1888

Assembly Passes Trial Court Funding Bill, Despite Concerns About Judicial Power

C-4 3

By Tom Dresslar
Daily Journal Staff Writer

SACRAMENTO — Legislation to implement Gov. Pete Wilson's plan to increase state trial court funding by $400 million passed the Assembly Thursday on a 61-1 vote. AB2544 by Assembly Judiciary Committee Chairman Phillip Isenberg, D-Sacramento, now goes to the Senate.

The bill progressed despite lingering concerns within the judiciary about a provision that ends local judges' power to order county supervisors to provide the courts with whatever resources judges deem necessary to conduct their operations.

Discussions among Isenberg, judiciary officials and county representatives are continuing in an effort to resolve the issue, which centers on the bill's elimination of judges' statutory authority under Government Code Section 68073. Isenberg aide Alison Harvey met Wednesday with representatives of the Judicial Council and its Administrative Office of the Courts.

Judicial Council lobbyist Ray LeBov said that based on Wednesday's talks, the council is "in the process of drafting what our proposal will be" on Section 68073. Harvey added, "We're still talking. There's nothing solid. There are some ideas floating around." She indicated judiciary officials, including AOC Director William Vickrey, showed at least a preliminary interest in some ideas discussed at Wednesday's meeting.

Currently, Section 68073 allows courts to order county supervisors to provide "anything necessary to the conduct of the court's functions ..." AB2544 would amend the section to specify that counties only have to fund those court functions not funded by the state. And it eliminates judges' power to order payments from county officials.

Judiciary officials don't necessarily disagree that Section 68073 should be changed to reflect the state's growing responsibility for trial court funding. But they want the courts to retain some statutory recourse to seek additional funds when they determine their ability to function is threatened.

Wilson's fiscal 1994-95 trial court funding proposal calls for state support of local court operations to total $1.017 billion, a $400 million hike over the current-year level. Under the governor's proposal, the state's share of trial court funding would reach 59 percent of the total statewide expenditures projected by the council's Trial Court Budgeting Commission.

Isenberg's bill would implement two main features of Wilson's trial court plan. First, the bill would end the block grant method for providing state funds. Under the governor's proposal, the state budget would provide money for specific court functions, with the Trial Court Budgeting Commission allocating the funds to individual counties.

Second, AB2544 would implement Wilson's proposal to allow local governments to keep the criminal fines, forfeitures and penalties they now remit to the state general fund. Those monies eventually return to the counties as part of their trial court funding block grants. AB2544 would allow counties to keep $300 million in criminal court revenues.

In a significant development, Isenberg recently amended the bill to specify it cannot take effect unless it is made revenue neutral for the state through a local-state government realignment plan. Since AB2544 is designed to implement Wilson's $400 million trial court funding increase, and it allows the counties to keep $300 million in criminal court revenues, the revenue-neutrality provision would require counties to assume $700 million in programs now funded by the state, Harvey said.

One piece of that realignment puzzle is contained in Isenberg's AB3822, which would transfer from the state to the counties the responsibility for incarceration and supervision of juvenile offenders. The $300 million cost would be funded by the criminal court revenes retained by counties under AB2544. The Assembly Ways and Means Committee approved AB3822 Thursday and sent it to the floor.

AP-10

LEGISLATIVE INTENT SERVICE (800) 666-1917

FALLING TRAFFIC FINE REVENUE

SCHEDULE 6
1991-92 & 1992-93 APPROVED BUDGET
REVENUE SCHEDULE

	OTHER GOVERNMENTAL FUNDS ($in 000's)	1988-89 ACTUAL	1989-90 ACTUAL	1990-91 MIDYEAR	1991-92 APPROVED	1992-93 APPROVED
	TRAFFIC SAFETY FUND-208					
3301	Fines Forfeits & Penalties	1,163	989	1,000	1,100	1,200
3401	Interest on Investments	28	50	25	25	25
	Subtotal: TRAFFIC SAFETY FUND	$1,191	$1,039	$1,025	$1,125	$1,225

1992-93 REVENUE BUDGET
MIDYEAR PROJECTION

Page 2

OTHER GOVERNMENTAL FUNDS ($in 000's)	1990-91 ACTUAL	1991-92 ACTUAL	1992-93 BUDGET	1992-93 REVISED	CHG FROM APPROVED
TRAFFIC SAFETY FUND-208					
3301 Fines Forfeits & Penalties	1,057	515	558	323	(235)
3401 Interest on Investments	14	7	0	0	0
Subtotal: TRAFFIC SAFETY FUND	$1,071	$522	$558	$323	($235)
MAJOR STREET CONSTRUCTION FUND-209					
3129 Major Street Construction Tax					
Subtotal: MAJOR ST CONSTRU...					

SCHEDULE 6

CITY OF SACRAMENTO
1993-94 APPROVED BUDGET

Page 2

OTHER GOVERNMENTAL FUNDS ($in 000's)	1991-92 ACTUAL	1992-93 BUDGET	1993-94 BUDGET
TRAFFIC SAFETY FUND-208			
3301 Fines Forfeits & Penalties	$515	$323	$300
3401 Interest on Investments	7	0	0
Subtotal: TRAFFIC SAFETY FUND	$522	$323	$300
MAJOR STREET CONSTRUCTION FUND-209			
3129 Major Street Construction Tax	$1,475		
Subtotal: MAJOR ST CONSTRUCTION			

AP-11

LEGISLATIVE INTENT SERVICE (800) 666-1917

Adopted

Examples of Proposed City Cuts

Police



- Budget Cut 8%
- No cuts in regular street patrols
- Eliminate funding for school crossing guards
- Reduce detectives & special units (bike patrols, traffic enforcement, etc.)
- Expand crime prevention, create Youth & Education Bureau
- Cut 72 sworn, non patrol officers

Fire



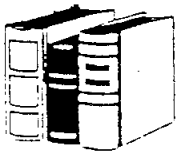
- Budget Cut 9%
- All 23 fire stations remain open and staffed
- Cut 2 hook & ladder truck crews from 2 of the City's 10 double crew stations, effective March 15th (1 based at Meadowview station, 1 based at Fruitridge station, both double crew stations)
- Cut 2 Battalion Chiefs, 6 Captains, 24 Firefighter/Equipment Operators

Parks & Recreation



- Budget Cut 20%
- Community centers & swimming pools stay open, wading pools close
- Park mowing cut from weekly to twice per month, trash collection cut from daily to once per week, reduce graffiti removal, eliminate weed control
- Reduced funding for Science Center, History Center, Sports Commission
- Cut special events, reduce winter hours at Fairytale Town
- Cut 4 top managers, 43 Recreation jobs, 46 Parks jobs, 10 Child Care jobs

Library



- Budget Cut 18%
- All City libraries stay open
- Library branch hours cut 10-15%, more self-service
- 26% cut in budget for books & magazines
- Cut Literacy Center staff, reduce Information Desk staffing 20%-50%
- Cut 8 Librarians, 7 Assistants

Public Works



- Budget Cut 12%
- No cuts in Animal Control
- Reduced ability to do transportation and other studies
- Cut 28 Engineering/Traffic jobs, 12 Street Maintenance jobs, 20 Parking jobs, 12 Garden Refuse/Street Sweeping jobs, 26 Solid Waste jobs
- Cut recycling collection from weekly to biweekly

Planning & Development



- Budget Cut 21%
- Cut funding for enforcement of noise and smoking ordinances
- Increased processing time for applications and permits
- Reduced investigation of abandoned vehicles, neighborhood nuisances
- Cut 2 top managers, 16 Building Inspection jobs, 10 Planning jobs, 9 Code Enforcement jobs, 4 Environmental Service jobs

General Service Personnel



- Budget Cut 19%
- No employee cost of living or benefit increases
- Reduce maintenance/repair at all City facilities, cut cleaning of City buildings from 5 to 3 days per week, window cleaning once per year
- Cut energy conservation staff
- Cut Assistant City Manager, 2 Department Heads, 4 Assistant/Deputy Department Heads, many Division and Senior Managers

LEGISLATIVE INTENT SERVICE (800) 666-1917

DEPARTMENT	*1992-93 BUDGET	$ Proposed Reduction/Fix	% OF BUDGET	Total Staff FTE	FTE Reduction	% of Total FTE
Mayor/Council and Charter Officers, Support Departments	$ 30,946,000	$ 5,836,000	19%	382	50	13%
Police	$ 71,685,000	$ 5,500,000	8%	(Sworn) 623 (Non) 368 (Total) 991	(Sworn) 72 (Non) 19 (Total) 91	(Sworn) 12% (Non) 5% (Total) 9%
Fire	$ 43,093,000	$ 3,994,000	9%	(Sworn) 476 (Non) 28 (Total) 504	(Sworn) 32 (Non) 2 (Total) 34	(Sworn) 7% (Non) 7% (Total) 7%
Public Works	$ 24,380,000	$ 3,000,000	12%	336	51	15%
Planning & Development	$ 11,723,000	$ 2,500,000	21%	191	43	22%
Library	$ 8,208,000	$ 1,500,000	18%	140	24	17%
Parks & Community Svcs	$ 30,390,000	$ 6,010,000	20%	664	136	20%
Non Departmental: Community Groups/Other	$ 2,300,000	$ 460,000	20%			
Debt/Reserves	$ 22,231,000	$ 0	0%			
Subtotal General Fund	$245,100,000	$28,800,000	12%	3,208	419	13%

AP-13

LEGISLATIVE INTENT SERVICE (800) 666-1917

Jack I. Horton
Chief Deputy

James L. Ashford
Harvey J. Foster
John T. Studebaker
Daniel A. Weitzman

David D. Alves
John A. Corzine
C. David Dickerson
Robert Cullen Duffy
Robert D. Gronke
James A. Marsala
Robert G. Miller
Verne L. Oliver
Tracy O. Powell II
Marguerite Roth
Michael H. Upson
Christopher Zirkle
Principal Deputies

State Capitol, Suite 3021
Sacramento, CA 95814-4996
(916) 445-3057
Telecopier (916) 322-0769

Legislative Counsel of California

BION M. GREGORY

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Romulo I. Lopez
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Peter Melnicoe
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John A. Moger
Abel Munoz
Donna L. Neville
Sharon Reilly
Michael B. Salerno
Keith T. Schulz
William K. Stark
Jessica L. Steele
Eileen Sward
Mark Franklin Terry
Jeff Thom
Richard Thomson
Elizabeth M. Ward
Richard B. Weisberg
Thomas D. Whelan
Jack G. Zolman

Deputies

April 11, 1994

Honorable Phillip Isenberg

A.B. 2544 — Conflict

Supplemental

The above measure, introduced by you, which is now set for hearing in the Assembly Ways and Means Committee

appears to be in conflict with the following other measure(s):

A.B. 38(1x) - Speier
A.B. 419 - Cortese
A.B. 3343 - Hannigan
S.B. 1393 - Committee on Local Government(Bergeson, Chairperson)
S.B. 1995 - Marks

ENACTMENT OF THESE MEASURES IN THEIR PRESENT FORM MAY GIVE RISE TO A SERIOUS LEGAL PROBLEM WHICH PROBABLY CAN BE AVOIDED BY APPROPRIATE AMENDMENTS.

WE URGE YOU TO CONSULT OUR OFFICE IN THIS REGARD AT YOUR EARLIEST CONVENIENCE.

Very truly yours,
BION M. GREGORY
Legislative Counsel

By: Corrections Section
Ph. 5-0430

cc: Committee named above
Each lead author concerned

AP-14

LEGISLATIVE INTENT SERVICE (800) 666-1917

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GOVERNOR'S OFFICE

July 20, 1994

To the members of the California Assembly:

I have signed Assembly Bill 2544 on this date because I believe it makes numerous improvements and clarifications to the Trial Court Funding Realignment and Efficiency Act of 1991. There are, however, several provisions which need further revision to avoid an unintended significant impact on the General Fund.

The author has committed that urgency legislation will be introduced in August 1994 to clarify these provisions. Specifically, the urgency legislation will ensure that the state not be exposed to additional liability or lose ability to transfer funds because of the following provisions:

- Currently, when counties accept State funding for trial courts, they agree to forgo any claims for reimbursement of mandated costs. This process ensures that no counties engage in "double dipping" by accepting a state subvention which can be used for any approved trial court costs and seeking additional State money for specific trial court costs. This bill would delete this requirement, thereby making the State liable for the cost of trial court mandates in addition to the courts' State subventions.

- The provisions of this bill describing the Trial Court Budget Commission's ability to reallocate State money from one court to another court leave questions regarding the State or counties' responsibilities to backfill such reallocations.

- This bill would eliminate provisions of current law concerning the transfer of funds for the assigned judges program. Without these provisions, the Judicial Council will not be able to charge payments for assigned judges to the Budget Act Item which appropriates money for this purpose.

I have asked the Department of Finance to work with Assemblyman Isenberg and his staff to draft corrective legislation so the Legislature can enact these changes when it returns.

Cordially,

Pete Wilson

PETE WILSON

AP-15

LEGISLATIVE INTENT SERVICE (800) 666-1917

CITY OF RIO DELL

675 WILDWOOD AVENUE • RIO DELL, CALIFORNIA 95562
(707) 764-3532

February 18, 1994

Assembly Judiciary Committee
C/O Assembly Member Phil Isenberg, Chair
Room 6005
State Capitol
Sacramento, CA 95814

Dear Committee Members:

It has come to my attention AB 2544 will be heard by your committee on Wednesday, February 23, 1994. I am requesting a NO vote on the bill as long as it contains the provision to direct city fine revenues to the counties. This city has been trying to improve the law enforcement service to the community during times of economic decline. One of the services has been to provide better traffic law enforcement. This is evident in the number of citations which is about three times from what it was two years ago. The money collected from fines is being used to improve the traffic safety in the city through installation of new devices, controls, etc. AB 2544 takes away the incentive for this traffic safety two prong approach.

Your consideration of this request is appreciated by the City of Rio Dell.

Sincerely,

Earl Wilson
City Manager

cc: League of California Cities

5

5/0-1

LEGISLATIVE INTENT SERVICE (800) 666-1917

CITY OF COTATI

201 West Sierra Avenue, Cotati, CA 94931-4217

February 18, 1994

Assembly Member Phil Isenberg
Chair
Assembly Judiciary Committee
Assembly Judiciary Committee Members
Sacramento, CA.

Re: AB 2544 (Isenberg)

Dear Assembly Member Isenberg and Assembly Judiciary Committee Members:

On behalf of the City of Cotati, I request your opposition to AB 2544 as it pertains to the requirement that cities in California send 50 percent of their share of city fine revenues to counties.

Redirecting the 50 percent share to counties rather than the State simply places cities in the same position as they were and will continue to work as a disincentive to enforce traffic laws passed by the Legislature.

Please vote NO on AB 2544 as long as it directs city fine revenues to the counties. The City of Cotati does; however, support the Governor's proposal which recognizes the need to build an incentive into law to collect the fines from moving violations.

Sincerely,

Richard M. Cullinen Jr.

Richard M. Cullinen, Jr.
Mayor

cc: City Council

S/O-2

City Council (707) 792-4600
City Manager/ City Clerk (707) 792-4600
Fax (707) 795-7067

Planning (707) 792-4633
Finance (707) 792-4680
Public Works (707) 795-7281
or (707) 792-4610

Police (707) 792-4611
City Attorney (707) 523-0732
City Engineer (707) 823-4820

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LEGISLATIVE INTENT SERVICE (800) 666-1917

City of Lakewood

LegiFax

FEBRUARY 18, 1994

Legislation: AB 2544 (ISENBERG) - CITY FINE MONEY REDIRECTED TO COUNTIES

THE CITY OF LAKEWOOD STRONGLY OPPOSES ASSEMBLY BILL 2544 WHICH IS PENDING HEARING WEDNESDAY, FEBRUARY 23, IN THE ASSEMBLY JUDICIARY COMMITTEE.

WE OPPOSE THE LEGISLATION BECAUSE THE DECISION TO TAKE CITY FINE REVENUES TWO YEARS AGO HAS WORKED AS A DISINCENTIVE FOR CITIES TO ENFORCE TRAFFIC LAWS PASSED BY THE STATE LEGISLATURE. GOVERNOR WILSON NOTED IN HIS BUDGET MESSAGE THAT REALLOCATING CITY FINES/FORFEITURES RESULTED IN AN UNINTENDED DISINCENTIVE TO DEPLOY TRAFFIC LAW ENFORCEMENT PATROLS. THIS HAS RESULTED IN FEWER FINES BEING COLLECTED STATEWIDE.

AS LONG AS THE BILL DIRECTS CITY FINE REVENUES TO COUNTIES, WE URGE YOUR NO VOTE ON AB 2544.

MAYOR LARRY VAN NOSTRAN
ON BEHALF OF THE LAKEWOOD CITY COUNCIL

LVN:lgn

LEGISLATIVE INTENT SERVICE (800) 666-1917

S/O-3

5050 N. Clark Avenue, Lakewood, CA 90712 • FAX (310) 866-0505
For further information, call (310) 866-9771, extension 203

City of Gilroy

7351 Rosanna Street
GILROY, CALIFORNIA
95020-6141

Telephone (408) 848-0400
Fax (408) 842-2409

DONALD F. GAGE
MAYOR

February 18, 1994

Hon. Rusty Areias
25th Assembly District
State Capitol Building
P.O. Box 942849
Sacramento, CA 94249-0001

SUBJECT: AB 2544 - Request for a "NO" Vote

Dear Mr. Areias:

I am writing to register the City of Gilroy's opposition to AB 2544, which would redirect city fine money to counties. This bill is scheduled to be heard by the Assembly Judiciary Committee on Wednesday, February 23, 1994.

This bill contains most of the Governor's proposal to restructure the funding of the trial courts. The bill repeals the provisions requiring counties to send 75 percent of their fines to the Sate General Fund. However, unlike the Governor's proposal which would repeal the provisions requiring cities to send 50 percent of their fines to the State General Fund (about $50 million), AB 2544 would require cities to send the 50 percent share of their funds to the counties instead!

I urge you to vote NO on AB 2544.

Sincerely,

Donald F. Gage
Mayor

DFG:rp

cc: League of California Cities
Assemblymember Isenberg, Chair, Assembly Judiciary Committee

5/0-4

LEGISLATIVE INTENT SERVICE (800) 666-1917

CITY OFFICES:
6136 ADOBE ROAD
P.O. BOX 995
TWENTYNINE PALMS, CA 92277
(619) 367-6799
(619) 367-4890 (FAX)

COUNCIL MEMBERS
Elizabeth H. "Liz" Meyer, Mayor
Jim Bagley, Mayor Pro Tem
Charles W. "Chuck" Bell
Christopher J. Dobler
Lester W. Krushat

CITY MANAGER
Jim Hart

February 18, 1994

Chairman Phillip Isenberg
Assembly Judiciary Committee
State Capitol Building
Room 6005
Sacramento, CA 95814

Dear Honorable Isenberg:

The City of Twentynine Palms has been made aware of AB 2544 and the provisions that direct City fines to counties.

As you are aware, local government has been hit just as hard as the State economically, except the State has chosen to balance its budget by using local revenues, rather than addressing its own difficulties.

The provisions of AB 2544 are completely unacceptable as long as it directs City fine revenues to the counties. There must be some incentive to cities to enforce State laws relating to traffic regulation.

Your NO vote on SB 2544 will be appreciated.

If you have any questions, feel free to contact me.

Sincerely,

Jim Hart
City Manager

JH:kdh
SB2544.LTR

cc: Senator Bill Leonard
State Capitol Building
Room 5087
Sacramento, CA 95814

Assemblyman Paul Woodruff
P. O. box 942849
Sacramento, CA 95814

S/O-S

LEGISLATIVE INTENT SERVICE (800) 666-1917

City of Palm Springs

Office of the Mayor
619-323-8200
TDD 619-864-9527

February 18, 1994

To the Honorable Chairman and
Members of the Assembly Judiciary Committee
State Capitol
Sacramento, CA 95814

Dear Chairman Isenberg and Members:

I urge you to vote No on AB 2544 so long as it directs City fine revenues to the Counties. We support the Governor's proposal which has a built-in incentive for the enforcement and the collection of fines for moving violations, by allowing Cities to retain 50 percent of their fines instead of sending them to the State.

Again, I urge a very strong No vote on AB 2544.

Sincerely,

Lloyd Maryanov

Lloyd Maryanov
Mayor

LM:jt

S/O-6

LEGISLATIVE INTENT SERVICE (800) 666-1917

ROBERT E. McNAMARA
MAYOR

CALVIN M. JONES
MAYOR PRO TEM

JACK H. MORRIS
COUNCILMEMBER

GAIL L. SLOCUM
COUNCILMEMBER

R. P. (DEE) TOLLES
COUNCILMEMBER

CITY OF
MENLO
PARK

701 LAUREL STREET / MENLO PARK, CA 94025 / (415) 858-3380 / FAX (415) 328-7935

February 18, 1994

The Honorable
Phillip Isenberg, Chairman
Assembly Judiciary Committee
State Capitol, Room 6005
Sacramento, CA 95814

Opposition to AB2544 - City Fine Money Redirected to Counties

The City of Menlo Park opposes AB2544 which would require cities to give a 50 percent (50%) share of city fine revenues to the counties. We support the repeal of the provisions requiring cities to send 50 percent (50%) of our fines and counties to send 75 percnt (75%) of their fines to the State General Fund.

We request that you vote No on **AB2544** as long as it directs city fine revenues to the counties.

For the City Council,

Janet M. Dolan
City Manager

c: Byron Sher, Assemblyman

JMD/bj

S/O-7

LEGISLATIVE INTENT SERVICE (800) 666-1917

PRINTED ON RECYCLED PAPER

City of San Luis Obispo

990 Palm Street/Post Office Box 8100 • San Luis Obispo, CA 93403-8100

February 21, 1994

State Assembly Judiciary Committee Members
State Capitol
Sacramento, CA 95814

Dear Judiciary Committee Members:

The City of San Luis Obispo strongly urges you to vote no on Assembly Bill 2544 (Assembly member Isenberger's proposal to restructure trial court funding) as long as it contains provisions to redirect 50 percent of city moving violation fines currently paid to the State to counties. As you know, for the last two years cities have been required to provide the State with 50 percent of their moving violation fines. This has proven to be an ineffective practice as it works as a disincentive for cities to enforce traffic laws. Merely redirecting these monies from the State to counties will reinforce this ineffective and inequitable policy. Therefore, we urge you to vote no on Assembly Bill 2544 and support the Governor's position on this issue which calls for totally repealing the practice of requiring cities to give up 50 percent of their moving violation fines to the State. Support of the Governor's position will rebuild the incentive to collect fines from moving violations and work toward the health of cities.

Sincerely,

John Dunn
City Administrative Officer

cc City Council

l:ab2544

SLO-8

LEGISLATIVE INTENT SERVICE (800) 666-1917



CITY OF LAGUNA HILLS

February 22, 1994

The Honorable Phil Isenberg, Chair
Assemblyman, 9th District
6005 State Capitol
Sacramento, CA 95814

RE: OPPOSITION TO AB 2544

Dear Assemblyman Isenberg:

This letter is written to express our strong opposition to Assembly Bill 2544, introduced by Assembly Member Phil Isenberg. This bill contains most of the Governor's proposal to restructure the funding of the trial courts. As part of the restructuring package, AB 2544 would require cities to send 50 percent of their fine revenues - approximately $50 million - to the counties.

The decision to take city fine revenues is a disincentive for cities to enforce traffic laws passed by the Legislature, and has resulted in fewer fines being collected statewide. The City of Laguna Hills supports the portion of the Governor's proposal that recognizes the need to build incentives into the laws for collecting moving violation fines. However, as long as this bill continues to direct city fine revenues to the counties, we will oppose AB 2544.

We urge your NO vote on AB 2544, unless the Governor's proposal is modified to repeal the provision requiring cities to send 50 percent of their fine revenues to the counties.

Sincerely,

R. CRAIG SCOTT
Mayor

cc: Anthony Gonsalves

480-60

S/O-9

LEGISLATIVE INTENT SERVICE (800) 666-1917

CITY OF SAN JOSÉ, CALIFORNIA

801 NORTH FIRST STREET
SAN JOSE, CA 95110-1792
(408) 277-4237
FAX (408) 277-3868

SUSAN HAMMER
MAYOR

February 22, 1994

Assemblymember Phil Isenberg
Chair, Assembly Judiciary Committee
Room 6005, State Capitol
Sacramento, CA 95814

RE: AB 2544 Isenberg - OPPOSE

Dear Assemblymember Isenberg:

I am writing you to register City of San Jose's opposition to your legislation AB 2544 relating to funding of courts which is scheduled to be heard in the Judiciary Committee on Wednesday, March 9, 1994.

Two years ago, the Legislature acted to take 50% of cities proceeds from vehicle code fines and place their fines in the State's General Fund. We said at that time that this was a very shortsighted decision, and predicted that it would eventually result in a significant reduction in collections. Cities, under intense pressure to reduce budgets and with no incentive to direct limited police resources to traffic enforcement, have reduced enforcement and citations, and have generated substantially less revenue.

In formulating the proposed 1994-95 state budget this year, the Governor recognized what a failure the policy of diverting fine revenues has been, and, has proposed returning the revenue to the cities. Now, AB 2544 proposes to perpetuate this mistaken policy, this time, by giving city fine revenues to counties instead of the state. Changing the recipient of our revenue will do nothing to alter the lack of incentive to generate fines.

We are opposed to the redirection of city fines and penalties and ask you to consider this provision.

Sincerely,

Susan Hammer
Mayor

cc: Members, Assembly Judiciary Committee
Allison Harvey, Committee Consultant

5/0-10

LEGISLATIVE INTENT SERVICE (800) 666-1917

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CITY OF HERCULES
111 CIVIC DRIVE, HERCULES, CA 94547
PHONE: 510 • 799 • 8200

February 22, 1994

The Honorable Phil Isenberg
California State Assembly
PO Box 942849
Sacramento, CA 94249-0001

RE: **AB 2544-Opposed**

Dear Assemblyman Isenberg:

As Chair of the Assembly Judiciary Committee, AB 2544 will be heard by your Committee on Wednesday, March 9, 1994. The Hercules City Council is very much opposed to this Bill. Trial Court funding is not working in the State of California and this Bill will make matters worse. The purpose of enforcement against violators is to improve public safety on our streets. Enforcement is not for the purpose of Cities raising revenue on behalf of Counties!

As long as AB 2544 directs City fine revenues to the Counties, we will act to oppose AB 2544.

Sincerely,

Eduardo G. Manuel

EDUARDO G. MANUEL
Mayor

EGM:lmh
ab2544.em

cc: Judiciary Committee Members
League of California Cities staff
Hercules City Council

LEGISLATIVE INTENT SERVICE (800) 666-1917

S/O-11

The City of Azusa

213 E. Foothill Blvd., P.O. Box 1395, Azusa, California 91702-1395
(818) 334-5125, Extension 238

Henry Garcia
City Administrator

RECEIVED
FEB 25 1994
ISENBERG
DISTRICT OFFICE

February 22, 1994

The Honorable Phillip Isenberg
1215 15th St. #102
Sacramento, CA 95814

Dear Assemblyman Isenberg:

I am writing to you on behalf of the City of Azusa. As you are the author of AB 2544, I would like to explain how the ramifications of your bill will be so detrimental to all of us in local governments and in state government as well.

With collected fines going to the counties, all incentives for our police department to enforce the law will be subsided. These funds are needed for the people who directly are working with our citizens. As you already know, since the legislative voted two years ago to take 50% of the City fines, fewer fines have been collected on a statewide basis.

Please reconsider your position. I do believe that cities and the state can work out a happy solution that all of us can work with and is for the good of our citizens.

Sincerely,

Henry Garcia
City Administrator

HG/tc

S/O-12

LEGISLATIVE INTENT SERVICE (800) 666-1917

CITY OF FORT BRAGG
Incorporated August 5, 1889
416 N. Franklin St.
Fort Bragg, CA 95437
FAX 707-961-2802

February 22, 1994

Honorable Dan Hauser
Member of the Assembly
State Capitol, Room 2003
Sacramento, CA 95814

Dear Dan:

The purpose of this letter is to express our strong opposition to AB 2544 (Isenberg) which includes a provision whereby the city share of local fine and forfeiture revenues would be redirected to counties.

The decision to take city fine revenues two years ago, was a mistake. It has worked as a disincentive for cities to enforce traffic laws passed by the Legislature and has resulted in fewer fines being collected on a statewide basis.

With the imposition of booking fees and other cost shifts, the City is already paying a larger share of the criminal justice system. In Fort Bragg, fine revenues were used to pay for the cost of maintaining crosswalks and other pavement markings, for stop signs and for street lighting. The loss of these funds has required us to redirect funds and employees from other programs. For example, where we hired additional seasonal student workers to paint pavement markings in the past, we no longer provide these summer jobs, and have redirected regular employees from other maintenance functions to do this work.

Thank you for your consideration of this matter.

Sincerely,

John Cimolino

John Cimolino
Mayor

JC:ps

cc: League of California Cities
City Council
Assemblyman Isenberg
Senator Thompson

S/O-13

LEGISLATIVE INTENT SERVICE (800) 666-1917

I T Y O F
A M I R A D A

ty Hall
700 La Mirada Boulevard

Dedicated to Service

February 22, 1994

Re: AB 2544

Request For A "No" Vote

The Honorable Phil Isenberg
Assembly Judiciary Committee
State Capitol, Room #6005
Sacramento, CA 95814

Dear Assemblyman Isenberg:

I'm writing to register the City of La Mirada's opposition to your bill **AB 2544**. This bill would require cities to send their 50% share of revenues from criminal fines, penalties, and fees to the counties' general funds instead of the State's General Fund.

The decision to take city fine revenues works as a disincentive for cities to enforce traffic laws passed by the legislature. This was proven since a past legislative decision on this matter two years ago has resulted in fewer fines being collected on a statewide basis.

The City of La Mirada supports the Governor's proposal which recognizes the need to build an incentive into law for city government agencies to collect fines from moving violations.

We urge you to OPPOSE **AB 2544.**

Sincerely,

CITY OF LA MIRADA

Wayne Rew

Wayne Rew
Mayor

P.S. The League of California Cities also opposes AB 2544.

cc: Joe Gonsalves, League of California Cities, California Contract Cities

S/O-14

LEGISLATIVE INTENT SERVICE (800) 666-1917

WAYNE REW Mayor | ART LESLIE Mayor Pro Tem | BOB CHOTINER Councilman | DR C DAVID PETERS Councilman | LOU PIETZ Councilman | GARY K SLOAN City Manager

CITY OF TULARE

Office of the City Manager

February 22, 1994

The Honorable Phillip Isenberg, Chair
Judiciary Committee
California State Assembly
State Capitol - Room 6005
Sacramento, California 94249-0001

RE: A.B. 2544 (ISENBERG)

Dear Chairman Isenberg:

The City of Tulare is very concerned about the provisions of A.B. 2544 which requires cities to send fifty per cent (50%) share of their fines to counties. The decision of the State of California to take city fines two years ago was a mistake. To compound this mistake by requiring fifty per cent (50%) to be sent to counties is unacceptable to us.

We would respectfully request your **NO** vote on A.B. 2544 as long as it directs city fine revenues to counties.

Very truly yours,

Claude Retherford
Mayor

CR/cs

5/0-15

LEGISLATIVE INTENT SERVICE (800) 666-1917

City of National City
Office of the City Manager
1243 National City Boulevard, National City, CA 91950 (619) 336-4240
Tom G. McCabe - City Manager

BY FAX

February 22, 1994

Chair and Members of the
Assembly Judiciary Committee
California State Assembly
P.O. Box 942849
Sacramento, CA 94249-0001

Re: AB 2544 (Isenberg), City Fine Money Redirected to Counties

Please Vote "No" on AB 2544.

AB 2544 contains most of the Governor's proposal to restructure the funding of the trial courts. It repeals the provisions requiring counties to send 75 percent of their fines to the State General Fund. However, unlike the Governor's proposal which would repeal the provisions requiring cities to send 50 percent of their fines to the State General Fund (about $50 million), AB 2544 would require cities to send the 50 percent share of their funds to the counties instead.

The decision two years ago to take city fine revenues was a mistake. It has worked as a disincentive for cities to enforce traffic laws passed by the Legislature and has resulted in fewer fines being collected on a statewide basis.

The City of National City is opposed to AB 2544 as long as it directs city fine revenues to the counties and supports the Governor's proposal which recognizes the need to build an incentive into law to collect the fines from moving violations.

S/O -16

LEGISLATIVE INTENT SERVICE (800) 666-1917

We appreciate your consideration of our position and strongly urge your "No" vote on AB 2544.

Sincerely,

Tom G. McCabe
City Manager

TGM/ll

xc: Mayor and City Council

LEGISLATIVE INTENT SERVICE (800) 666-1917

5/0-17

CITY COUNCIL
MAYOR
HARRY A. BALES
CITY MANAGER
WILLIAM S. PITT
ADMIN. SERVICES DIRECTOR-
CITY CLERK AND TREASURER
GEORGE C. THACHER
CITY ATTORNEY

CITY OF PACIFIC GROVE

300 FOREST AVENUE
PACIFIC GROVE, CALIFORNIA 93950
TELEPHONE (408) 648-3100
FAX (408) 375-9863

February 22, 1994

Assemblymember Isenberg, Chair
Assembly Judiciary Committee
State Capitol, Room 6005
Sacramento, Ca. 95814

Re: AB 2544

Dear Assemblymember Isenberg:

The City of Pacific Grove would like to indicate its opposition to AB 2544 to the transfer of traffic fine revenue to the counties. Cities do face substantial costs in enforcement of traffic laws and it is difficult to understand why 50% of all revenues from this enforcement should be sent to the State and 50% to the counties. Our City alone has lost over $500,000 in revenue to the State, county and schools in the last three years. Major cuts in our programs and services have been made and we don't have the revenue to bail out other agencies.

We are opposed to any transfer of funds for this purpose. We support the Governor's proposal to return the 50% to the cities to help pay for traffic enforcement as mandated by the State.

We urge the opposition of the committee to AB 2544.

Sincerely,

Gary W. Bales
City Manager

cc: Assemblymember McPherson
Senator Mello
League of Ca. Cities

S/O - 18

LEGISLATIVE INTENT SERVICE (800) 666-1917

City of Foster City

ESTERO MUNICIPAL IMPROVEMENT DISTRICT

610 FOSTER CITY BOULEVARD
FOSTER CITY, CA 94404-2299
(415) 349-1200
FAX: (415) 574-3483

February 22, 1994

Assemblyman Phillip Isenberg, Chair
State of California
Assembly Judiciary Committee
State Capitol
Sacramento, CA 95814

Dear Assemblyman Isenberg:

Please vote NO on AB 2544 requiring cities to send the 50 percent share of their city fine revenues to the counties.

The decision to take city fine revenues two years ago was a mistake. It has worked as a disincentive for cities to enforce traffic laws passed by the Legislature and has resulted in fewer fines being collected on a statewide basis. The City of Foster City, however, supports the Governor's proposal which recognizes the need to build an incentive into law to collect the fines from moving violations.

Thank you for your attention to this matter. I look forward to receiving your response.

Sincerely,

Richard D. Wykoff
City/District Manager

LEGISLATIVE INTENT SERVICE (800) 666-1917

S/O-19

Scott Diehl, *Mayor*
Candace Haggard, *Mayor Pro Tem*
Joe Anderson, *Councilmember*
Truman Benedict, *Councilmember*
Tom Lorch, *Councilmember*

Mike Parness, *City Manager*

CITY OF SAN CLEMENTE

February 22, 1994

Honorable Phil Isenberg, Chair
Assembly Judiciary Committee
State Capitol
Sacramento, California 95814

Dear Assemblyman Isenberg:

This correspondence is being transmitted on behalf of the City of San Clement expressing our strong opposition to AB 2544 as it is currently presented. Specifically, we believe the diversion of City fine revenues to the Counties cannot be justified and is counterproductive.

Since the State diverted these revenues to the State General Fund two years ago, the results have clearly been negative. Fewer fines have been collected because traffic enforcement costs have risen dramatically. Because traffic enforcement programs cannot be supported by remaining revenues, enforcement efforts have diminished significantly in deference to basic public safety programs that must receive top priority status.

In its current form AB 2544 continues the disincentives for traffic enforcement by continuing to divert revenues. The San Clemente City Council believes this approach is short sighted and contrary to the public interest.

Thank you for considering this input. Please feel free to contact me, or City Manager, Mike Parness at (714) 361-8322 if you have any questions or desire additional information.

Sincerely,

Scott Diehl

Scott Diehl
Mayor

cc: Bill Morrow, Assemblyman
William Craven, Senator
Assembly Committee

S/0-20

100 Avenida Presidio San Clemente, California 92672 (714) 361-8200

LEGISLATIVE INTENT SERVICE (800) 666-1917

KENNETH
EMANUELS

February 22, 1994

Assembly Member Phillip Isenberg
State Capitol, Room 6005
Sacramento, CA 94249-0001

Re: Opposition to AB 2544 (Isenberg), Sec. 20, relating to city fines and forfeitures

Dear Assembly Member Isenberg,

On behalf of my client, the Mayor and Council of the City of El Segundo, I wish to object to your AB 2544, which as introduced would redirect 50% of city fines and forfeitures to counties instead of returning these formerly city revenues to cities, as the Governor's Proposed Budget for FY 1994-95 provides.

These are historic city revenues needed to support the costs of municipal traffic and law enforcement. It is inappropriate to once again undercut cities' local revenue base for the purposes of financing a statewide program.

We would not object to AB 2544 if it were amended to conform to the Administration's proposal for trial court restructuring, thereby leaving 100% of the cities' fines and forfeitures with the cities.

Thank you for your consideration of our views.

Sincerely,

Kenneth Emanuels

KE:kc

cc: Jim Morrison, City Manager, City of El Segundo
Members of the Assembly Judiciary Committee
Assembly Member Debra Bowen
Senator Diane Watson

5/0-21

LEGISLATIVE INTENT SERVICE (800) 666-1917

LEGISLATIVE INTENT SERVICE (800) 666-1917

CITY OF LAGUNA HILLS

City Council

CR
aig Scott
CR PRO TEMPORE
ai Bressette

COUNCIL MEMBERS
Melody Carruth
Joel Lautenschleger
Allan Songstad, Jr.

February 22, 1994

The Honorable Tom Connolly, Vice Chair
Assemblyman, 77th District
2170 State Capitol
Sacramento, CA 95814

RE: OPPOSITION TO AB 2544

Dear Assemblyman Connolly:

This letter is written to express our strong opposition to Assembly Bill 2544, introduced by Assembly Member Phil Isenberg. This bill contains most of the Governor's proposal to restructure the funding of the trial courts. As part of the restructuring package, AB 2544 would require cities to send 50 percent of their fine revenues - approximately $50 million - to the counties.

The decision to take city fine revenues is a disincentive for cities to enforce traffic laws passed by the Legislature, and has resulted in fewer fines being collected statewide. The City of Laguna Hills supports the portion of the Governor's proposal that recognizes the need to build incentives into the laws for collecting moving violation fines. However, as long as this bill continues to direct city fine revenues to the counties, we will oppose AB 2544.

We urge your NO vote on AB 2544, unless the Governor's proposal is modified to repeal the provision requiring cities to send 50 percent of their fine revenues to the counties.

Sincerely,

R. CRAIG SCOTT
Mayor

c: Anthony Gonsalves

S/O-22

25201 Paseo de Alicia • Suite 150 • Laguna Hills, California 92653 • (714) 707-2610 • FAX (714) 707-2614

CITY OF COMMERCE

Ruth R. Aldaco, Mayor

February 22, 1994

Honorable Phillip Isenberg, Chair
Assembly Judiciary Committee
State Capitol - Room 6005
P.O. Box 942848
Sacramento, CA 94248-0001

Dear Assemblymember Isenberg,

The City of Commerce is opposed to AB 2544 (Isenberg) which would direct 50 percent of city traffic fine revenues to the counties.

Two years ago the State took city fine revenues. This disincentive to enforce traffic laws caused the City of Commerce to cut traffic law enforcement in half.

We ask for a no vote on AB 2544 as long as city traffic fine revenues are not collected directly by the city which enforces the law.

Sincerely,

Ruth Aldaco

Ruth R. Aldaco
Mayor

cc: League of California Cities
California Contract Cities
Joe Gonsalves

2535 Commerce Way • Commerce, California 90040 • (213) 722-4805 • FAX# (213) 726-6231

Printed on recycled paper

S/O - 23

LEGISLATIVE INTENT SERVICE · (800) 666-1917

02/22/94 18:24 CITY OF COMMERCE 002

CITY OF
LA MIRADA

City Hall
13700 La Mirada Boulevard
La Mirada, California 90638
P.O. Box 828
La Mirada, California 90637-0828
(310) 943-0131 FAX (310) 943-1464

Dedicated to Service

February 22, 1994

Re: AB 2544

Request For A "No" Vote

The Honorable Louis Caldera
Assembly Judiciary Committee
State Capitol, Room #2176
Sacramento, CA 95814

Dear Assemblyman Caldera:

I'm writing to register the City of La Mirada's opposition to **AB 2544 (Isenberg)**. This bill would require cities to send their 50% share of revenues from criminal fines, penalties, and fees to the counties' general funds instead of the State's General Fund.

The decision to take city fine revenues works as a disincentive for cities to enforce traffic laws passed by the legislature. This was proven since a past legislative decision on this matter two years ago has resulted in fewer fines being collected on a statewide basis.

The City of La Mirada supports the Governor's proposal which recognizes the need to build an incentive into law for city government agencies to collect fines from moving violations.

We urge you to OPPOSE **AB 2544.**

Sincerely,

CITY OF LA MIRADA

Wayne Rew

Wayne Rew
Mayor

P.S. The League of California Cities also opposes AB 2544.

cc: Joe Gonsalves, League of California Cities, California Contract Cities

5/0-24

LEGISLATIVE INTENT SERVICE (800) 666-1917

WAYNE REW, Mayor | ART LESLIE, Mayor Pro Tem | BOB CHOTINER, Councilman | DR. C. DAVID PETERS, Councilman | LOU PILTZ, Councilman | GARY K. SLOAN, City Manager

City of San Marcos

105 W. RICHMAR AVENUE • SAN MARCOS, CALIFORNIA 92069-1699
619/744-4020 FAX 619/744-7543

February 22, 1994

The Honorable Phil Isenberg
Chairman, Assembly Judiciary Committee
State Capitol, Room 6005
Sacramento, CA 95814

Re: City of San Marcos Opposes AB 2544 (Isenberg)

Dear Assemblyman Isenberg:

This letter indicates our strong opposition to your AB 2544 which would require cities to send 50% of their traffic fine revenues to counties rather than to the State General Fund. The bill would also repeal the provisions requiring counties to send 75% of their fine revenues to the State General Fund.

As you know, the Governor's proposal addresses this issue in a manner that is favorable to cities as well as counties. His reasoning for doing so is to bring back the incentive for cities to collect traffic fine revenues. The decision to take away city fine revenues in 1992 has worked as a disincentive for cities to enforce traffic laws that are passed by the State Legislature. The result has been fewer fines being collected statewide over the past couple of years.

At your upcoming meeting of the Assembly Judiciary Committee, we respectfully request that you amend AB 2544 so that it is more in line with the Governor's proposal. We remain opposed to this legislation as long as it directs city fine revenues to the counties. We greatly appreciate your consideration of our position.

Sincerely,

Lee B. Thibadeau
Mayor

LBT:svl

S/D-25

CITY COUNCIL
Lee B. Thibadeau, Mayor Pia Harris, Vice Mayor Mark Loscher F. H. Smith Betty Evans

LEGISLATIVE INTENT SERVICE (800) 666-1917

City of
Encinitas

February 22, 1994

The Honorable Phil Isenberg
Chair, Assembly Judiciary Committee
6005 Capitol Building
Sacramento, CA 95814

RE: AB 2544 (Isenberg), City Fine Money Redirected to Counties; OPPOSE
Hearing Date: February 23, 1994

Dear Assemblyman Isenberg:

On February 23, 1994, the Assembly Judiciary Committee will consider AB 2544. We urge you to oppose this legislation.

AB 2544, by requiring cities to send 50 percent of their fines to counties, would continue the current disincentive for cities to enforce traffic laws passed by the Legislature and result in fewer fines being collected on a state-wide basis.

The City of Encinitas supports the Governor's proposal to restructure the funding of trial courts. This proposal recognizes the need to build an incentive into law to collect fines from moving violations.

Again, we urge you to oppose AB 2544 when it is heard by your committee tomorrow.

Sincerely,

Gail Hano

Gail Hano
Mayor

S/O-26

LEGISLATIVE INTENT SERVICE (800) 666-1917

CITY OF CERRITOS

CIVIC CENTER • P.O. BOX 3130 • 18125 BLOOMFIELD AVENUE
CERRITOS, CALIFORNIA 90703-3130 • FAX: (310) 865-7277
PHONE: (310) 860-0311 • (714) 523-3710
RESIDENCE PHONE AND FAX: (310) 865-0298

OFFICE OF THE MAYOR
JOHN F. CRAWLEY

February 22, 1994

The Honorable Phillip Isenberg
Chairman
Judiciary Committee
6005 Capitol Building
Sacramento, CA 95814

Dear Assemblyman Isenberg:

Re: **Opposition to AB 2544, Sec. 20 relating to city fines and forfeitures - Hearing scheduled Wednesday, March 2, Assembly Judiciary Committee**

The City of Cerritos objects to AB 2544, which as introduced, would redirect 50% of city fines and forfeitures to counties instead of returning these former city revenues to cities, as the Governor's Proposed Budget for FY 1994-94 provides.

These are historic city revenues needed to support the costs of municipal traffic and law enforcement. It is inappropriate to once again undercut cities' local revenue base for the purpose of financing a statewide program.

We would not object to AB 2544 if it were amended to conform to the Administration's proposal for trial court restructuring, thereby leaving 100% of the cities' fines and forfeitures with the cities.

Thank you for your consideration of our views.

Sincerely,

John Crawley
MAYOR

kbr

S/O-27

LEGISLATIVE INTENT SERVICE (800) 666-1917

City of Arcadia

240 West Huntington Drive
P.O. Box 60021
Arcadia, California 91066-6021
(818) 574-5400

WILLIAM R. KELLY
ACTING CITY MANAGER

JOSEPH C. CIRAULO
MAYOR

DENNIS A. LOJESKI
MAYOR PROTEMPORE

GEORGE FASCHING
ROBERT C. HARBICHT
BOB MARGETT
COUNCIL MEMBERS

JUNE D. ALFORD
CITY CLERK

February 22, 1994

Chairman Phillip Isenberg
Assembly Judiciary Committee
State Capitol Building, Room 6005
Sacramento CA 95814

RE: Oppose - - AB 2544

Dear Assemblymember Isenberg:

On behalf of the Arcadia City Council, we oppose AB 2544, which would require cities to forward 50% of their parking citation fines to counties.

The State's desire to restructure the funding of the trial courts is to be applauded. However, as proposed, your AB 2544 would establish a mechanism that, in essence creates two problems:

First, it would reduce to the City of Arcadia over $75,000 in fines received from locally enforced parking ordinances. The City of Arcadia already faces a $2.2 million shortfall for 1993-1994.

Second, with the $75,000 reduction, the economic incentive to issue citations is dramatically reduced. The State has already reduced the cost effectiveness of parking enforcement through past actions. Eventually, there comes a point where parking enforcement becomes economically difficult to uphold.

I understand the State's need to restructure the funding of the trial courts, but not on the backs of local governments. For the reasons cited above, the City of Arcadia opposes AB 2544.

Sincerely,

JOSEPH C. CIRAULO
Mayor

JCC:AM

cc: City Council
Senator Hill
Assemblyman Mountjoy
League of California Cities

S/O-28

LEGISLATIVE INTENT SERVICE (800) 666-1917

CITY OF LA VERNE
CITY HALL
3660 "D" Street, La Verne, California 91750

February 22, 1994

Assembly Member Isenberg
Chair, Assembly Judiciary Committee
State Capitol
Sacramento, CA 95814

Dear Assembly Member Isenberg:

On behalf of the La Verne City Council, I would like to express our opposition to Assembly Bill 2544. Unlike the Governor's proposal for restructuring the funding of the trial courts, AB 2544 would repeal the provisions requiring cities to send 50 percent of their fines to the State General Fund and require cities to send the 50 percent share of their funds to the counties instead. The decision to take city fine revenues two years ago was a mistake. It has worked as a disincentive for cities to enforce traffic laws passed by the Legislature and has resulted in fewer fines being collected on a statewide basis.

The City of La Verne supports the Governor's proposal which recognizes the need to build an incentive into law to collect fines from moving violations. We ask that you vote "no" against AB 2544 at the next hearing of the Assembly Judiciary Committee.

Sincerely,

Jon Blickenstaff
Mayor

cc: Assembly Judiciary Committee members

S/O-29

LEGISLATIVE INTENT SERVICE (800) 666-1917

City of La Palma

CITY HALL - 7822 Walker Street, La Palma, California 90623 TEL: (714) 523-7700 FAX: (714) 523-7351

CITY COUNCIL
Larry A. Herman
David G. Lim
Wally Linn
Eva G. Miner
Duane F. Schuster

February 22, 1994

Honorable Phil Isenberg, Chair
Assembly Judiciary Committee
6005 State Capitol
Sacramento, CA 95814

Dear Assemblymember Isenberg:

AB 2544 - OPPOSE

On behalf of the City Council of the City of La Palma, I am writing to convey our strong opposition to your proposed legislation, AB 2544 (Isenberg), which would require cities to send 50 percent of their fines to the county.

The decision to reduce municipal revenue sources from fines and forfeitures by 50 percent two years ago was a mistake as it has served as a disincentive for cities to enforce traffic laws. Thus, fewer fines have been collected on a statewide basis. Instead of returning these monies to cities per the Governor's proposal to restructure the funding of trial courts, AB 2544 would require La Palma to send its 50 percent share of $65,000 to the county!

The City of La Palma has a $5.2 million general fund operating budget and lower revenues than most cities in Orange County. Because of the impact of the State's budget crisis and current economic downturn, the City has been forced to balance its budget by dipping into reserves, cutting expenditures by $90,000 this past year, and adopting a utility users tax. Even then, our projected FY 93-94 year end balance is estimated at $24,000.

Thus, the City of La Palma vehemently opposes your proposed legislation to send 50 percent of our fines to the county. Instead we support the Governor's proposal to repeal the provision requiring cities to send 50 percent of their fines to the State General Fund. Not only will such action restore this important city revenue source, but it also will create an incentive to collect traffic fines. Therefore, I urge you to withdraw AB 2544 from further consideration.

Sincerely,

Wally Linn

Wally Linn
Mayor

WL/BC:tc

c: Assembly Judiciary Committee Members

5/0-30

LEGISLATIVE INTENT SERVICE (800) 666-1917

CITY OF BUENA PARK

OFFICE OF THE MAYOR

February 22, 1994

The Honorable Phil Isenberg, Chair
Judiciary Committee
6005 Capitol Building
California State Assembly
Sacramento, CA 95814

Subject: OPPOSITION TO AB 2544 -
HEARING DATE FEBRUARY 23

Dear Assemblyman Isenberg:

The City of Buena Park strongly opposes AB 2544, which would reverse the Governor's budget proposal to return traffic enforcement fines to cities and instead redirect these fines to counties.

The decision to take city fine and forfeiture revenues two years ago was a serious mistake. It has created a disincentive for cities to enforce traffic laws passed by the Legislature and has resulted in fewer fines being collected on a Statewide basis.

This proposal to redirect city revenues to counties is especially ill-conceived due to the Legislature's expressed interest in restructuring and realigning government in California.

Please reconsider your position on this issue and amend AB 2544 to return fine revenues to cities.

Very truly yours,

Don Bone
Mayor

c: League of California Cities
Assemblywoman Doris Allen
Assemblyman Curt Pringle
Assemblyman Ross Johnson

5/0-31

6650 BEACH BOULEVARD, P.O. BOX 5009, BUENA PARK, CA 90622 • (714) ~~521-9900~~

LEGISLATIVE INTENT SERVICE (800) 666-1917

CITY OF SANTA FE SPRINGS

11710 TELEGRAPH ROAD, 90670-3658 - P.O. BOX 2120 - (310) 868-0511 - FAX (310) 868-7112

February 22, 1994

The Honorable Assemblyman Phillip Isenberg
Assembly Judiciary Committee
State Capitol, Room No. 6005
Sacramento, CA 94249-0001

Dear Assemblyman Isenberg:

Subject: **Oppose - AB 2544 (Isenberg)**

On behalf of the Santa Fe Springs City Council, I urge you to oppose AB 2544. The bill would restructure funding for trail courts and require cities to send 50% of their fines to counties rather than the State General Fund. The decision to take city fine revenues two years ago was a mistake. It has worked as a disincentive for cities to enforce traffic laws passed by the Legislature and has resulted in fewer fines being collected on a statewide basis. We oppose this bill as long as it directs city fine revenues to the counties. The Santa Fe Springs City Council and I urge you to do the same.

Sincerely,

Al Fuentes

Al Fuentes
Mayor

AF:ds

Al Fuentes, *Mayor* • Albert L. Sharp, *Mayor Pro Tempore*
City Council
Mercedes A. Diaz • Ronald S. Kemnes • Betty Wilson
City Manager
Don Powell

S/O - 32

LEGISLATIVE INTENT SERVICE (800) 666-1917

CITY of NORCO

CITY HALL 2870 CLARK AVENUE ● (909) 735-3900, FAX (909) 270-5622 ● P.O. BOX 428, NORCO, CA 91760

February 22, 1994

The Honorable Phillip Isenberg, Chairman
Assembly Judiciary Committee
1020 N Street, Suite 6005
Sacramento, Ca 94249-4016

Re: AB 2544 Trail Court Funding.

Dear Assemblyman Isenberg:

The Norco City Council goes on record opposing AB 2544 which would require cities to send 50 percent of their fines to the counties thus again reducing revenue to the local jurisdictions.

We ask that you assist us by opposing AB 2544.

Sincerely,

William T. Vaughan
Mayor
City of Norco

cc League
Weggeland
Presley

LEGISLATIVE INTENT SERVICE (800) 666-1917

5/0-33

CITY COUNCIL

WILLIAM T. VAUGHAN, Mayor | TERRY A. WRIGHT, Mayor Pro Tem | RICHARD L. MacGREGOR, Councilman | LARRY B. CUSIMANO, Councilman | BARBARA J. CARMICHAEL, Councilwoman

City of Grass Valley
A CENTENNIAL CITY

BILL HULLENDER, MAYOR
DE VERE MAUTINO, VICE MAYOR
DAN MILLER
LINDA STEVENS
GERARD TASSONE

GENE HAROLDSEN
CITY ADMINISTRATOR

125 EAST MAIN STREET
GRASS VALLEY, CA 95945
(916) 273-2203 FAX 477-6943

February 22, 1994

Phillip Isenberg, Chair - Assembly Judiciary Committee
State Capital - Room 6005
Sacramento, Ca 95814

RE: AB 2544 (Isenberg)

Dear Chairman Isenberg,

The City of Grass Valley OPPOSES the current form of AB 2544 (Isenberg) being considered by the Assembly Judiciary Committee on Wednesday, February 23, 1994. Though this bill contains most of the Governor's proposal to restructure the funding of the trial courts, it needs to be amended to parallel the Governor's entire proposal.

AB 2544 would repeal the provisions requiring counties to send 75% of their fines to the State General Fund. However, AB 2544 would require cities to send their 50% share of fine monies to counties, instead of to the State.

The decision to take City fine revenues two years ago has proved to be a mistake. It has worked as a disincentive for cities to enforce the State's traffic laws and has resulted in fewer fines being collected statewide.

To divert fine revenues from cities to counties maintains the disincentive for cities to enforce traffic laws. The City of Grass Valley and League of California Cities support the Governor's proposal, which recognizes the need to build an incentive into law to collect the fines from moving violations.

The City of Grass Valley requests that this bill be amended to be in line with the Governor's proposal. Thank you for your consideration of our request.

Sincerely,

Bill Hullender
Mayor

Gene Haroldsen
City Administrator

cc: City Council
Senator Tim Leslie
Assemblyman Bernie Richter
League of California Cities
Mel Mouser, Chief of Police
Claude Biddle, City Attorney

S/O -34

LEGISLATIVE INTENT SERVICE (800) 666-1917

THE CITY OF SAN DIEGO

EPARTMENT OF
EGISLATIVE
ERVICES

February 22, 1994

The Honorable Phillip Isenberg
California State Assembly
State Capitol, Room 6005
Sacramento, CA 95814

RE: **AB 2544 (ISENBERG) - OPPOSE**

Dear Assembly Member Isenberg:

The City of San Diego must strongly oppose your AB 2544, as introduced on January 19, 1994, which would require cities to send fifty percent (50%) of their fine and penalty revenues to the counties.

The 1991 Trail Court Funding Realignment and Efficiency Act ordered the transfer of fifty percent (50%) of all non-parking city fine and forfeiture revenues to the state General Fund, which as you know, San Diego opposed at that time. This shift resulted in an approximate loss of $77 million statewide to cities and $3.6 million to the City of San Diego.

The transfer of fine and forfeiture revenues, combined with other shifts in city revenues, has resulted in a disincentive for cities to utilize its limited resources of money and manpower to enforce traffic laws and other code violations passed by the Legislature. This trend has led to a statewide reduction in the collection of fine and penalty revenues.

The Governor's 1994-95 California State Budget proposes to change the policy formulated by the 1991 Act by returning fine and penalty revenues to the cities. This proposal recognizes that the responsibility for the performance of a service, in this instance the maintenance of local traffic and public safety, must be accompanied with the fiscal resources and incentives to perform that function.

By shifting city fine and forfeiture revenues to the counties, AB 2544 would place a portion of the burden for the funding of the courts and counties onto cities. San Diego, like other cities, continues to experience a significant economic downturn, reflected in a $6.3 million decrease in General Fund revenue for fiscal year 1994. In order to maintain FY 1993 service levels, $21 million more would have been required in FY 1994. Because these needed funds were not forthcoming, the City of San Diego, like most cities, has been forced to dramatically curtail the services that it provides.

S/O-35

☑ 1121 L Street
Suite 808
Sacramento, CA 95814
(916) 448-9006

☐ 1200 Third Avenue
Suite 224
San Diego, CA 92101
(619) 533-3990

☐ 1620 I St., NW, Ste. 300
Washington, D.C. 20006
(202) 429-0160
(202) 298-5596

LEGISLATIVE INTENT SERVICE (800) 666-1917

Cities are the backbone of the State's economy. California's inability to recover from the current economic downturn is inextricably linked to the health and vitality of its cities. Continued raids on city revenues will simply prolong and exacerbate the current statewide economic recession.

The City of San Diego believes that the continuum of revenue shifts from one level of government to the next must cease. AB 2544 is contrary to that effort in that it perpetuates the cannibalistic philosophy of one governmental jurisdiction filling its revenue shortfalls with the revenues of a second governmental jurisdiction.

Should you have any questions, please do not hesitate to contact me at 916/448-9006.

Sincerely,

Kathryn C. Rees
Legislative Advocate

cc: Assembly Judiciary committee membership
Assembly Judiciary majority/minority committee consultants

LEGISLATIVE INTENT SERVICE (800) 666-1917

CITY OF SAN MARINO

2200 HUNTINGTON DRIVE CITY HALL, SAN MARINO, CALIFORNIA 91108 (818) 300-0700

February 22, 1994

Assemblyman Phil Isenberg, Chairman
6005 Capitol Bldg.
Sacramento, CA 95814

IN RE: OPPOSITION TO AB 2544 (Isenberg)

Dear Chairman Isenberg:

On behalf of the City of San Marino, I wish to express strong opposition to Assembly Bill 2544 (Isenberg).

Once again, certain members of the state legislature seem compelled to address state budget problems through legislation aimed at transferring revenues from local government. Any seizure of local revenue to solve the state's continuing budget crisis is inappropriate and counterproductive to efforts toward a permanent solution.

We urge you to oppose SB 1272.

Sincerely,

Keith R. Till,
City Manager

S/O-37

LEGISLATIVE INTENT SERVICE (800) 666-1917

City Council
TERRY DIPPLE, Mayor
CURTIS MORRIS, Mayor Pro Tem
DENIS BERTONE
JOHN EBNER
F.D. "SANDY" McHENRY

City Manager
DONALD L. PRUYN

Assistant to the City Manager
KENNETH J. DURAN

City Attorney
J. KENNETH BROWN

San Dimas

Director of Public Works
FRANK BASILE

Director of Community Development
LAWRENCE STEVENS

Director of Human Services and Facilities
SALLY DUFF

City Clerk
PAMELA J. JACKSON

City Treasurer
PATRICIA GORE

February 22, 1994

Assemblyman Phillip Isenberg
6005 Capitol Building
Sacramento, CA 95814

Dear Assemblyman Isenberg:

The City of San Dimas appreciates and supports Governor Wilson's proposal to eliminate the State mandated diversion of traffic fine revenues to the State's General Fund.

The City of San Dimas also wishes to state its vigorous opposition to AB 2544, authored by Assemblyman Isenberg, which re-directs this traffic fine revenue to County Governments.

The City of San Dimas requests you to consider the Governor's initiative which will more fairly fund municipal enforcement of the traffic laws enacted by the State Legislature.

Very truly yours,

Terry Dipple

Terry Dipple
Mayor

TD/ir

S/O-38

245 EAST BONITA AVENUE • POST OFFICE BOX 307 • CALIFORNIA 91773 • (909) 394-6200 • FAX (909) 394-6209

LEGISLATIVE INTENT SERVICE (800) 666-1917

THE TOWN of MAMMOTH LAKES CALIFORNIA

P.O. Box 1609, Mammoth Lakes, California 93546
619-934-8983

February 22, 1994

Phil Isenberg, Chairman
Assembly Judiciary Committee
State Capitol Room 6005
Sacramento, California 95814

Dear Chairman Isenberg:

The Town of Mammoth Lakes respectfully requests that provisions in AB 2544, which direct city fine monies to counties, be amended out. Statewide fine revenues have declined since the decision in 1992 to redirect fine monies from cities to the State. Redirecting them to counties does not correct the mistake of that past action and will result in less net dollars available to all levels.

Sincerely,

Glenn Thompson
Town Manager

GMT/dh

S/O-39

LEGISLATIVE INTENT SERVICE (800) 666-1917

A

City of Lancaster

44933 North Fern Avenue
Lancaster, California 93534-2461
805-723-6000

February 22, 1994

Arnie Rodio
Mayor

Frank C. Roberts
Vice Mayor

Rev. Henry W. Hearns
Councilman

George Lee Root
Councilman

George Reichel
Councilman

James L. Gilley
City Manager

The Honorable Phil Isenberg
Chairman
Assembly Judiciary Committee
6005 Capitol Building
Sacramento, CA 95814

Dear Chairman Isemberg:

The City of Lancaster would like to go on record opposing your Bill, AB2544 as it currently is drafted. We are well aware that the issue of trial court funding has been difficult and complex. It seems like each iteration, however, jeopardizes the current fines and forfeiture revenues that our City relies upon. We object to the provision in AB2544 which again redirects these fines and forfeiture revenues from us to Los Angeles County.

We would urge a revision to your AB2544.

Sincerely,

Arnie Rodio

ARNIE RODIO
Mayor

mr

S/6-40

LEGISLATIVE INTENT SERVICE (800) 666-1917

City of Redding

February 22, 1994
L-040-300

(FAXED this date)

The Honorable Phil Isenberg, Chair
Assembly Judiciary Committee
6005 Capitol Building
Sacramento, CA. 95814

Dear Assembly Member Isenberg:

As City Manager of the City of Redding, I was extremely disappointed to read AB2544, your proposal to restructure the funding of trial courts within the State of California. Although our City Council has not had an opportunity to take a position on your legislation, we will be asking them to take a position at the very next Council meeting, and I can assure you they will join me in opposing AB2544.

When Governor Pete Wilson's budget was released earlier this year, it was with some relief that we noted that he had proposed restructuring in the area of trial court funding and that part of this proposal included allowing local government agencies to keep the fines and forfeitures that are generated within their boundaries. As you will recall, it was by mistake that fines and forfeitures were taken away from cities two years ago when the State was restructuring the relationship between itself and counties. The Governor was right on target when he proposed to fix this errant transfer of funds.

I believe it is especially unconscionable that the State would consider diverting these fines and forfeitures from cities to counties, given the fact that cities have been repeatedly drawn into the State budget process over the past several years and have seen their revenues being used to balance the State budget. The City of Redding, for example, has lost approximately $4.5 million in annual revenue due to State action since 1990. It is becoming more and more difficult to go before our citizens and tell them that either services are being reduced or additional fees are being levied simply because local city revenues are being looted by the State of California.

Another reason why AB2544 misses the mark is because it does not make sense from the standpoint of tying revenues and services together. An example of this is the fact that cities throughout the State are still required to collect $5 for each parking citation to fund county courthouse construction and jail construction. As you will recall, AB408 from 1992 decriminalized parking violations and local agencies are required to process citations administratively as civil violations. Therefore, we are still collecting $5 on each citation even though parking violations in no way affect the criminal justice system. If the State of California, its counties and cities are to successfully regain the public's trust, we must ensure that our actions make more sense instead of less sense.

S/O-41

760 PARKVIEW AVENUE, REDDING, CA 96001-3396 • P.O. BOX 496071, 96049-6071 • (916) 225-4000

LEGISLATIVE INTENT SERVICE (800) 666-1917

Again, I am strongly opposed to AB2544 in its present form and by copy of this letter am asking our local Assembly Member Stan Statham and other members of the Assembly Judiciary Committee to join me in this opposition.

Very truly yours,

Robert M. Christofferson
City Manager

misc440.rmc/rb/ga
c: Members, Assembly Judiciary
Committee
City Clerk

LEGISLATIVE INTENT SERVICE (800) 666-1917

S/0-42

CITY HALL EAST • 11333 VALLEY BLVD
EL MONTE, CALIFORNIA 91731
TELEPHONE (818) 580-2001
FAX (818) 580-2274

February 22, 1994

CITY COUNCIL
PATRICIA A. WALLACH MAYOR
JACK THURSTON VICE MAYOR
MARIA F. AVILA
ERNEST GUTIERREZ
TOM MILLETT

ADMIN. ASSISTANT/CITY COUNCIL
GRACE T. BLACK

Honorable Assemblyman Tom Connelly
2170 Capitol Bldg.
State Capitol
Sacramento, CA 95814

Dear Assemblyman Connelly:

OPPOSITION TO AB 2544 (ISENBERG)

This letter is sent to you in *strong opposition to AB 2544*, a bill which will be heard Wednesday (February 23, 1994) in front of the Assembly Judiciary Committee. We support the *Governor's* proposal which recognizes the need to build an incentive into law to collect fines from moving violations, but not Isenberg's AB 2544.

AB 2544 contains most of the Governor's proposal to restructure the funding of the trial courts. However, unlike the Governor's proposal which would repeal the provisions requiring cities to send 50 percent of their fines to the State General Fund, AB 2544 would require cities to send the 50 percent share of their funds to the counties instead.

The decision to take city fine revenues two years ago was a mistake. It has worked as a dis-incentive for cities to enforce traffic laws passed by the Legislature and has resulted in fewer fines being collected on a statewide basis.

We are asking for a **no vote on AB 2544** as long as it directs city fine revenues to the counties. We do support, however, the Governor's proposal which recognizes the need to build an incentive into law to collect the fines from moving violations.

Very Truly Yours,

EL MONTE CITY COUNCIL

Patricia A. Wallach

Patricia A. Wallach, Mayor
City of El Monte

40-43

MW/WP51/AB2544.PRI

LEGISLATIVE INTENT SERVICE (800) 666-1917

CITY OF SIGNAL HILL

2175 Cherry Avenue • Signal Hill, California 90806 • (310) 989-7300 • FAX (310) 989-7393/7391

February 22, 1994

The Honorable Phillip Isenberg
Chairman
Assembly Judiciary Committee
State Capitol, Room 6005
Sacramento, CA 94249

Dear Assemblyman Isenberg:

The City of Signal Hill wishes to express opposition to **AB 2544** - Trial Court Funding.

AB 2544 contains most of the Governor's original proposal to restructure the funding of the trial courts, however, the Governor intended that the provisions requiring cities to give 50 percent to the State General Fund be repealed. Instead, as proposed, AB 2544 would require cities to give their share to the counties.

As long as AB 2544 requires cities to give fine revenues to counties, the City of Signal Hill is urging you to vote **NO.**

Sincerely,

Douglas N. La Belle
City Manager

cc: Signal Hill Mayor & City Councilmembers
Assembly Judiciary Committee Members

SJO-44

LEGISLATIVE INTENT SERVICE (800) 666-1917

OFFICE OF THE MAYOR

CITY OF CARSON

February 22, 1994

The Honorable Philip Isenberg, Chairman
Assembly Judiciary Committee
State Capitol
PO Box 942848
Sacramento, California 94248-0001

Dear Chairman Isenberg:

On behalf of the City of Carson, I would like to express my opposition to AB 2544 which would redirect to the counties that percentage (e.g. 50%) of the cities' fines currently being sent to the State General Fund.

This proposal only exacerbates a situation which, in its current state, only serves as a disincentive for cities not to enforce traffic laws. To redirect those funds from the generating cities to the counties could only serve to create more conflict between the two entities.

Therefore, on behalf of the City of Carson, I urge you to oppose AB 2544.

Sincerely,

MICHAEL I. MITOMA
MAYOR

MIM:MMP:dr

S/O-45

LEGISLATIVE INTENT SERVICE (800) 666-1917

City of Montebello

ALL AMERICA CITY

1600 W. BEVERLY BOULEVARD
MONTEBELLO, CA 90640
(213) 887-1200

February 23, 1994

Assembly Member Phil Isenberg
Chairman, Assembly Judiciary Committee
State Capitol
Sacramento, California 95814

SUBJECT: Assembly Bill 2544

Dear Chairman Isenberg,

On behalf of the Montebello City Council, I wish to express the City's strong opposition to Assembly Bill 2544 regarding the redirection of City fine monies to counties.

The decision to reduce city fine revenues two years ago has worked as a disincentive for cities to enforce traffic laws passed by the Legislature and has resulted in fewer fines being collected on a statewide basis. This loss in revenue has resulted in many communities such as Montebello finding it necessary to decrease, and in some cases eliminate, services provided to residents.

Local governments are facing the same financial difficulties as counties and in most cases are in far worse shape. Local communities are fighting to survive these hard economic times and it is unfair to ask us to subsidize counties who in turn will provide no additional services to local cities.

Again, on behalf of the Montebello City Council and residents of our community, we urge your consideration in this matter.

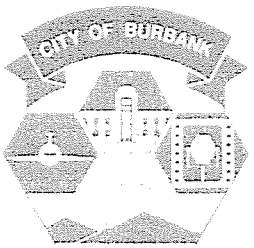
Sincerely,

Edward C. Pizzorno
Mayor

cc: Members of the Assembly Judiciary Committee
Assemblywoman Grace Napolitano
League of California Cities

S/O-46

LEGISLATIVE INTENT SERVICE (800) 666-1917



George Battey Jr.

MAYOR

February 23, 1994

Hon. Phillip Isenberg
Assembly Judiciary Committee
6005 Capitol Building
Sacramento, CA 95814

RE: OPPOSITION TO AB 2544 (ISENBERG): TRIAL COURT FUNDING

Dear Assembly Member Isenberg:

I am writing to register my opposition to AB 2544. This bill is set for a hearing by the Assembly Judiciary Committee to be held on Wednesday, March 2, 1994. Although AB 2544 implements much of the Governor's proposals for restructuring trial court funding, it completely twists the intent of his "take-away" proposal of returning a portion of fine and forfeiture revenues to cities to the point of where the cities' share of these revenues will be completely redirected to the counties. This was not what the Governor had in mind.

The Governor's take-away proposal called for 50% of these revenues to go to cities and 50% to go to the State's General Fund. AB 2544 would require cities to send their 50% share to counties. This would leave cities with absolutely none of the fine and forfeiture revenues they collect!

This bill will create a tremendous disincentive for cities to enforce traffic laws passed by the State Legislature. The decision to take cities' fine and forfeiture revenues two years ago has already proven to be a big mistake. Fewer fines are being written and collected on a State-wide basis. Passage of AB 2544 will only work to ensure the continued decline in fines and foreitures.

AB 2544 is another example of Sacramento's attempt to balance its own budget on the backs of cities. After years of cutting city revenues, I find this additional attempt particularly offensive. As a member of the Assembly Judiciary Committee, I strongly request your vote in opposition of AB 2544. Thank you for your consideration.

Sincerely,

S/O-47

George Battey, Jr.
Mayor

LEGISLATIVE INTENT SERVICE (800) 666-1917

City of Agoura Hills

Gateway to the Santa Monica Mountains

February 23, 1994

Assemblyman Phil Isenberg
State Capitol
Sacramento, CA 95814

Re: AB 2544 (Isenberg)

Dear Assemblyman Isenberg:

The City of Agoura Hills is opposed to AB 2544 (Isenberg). This bill contains most of the Governor's proposal to restructure the funding of the trial courts. The bill repeals the provisions requiring counties to send 75 percent of their fines to the State General Fund. However, unlike the Governor's proposal which would repeal the provisions requiring cities to send 50 percent of their fines to the State General Fund (about $50 million), AB 2544 would require cities to send the 50 percent share of their funds to the counties instead!

The City of Agoura Hills is asking for a **NO** vote on AB 2544 as long as it directs city fine revenues to the counties.

Sincerely,

Terry S. Matz
City Manager

30101 AGOURA COURT, STE. 102 • AGOURA HILLS, CA 91301-4335 • (818) 597-7300 • FAX (818) 597-7352

LEGISLATIVE INTENT SERVICE (800) 666-1917

S/O-48

CITY OF OAKLAND

1400 K STREET, SUITE 306 • SACRAMENTO, CALIFORNIA 95814 • (916) 444-6789

Kenneth J. Emanuels
Legislative Advocate

February 23, 1994

Assembly Member Phillip Isenberg
State Capitol, Room 6005
Sacramento, CA 94249-0001

Re: Opposition to AB 2544 (Isenberg), Sec. 20.

Dear Phil,

On behalf of the City of Oakland, I regret to inform you that the city objects to those provisions of AB 2544 (Sec. 20) which redirect 50% of city fines and forfeitures to counties.

In 1991, as you know, AB 1297 (Chapter 90) caused 50% of Oakland's local fines and forfeitures to be transferred to the state's general fund. In its Proposed Budget for FY 1994-95, the Administration would restore these city revenues, thereby providing the City of Oakland with approximately $770,000 in fine and forfeiture revenue which the city used to receive in years prior to 1991-92.

Oakland supports the Administration's proposal and opposes your redirecting these funds to counties for several reasons:

(1) The City of Oakland desperately needs the revenue. The city is approaching another deficit budget, in the neighborhood of $20 million. Every city service, including police and fire, will be reduced again, as each department has been cut annually for several years. The state's cumulative reduction of $10 million in the city's property tax revenue over the last two years has been very damaging to Oakland and this bill simply exacerbates our weak local revenue base.

Further, Oakland has been more than willing to raise local taxes and fees in recent years in an effort to balance its budget. Oakland's rates for the utility user tax, business license tax, hotel-motel tax, and lighting and landscaping district are near or at the highest in the state.

(2) At a minimum, Oakland should receive enough fine and forfeiture revenue to cover its costs for traffic enforcement, which exceed $6 million annually, far in excess of the city's current vehicle code fine and forfeiture revenue even at 100% allocation to the city.

(3) We agree with the Administration: "Fine and forfeiture revenue transferred to the General Fund also has fallen far short of expectations. It is widely believed that the reduction in cities' and counties' share of fine and penalty revenue has undermined their incentives to collect these revenues, thereby weakening collections

SIO-49

LEGISLATIVE INTENT SERVICE (800) 666-1917

performance. The Administration believes that this transaction (100% of fine and penalty revenue be returned to cities and counties, along with the penalty enhancements and assessments enacted by the 1991 Trial Court Act) will provide strong incentives for local agencies to improve collection of court revenues."

Thank you for your consideration of our position.

Sincerely,

Ken

Kenneth Emanuels

KE:kc

cc: Mayor Elihu Harris, Oakland
Gary Breaux, Finance Director, Oakland
Craig Kocian, City Manager, Oakland
Members, Assembly Judiciary Committee
Oakland Legislative Delegation

LEGISLATIVE INTENT SERVICE (800) 666-1917

S/D-50

O. Box 582, Walnut, CA 91788-0682
1201 LA PUENTE ROAD
/ALNUT, CALIFORNIA 91789-2018
elephone (909) 595-7543
AX (909) 595-6095

"BERT" ASHLEY
Mayor
JACK ISETT
Mayor Pro Tem
WILLIAM T. CHOCTAW, M.D
H. THOMAS SYKES
JUNE WENTWORTH
Council Members

CITY OF WALNUT

February 23, 1994

Assembly Judiciary Committee
State Capitol
Sacramento, CA 95814

Dear Members of Committee:

SUBJECT: OPPOSITION TO AB 2544 WHICH WOULD REQUIRE CITIES TO SEND 50 PERCENT OF THE THEIR SHARE OF THE TRIAL COURT FUNDS TO THE COUNTY

The City of Walnut is strongly opposed to AB 2544 which contains a provision to require cities to send the 50% share of their fines to their respective counties. As the Assembly is aware, the current legislation requiring cities to send 50% of their fines to the State has created a disincentive for cities to enforce traffic laws.

The Governor has made a positive step in submitting a proposal which recognizes a need to build an incentive into the law to collect fines from moving traffic violations. However, the proposal will not be successful if the law continues to result in fewer traffic fines being collected on a statewide basis due to the lack of traffic enforcement.

The City of Walnut urges you to oppose this bill which would once again redirect local funds away from local agencies.

Sincerely,

Bert

Bert Ashley
Mayor

BA:rw
s:\corres\ab2544
cc: Assembly Judiciary Committee
Governor Pete Wilson
Senator Frank Hill
Assemblyman Paul Horcher

S/O-51

LEGISLATIVE INTENT SERVICE (800) 666-1917

City of Montebello

1600 W. BEVERLY BOULEVARD
MONTEBELLO CA 90640
(213) 887-1200

February 23, 1994

Assembly Member Phil Isenberg
Chairman, Assembly Judiciary Committee
State Capitol
Sacramento, California 95814

SUBJECT: Assembly Bill 2544

Dear Chairman Isenberg,

On behalf of the Montebello City Council, I wish to express the City's strong opposition to Assembly Bill 2544 regarding the redirection of City fine monies to counties.

The decision to reduce city fine revenues two years ago has worked as a disincentive for cities to enforce traffic laws passed by the Legislature and has resulted in fewer fines being collected on a statewide basis. This loss in revenue has resulted in many communities such as Montebello finding it necessary to decrease, and in some cases eliminate, services provided to residents.

Local governments are facing the same financial difficulties as counties and in most cases are in far worse shape. Local communities are fighting to survive these hard economic times and it is unfair to ask us to subsidize counties who in turn will provide no additional services to local cities.

Again, on behalf of the Montebello City Council and residents of our community, we urge your consideration in this matter.

Sincerely,

Edward C. Pizzorno

Edward C. Pizzorno
Mayor

cc Members of the Assembly Judiciary Committee
Assemblywoman Grace Napolitano
League of California Cities

S/O-52

LEGISLATIVE INTENT SERVICE (800) 666-1917

MAYOR
ROBERT W. BRUESCH

MAYOR PRO TEM:
JOE VASQUEZ

COUNCILMEMBERS:
MARGARET CLARK
DENNIS McDONALD
GARY A. TAYLOR

City of Rosemead

8838 E. VALLEY BOULEVARD • P.O. BOX 399
ROSEMEAD, CALIFORNIA 91770
TELEPHONE (818) 288-6671
TELECOPIER 6183079218

February 23, 1993

Anthony Gonsalves
Legislative Advocate
Park Executive Building
925 L Street, Suite 800
Sacramento, CA 95814-3787

Dear Anthony:

We received notification last week that Assemblyman Isenberg's bill, AB 2544, will be heard next by the Assembly Judiciary Committee. It was scheduled for consideration today, but was pulled from the calendar. However, it will be discussed again at a later date. In turn, I am writing to state the City of Rosemead's opposition to the bill.

As you may know, this bill contains most of the Governor's proposal to restructure the funding of the trial courts. However, unlike the Governor's proposal, this bill specifies that the cities send 50% of their revenues from fines to the counties. Needless to say, the City of Rosemead opposes this bill from the strict philosophy of local control and because we oppose the more specific issue of funding County operations with badly needed local general fund revenues. However, this bill cuts deeper in that it defies common sense. If cities are forced to relinquish monies collected through fines and forfeitures, then what incentives are left to enforce State codes and collect the revenues? In short, the bill does not make sense.

Please inform us when this bill has been rescheduled by the Judiciary Committee. We will the forward the appropriate correspondence. I thank you, in advance, for your assistance in this matter.

Sincerely,

JEFF STEWART
Executive Assistant

S/0-53

LEGISLATIVE INTENT SERVICE (800) 666-1917

City of Cupertino

10300 Torre Avenue
Cupertino, CA 95014-3255
Telephone: (408) 252-4505
FAX: (408) 252-0753

DEPARTMENT OF THE CITY CLERK

February 23, 1994

Honorable Phil Isenberg, Chair
Members of the Assembly Judiciary Committee
State Capitol
Sacramento, CA 95814

AB 2544

AB 2544 (ISENBERG) - CITY FINE MONEY REDIRECTED TO COUNTIES

Cupertino City Council strongly opposes AB 2544 as long as it directs city fine revenues to the counties, and supports the Governor's proposal which recognizes the need to build an incentive into law to collect the fines from moving violations. The decision to take city fine revenues two years ago was a mistake. It has worked as a disincentive for cities to enforce traffic laws passed by the Legislature and has resulted in fewer fines being collected on a statewide basis. The Governor's proposal would repeal the provisions requiring cities to send 50 percent of their fines to the State General Fund (about $50 million).

We strongly urge your NO vote on AB 2544.

Sincerely,

Barb

BARB KOPPEL
MAYOR

S/O-54

LEGISLATIVE INTENT SERVICE (800) 666-1917

INDEPENDENT CITIES ASSOCIATION
14156 MAGNOLIA BLVD., SUITE 103, SHERMAN OAKS, CA 91423 • (818) 906-0941 • FAX (818) 784-1187

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MANAGEMENT CONSULTANTS
KEN SPIKER AND ASSOCIATES, INC.
David N. Smith, Consultant

February 23, 1994

Honorable Phil Isenberg, Chair
Assembly Judiciary Committee
6005 Capitol Building
Sacramento, California 95814

Re: AB 2544 (Isenberg) - Oppose

Dear Assembly Member Isenberg:

The Independent Cities Association (ICA), which is comprised of fifty cities in the Southern California area, opposes AB 2544 for the reasons set forth by the League of California Cities.

Thank you for considering the position of the Independent Cities Association on this issue.

Respectfully,

Betty Ainsworth, Chairwoman
ICA Major Issues & Legislation Committee

ds

LEGISLATIVE INTENT SERVICE (800) 666-1917

MEMBER CITIES:

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Claremont	El Monte	Indio	Montebello	Santa Fe Springs	Vernon	

S/O-55

CITY OF CHICO
INC. 1872

OFFICE OF
THE MAYOR

196 E. 5th Street
P.O. Box 3420
Chico, CA 95927
(916) 895-4811
ATSS 459-4811

G-GA-3-2/Chrono

February 23, 1994

VIA FACSIMILE

Assemblyman Stan Statham
State Capitol
P.O. Box 942849
Sacramento,, CA 94249-0001

RE: AB 2544

Dear Assemblyman Statham

It is the City's understanding that the referenced bill is scheduled for consideration by the Judiciary Committee. The bill would require cities to send 50% of their fines to counties. For the past two years, cities have been required to send fines to the State.

The City of Chico is strongly opposed to AB 2544. The City believes fines for traffic enforcement should belong to the jurisdiction responsible for enforcement.

The loss of fine revenue, along with other budgetary decisions by the State, has resulted in an annual loss of revenue to the City of Chico of approximately $1 million. The City requests that you vote no on the referenced bill and instead support the Governor's proposal which would restore the incentive to enforce moving violations and return a small amount of revenue previously lost by cities.

Sincerely,

James Owens
Mayor

cc: Council
City Clerk
City Manager
Governor Pete Wilson
Assembly Judiciary Committeemembers
League of California Cities

SB-56

LEGISLATIVE INTENT SERVICE (800) 666-1917

LOS ANGELES CITY COUNCIL
OFFICE OF THE CHIEF LEGISLATIVE ANALYST

RONALD F. DEATON
CHIEF LEGISLATIVE ANALYST

NORMAN D. BOYER
CHIEF LEGISLATIVE REPRESENTATIVE

1400 K STREET, ROOM 308 • SACRAMENTO 95814
(916) 441-2533
FAX (916) 448-7162

February 23, 1994

Assembly Member Phillip Isenberg
Room 6005 State Capitol
Sacramento, CA 95814

Re: AB 2544 (Isenberg) - OPPOSE
Assembly Judiciary Committee

Dear Assembly Member Isenberg:

In the last two fiscal years (FY 92-93 and 93-94), the State took, from cities, $62 million statewide, or 50% of the fines and forfeitures collected from traffic violations (i.e., non-parking fines), in order to fund the trial courts.

The Governor has proposed, in his 1994-95 State Budget, that the non-parking fines and forfeitures taken from cities and counties be returned. He has found that the current system offers no incentive for local governments to collect fines and forfeitures and has caused a reduction in this money being collected.

Your measure, AB 2544, would give the one time share for cities to counties.

The City of Los Angeles opposes AB 2544. We feel that with the state of the current economy and the recent earthquake disaster which has caused even a greater budget deficit, this money should be returned to cities.

If you have any further questions regarding our position, please contact Anne Blue in our Sacramento office (916-441-2533).

Yours very truly,

Norm Boyer
Chief Legislative Representative

NB:AB/lb
cc: All Members of the Assembly Judiciary Committee

5/0-57

ROOM 255 • CITY HALL • LOS ANGELES, CA 90012
(213) 485-6622
FAX (213) 485-8983

1301 PENNSYLVANIA AVE., N.W. • SUITE 400
WASHINGTON, D.C. 20004
(202) 347-0915
FAX (202) 347-0919

LEGISLATIVE INTENT SERVICE (800) 666-1917

an Withrow
or
ph D. Lowe
r Pro Tem
ert David Breton
uncilmember
ron Cody
uncilmember
iam S. Craycraft
uncilmember

City of Mission Viejo

February 23, 1994

Assembly Member Phillip Isenberg
District Office
1215 15th St. #102
Sacramento, CA 95814

Dear Assembly Member Isenberg:

The City of Mission Viejo wishes to express urgent opposition to AB2544 (Isenberg). AB2544 would require cities to send their remaining 50 percent share of fine revenue to the counties. This would result in a $200,000 loss to the City of Mission Viejo! This loss in general fund revenues affects discretionary programs such as graffiti removal, recreation and senior services. These are programs which greatly enhance the quality of life of our citizens.

In addition, eliminating fine revenues from local jurisdictions serves as a disincentive for cities to enforce traffic laws passed by the Legislature and has resulted in fewer fines being collected on a statewide basis.

The City of Mission Viejo urges you to vote NO on AB2544 as long as it directs city fine revenues to the counties.

Sincerely,

Fred Sorsabal
City Manager

S/O-58

26522 La Alameda • Suite 190 • Mission Viejo, California 92691-6301 714/582-2489 FAX 714/582-7530

LEGISLATIVE INTENT SERVICE (800) 666-1917

CITY HALL 1400 HIGHLAND AVENUE MANHATTAN BEACH, CALIFORNIA 90266-4795
TELEPHONE (310) 545-5621 FAX (310) 545-5234

February 23, 1994

Assemblyman Phil Isenberg
Chairman, Assembly Judiciary Committee
State Capitol
Suite 6005
Sacramento, CA 95814

Dear Assemblyman Isenberg,

The City of Manhattan Beach urges you to reconsider the language in AB 2544, which would require cities to redirect fine revenues to the counties.

The decision to require cities to send 50% of their fines to the State General Fund two years ago was a mistake. This has worked as a disincentive for cities to enforce traffic laws and has resulted in fewer fines being collected on a statewide basis.

The City of Manhattan Beach supports the Governor's proposal to restructure the funding of the trial courts. Yet, we must oppose the provision requiring funds to be redirected to the counties.

Throughout the state, cities are facing economic uncertainty, at the same time there is an increasing demand for services. Therefore, we urge you to amend AB 2544 and allow cities to retain the revenue to continue to provide service to our residents.

Sincerely,

Ted Mertens
Chief of Police

5/0-59

cc: Debra Bowen, California State Assemblywoman - 53rd District

FIRE DEPARTMENT ADDRESS: 400 15TH STREET, MANHATTAN BEACH, CA 90266 FAX (310) 545-8925
POLICE DEPARTMENT ADDRESS: 420 15TH STREET, MANHATTAN BEACH, CA 90266 FAX (310) 545-7707
PUBLIC SERVICES DEPARTMENT ADDRESS: 3621 BELL AVENUE, MANHATTAN BEACH, CA 90266 FAX (310) 546-1752

LEGISLATIVE INTENT SERVICE (800) 666-1917

City of Hermosa Beach

Civic Center, 1315 Valley Drive, Hermosa Beach, California 90254-3885

February 24, 1994

Assemblyman Phillip Isenberg
State Capitol
Sacramento, California 95814

Dear Assemblyman Isenberg:

I am writing concerning AB2544 which would take the remaining amount of fines away from cities and, instead of sending them to the State, would now send them to County government. Cities are having an extremely difficult time in balancing their budgets and maintaining the services that citizens expect, and rather than distributing these funds to the County, it is suggested that the Governor's budget outline be followed and that these funds be returned to the cities so there is some connection between enforcement and fines paid by violators. I would appreciate you reconsidering the transfer of these funds to County government and instead follow the outline contained in the Governor's proposed budget.

If you have any questions, I would be happy to discuss this with you or your staff.

Sincerely,

STEPHEN R. BURRELL
City Manager

SRB:reb

S/O-60

LEGISLATIVE INTENT SERVICE (800) 666-1917

CITY OF MORGAN HILL

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

February 24, 1994

Assemblymember Phil Isenberg
Capitol Building Room 6005
Sacramento, CA 95814

Dear Assemblymember Isenberg and members of the Assembly Judiciary Committee,

The City of Morgan Hill would like to express its strong opposition to AB 2544. Our understanding is that this bill includes portions of Governor Wilson's proposal to restructure trial court funding. While we recognize that reform measures are needed, we are very disappointed with requirements in AB 2544 which would require cities to send 50% of their fines to the counties. This proposal would further depress the collection of traffic fines, which have decreased statewide since city fine revenues were diverted from city coffers two years ago.

The City supports the premises of the Governor's proposal which recognizes the need to build an incentive into law to collect the fines from moving violations. AB 2544, as currently constructed, would have the opposite effect. It is poor policy and we hope you and the member of the Judiciary Committee will not allow AB 2544 to pass as it currently stands.

Thank you for your attention to this issue. Please feel free to contact me at (408) 779-7271 if we can offer further support of this measure. We will be contacting our local representative, Assemblymember Rusty Areias, to encourage his support of AB 2544 only if amended.

Sincerely yours,

Joe R. Martucci

Joe Martucci
Mayor

cc: City Council
Assemblymember Rusty Areias
Senator Henry Mello
Santa Clara County Cities Association

5/6-61

LEGISLATIVE INTENT SERVICE (800) 666-1917

City of Alameda California

February 25, 1994

The Honorable Phillip Isenberg
Chairman, Assembly Judiciary Committee
6005 Capitol Building
Sacramento, CA 95814

Re: Assembly Bill 2544

Dear Mr. Isenberg:

The City of Alameda **strongly opposes** Assembly Bill 2544 as long as it directs city fine revenues to counties. We support the Governor's proposal which recognizes the need to build an incentive into law to collect the fines from moving violations. The decision two years ago was a mistake, and was opposed by the Alameda City Council. It has had a negative affect on traffic law enforcement (passed by the Legislature) and has resulted in fewer fines being collected on a state-wide basis.

Please vote **NO** on AB 2544.

Sincerely,

William C. Norton
City Manager

WCN:cb:057

cc: Barbara Lee

Office of the City Manager, Room 301

City Hall
2263 Santa Clara Avenue · 94501-4456
510.748-4505

S10-62

LEGISLATIVE INTENT SERVICE (800) 666-1917

CITY OF FOUNTAIN VALLEY

CITY HALL 10200 SLATER AVENUE FOUNTAIN VALLEY, CALIFORNIA 92708

FROM THE OFFICE OF THE MAYOR

February 28, 1994

Assemblyman Phil Isenberg
Assembly Judiciary Committee
6005 Capitol Building
Sacramento CA 95814

RE: AB 2544 (Isenberg) Trial Court Funding - Oppose

Dear Assemblyman Isenberg:

The City of Fountain Valley is opposed to AB 2544 (Isenberg) which would require cities to send the 50% share of our revenues from violations to the counties instead of to the State General Fund. The decision to take City fund revenues 2 years ago was a mistake. We believe it has worked as a disincentive for cities to enforce traffic laws passed by the Legislature and has resulted in fewer fines being collected on a State-wide basis.

The City supports the Governor's proposal which recognizes the need to build an incentive into law to collect the fines from moving violations.

The City looks forward to your opposition to AB 2544 when it is heard before the Assembly Judiciary Committee.

Sincerely,

John J. Collins
Mayor

JJC:ke

510-63

LEGISLATIVE INTENT SERVICE (800) 666-1917

CITY OF CLAREMONT

City Hall
207 Harvard Avenue
P.O. Box 880
Claremont, CA 91711-0880
FAX (909) 399-5492

City Council • (909) 399-5444
Algird Leiga
Nicholas Presecan
Diann Ring
Suzan Smith
Judy Wright

February 28, 1994

Assemblyman Phillip Isenberg
Chairman
Assembly Judiciary Committee
State Capitol Building, Room 6005
Sacramento CA 94249-0001

Dear Assemblyman Isenberg:

AB 2544 (Isenberg) City Fine Money Redirect to Counties

The Judiciary Committee is scheduled to hear AB 2544 on March 9. For the record, please note that the Claremont City Council is opposed to this bill.

For the past two years, cities have had to send 50 percent of local traffic fine revenue to the State General Fund. This has proven to be a disincentive for enforcing local traffic laws, resulting in fewer fines being collected on a statewide basis. The Governor has proposed a restructuring of trail court funding, including the return of local traffic fine revenue back to cities. We support this approach.

AB 2544 will continue to take 50% of our local fine revenue and instead of this money going to the state, it will go to the counties. AB 2544 does not recognize the need to build an incentive into law to collect the fines from moving violations.

We urge the Judiciary Committee members to vote "no" on AB 2544 in its present form.

Sincerely,

Diann Ring
Mayor

BRS/legis

cc: Assemblyman Mountjoy
League of California Cities
Members of the Judiciary Committee

S10-64

LEGISLATIVE INTENT SERVICE (800) 666-1917

ADMINISTRATION
707 W. Acequia Street
Visalia, California 93291
(209) 738-3318
FAX: 209-627-9155

February 28, 1994

ASSEMBLYMAN PHIL ISENBERG CHAIR
ASSEMBLY JUDICIARY COMMITTEE
CAPITOL OFFICE ROOM 6005
SACRAMENTO CA 95814

RE: AB2544

On behalf of the City of Visalia, I urge your opposition to AB2544.

While we support the Governor's proposal to restructure the funding of the trial courts, his proposal does not include requiring cities to send the 50% share of their fines to counties. Had this legislation been amended to reflect the Governor's intention and allow cities to retain their fines, we would have been supportive.

Thank you for taking our concerns into consideration.

Sincerely,

BASIL J PERCH
MAYOR

mbh

cc: Assemblyman Bill Jones
Assemblyman Trice Harvey
Assemblyman Cruz Bustamante
Assembly Judiciary Committee Members
League of California Cities

S/O-65

LEGISLATIVE INTENT SERVICE (800) 666-1917

City Of Camarillo

601 Carmen Drive • P.O. Box 248 • Camarillo, CA 93011-0248

Office of the City Manager
(805) 388-5307

February 28, 1994

The Honorable Phillip Isenberg, Chair
Assembly Judiciary Committee
State Capitol
P. O. Box 942848
Sacramento, CA 94248-0001

Dear Chairman Isenberg:

The City of Camarillo objects to any provision in AB 2544 that would require cities to send the 50 percent share of our fines to counties. The cities have already been called upon in recent years to alleviate the state's lack of adequate funding for other levels of government and/or public agencies, and should not be required to relinquish these funds as well.

We urge your support of the Governor's proposal to repeal the provisions requiring cities to send 50 percent of their fines to the State General Fund.

Sincerely,

J. William Little
City Manager

Jud-cmte.jwl/jh

5/0-606

LEGISLATIVE INTENT SERVICE (800) 666-1917

CITY OF LONG BEACH

OFFICE OF THE CITY MANAGER

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • (310) 590-6711

FAX (310) 590-6583

Intergovernmental Relations

Please reply to

Long Beach Legislative Office
1127 11th Street, Suite 820
Sacramento, CA 95814
(916) 446-2646
FAX (916) 446-6095

February 28, 1994

The Honorable Phil Isenberg
Assembly State of California
State Capitol
Sacramento, CA 95814

SUBJECT: AB 2544 - **Notice of Opposition**

Dear Phil:

I write on behalf of the City of Long Beach to advise you that the City is in opposition to AB 2544 (Isenberg) which deals with trial court funding.

AB 2544 contains the bulk of the Governor's proposal to restructure trial court funding. The measure, if enacted, would repeal existing law which requires counties to send 75% of their fines to the State General Fund. **However, this measure does not repeal the requirement for cities to send 50% of their fines revenues to the State General Fund.** Instead, AB 2544 would require cities to send 50% of their share to counties.

The City of Long Beach stands to gain in excess of $1.5 million to their general fund in fine revenue if the Governor's proposal is adopted. This money is targeted for critical municipal services and could be used to hire additional police officers. The City feels it is appropriate that the revenue be retained in their coffers since they collected the fines. Given the reality that few avenues exist for cities to offset dollars which have been shifted to other areas of government the City of Long Beach is committed to keeping 100% of fine revenue within their jurisdiction.

For all of the above reasons, the City respectfully must oppose AB 2544 when it is brought before the Assembly Judiciary Committee.

Thank you for your consideration of our comments.

Sincerely,

Michael Arnold
Legislative Advocate

cc: Long Beach Delegation
Wally Bobkiewicz, Assistant to the City Manager
Consultants, Assembly Judiciary Committee

S/0-67

LEGISLATIVE INTENT SERVICE (800) 666-1917

CITY OF SOUTH PASADENA

1414 Mission Street · South Pasadena · California 91030 · (818) 799-9101

OFFICE OF THE MAYOR

February 28, 1994

The Honorable Phil Isenberg, Chair
Assembly Judiciary Committee
California State Assembly
Sacramento, CA

Re: AB2544 - City Fine Money Redirected to Counties

Dear Mr. Isenberg:

Two years ago in an effort to help balance the State Budget, the State required cities to send 50% of their vehicular fines to the State General Fund.

The decision to take City fine revenue two years ago was a mistake. It has worked as a disincentive for cities to enforce traffic laws passed by the Legislature, and has resulted in fewer fines being collected on a statewide basis.

The redirection of these funds to the county will not negate this disincentive. The City of South Pasadena supports the Governor's proposal, which recognizes the need to build an incentive into law to collect the fines from moving violations.

I urge you to reconsider the effects AB2544 will have on the collection of traffic fines.

Sincerely,

James C. Hodge, Jr.
Mayor, City of South Pasadena

cc: Councilmembers Woollacott, Zee, Knapp, Richards
Kenneth C. Farfsing, City Manager

A:AB2544.LICTY

5/0-68

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LEGISLATIVE INTENT SERVICE (800) 666-1917

CITY OF COMPTON

205 SOUTH WILLOWBROOK AVE
COMPTON, CALIFORNIA 90220
(310)605-5590

OMAR BRADLEY
MAYOR
Ext. 5591

February 28, 1994

The Honorable Phillip Isenberg
Chair, Assembly Judiciary Committee
State Capitol, Room 6005
Sacramento, CA 95814

Dear Assemblyman Isenberg:

I write to oppose Assembly Bill (AB) 2544 which would require cities to send 50 percent of their traffic fines to counties. This measure compounds an error made by the Legislature two years ago when it confiscated fines and forfeitures revenue from cities and in so doing destroyed the incentive for cities to enforce state traffic laws resulting in fewer fines being collected on a statewide basis.

I request that you vote NO on AB 2544 as it is written. We agree with Governor Wilson that an incentive should be written into the law to encourage local governments to collect fines from moving violations, and we encourage you to restore language to that effect.

Sincerely,

MAYOR OMAR BRADLEY
CITY OF COMPTON

5/0-69

LEGISLATIVE INTENT SERVICE (800) 666-1917



Joe A. Gonsalves & Son
PROFESSIONAL LEGISLATIVE REPRESENTATION
PARK EXECUTIVE BLDG. • SUITE 800 • 925 L ST. • SACRAMENTO, CA 95814-3703 • 916 • 441-0597

March 1, 1994

The Honorable Phil Isenberg
State Capitol Building
Room 6005
Sacramento, CA 95814

Dear Phil:

We regret to inform you that on behalf of our clients, the cities of Commerce, La Mirada, Lakewood, Palm Desert, Pittsburg, Rosemead, and Torrance, we are in opposition to your Assembly Bill 2544.

Enclosed are copies of letters from our clients outlining their opposition to this bill. If you have any questions or comments, please do not hesitate to call.

Sincerely,

ANTHONY D. GONSALVES

ADG/jv

Enclosures

5/0-70

LEGISLATIVE INTENT SERVICE (800) 666-1917

JIM BUSBY
MAYOR
MIKE ROTHSCHILD
MAYOR PRO TEM
TERRY CALDWELL
COUNCIL MEMBER
FELIX DIAZ
COUNCIL MEMBER
PEGGY SARTOR
COUNCIL MEMBER

JAMES L. COX
CITY MANAGER

VICTORVILLE
KEY CITY OF THE HIGH DESERT

March 1, 1994

Assemblymember Phillip Isenberg
Assembly Judiciary Committee
6005 Capitol Building
Sacramento, CA 95814

AB 2544 (Isenberg): trial court funding - OPPOSE

Dear Assemblymember Isenberg:

The City of Victorville opposes Assembly Bill 2544 (Isenberg), which would restructure the funding of trial courts.

The bill repeals the provisions requiring courts to send 75 percent of their fines to the State General Fund. However, AB 2544 would require cities to send the 50 percent (about $50 million) of fines to the counties. The decision to take city fine revenues two years ago was a mistake. It has discouraged cities from enforcing traffic laws passed by the Legislature.

As long as AB 2544 directs city fine revenues to counties, we respectfully request your opposition to AB 2544 when it is heard in the Assembly Judiciary Committee on March 9.

Sincerely,

Jim Busby

Jim Busby
Mayor

JB/lm

cc: Assemblymember Kathleen Honeycutt
Joe A. Gonsalves & Son
James L. Cox, City Manager

S/O-71

LEGISLATIVE INTENT SERVICE (800) 666-1917

Office of the Mayor
P.O. Box 217
2720 Second Street
Ceres, CA 95307-0217
(209) 538-5758
FAX (209) 538-5780

CITY COUNCIL
Barbara Hinton, Mayor
Blair R. Bradley — Jeffrey D. Mckay
Leo D. Havener, Jr. — Stan Risen

March 1, 1994

The Honorable Phillip Isenberg
Assemblymember, 9th District
California State Legislature
State Capitol, Room 6005
Sacramento, CA 95814

RE: Opposition to **AB 2544** (Isenberg)
March 9th Hearing, Assembly Judiciary Committee

Dear Assemblymember Isenberg:

The City of Ceres wishes to register our opposition to **AB 2544** and requests your opposition to this legislation when voting upon it in an upcoming meeting of the Assembly Judiciary Committee. The misdirection of cities' fines and penalties to fund trial courts delivered an unwelcome message to local law enforcement personnel: you do the work of apprehending violators, and we'll keep the monies. The Governor of California recognized this miscarriage and his budget proposal contains provisions to repeal current law requiring cities to send 50% of our fines to the State General Fund. **AB 2544** is an attempt to divert our monies (about $50 million) to counties.

While restructuring of the funding of trial courts is commendable, fiscal fairness and equity must be guideposts. **AB 2544** repeals the counties' obligation to send 75% of their fines to the State General Fund, and then gives them 50% of our historical apportionment! The misdirection of our fines and penalties was inappropriate and bad public policy at the time; this redirection compounds the wrong.

It is respectfully requested that you vote **NO** on **AB 2544** in the March 9th hearing as a member of the Assembly Judiciary Committee.

Sincerely,

Barbara Hinton

BARBARA HINTON
Mayor

Stan Risen

STAN RISEN
Vice-Mayor

BH/SR:GAN:kh/bobbie\AB2544

cc: League of California Cities

S/0-72

LEGISLATIVE INTENT SERVICE (800) 666-1917

THE CITY OF

RANCHO CUCAMONGA

OFFICE OF THE MAYOR

March 1, 1994

The Honorable Phillip Isenberg
California State Assembly
The State Capitol, Room 6005
P.O. Box 942849
Sacramento, CA 94249-0001

Dear Assemblymember Isenberg:

The City of Rancho Cucamonga understands that AB 2544 is due to be heard by the Assembly Judiciary Committee. The City would like to urge your opposition to this bill which deals with restructuring the funding of the trial courts. Currently, the law requires cities to send 50% of their fine revenue to the State General Fund. This bill would require the cities to send 50% of their share of fines to counties instead! On the other hand, the Governor's proposal would repeal the provisions requiring cities to send 50% of their fines to the State General Fund, but doesn't require the money to go to counties.

When the decision was made two years ago to take city fine revenues, it worked as a disincentive for cities to enforce traffic laws and has resulted in fewer fines being collected on a statewide basis. We need to build an incentive into law to collect the fines from moving violations.

The City joins with the League of California Cities in urging your "no" vote on AB 2544.

Sincerely,

Dennis L. Stout
Mayor

DLS:dk
94-011

S/O-73

10500 Civic Center Drive • P.O. Box 807 • Rancho Cucamonga, CA 91729 • (714) 989-1851 • FAX (714) 987-6499

LEGISLATIVE INTENT SERVICE (800) 666-1917

Joe A. Gonsalves & Son
PROFESSIONAL LEGISLATIVE REPRESENTATION
PARK EXECUTIVE BLDG • SUITE 800 • 925 L ST • SACRAMENTO, CA 95814-3703 • 916 • 441-0597

March 2, 1994

The Honorable Phil Isenberg
State Capitol Building
Room 6005
Sacramento, CA 95814

Dear Phil:

I regret to inform you that on behalf of our client, the City of Laguna Hills, we are opposed to your Assembly Bill 2544.

Enclosed is a copy of a letter from our client outlining their opposition to this bill. If you have any questions or comments, please do not hesitate to call.

Sincerely,

ANTHONY D. GONSALVES

ADG/jv

Enclosure

S/O-74

LEGISLATIVE INTENT SERVICE (800) 666-1917

THE CITY OF SANTA CLARA

CALIFORNIA

OFFICE OF THE MAYOR

CITY HALL
1500 WARBURTON AVE
SANTA CLARA CA 95050
(408) 984-3250

March 2, 1994

The Honorable Phillip Isenberg, Chairperson
Assembly Judiciary Committee
6005 Capitol Building
Sacramento, CA 95814

Re: Opposition to AB 2544, City Fine Money Directed to Counties

Dear Assemblyman Isenberg:

We are writing to you to register the City of Santa Clara's opposition to Assembly Bill 2544, City Fine Money Directed to Counties. This bill would repeal current provisions in the law requiring cities to send 50% of their fines to the State General Fund, and instead, would require that the money be sent to the county. This bill is scheduled to be heard in the Assembly Judiciary Committee.

We understand that the State has now decided that it was a mistake to take city fine revenues. It has worked as a disincentive for cities to enforce traffic laws passed by the Legislature and has resulted in fewer fines being collected on a statewide basis. Unlike the Governor's proposal which would repeal the provisions requiring cities to send 50% of their fines to the State General Fund, AB 2544 would require cities to send the 50% share of their funds to counties instead. Sending city generated revenues to the county will not encourage the enforcement of traffic laws. The only way to encourage the enforcement of traffic laws, is to send the money to cities who must enforce the law, since they are the ones who must pay the officers to perform this duty. At a time when the City is struggling to balance its budget, the additional $100 thousand the City would receive if AB 2544 does not pass, could save programs that may have to be dropped to balance the budget.

Once again, we strongly urge that you vote "NO" on AB 2544 when it appears before you.

Sincerely,

Everett N. Souza
Mayor

Jennifer Sparacino
City Manager

ENS:JS:AKM:lal

WP51\LEGISLAT\AB2544.LTR

S/0-75

LEGISLATIVE INTENT SERVICE (800) 666-1917

City of Hemet

450 EAST LATHAM AVENUE • HEMET, CALIFORNIA 92543 • (909)765-2303

From the Office
of the
MAYOR

March 3, 1994

Assembly Member Isenberg
Assembly Office
Capitol Building
Sacramento, California 95814

Dear Assembly Member Isenberg:

The City of Hemet hereby expresses our adamant objection to AB 2544. There is absolutely no reason whatsoever why 50% of local fines and forfeitures should go to counties.

The city pays significant cost to enforce state laws that are viewed as a protection to all persons. The county provides court services for those individuals that wish to avail themselves of the judicial system. The county has the ability to recoup its actual costs associated with the operation of the court system through the imposition of court cost assessments. There is absolutely no reason why 50% of fines and forfeitures resulting from the work of our officers should go to a system that already has the capability to generate its revenue needs from some other source.

There is no question that we all face difficult budget times. Nevertheless, in AB2544 we are simply trading one injustice (the state taking our money) for another (the county taking our money). It is not fair nor equitable for the state or county to profit from the work of our municipal police when we ourselves have extreme difficulty maintaining those forces at an adequate level.

We urge you to vote no on AB 2544.

Sincerely,

Ken Wolford

Ken Wolford
Mayor

S10-74

LEGISLATIVE INTENT SERVICE (800) 666-1917

Office of the City Council

City of Tustin
300 Centennial Way
Tustin, CA 92680
(714) 573-3010
FAX (714) 832-0825

March 7, 1994

Honorable Phillip Isenberg
Assemblyman, District 9
Chair, Assembly Judiciary Committee
State Capitol
6005 Capitol Bill
Sacramento, California 95814

Jim Potts
Mayor

Thomas R. Saltarelli
Mayor Pro Tem

Leslie Anne Pontious
Councilmember

Charles E. Puckett
Councilmember

Jeffery M. Thomas
Councilmember

AB 2544 - OPPOSE

Dear Assemblyman Isenberg:

As Mayor of the City of Tustin, I am writing to express my opposition to Assembly Bill 2544, which alters the Governor's 1994-95 budget proposal regarding Trial Court Funding. AB 2455 is scheduled to be heard before your Committee on March 9, 1994 and I urge you to reconsider this legislation.

The City of Tustin cannot afford to allocate fifty percent (50%) of fines collected to the County. As written, AB 2544 represents a fiscal impact of approximately $250,000 to the Tustin community or simply put, **three full-time Police Officer positions.** Our community cannot risk the potential loss of essential personnel due to the passage of this legislation which appears to have been constructed as a means to motivate County collection efforts.

As you are aware, the Governor's budget proposal returns $50 million to cities at a time when cities are in dire need of fiscal assistance. I urge you to reconsider the passage of AB 2544 when it is heard before the Assembly Judiciary Committee on March 9, 1994.

Thank you for your consideration.

Sincerely,

Jim Potts

Jim Potts
Mayor

cc: Assembly Judiciary Committee members
League of California Cities

LEGISLATIVE INTENT SERVICE (800) 666-1917

CITY OF HAWTHORNE

CITY MANAGER

"CITY OF GOOD NEIGHBORS"

4455 West 126th Street • Hawthorne, California 90250

(310) 970-7910

March 7, 1994

The Honorable Phillip Isenberg
Chairman, Assembly Judiciary Committee
6005 Capitol Bldg.
Sacramento, CA 95814

RE: OPPOSITION TO AB2544 (ISENBERG)

Dear Assembly Member Isenberg:

I am writing to register the City of Hawthorne's opposition to AB2544 which would re-direct city fine revenues to counties.

The decision to take city fine revenues two years ago was a mistake. It has worked as a non-incentive for cities to enforce traffic laws passed by the Legislature and has resulted in fewer fines being collected on a statewide basis. We support the proposal in the Governor's budget which would return all city fine revenue to cities.

We urge you to vote NO on AB2544.

Sincerely,

James H. Mitsch
City Manager

JHM:he
cc: City Council
League of California Cities

S10-78

LEGISLATIVE INTENT SERVICE (800) 666-1917

City of MONROVIA

1887

Office of the Mayor and the City Council

March 7, 1994

Phillip Isenberg, Assembly Representative
The Assembly Judiciary Committee.
Capitol Building
Sacramento, CA 95814

Re: **AB 2544** Trial Court Funding. Funding of the Trial Courts and Redirection of City and County Fines and Penalties.

Dear Assembly Representative:

On behalf of the City of Monrovia, I'm writing to demonstrate our **strong opposition** to this proposed legislation. This bill would place a unfair burden on local governments, which are currently experiencing financial difficulties.

In these difficult economic times the City of Monrovia is reluctant to support legislation that would require cities to send, the 50 percent share of their fines to the counties. We urge you to **oppose** this bill and consider the strain that it will place on local government.

City governments can not afford this type of legislation, it is just too costly.

Sincerely,

Robert T. Bartlett
Mayor, City of Monrovia

S/O-79

415 South Ivy Avenue Monrovia, California 91016-2888 (818) 359-3231

LEGISLATIVE INTENT SERVICE (800) 666-1917

110 EAST COOK STREET SANTA MARIA, CALIFORNIA 93454-5190 805-925-0951
Room 1

March 7, 1994

Assembly Member Phillip Isenberg, Chair
Assembly Judiciary Committee
State Capitol, Room 6005
Sacramento, CA 94249-0001

RE: **AB 2544 (ISENBERG) - TRIAL COURT FUNDING**

The City of Santa Maria **opposes AB 2544**, which contains some of the Governor's proposal to restructure the funding ofthe trial courts. The bill repeals the provisions requiring counties to send 75 percent of their fines to the State General Fund. However, unlike the Governor's proposal, which would repeal the provisions in current law requiring cities to send 50 percent of their fines (about $50 million) to the State General Fund, AB 2544 would require cities to send the 50 percent share of their fines to the counties instead.

Santa Maria has lost over $1.5 million in the last four years due to state take-backs and the recession. We support the Governor's proposal, which would repeal the current law requiring cities to send 50 percent of their fines to the State General Fund.

Please oppose AB 2544 when it comes before the Assembly Judiciary Committee

Wayne

WAYNE SCHWAMMEL
City Administrator

sb

c: Assembly Judiciary Committee
Assembly Member Andrea Seastrand
LOCC

S/O-80

FAX: Administration (805) 349-0657 Community Development (805) 928-7565 Public Works (805) 928-6632

LEGISLATIVE INTENT SERVICE (800) 666-1917

Office of the City Council

City of Tustin
300 Centennial Way
Tustin, CA 92680
(714) 573-3010
FAX (714) 832-0825

March 7, 1994

Honorable Phillip Isenberg
Assemblyman, District 9
Chair, Assembly Judiciary Committee
State Capitol
6005 Capitol Bill
Sacramento, California 95814

Jim Potts
Mayor

Thomas R. Saltarelli
Mayor Pro Tem

Leslie Anne Pontious
Councilmember

Charles E. Puckett
Councilmember

Jeffery M. Thomas
Councilmember

AB 2544 - OPPOSE

Dear Assemblyman Isenberg:

As Mayor of the City of Tustin, I am writing to express my opposition to Assembly Bill 2544, which alters the Governor's 1994-95 budget proposal regarding Trial Court Funding. AB 2455 is scheduled to be heard before your Committee on March 9, 1994 and I urge you to reconsider this legislation.

The City of Tustin cannot afford to allocate fifty percent (50%) of fines collected to the County. As written, AB 2544 represents a fiscal impact of approximately $250,000 to the Tustin community or simply put, **three full-time Police Officer positions.** Our community cannot risk the potential loss of essential personnel due to the passage of this legislation which appears to have been constructed as a means to motivate County collection efforts.

As you are aware, the Governor's budget proposal returns $50 million to cities at a time when cities are in dire need of fiscal assistance. I urge you to reconsider the passage of AB 2544 when it is heard before the Assembly Judiciary Committee on March 9, 1994.

Thank you for your consideration.

Sincerely,

Jim Potts

Jim Potts
Mayor

cc: Assembly Judiciary Committee members
League of California Cities

S/O-81

LEGISLATIVE INTENT SERVICE (800) 666-1917

COUNTY OF DEL NORTE

583 G Street, Suite 1

CRESCENT CITY, CALIFORNIA 95531

AREA CODE 707
464-7204

BOARD OF SUPERVISORS

March 8, 1994

ASSEMBLYMAN PHILIP ISENBERG
Chairman Assembly Judiciary Committee
State Capitol, Room 2148
Sacramento, CA 95814

Dear Chairman Isenberg:

SUBJECT: ASSEMBLY BILL 2544 ON TRIAL COURT FUNDING

During its session of March 8, 1994, the Del Norte County Board of Supervisors considered two matters pending relative to Assembly Bill 2544. These matters are most important to the Board of Supervisors and are summarized as follows:

-- Retention of 50% of fines and penalties from city citations.

The county continues to provide services to city residents with little or no off-setting revenue. The 50% of city fines and penalties would off-set county costs for services provided. This would not be an unearned windfall but, instead, would result in compensation for actual services provided to city residents.

-- Judicial Sign-off.

The Board of Supervisors took action to exercise the 1994-95 Option on March 1, 1994. The action was delayed to the last deadline date because of the Board of Supervisors' profound concerns relative to the demands of the County's two Judges. The amount of the funding requested by the Judges was not the main issue. That which was requested, to increase Justice Court clerical salaries to the level of Superior Court clerical salaries, was the issue. The Board of Supervisors believes that this was an unwarranted, unjustified, and probably unauthorized intrusion into the County's employee-employer relations program, into the County classification system and into the County budget process.

The Superior Court-Justice Court pay equity issue was addressed in 1993-94. A classification study was conducted as was promised in the 1993-94 Trial Court Funding Option, which did not support the Judges demand for clerical

S/O·82

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pay equity. This classification study was completed with the preparation of classification questionnaires and a review of comparable county salary administration practices was conducted antecedent to the study.

The Judges decided, despite the 1993-94 study, to ram the pay equity through with the 1994-95 MOU. They, with some minor modifications, were successful in doing so. The Board of Supervisors was forced to accept this result because the County is already in a precarious financial position and the Board did not want to do anything to put it at any further financial risk.

The decision to approve the 1994-95 Option was, however, a very close decision with only three of the four Board Members present voting for the Option.

None of the Del Norte County employees have received a salary adjustment for four going on five years. The Board's efforts have been devoted to maintain level playing field despite limited finances. The Judges' intrusiodn was and is most unwelcome. Please, without delay, repeal the judicial sign-off provision. Short of this preferred goal, please limit the judges' sign-off authority with respect to employee salaries and employee benefits.

Your Committee's consideration of the Del Norte County Board Supervisors' positions on these important trial court funding matters will be appreciated. Please contact either myself or County Administrative Officer Ronald S. Holden if there are questions.

Sincerely,

Bob Bark

BOB BARK, Chairman
Board of Supervisors

RSH/BOS/aeb

cc: MEMBERS OF THE ASSEMBLY JUDICIARY COMMITTEE
ASSEMBLYMAN DAN HAUSER
SENATOR MIKE THOMPSON
CAROLYN MCINTYRE, CSAC
DON PETERSON
JUDGE PHILIP SCHAFER
JUDGE ROBERT WEIR
DEL NORTE COUNTY EMPLOYEES' ASSOCIATION
SHERIFF EMPLOYEES' ASSOCIATION

S/O-83

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DISTRICT 1
WAYNE J. VAN DE GRAAFF
923 HEFFERNAN AVE., CALEXICO, CA 92231

DISTRICT 2
BILL COLE
836 W. MAIN ST., EL CENTRO, CA 92243

DISTRICT 3
DEAN A. SHORES
940 W. MAIN ST., SUITE 212, EL CENTRO, CA 92243

DISTRICT 4
BRAD LUCKEY
P.O. BOX 1271, BRAWLEY, CA 92227

DISTRICT 5
SAM SHARP
660 OLIVE AVE., HOLTVILLE, CA 92250

Board of Supervisors
County of Imperial

LINDA K. WEAVER
CLERK OF THE BOARD

COUNTY ADMINISTRATION CENTER
940 W. MAIN STREET, #212
EL CENTRO, CA 92243-2871
TELEPHONE (619) 339-4220

FAX (619) 352-7576

March 8, 1994

Honorable Phil Isenberg
California State Assembly
6005 Capitol Building
Sacramento Ca 95814

SUBJECT: AB 2544

Dear Assemblyman Isenberg:

The Imperial County Board of Supervisors wishes to support the provisions in AB 2544 that allow 50% of the fine and penalty funds resulting from city citations to go to the County General Fund.

City residents are the majority users of County services, and this revenue source would help offset County costs.

It is our understanding that AB 2544 is scheduled for a hearing March 9 before the Assembly Judiciary Committee. Copies of this letter will be provided to members of that Committee.

Very truly yours,

SAM SHARP, CHAIRMAN
BOARD OF SUPERVISORS

cc: Members, Assembly Judiciary Committee
CSAC

SS/jo/B3/ab2544/534.7

5/0-84

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OFFICE OF
THE MAYOR

TELEPHONE
(619) 441-1788

CITY OF EL CAJON

March 9, 1994

Chair Isenberg and Members of the
Assembly Judiciary Committee
State Capitol
Sacramento, CA 95814

RE: Assembly Bill 2544 (Isenberg)

Dear Committee Members:

At the meeting of March 8, 1994, the El Cajon City Council discussed Assembly Bill 2544 concerning funding of the trial courts and redirection of City and County fines and penalties.

Council opposes this legislation which would redirect the 50 percent of fines and penalties paid by the cities to the State to the counties instead.

Council urges your opposition of this legislation when it comes before the Assembly for consideration.

Very truly yours,

Joan Shoemaker
Mayor

JS/th

cc: League of CA Cities
Councilmember Lewis
Lobbyist Wilson
Chamber of Commerce
Assemblyman Tom Connolly
City Clerk
Senator Peace

5/0-85

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City of San Leandro
Civic Center, 835 E. 14th Street
San Leandro, California 94577

Office of the City Manager 510-577-3351
FAX 510-577-3340

March 11, 1994

MAR 15 1994

Assembly Member Phil Isenberg
State Capital
Room 6005
Sacramento, CA 95814

RE: AB 2544 - Notice of Opposition

Dear Assembly Member Isenberg:

On behalf of the City of San Leandro, I would like to take this opportunity to inform you of the City's opposition to AB 2544.

As demonstrated by FY 1993-94 property tax revenue shifts, cities are not in a position to provide financial support to other governmental bodies at this time. As such, the City of San Leandro is opposed to the provision of AB 2544 that earmarks 50 percent of city fine revenue for counties.

The decision to take city fine revenue two years ago was a mistake; This mistake is exemplified by the fact that cities now have insufficient revenue to adequately enforce traffic laws which has resulted in fewer fines being collected on a statewide basis.

For these reasons, the City of San Leandro will join the League of California Cities in support of the proposal in the Governor's budget which would return all city fine revenue to cities.

We hope this letter adequately explains the basis of our opposition. Please feel free to contact Artie Fields, Assistant to the City Manager, at (510) 577-3353, if you would like to discuss the City's position.

Sincerely,

John E Faria

John E. Faria, Mayor
City of San Leandro

cc: Members, Assembly Judiciary Committee
Consultant, Assembly Judiciary Committee

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S10-86

MAR 16 1994

Mayor
Richard A. Lang

Councilmembers
David E. Cogdill
Stan Dobbs
Kenni Friedman
Janine McClanahan
Frank T. Muratore
Richard G. Patterson

CITY of MODESTO

Mayor and City Council

(209) 577-5223
FAX: (209) 571-5128

City Hall
801 11th Street
P. O. Box 642
Modesto, CA 95353

TDD: (209) 526-9211
Hearing & Speech
Impaired Only

March 14, 1994

RE: AB 2544 (Isenberg)

The Honorable John Vasconcellos, Chair
Assembly Ways & Means Committee
State Capitol
Sacramento, CA 95814

Dear Assembly Member Vasconcellos:

The City of Modesto is opposed to AB 2544, Trial Court Funding, which was referred to your committee. If passed, this bill would require cities to send 50 percent of the fines collected to the counties. The City of Modesto, like many other cities in the State of California, is struggling to balance its budget. Diverting 50 percent of the fines to the county would create another reduction in revenues that the City of Modesto cannot afford.

On behalf of the City Council, we are adamantly opposed to AB 2544.

Very truly yours,

Richard A. Lang
Mayor

RAL/ep
Originals sent to:
Assembly Ways & Means Committee Members

cc: Assembly Member Sal Cannella
Assembly Member Margaret Snyder
Senator Dan McCorquodale
Assembly Member Phillip Isenberg

SD-87

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CITY OF BELL GARDENS

7100 GARFIELD AVE., BELL GARDENS, CA 90201-3293
(310) 806-7700

March 14, 1994

Members of the Assembly
Judiciary Committee
State Capital
Sacramento, CA 95814

REGARDING : Opposition to AB 2544 (Isenberg)

Dear Committee Members:

The City of Bell Gardens strongly opposes AB 2544 (Isenberg.) This bill attempts to restructure the funding of the trial courts by repealing the provisions requiring counties to send 75 percent of their fines to the State General Fund. Instead, AB 2544 would require cities to send 50 percent of their fines directly to the counties.

We respectfully request that you oppose AB 2544 when called upon to vote.

Thank you for your consideration of our position. Should you have any questions, please feel free to contact me at (310) 806-7702.

Sincerely,

Frank B. Duran

Frank B. Duran
Mayor

FBD:KAN:au

cc: Members of the City Council
Charles G. Gomez, City Manager
Anthony Gonsalves, Lobbyist
League of California Cities

S/O-86

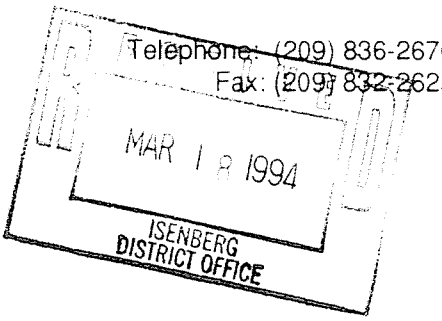
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MA

CITY OF TRACY

City Manager's Office
325 East Tenth Street
Tracy, CA 95376

Telephone: (209) 836-2670
Fax: (209) 832-2625



March 17, 1994

The Honorable Phil Isenberg
State Assembly - District 9
STATE OF CALIFORNIA
1215 - 15th Street, Suite 102
Sacramento, CA 95814

SUBJECT: AB 2544 (Isenberg) Trial Court Funding

Dear Assemblyman Isenberg:

The Tracy City Council, at its meeting of March 15, 1994, voted unanimously to OPPOSE AB 2544.

It is the Council's belief that this legislation would place cities in yet another situation where they are at the mercy of counties. Unfortunately, this condition has recurred far too often in recent years. Counties have discontinued providing essential citizen services that cities have had to assume, even in the face of their own diminished revenues.

We strongly OPPOSE AB 2544 and urge you to give consideration to the impact this legislation would have on cities.

Sincerely,

CLYDE BLAND
Mayor

a:2-031794.47

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S/O-89

CITY OF POWAY

DON HIGGINSON, Mayor
BOB EMERY, Deputy Mayor
B. TONY SNESKO, Councilmember
SUSAN CALLERY, Councilmember
MICKEY CAFAGNA, Councilmember

March 21, 1994

Phillip Isenberg, Chairman
Assembly Judiciary Committee
6005 Capitol Bldg.
Sacramento, CA 95814

Subject: Opposition to AB 2544 (Isenberg)

Dear Mr. Isenberg:

I am writing in opposition to AB 2544, which repeals the provisions requiring counties to send 75 percent of their fines to the State General Fund. This measure would require cities to send 50 percent share of their fines to the counties rather than the state.

The City urges you to oppose AB 2544 when the measure comes before you for consideration.

Sincerely,

Don Higginson
Mayor

eb
c:\legis\ab2544

S/O-90

City Hall Located at 13325 Civic Center Drive
Mailing Address: P.O. Box 789, Poway, California 92074-0789 • (619) 748-6600, 695-1400

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MAR 2 c 1994

CITY OF WEST COVINA

Incorporated 1923

March 23, 1994

Assemblymember Vasconcellos,
Chair, Assembly Ways and Means Committee
6025 Capitol Building
Sacramento, CA 95814

RE: AB 2544 - Trial Court Funding
REQUEST FOR A "NO" VOTE

Dear Assemblymember Vasconcellos,

On behalf of the West Covina City Council I am writing in opposition of AB 2544. While we understand that the bill has been amended -- it still does not address the issue of city fines.

It is not acceptable to our city for Assemblymember Isenberg to say that the issue of city fines will be addressed at a later date. We believe that city fines should be addressed **at the same time** as county fines and **in the same bill** as county fines.

We encourage you as the Chair of the Assembly Ways and Means Committee to oppose AB 2544 until city fines are addressed.

Sincerely,

Richard N. Jennings

Richard N. Jennings
Mayor

cc: Assemblymember Horcher
Assemblymember Isenberg

S/O-91

1444 West Garvey Avenue, Post Office Box 1440, West Covina, California 91793 Telephone 818/814-8401 FAX 818/814-8406

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Mills for 2nd reading 5-10

CHIEF PROBATION OFFICERS of CALIFORNIA
1010 11th Street, Suite 208
Sacramento, CA 95814
(916) 447-2762
(916) 447-5194 Fax

APR 2 5

April 22, 1994

The Honorable Phillip Isenberg
California State Assembly
State Capitol, Room 6005
Sacramento, California 95814

RE: **SUPPORT POSITION - AB 2544 (Trial court funding)**

Dear Assembly Member Isenberg:

I am writing to you on behalf of the Chief Probation Officers of California (CPOC), to inform you of our support position on Assembly Bill 2544

Should you have any questions, please do not hesitate to call my office at 447-2762.

Sincerely,

Alan L. Clarke
Legislative Advocate

ALC/mm

cc: Assembly Committee on Public Safety
Senate Committee on Judiciary

SP-92

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WAYS AND MEANS COMMITTEE ANALYSIS

Author: Isenberg | Amended: 3/23/94 | Bill No.: AB 2544

Policy Committee: Judiciary | Vote: 10-1

Urgency: Yes | Hearing Date: 04/13/94

State Mandated Local Program: Yes | Staff Comments By:

Reimbursable: No | Geoff Long

Summary

This bill would make a series of statutory changes necessary for trial court restructuring, per the governor's proposed 1994-95 budget. These changes include:

1. repealing county block grants, instead funding the courts by budget line-item;

2. transferring a variety of fine and fee revenue from the state General Fund to the counties.

Fiscal

1. Annual GF costs of about $400 million to increase the state share of trial court funding to 65 percent.

2. Annual GF revenue loss of about $300 million from the transfer of fines and fees to counties.

3. Offsetting savings as a result of various state/local realignment proposals that are works in progress.

Comments

1. This bill is consistent with the administration's restructuring proposals in the 1994 budget bill. The proposals in this bill must work in concert with whatever restructuring proposals are eventually worked out in order to achieve fiscal neutrality.

2. The author has a series of technical amendments.

GL

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ASSEMBLY THIRD READING

AB 2544 (Isenberg) - As Amended: April 21, 1994

ASSEMBLY ACTIONS:

COMMITTEE JUD. VOTE 10-1 COMMITTEE W. & M. VOTE 20-0

Ayes: Isenberg, Connolly, Caldera,
Epple, Goldsmith, Morrow,
Snyder, Speier, Statham, Weggeland

Nays: Horcher

DIGEST

Urgency statute. 2/3 vote required.

Existing law provides the state's share of trial court funding through block grants to each county, which are paid both from the state's General Fund (GF) and the Trial Court Trust Fund.

This bill repeals that method of funding. Courts would be funded through a line item in the state budget, which may be allocated and reallocated by the Trial Court Budget Commission. This bill requires the Trial Court Budget Commission to establish minimum operational standards and performance criteria by which the courts' performance and efficiency can be measured.

Existing law requires counties to "opt in" to the trial court funding program by March 1 of each year in order to be eligible for a block grant. The "opt-in" agreement must be agreed to by the local bench.

This bill repeals that requirement.

Existing law requires the counties to provide funding for a variety of trial court personnel and facilities.

This bill relieves the counties of that responsibility for those items that are funded by the state through the state budget, limits the counties' funding obligations to the remaining amount in the courts' budgets as adopted by the Judicial Council and the Legislature, and requires the counties to consult with the local bench before altering, remodeling or relocating existing court facilities.

Existing law requires the counties to pay a portion of superior judge salaries and the expenses of trial court judges sitting on assignment.

This bill repeals those requirements.

Existing law requires the transfer to the state GF by the counties of a variety of revenues, including shares of criminal fines, a $3 penalty

- continued -

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assessment, traffic school fees, and some miscellaneous fees charged for jail booking, citation releases, parking surcharges, vehicle equipment corrections and document recording.

This bill transfers those revenues except the state's share of criminal fines and forfeitures from city arrests to the counties' general funds.

FISCAL EFFECT

Revenues to the state GF would be reduced by an estimated $300 million, which was the 1992-93 revenue from the miscellaneous revenues proposed to be transferred from the state to the counties. State GF costs for trial court operations would increase $400 million if the governor's proposed budget is adopted. This bill states, however, that it will not take effect unless there is a programmatic transfer from the state to the counties of an equal dollar value.

COMMENTS

This bill has two purposes:

1) To make the statutory changes necessary to change the method of trial court funding from block grants to direct line item funding in the state budget.

2) To enact part of the governor's proposed return of miscellaneous state GF revenues to local government associated with state/local realignment. This bill returns $300 million to the counties. The transfer will improve the counties' incentive to collect these revenues. Current law requires the counties to pay for collection efforts, but does not provide a sufficient share to the counties to motivate rigorous efforts.

FN 007760

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Alison Harvey
445-4560
ajud

ASSEMBLY JUDICIARY COMMITTEE
REPUBLICAN ANALYSIS

AB 2544 (Isenberg) -- TRIAL COURT FUNDING. (URGENCY)
Version: 4/21/94 Lead Republican: Jan Goldsmith
Analyzed: 4/25/94 Vote: 2/3 (Urgency)
Recommendation: Support (Watch)

SUMMARY: **Revises state and county obligations in regard to trial court funding.** This bill would: **(1)** Repeal block grant funding of trial courts as currently derived from the state's General Fund and Trial Court Trust Fund in favor of "line item" state budgeting with allocation and reallocation by the Trial Court Budgeting Commission; **(2)** Require the Commission, upon receipt of a trial court's budget request, to forward the request for purposes of review and comment to the county in which the court is located; **(3)** Repeal the annual "opt in" procedure that allowed counties, with the approval of their courts, to participate in the state block grant funding program; **(4)** Relieve the counties of responsibility for items and functions to be funded in the state budget (which currently would include: Judicial Officers; Jury Fees and Mileage; Verbatim Reporting; Interpreters; Collection Enhancement; Dispute Resolution Programs; Court-Appointed Counsel; Court Security; Data Processing; State and Other Operating Expenses; and Indirect Costs); **(5)** Require the counties to consult with the local bench before altering or relocating existing court facilities; **(6)** Repeal the requirement of counties to pay a portion of superior court judge salaries and the expenses of trial court judges sitting on assignment; **(7)** Require a shift in the distribution of revenues that include shares of criminal fines, traffic school fees and other miscellaneous fees currently allocated to the state General Fund to be retained in counties' general funds. **(8)** Provide in counties with pre-March 1977 agreements that the city provides for city fines and forfeitures to accrue to the county in exchange for sales tax receipts of base fines resulting from city arrests as specified that 50 percent be deposited into the state General Fund and 50 percent deposited into the proper funds of the county. FISCAL EFFECT: Non-reimburseable state mandated local program. Reduces the state General Fund by an estimated $300 million for revenues enumerated in **(7)** above that would hereafter be retained in counties general funds. This transfer of fee revenues and the shift from county block grants to funding by budget line-item [See **(1)** and **(4)** in SUMMARY above] are part of the statutory changes necessary for trial court restructuring under the Governor's proposed 1994-95 budget. Department of Finance should generally be in support or neutral on this measure (no official position as of midafternoon of 4/12/94). See TAX OR FEE INCREASE and COMMENTS for greater details.

TAX OR FEE INCREASE: No net increase. Increases a county penalty assessment of $7 for every $10 of each fine, forfeiture or penalty imposed for criminal offenses (other than parking

ARC-1

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violations) under Govt. Code 76000 to $10 while decreasing a state penalty assessment of $10 for every $10 of each fine, forfeiture or penalty for criminal offenses (other than parking offenses) under Penal Code 1464 to $7. The portion increased under the Govt. Code 76000 assessments is allocated to counties' general funds. The portion to be decreased under Penal Code 1464 assessments would no longer be allocated to the state General Fund.

POTENTIAL EFFECTS: With the exception of no reallocation of fine revenues to the cities, the bill generally implements provisions of the Governor's state and local restructure proposal for the State to take another signifcant step in greater state funding of the trial courts.

SUPPORT: California State Association of Counties (CSAC).
OPPOSITION: League of California Cities, San Diego, San Jose, Sacramento, Oakland and several other cities.
GOVERNOR'S POSITION: Unknown

COMMENTS:

- The author's office states two primary purposes for this bill: (1) To make statutory changes that replace the state block grant funding of trial courts with direct line item funding in the state budget. [AB 392 (Isenberg),Chapter 158/93, (final Assembly passage vote of 66-6) provided in Sec. 18.2 legislative intent language to subsequently make this funding change after FY 1993-94.]; and (2) To return miscellaneous state General Fund revenues to local government (approximately $300 million per year) to improve county incentive to collect these revenues.
- The Governor's proposed 1993-94 budget initially seeks the return of such revenues to local government with approximately $300 million to the counties and $50 million to the cities as part of a $5.4 billion plan. (His plan includes such additional revenues to local government in return for local government picking up more funding responsibilities for a variety of existing government service programs.)
- League of California Cities (League) and the Cities of San Diego, San Jose, Sacramento, Oakland and several other cities previously opposed the earmarking of 50 percent of city fine revenues for counties. The League argued that "Cities have had insufficient revenue to adequately enforce traffic laws which has resulted in fewer fines being collected on a statewide basis." The League supports the Governor's proposal to return all city fine revenues to cities. The bill is to be amended so as to limit the reallocation to the counties in keeping with the Governor's proposal (i.e. approximately $300 million to the counties) and thereby allow subsequent negotiations among interested parties to determine reallocation of an estimated $50 million which the cities would apparently seek as a full return to them of city fine revenues (of which half had been allocated to state funds under the 1991 court realignment). Note that counties would generally be receiving a full return of revenues that had also been allocated to state funds under the 1991 court realignment

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legislation-AB 1297/91.

- o CSAC generally supports the bill and seeks to negotiate with municipal police chiefs and other interested parties regarding reallocation of an additional estimated $50 million (which the Governor's plan currently would reallocate to the cities).
- o The Legislative Analyst Office (LAO) generally concurs with the rationale for greater state funding "on the basis that the state exercises primary control over trial court procedures and appoints the judges." However LAO recommends supplemental budget language "to exert" the Legislature's "influence to control trial court expenses and bring about operational efficiencies." LAO's Analysis of the 1994-95 Budget Bill offers three proposals to require: (1) Judicial Council to work with the Controller to refine expenditure reporting and standardization of accounting guidelines and report by October to the Legislature; (2) Trial Court Budget Commission and Judicial Council to implement allocation criteria that includes incentives for courts to implement optional court efficiency measures enacted in 1991 with an October report to the Legislature; and (3) Judicial Council to adopt specific trial court performance measures for use in developing its 1995-96 trial court funding budget with a November report to the Legislature. The author is apparently considering inclusion of such proposals where feasible as statutory language in this bill.
- o Judicial Council's concerns include the bill's statutory deletion of court authority to order counties to provide adequate services. The loss of judicial "signoff" is a continuing concern with some judges which was also raised by some before AB 392/93 passed to declare legislative intent to move from the state block grant program to "line item" state budgeting.
- o The author stated that he would return the bill to the committee if further significant substantive amendments are made.

Assembly Republican Committee vote

Judiciary -- 3/09/94
(10-1) Ayes: Goldsmith, Morrow, Statham, Weggeland
Noes: Horcher

Ways & Means -- 4/13/94
(20-0) Ayes: All Republicans except
Abs.: Pringle, Seastrand

Consultant: Mark Redmond

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DEPARTMENT OF FINANCE BILL ANALYSIS

JUD

AMENDMENT DATE: March 23, 1994
POSITION: NEUTRAL, SUGGEST AMENDMENTS

BILL NUMBER: AB 2544
AUTHOR: Isenberg

BILL SUMMARY

This bill would revise various aspects of the Trial Court Funding Realignment and Efficiency Act of 1991.

Urgency Statute.

FISCAL SUMMARY

Code/Department Agency or Revenue Type	SO LA CO RV	PROP 98	(Fiscal Impact by Fiscal Year) (Dollars in Thousands) FC 1993-94	FC 1994-95	FC 1995-96	Code Fund
0450/Trial Courts			----------See Fiscal Analysis----------			001/GF

COMMENTS

- The Governor's restructuring plan proposes that the revenue from fines and penalties be returned to the city or county which had retained these fines and penalties prior to the Trial Court Funding Act. This bill would authorize counties to retain all their fines, but would require cities to continue to deposit 50 percent of their fines in the State General Fund. This would be inconsistent with the Governor's restructuring proposal; therefore, the Department of Finance has recommended amendments (see attached).

- One of the issues that has to be discussed in terms of any restructuring proposal of trial court funding is the total budget for trial courts. The responsibility of the counties to fund trial courts could increase based on any trial court increases made by the Trial Court Budget Commission (TCBC) and the availability of state resources. Under the present funding procedures (partial state and partial county funding), changes in the expenditure level approved by the TCBC and changes in the amount appropriated by the State both directly affect the counties, but counties have no ability to control these changes and in fact, the expenditure level approved by the TCBC may not be reflective of the fiscal reality facing the State and counties.

SUMMARY OF CHANGES

Changes since our March 3, 1994 analysis consist of the following:

Reiterates legislative intent to increase the State's share of trial court funding to 65 percent in 1994-94 and 70 percent in 1995-96.

Would require the Trial Court Budget Commission to forward trial court budget requests to the counties for review.

Would delete the requirement that trial courts negotiate for the delivery of services with the counties.

Analyst/Principal (556) 550 — Date

Program Budget Manager: Diane M. Cummins — Date: 4/12/94

Department Deputy Director — Date

Governor's Office: By: — Date: — Position Noted ____ Position Approved ____ Position Disapproved ____

ARC-4

BILL ANALYSIS — Form DF-43 (Rev 03/92 Buff)

AB2544.556

LEGISLATIVE INTENT SERVICE (800) 666-1917

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED) Form DF-43

AUTHOR	AMENDMENT DATE	BILL NUMBER
Isenberg	March 23, 1994	AB 2544

SUMMARY OF CHANGES (Cont.)

Would require cities' base fine revenues to be deposited in the State General Fund rather than the county general fund.

Would authorize Fresno County to use 1993-94 for a base year rather than 1992-93 required in current law for all counties.

These amendments do not change our previous position of Oppose.

ANALYSIS

A. Specific Findings

Sec. 1. FINDINGS AND DECLARATIONS. This section contains a legislative finding that funding for trial court operations is a candidate for state funding and that the state will progressively increase its share of funding of the annual costs for court operations to 65 percent for the 1994-95 fiscal year and to 70 percent for the 1995-96 fiscal year. The section indicates the state will achieve savings in court operations through enactment of administrative efficiencies. This section also declares the Legislature's intent to (1) include funding as line item allocations in the 1994 Budget Act; (2) require careful identification of the costs of services obtained by the court from county agencies; and (3) enable the transition to full state funding.

COMMENT. The Administration continues to evaluate the appropriate level of trial court funding.

Sec. 2. RECORDING FEES. Currently, a fee of $4 for the first page and $3 for each additional page is required for each document filed with the courts. One dollar of each $3 fee is transmitted by the county auditor to the State Controller and deposited in the General Fund. This bill deletes the requirement to transmit $1 to the state. The county would retain the entire recording fee.

FISCAL IMPACT. The 1994-95 Governor's Budget already anticipates shifting this revenue to the counties. State Controller (SCO) records indicate the amount of revenue transferred to the state by counties pursuant to this section in 1992-93 was $12,739,533. Deletion of the requirement that this $1 be transferred to the state would result in a revenue increase to counties of a like amount. This amount is estimated to be $13,250,000 in 1994-95.

Sec. 3. ADMINISTRATIVE FEES. Current law authorizes local entities in certain situations to collect a $25 administrative screening fee from each person arrested and released on his or her own recognizance . A citation processing fee of $10 must be collected from each person cited and released by any peace office in the field or at a jail facility, as specified. These fees are transmitted by the county auditor monthly to the Controller for deposit in the General Fund. This bill would authorize these fees to be retained in the county general fund.

FISCAL IMPACT. The 1994-95 Governor's Budget already anticipates shifting this revenue to the counties. SCO records indicate the amount of revenue transferred to the state by counties in 1992-93 pursuant to this section was $957,964. Deletion of the requirement that these administrative fees be transferred to the state would result in a revenue increase to counties of a like amount in 1994-95.

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BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED) Form DF-43

AUTHOR	AMENDMENT DATE	BILL NUMBER
Isenberg	March 23, 1994	AB 2544

ANALYSIS

A. Specific Findings (Cont.)

Sec. 4. COUNTY RESPONSIBILITY. Currently, boards of supervisors are required to provide suitable courtrooms, judges' chambers and associated equipment, etc. to trial courts. If suitable sites are not provided, the court may direct the appropriate officers of the county to provide the requested physical equipment. Associated costs become an unbudgeted expense of the county. This bill would specify that as of July 1, 1994, the board of supervisors shall only be required to provide funding for those trial court functions not provided for in the state budget and is obligated to fund those functions only in the amount for each of those functions that is provided in the budget adopted by the Judicial Council.

COMMENT. The responsibility of the counties to fund trial courts could increase based on any trial court increases made by the Trial Court Budget Commission (TCBC) and the availability of state resources. Under the present funding procedures (partial state and partial county funding), changes in the expenditure level approved by the TCBC and changes in the amount appropriated by the State both directly affect the counties, but counties have no ability to control these changes.

Sec. 4.5. TRIAL COURT TRUST FUND. Existing law establishes the Trial Court Trust Fund for purposes of funding trial court operations upon appropriation by the Legislature. This section would require the Controller to apportion money in this fund quarterly, as specified.

Sec 5. SUPERIOR COURT JUDGES SALARY. Repeals language related to the county's share of a superior court judge's salary.

FISCAL IMPACT. This section has no fiscal impact.

Sec. 6. TRIAL COURT BUDGET COMMISSION. Current law provides that the Trial Court Budget Commission receive and review budget requests from the trial courts. This section would require that upon receipt of the trial court's budget request, the commission shall forward the request to the county in which the court is located.

COMMENT. This provision was requested by counties in order to give them an opportunity to review and comment if necessary.

Sec. 6.5. ASSIGNED JUDGES. Under existing law, a county is required to pay specified expenses of a trial court judge serving on assignment in the county. This bill would eliminate the county's obligation to pay these expenses.

FISCAL IMPACT. This section has no fiscal impact on either the state or the counties though it could affect the allocation to individual counties.

Sec. 7. PENALTY ASSESSMENT. Currently an additional penalty of $7 is levied for every $10 of fine. This section increases the $7 penalty to $10. Current law also establishes a penalty assessment of $2.50 for parking offenses, and requires the county treasurer to transfer $1 of this assessment to the Controller. This bill would repeal this requirement. The county would be authorized to retain the $1 in the county treasury. This section would also revise the requirements for processing parking penalties.

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ANALYSIS

A. Specific Findings (Cont.)

COMMENT. This section is tied to Section 22.

FISCAL IMPACT. Section 7 increases the county's penalty assessment by $3 and Section 22 decreases the State's penalty assessment by a like amount. The 1994-95 Governor's Budget already anticipates shifting this revenue to the counties. SCO records indicate the state collected $16,162,881 in 1992-93. Transferring the $3 penalty would result in a county revenue increase of a like amount. This amount is estimated to be $16,800,000 in 1994-95.

Sec. 8. DNA IDENTIFICATION FUND. Current law authorizes a county to establish a DNA Identification Fund. The board of supervisors may specify the amount to be deposited in the fund up to $0.50 for every $7 of vehicle code violations fines. This bill would specify that $0.50 for every $10 rather than the $7 could be deposited in the fund which is consistent with the change in the previous section.

FISCAL IMPACT. This section has no fiscal impact on either the state or the counties.

Sec. 9. TRIAL COURT FUNDING DEFINITION. Defines "trial court funding" as the amount of state funds provided for the operation of the trial courts appropriated in the Budget Act and allocated or reallocated by the Trial Court Budgeting Commission.

COMMENT. This section was suggested by the author's office to clarify that the term "trial court funding" does not include local support for trial court operations.

Sec. 10. TRIAL COURT FUNDING PERCENTAGES. Repeals legislative intent language to increase trial court funding by specified percentages, and repeals 1993-94 apportionment language. This language is no longer appropriate.

Sec. 11. BLOCK GRANTS. Repeals language referencing block grant payments to counties. This language is no longer appropriate.

Sec. 12. OPTION COUNTIES. Repeals language referencing option county appropriations. This language would no longer be appropriate if other provisions of the bill are enacted.

COMMENT. Option county refers to current law that specifies each county must notify the state by March 1 of its desire to opt into the trial court funding system.

Sec. 13. REVENUE AND EXPENDITURE INFORMATION. Repeals language requiring the Judicial Council to provide court revenue and expenditure information on counties who opted into the trial court funding system to the Controller for inclusion in the Controller's annual report. This language is no longer appropriate.

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ANALYSIS

A. Specific Findings (Cont.)

Sec. 14. PAYMENTS. This bill would require the Controller to make quarterly payments of trial court funding prior to the 25th day of that quarter.

Sec. 15. PAYMENTS. Repeals language related to the Controller transferring funds to the Judicial Council on a monthly basis to pay for assigned judges. Funds for assigned judges are now appropriated to the Judicial Council; therefore, this language is no longer appropriate.

Sec. 16. COUNTY OPTION. Repeals language related to a county opting into the trial court system.

Sec. 17. COUNTY OPTION. Repeals language which requires counties to notify the state of decisions to opt into the system for a specific fiscal year by March 1 of the preceding fiscal year.

Sec. 18. JUDICIAL SIGNOFF. Repeals language which requires counties to notify the state of a decision to opt into the trial court system by transmitting a resolution agreeing to specified conditions to the Controller. The section required that the resolution be signed by the chairperson of the board of supervisors and the presiding judges of the superior and municipal courts.

COMMENT. Repealing this section would give counties more control over the distribution of its resources. Under current law, courts can obtain additional funding by withholding signatures from the resolution.

Sec. 19. REVENUE DISTRIBUTION. Current trial court funding provisions require that fine and forfeiture revenues be divided 75/25 state/county and 50/50 state/city. This section would repeal that requirement and would authorize 100 percent of all base fine revenues to be retained by the county. Fifty percent of cities' base fine revenue would continue to be deposited in the State General Fund.

Current law also specifies that if the total amount of fines and forfeitures transmitted to the State during any given year does not equal the amount transmitted during the 1992-93 fiscal year (the base year), the city or county is required to make up the difference from the local general fund. This provision would authorize Fresno County to use 1993-94 for a base year rather than 1992-93. Fresno County's position is unique because in 1977 the county entered into an agreement with the City of Fresno to allow the city to retain sales tax receipts in lieu of fines and forfeitures. Based on the 1992-93 base year, Fresno County has been remitting 75 percent of fines and forfeitures, including that portion of fines and forfeitures which would belong to the City of Fresno without the specific agreement. Because the county gave up sales tax receipts, it is paying an excess amount in fines and forfeitures. This amount approximates $200,000 a year.

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ANALYSIS

A. Specific Findings (Cont.)

COMMENT. The Governor's restructuring plan proposes that the revenue from fines and penalties be returned to the city or county which had retained this revenue prior to enactment of the Trial Court Funding Act. This bill proposes to continue to require cities to deposit 50 percent of fines to the state General Fund while counties would be authorized to retain the funding they currently send to the state. This would be inconsistent with the Governor's restructuring proposal; therefore, the Department of Finance is recommends the attached amendments to AB 2544.

The provision of the bill related to Fresno County would result in a revenue loss of $200,000 per year to the General Fund, which under normal situations, it would not have received in the first place.

FISCAL. This section would result in the annual gain of $139 million to counties. Under the Governor's restructuring proposal, counties would receive an additional $87 million from fines and forfeitures and cities would receive an additional $52 million.

Sec. 20. REVENUE DISTRIBUTION. This section would repeal language related to the calculation of the maximum amount of fines and forfeitures which may be retained by counties and cities in the 1991-92 fiscal year. This language is no longer appropriate.

Sec. 21. PENALTY ASSESSMENT. Other than for parking offenses, existing law imposes a state penalty assessment of $10 for every $10 of each fine, forfeiture, or penalty . This section would reduce this state penalty assessment from $10 to $7, and eliminate the deposit of 30 percent of these penalty assessments to the General Fund.

COMMENT. This section is tied to Section 7. Section 7 increases the county's penalty assessment by $3 and Section 22 decreases the State's penalty assessment by a like amount.

FISCAL IMPACT. The 1994-95 Governor's Budget already anticipates shifting this revenue to the counties. SCO records indicate the state collected $16,162,881 in increased penalty assessments in 1992-93. Transferring the $3 penalty to the counties would result in a revenue loss to the state of a like amount. This amount is estimated to be $16,800,000 in 1994-95.

Sec. 22. REVENUE DISTRIBUTION. Existing law requires a $10 fee be added to the fines for certain vehicle violations. Thirty-four percent of this fee is transferred to the state General Fund for deposit in the State Penalty Fund. Current law also requires 33 percent to be transferred to the local governmental entity in whose jurisdiction the citation was issued, and 33 percent to the county general fund. This section would repeal the requirement that 34 percent be transferred to the state for deposit in the State Penalty Fund, and would increase the percentage to be deposited in the county general fund to 67 percent.

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ANALYSIS

B. Fiscal Analysis

Secs. 23 & 24. TRAFFIC VIOLATOR SCHOOL FEES. Existing law requires a court to collect a $24 fee from each person attending a traffic violator school. These sections would eliminate the requirement that these fees be deposited in the General Fund and the State Courthouse Construction Fund. Revenue from these fees would be deposited in the county general fund.

FISCAL IMPACT. SCO records indicate the amount of revenue associated with these sections transferred to the state by counties in 1992-93 was $120,847,332. Deletion of the requirement to transfer traffic violator school fees would result in a revenue decrease of the $120,847,332 and a revenue increase to counties of a like amount. This amount is estimated to be $163,100,000 in 1994-95.

Sec. 25. Provides that the bill does not contain a reimbursable state mandated program.

Sec. 26. Indicates the bill is an urgency statute.

This bill would result in a $348 million dollar loss of revenue to the state and a revenue gain of a like amount to the counties. The Governor's Budget already reflects the decrease in State revenue.

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SUGGESTED AMENDMENTS

AB 2544
(as Amended March 23, 1994)

Amendment 1

On page 18, line 37, strike

to the General

Amendment 2

On page 18, line 38, strike

Fund, and 50 percent deposited

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ASSEMBLY JUDICIARY COMMITTEE
REPUBLICAN ANALYSIS

* * * D R A F T * * *

AB 2544 (Isenberg) -- TRIAL COURT FUNDING. (URGENCY)
Version: Original
Analyzed: 03/01/94
Recommendation: >
Lead Republican: Jan Goldsmith
Vote: 2/3 (Urgency)

SUMMARY: **Revises state and county obligations in regard to trial court funding.** This bill would: **(1)** Repeal block grant funding of trial courts as currently derived from the state's General Fund and Trial Court Trust Fund in favor of "line item" state budgeting with allocation and reallocation by the Trial Court Budgeting Commission; **(2)** Repeal the annual "opt in" procedure that allowed counties, with the approval of their courts, to participate in the state block grant funding program; **(3)** Relieves the counties of responsibility for items and functions to be funded in the state budget (which would currently propose to include: Judicial Officers; Jury Fees and Mileage; Verbatim Reporting; Interpreters; Collection Enhancement; Dispute Resolution Programs; Court-Appointed Counsel; Court Security; Data Processing; State and Other Operating Expenses; and Indirect Costs); **(4)** Requires the counties to consult with the local bench before altering or relocating existing court facilities; **(5)** Requires counties to continue to provide payroll services, compensation functions, employee benefit programs, equipment, facilities, and court security through June 30, 1995; **(6)** Requires existing employee agreements and contracts with the courts to continue in effect through June 30, 1995; **(7)** Authorizes the courts, after FY 1994-95, to negotiate for the contractual provision of the services of (5), above, or otherwise permit the courts to contract with other entities if agreements can not be reached with the counties; **(8)** Repeals the requirement of counties to pay a portion of superior court judge salaries and the expenses of trial court judges sitting on assignment; **(9)** Requires a shift in the distribution of revenues that include shares of criminal fines, traffic school fees and other miscellaneous fees currently allocated to the state General Fund to be retained in counties' general funds. FISCAL EFFECT: Non-reimburseable state mandated local program. Reduces the state General Fund by an estimated $350 million for revenues enumerated in (9) above that would hereafter be retained in counties general funds.

TAX OR FEE INCREASE: Increases one existing fine/fee assessments and decreases another existing fine/fee assessments. Increases a penalty assessment of $7 for every $10 of each fine, forfeiture or penalty imposed for criminal offenses (other than parking violations) under Govt. Code 76000 to $10 while decreasing a state penalty assessment of $10 for every $10 of each fine, forfeiture or penalty for criminal offenses (other than parking offenses) under Penal Code 1464 to $7. The portion increased under the Govt. Code 76000 assessments is allocated to counties' general funds. The portion to be decreased under Penal Code 1464 assessments would no longer be allocated to the state General Fund.

POTENTIAL EFFECTS: With the exception of no reallocation of fine ARC-12

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State to take another signifcant step in greater state funding of the trial courts.

SUPPORT: California State Association of Counties (CSAC).
OPPOSITION: League of California Cities, City of San Diego, other cities.
GOVERNOR'S POSITION: Unknown

COMMENTS:

- The author's office states two primary purposes for this bill: **(1)** To make statutory changes that replace the state block grant funding of trial courts with direct line item funding in the state budget. [AB 392 (Isenberg),Chapter 158/93, (final Assembly passage vote of 66-6) provided in Sec. 18.2 legislative intent language to subsequently make this funding change after FY 1993-94.]; and **(2)** To return miscellaneous state General Fund revenues to local government (approximately $350 million per year) to improve county incentive to collect these revenues.
- The Governor's proposed 1993-94 budget initially seeks the return of such revenues to local government with approximately $300 million to the counties and $50 million to the cities as part of a $5.4 billion plan. (His plan includes such additional revenues to local government in return for local government picking up more funding responsibilities for a variety of existing government service programs.)
- League of California Cities (League) and the City of San Diego oppose the earmarking of 50 percent of city fine revenues for counties. The League argues that "Cities have had insufficient revenue to adequately enforce traffic laws which has resulted in fewer fines being collected on a statewide basis." The League supports the Governor's proposal to return all city fines revenue to cities.
- CSAC generally support this bill, but apparently counties have some concerns over being subjected to certain ongoing services to the courts without adequate leverage under this bill.
- The Legislative Analyst Office (LAO) generally concurs with the rationale for greater state funding "on the basis that the state exercises primary control over trial court procedures and appoints the judges." However LAO recommends supplemental budget language "to exert" the Legislature's "influence to control trial court expenses and bring about operational efficiencies." LAO's Analysis of the 1994-95 Budget Bill offers three proposals to require: **(1)** Judicial Council to work with the Controller to refine expenditure reporting and standardization of accounting guidelines and report by October to the Legislature; **(2)** The Trial Court Budget Commission and Judicial Council to implement allocation criteria that includes incentives for courts to implement optional court efficiency measures enacted in 1991 with an October report to the Legislature; and **(3)** Judicial Council to adopt specific trial court performance measures for use in developing its 1995-96 trial court funding budget with a November report to the Legislature.
- Judicial Council's concerns include the bill's statutory deletion of court authority to order counties to provide adequate services.

Assembly Republican Committee vote
Judiciary -- 3/09/94
(>) Ayes: >
Noes: >

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Consultant: Mark Redmond

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SENATE COMMITTEE ON JUDICIARY
David Roberti, Chairman
1993-94 Regular Session

A B 2 5 4 4

AB 2544 (Isenberg)
As amended April 21, 1994
Hearing date: June 14, 1994
Government, Penal, and Vehicle Codes (Urgency)
SAH:rs

TRIAL COURT FUNDING

HISTORY

Source: Author

Prior Legislation: AB 392 - Chapter 158, Statutes of 1993
AB 32 - Chapter 2, Statutes of 1993
AB 3027 - Chapter 1369, Statutes of 1992
AB 2409 - Chapter 1199, Statutes of 1992
AB 1344 - Chapter 696, Statutes of 1992
AB 544 - Chapter 189, Statutes of 1991
AB 1297 - Chapter 90, Statutes of 1991
SB 1766 - Chapter 210, Statutes of 1990
SB 612 - Chapter 945, Statutes of 1988
AB 1197 - Chapter 944, Statutes of 1988
SB 709 - Chapter 1211, Statutes of 1987
AB 19 - Chapter 1607, Statutes of 1985

Support: California State Association of Counties; County of Santa Barbara

Opposition: National Traffic Safety Institute

Assembly Floor vote: Ayes 64 - Noes 1

THIS ANALYSIS REFLECTS AUTHOR'S AMENDMENTS WHICH WILL EITHER BE OFFERED AT COMMITTEE OR POSSIBLY PUT IN THE BILL ON JUNE 13, 1994, IN ORDER TO GET THE BILL IN PRINT FOR THE HEARING ON JUNE 14, 1994.

KEY ISSUE

SHOULD NECESSARY STATUTORY CHANGES BE MADE TO REVISE THE METHOD OF TRIAL COURT FUNDING FROM BLOCK GRANTS TO DIRECT LINE ITEM FUNDING IN THE STATE BUDGET?

(More)

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SHOULD NECESSARY STATUTORY CHANGES BE MADE TO TRANSFER A VARIETY OF FINE AND FEE REVENUE FROM THE STATE GENERAL FUND TO THE COUNTIES (CONTINGENT UPON ADOPTION OF A FISCALLY NEUTRAL REALIGNMENT PLAN AS PART OF THE 1994-95 BUDGET PLAN)?

PURPOSE

In 1985, with the passage of AB 19 (Robinson), the State of California determined to assume responsibility for the funding of the trial courts in this state. Pursuant to the Trial Court Funding Act of 1988, state support took the form of block grants paid to each county per judicial position and full assumption of judicial salaries. The Trial Court Realignment and Efficiency Act of 1991 (AB 1297-Isenberg), with follow-up legislation in 1992, increased the state's share of the total cost of court operations in consideration of specified reforms and efficiencies, including deposit with the state of a portion of court revenues collected offsetting increased general fund obligations. It also specified the intent of the Legislature to move away from block grant funding toward line-item appropriation for support of the court system.

In 1992, AB 1344 (Isenberg) was enacted to make a further refinement of trial court funding undertaken in the context of the budget crisis. That measure (a) provided the funds necessary to effectuate state support in light of budget adjustments, repealing the 1991-92 allocation schedule and replacing it with a new $635.2 million in block grants; (b) transferred first paper filing fees to the state and increased them to offset the state's revised share of funding; (c) gave courts leeway to offset budget cuts in their local funding share; (d) restated the commitment to eliminate block grants and adopt line-item appropriation funding, with formation of a Trial Court Budgeting Commission to prepare budgetary proposals; and (e) created a Trial Court Trust Fund for the collection of fees on the state level, to be appropriated beginning this year in support of court operations. The appropriation was delayed so that revenues might accrue, and the distribution formula be calculated based on November 1992 reports of actual court expenditures; it was ultimately made pursuant to the provisions of AB 32 (Isenberg), which was signed by the Governor on March 2.

The Budget Act appropriated $574 million in support of trial court funding for FY 93-94.

In 1993, AB 392 (Isenberg) provided for the distribution of the block grant portion of trial court funding for FY 93-94, moving to FY 94-95 the projected starting date for funding by direct appropriation within the judiciary budget. AB 392 also enacted a number of adjustments and clean-up provisions to trial court funding.

(More)

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AB 392 also created the Trial Court Budget Commission, which prepared the trial courts' budget for inclusion in the 1994-95 state budget. This budget, which is 65 percent of the estimated cost of trial court operations, is included in the Governor's 1994-95 proposed budget. This budget requires a $400 million increase in the state's trial court expenditures, and it is a part of the Governor's larger state-county realignment proposal, which also includes the redirection of $350 million in fines, penalties and fees from the state General Fund to local government. A variety of statutory changes are necessary to carry out this revised method of court funding.

This bill would make a number of changes in existing law -

Existing law provides the state's share of trial court funding through block grants to each county, which are paid both from the state's General Fund and the Trial Court Trust Fund.

This bill repeals that method of funding. Courts would be funded through a line item in the state budget, which may be allocated and reallocated by the Trial Court Budget Commission.

Existing law requires counties to "opt in" to the trial court funding program by March 1 of each year in order to be eligible for a block grant. The "opt-in" agreement must be agreed to by the local bench.

This bill repeals that requirement.

Existing law requires the counties to provide funding for a variety of trial court personnel and facilities.

This bill relieves the counties of that responsibility for those items that are funded by the state through the state budget and requires the counties to consult with the local bench before altering, remodeling or relocating existing court facilities.

Existing law requires the counties to pay a portion of superior judge salaries and the expenses of trial court judges sitting on assignment.

This bill repeals those requirements.

Existing law requires the transfer to the state General Fund by the counties of a variety of revenues, including shares of criminal fines, a $3 penalty assessment, traffic school fees, and some miscellaneous fees charged for jail booking, citation releases, parking surcharges, vehicle equipment corrections, and document recording.

This bill transfers those revenues to the counties' general funds.

(More)

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Existing law allows some judges to negotiate additional salary and benefits with counties.

This bill will require the state to provide municipal and justice court judges - and retirees - with the health, dental and vision care benefits provided to retired superior court judges and will also require that no judge shall have any salary or benefits, with specified exceptions, reduced solely by reason of the enactment of this bill.

Existing law requires each county board of supervisors to provide suitable courtrooms and equipment; judges are allowed to order the county to provide items the courts find necessary if not otherwise provided.

This bill modifies the authority of courts to make such orders by requiring the submission of a finding of unmet need submitted to the Trial Court Budget Commission; allows the Commission to reallocate trial court funds from other trial courts; and restricts the local court from directing the county to provide items until the Commission has had the opportunity to act first.

This bill makes a number of other consistent changes in law.

FISCAL EFFECT

Revenues to the state General Fund would be reduced by an estimated $300 million, which was the 1992-93 revenue from the miscellaneous revenues proposed to be transferred from the state to the counties. That transfer is contingent upon ongoing budget discussions about realignment of functions and funds between the state and counties. Such realignment is predicated as well on assumptions that transfer those funds to counties will provide an incentive to counties to collect those moneys and that the state will transfer additional obligations to the counties which will result in a neutral affect upon the state general fund.

The purposes of this bill are to continue the evolution of full state funding of trial courts and to make the changes in law which are required to achieve the realignment goals under discussion as part of the 1994-95 state budget.

COMMENT

1. Evolving nature of this bill

This bill is part of an evolving discussion about the 1994-95 state budget. For example, the League of California Cities is

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no longer opposed to this bill. However, the League is still seeking further amendments to allow cities to keep all city fine revenues and to allow counties to keep all county fine revenues.

The realignment provisions of this bill are all contingent upon the final decisions made about the 1994-95 state budget. If no agreement is reached, then those provisions would be deleted from this bill.

2. Opposition of the National Traffic Safety Institute

The National Traffic Safety Institute is opposed to this bill because it removes a sunset on the surcharge which is imposed when a person chooses to attend a traffic violators school. The FY 91-92 trial court funding realignment legislation imposed a $24 fee (which will sunset on January 1, 1997) on persons attending traffic violator schools, in addition to fines and penalty assessments required of all violators. The $24 fee goes to the General Fund. That surcharge generates approximately $32 million each fiscal year.

This bill would eliminate that sunset altogether and would transfer the fees collected to the counties. The National Traffic Safety Institute opposes removing the sunset on the grounds that the fee forces some traffic violators to opt out of the traffic school option and instead seek a court trial or simply not appear. (Note: the Institute is the sponsor of SB 2064 [McCorquodale] which would move the sunset to one year earlier; that bill is now in the Assembly.)

****

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NATIONAL TRAFFIC SAFETY INSTITUTE

NTSI

NATIONAL TRAINING SYSTEMS INSTITUTE DIV.

May 12, 1994

Senator David Roberti, Chair
Senate Judiciary Committee
California State Capitol
Sacramento, CA 95814

RE: AB 2544 (Isenberg) - Oppose

Dear Senator Roberti:

My client, National Traffic Safety Institute has reviewed AB 2544 (Isenberg) relative to trial court funding and finds they must oppose this legislation.

NTSI opposes any additional fees to attend traffic violators schools. As a result of the additional fees to attend traffic violators schools imposed through the FY 91-92 trial court funding realignment, traffic violator schools are realizing a 40% drop in enrollment. Because of the high costs involved, many people are being forced to choose not to attend traffic schools, and opt instead to seek a trial hearing or in many cases, simply ignore the situation and just fail to appear. The courts have estimated that they are seeing a 35% increase in requests for trial, creating additional burdens on an already overcrowded system.

We respectfully request your No vote when AB 2544 comes before you in the Senate Judiciary Committee. I am available at your convenience to meet with to further discuss our concerns. Please call me at 916/921-0658.

Sincerely,

Brian L. Hatch

cc: Members of Senate Judiciary Committee
Committee Consultant
Senate Floor Analysis

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SP-1

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League of California Cities

California Cities
Work Together

APR 11 1994

April 11, 1994

Assembly Member Phil Isenberg
State Capitol
Room 6005
Sacramento, CA 95814

RE: AB 2544 - Notice of Opposition

Dear Assembly Member Isenberg:

The purpose of this letter is to notify you that, following our review of the March 23 amendments to your AB 2544, the League of California Cities removes its opposition.

Although we have removed our opposition to AB 2544, we would urge further amendments to allow cities to keep a larger share of city fine revenue. The decision three years ago to take part of city and county fine revenue was a mistake; those revenues have since decreased. AB 2544 allows counties to retain 100 percent of county fine revenue as an incentive to maximizing fine revenue; this is only one-half of the solution. Allowing cities to keep city fine revenue is the other half of the solution. If cities are allowed to keep their own fine revenue, they will be able to fund more traffic officers and consequently issue more tickets. The League is supportive of the proposal in the Governor's Budget that would return **all** city fine revenue to cities, and county fine revenue to counties.

We hope this letter adequately explains our position on this issue. Please contact our office if you would like to discuss our position.

Sincerely,

Judi Smith
Legislative Representative

c: Consultant, Assembly Ways and Means Committee

L:\leg\bill\ab\ab2544.ntr

SP-2

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602 EAST HUNTINGTON DR., SUITE C
MONROVIA, CA 91016
(818) 305-1315

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FEB 24 1994
Ans'd.....

February 22, 1994

Assembly Member Phil Isenberg
State Capitol
Room 6005
Sacramento, CA 95814

withdrawn

RE: AB 2544 - Notice of Opposition

Dear Assembly Member Isenberg:

The purpose of this letter is to notify you that, following our initial review of your AB 2544, the League of California Cities must respectfully oppose this bill.

Consistent with the League's opposition in 1991 to the state taking a share of city fine revenue, the League is opposed to the provisions of AB 2544 that earmark 50 percent of city fine revenue for counties.

The decision to take city fine revenue two years ago was a mistake. Cities have had insufficient revenue to adequately enforce traffic laws which has resulted in fewer fines being collected on a statewide basis. The League is supportive of the proposal in the Governor's Budget which would return all city fine revenue to cities.

We hope this letter adequately explains the basis of our opposition. Please contact our office if you would like to discuss our position.

Sincerely,

Judi Smith
Legislative Representative

cc: Members, Assembly Judiciary Committee
Consultant, Assembly Judiciary Committee

L:\leg\bill\ab\ab2544.op

GP-3

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NATIONAL TRAFFIC SAFETY INSTITUTE

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NATIONAL TRAINING SYSTEMS INSTITUTE DIV.

May 12, 1994

Senator David Roberti, Chair
Senate Judiciary Committee
California State Capitol
Sacramento, CA 95814

RE: AB 2544 (Isenberg) - Oppose

Dear Senator Roberti:

My client, National Traffic Safety Institute has reviewed AB 2544 (Isenberg) relative to trial court funding and finds they must oppose this legislation.

NTSI opposes any additional fees to attend traffic violators schools. As a result of the additional fees to attend traffic violators schools imposed through the FY 91-92 trial court funding realignment, traffic violator schools are realizing a 40% drop in enrollment. Because of the high costs involved, many people are being forced to choose not to attend traffic schools, and opt instead to seek a trial hearing or in many cases, simply ignore the situation and just fail to appear. The courts have estimated that they are seeing a 35% increase in requests for trial, creating additional burdens on an already overcrowded system.

We respectfully request your No vote when AB 2544 comes before you in the Senate Judiciary Committee. I am available at your convenience to meet with to further discuss our concerns. Please call me at 916/921-0658.

Sincerely,

Brian L. Hatch

cc: Members of Senate Judiciary Committee
Committee Consultant
Senate Floor Analysis

SP-4

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Noontime Explorer
Page 2

RECORDER

Vol. 84, No. 106 • Sacramento, Calif. 95814

Designated the official newspaper for the City of Sacramento



File Photo

Justice Sandra Day O'Connor wrote the plurality opinion for the court.

High court adopts 'test' for employees' comments

BY DAVID F. PIKE
Special to The Daily Recorder

WASHINGTON – Adopting a "reasonableness test" for government personnel actions, a Supreme Court plurality said Tuesday employers must investigate a target of "disruptive" comments by an employee, and believe what they uncover, before taking disciplinary action.

The decision in *Waters v. Churchill*, 94 Daily Journal D.A.R. 7224, builds on the court's 1983 decision in *Connick v. Myers*, 461 U.S. 138, which held the First Amendment protects a government employee's speech if it is on "a matter of public concern" and the employee's interest in speaking out is not outweighed by any injury to the government's interest.

Justice Sandra Day O'Connor wrote the plurality opinion that was joined by Chief

See TEST, page 4

Lawmakers, governor wrangle over proposed trial court funding

❑ *Observers agreed it's not time for local judges and county officials to panic - yet.*

BY TOM DRESSLAR
Special to The Daily Recorder

Both the Senate and Assembly have slashed most of Gov. Pete Wilson's proposed $400 million increase for trial court funding from the budgets they have sent to a two-house conference committee that will forge the Legislature's state spending plan for fiscal 1994-95.

But local officials counting on an infusion of new state cash for trial courts should not despair, according to budget experts. This legislative ballgame is not over yet.

The development doesn't mean lawmakers disagree with Wilson's proposal, they say. And it doesn't mean the decision to reduce the governor's plan by $388 million won't be reversed before the Legislature approves its final budget.

What the action reflects, observers agree, is both houses' decision to put trial court funding on hold while lawmakers and Wilson try to agree on an overall plan to realign state and local government funding responsibilities.

With a June 15 deadline looming for legislative passage, and the state facing another multi-billion dollar shortfall, the realignment issue likely will be one of the last budget issues resolved, given its size, significance and complexity.

And it no doubt would be one of the items on the table in any budget negotiations among Wilson and legislative lead-



Photo by John Wing/We

Gov. Pete Wilson's proposal to increase state funding of trial courts has been put on hold while Legislature and lawmakers work to realign state and local government funding.

[illegible] also called "Big Four" [illegible] include Wilson; Assembly Speaker Willie Brown, D-San Francisco; Senate President pro Tem Bill Lockyer, D-Hayward; Assembly GOP leader Jim [illegible] of Rancho Cucamonga; and Senate Republican leader [illegible] of Thousand Oaks.

Assembly Judiciary Committee Chairman Phillip Isenberg, D-Sacramento, also can be counted on to play a key role in developing a plan given his committee's jurisdiction over alignment in general and trial court funding in particular.

Wilson's plan to increase state trial court funding from the current level of $617.1 million to $1.017 billion was sub-

See FUNDING, page 5

San Bernardino boasts most unusual of

❑ *Challenger contends "old-boys' network"*

most unusual. The campaign that an "old boys' network

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FUNDING

Continued from page 1

mitted as part of a $5.4 billion realignment proposal. Under the governor's plan, the state would assume additional responsibility for some programs, such as trial court funding.

In exchange, local governments would have to provide more money for several programs, including welfare, Medi-Cal, mental health, in-home support services, substance abuse and foster care. Including additional sales and property taxes, vehicle license fees and criminal court revenues counties would get to keep, Wilson's plan was supposed to be fiscal wash for the state.

But Assembly and Senate budget writers disagreed the plan was revenue-neutral for the state. And they decided to eliminate all parts of the realignment proposal – including trial court funding – from the budgets sent to the conference committee. Of Wilson's proposed $400 million trial court funding increase, $388 million was dependent on his realignment plan.

While the conference committee works on the overall budget, a legislative task force will try to hammer out a realignment plan in consultation with the administration.

"The governor had a realignment program," said Fred Silva, budget expert for Lockyer. "He argued it was neutral to the budget, and (lawmakers decided) it was not. The decision was made that the whole realignment issue should be taken out of the budget and given to a task force."

Geoff Long, trial court funding analyst for the Assembly Ways and Means Committee, called the trial court funding reduction, at this point, "purely a technical maneuver." He added, "Ways and Means supports the governor's (trial court funding) proposal 100 percent. We just didn't want to have a gaping hole in the budget, since other aspects of realignment have not been pieced together."

Viewed in the overall realignment context, sources agreed the $388 million reduction should not spur immediate wailing and gnashing of teeth among local judiciary and county officials.

"Realistically ... I don't think it bodes well for the totality of the governor's (realignment) budget," said Michael Corbett, contract lobbyist on budget issues for the state Judicial Council. "But I don't think the fact they eliminated the $388 million bodes ill for trial court funding."

Corbett expressed some optimism Wilson's trial court funding plan still could be part of the state 1994-95 budget. "You could do less than the entire realignment package and still get to the governor's (court) budget," he said. And if the debate comes down to prioritizing which elements to include in a partial realignment package, Corbett observed, "everybody supports doing something that benefits the trial courts."

Silva indicated agreement, saying, "From the policy point of view, everybody agrees we should move to greater state responsibility for trial courts." But he added, "The question is where do we get the money to do that."

While Silva guessed there was "an even chance" the trial courts would get a significant increase in state funding, he said it may not be the $400 million proposed by Wilson.

In any event, knowledgeable observers agreed it's not time for local judges and county officials to panic – yet. "The time to panic," said Corbett, "would be if they threw up their hands and said they can't do anything (on realignment) this year."

On another judicial legislation front, the budget conference committee will reconcile differences between the Assembly and Senate proposals for the Commission on Judicial Performance.

In an effort to strengthen the agency's discipline of errant judges, the Senate approved a plan to double Wilson's proposed 1994-95 budget of $1.43 million. In addition, the Senate version would make the commission a separate item in the state spending plan, removing it from the "judiciary budget" that includes the Supreme Court, appeal courts and Judicial Council. The Assembly left the governor's proposal untouched.

One informed source predicted the Senate's plan will be rejected, either by the conference committee or Wilson. In light of the state's multi-billion fiscal problem, the source said, "I don't see any augmentation of that nature holding."

But an aide to Sen. Charles Calderon, D-Whittier, architect of the Senate proposal, dismissed such forecasts. "My sense is they're wrong," said Kelly Jensen. "With all the discussion about reform (of the agency) and the added responsibilities that will bestow on the commission, people realize it needs more money to carry out those additional responsibilities."

LIMITS

Continued from page 3

become a good legislator."

...er lawmakers with their first picture of ... Legislature to come. But because they can't know much about many of the figures they'll be nominating, the future is very uncertain just now.

Which means term limits are as much a crapshoot today as they were when they passed in 1990. Californians will have to [illegible] of what they did four years ago.

Thomas D. Elias writes a syndicated column on California politics.

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file - AB 2544

California Legislature

Assembly Committee on Judiciary

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STAFF
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Chief Counsel
MIKKI BAKO SORENSEN
Counsel
GENE ERBIN
Counsel
MILLIE ANDERSON
Committee Secretary

February 9, 1994

Hon. David Roberti, Chair
Senate Judiciary Committee
Member of the Senate
Room 2032, State Capitol
Sacramento, California 95814

Dear David:

It has come to my attention that some courts are building a strategy to use the state's proposed return of fines and penalty revenues to the counties as a bargaining chip for more county court funding.

I'm writing to emphasize that the return of fines and penalty revenues is not related to the state's increase in trial court funding, rather it is tied to a state-county program realignment that dwarfs the trial courts' budgets. It is in no way intended to assist or increase funds for the counties' share of court funding.

It is ironic that some courts, which have insisted for years that their budgets must not be tied to the successful levy and collection of criminal fines, are now suggesting that this is somehow "their" money.

Furthermore, such a strategy would undo the role of the Trial Court Budget Commission to review court budgets and represent the trial courts' legitimate requests for fair and equitable funding.

Any court representatives who suggest that the trial courts need this kind of a hammer over the counties must believe that their budget requests cannot stand up to the kind of scrutiny required by responsible budgeting. I believe that the Trial Court Budget Commission process <u>will</u> produce such a legitimate and defensible product, and I will adamantly oppose any behind-the-back maneuvers to grab more county resources.

Sincerely,

SP-7

STATE CAPITOL SACRAMENTO, CA 95814 TEL. (916) 445-4560

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COUNTY OF SANTA BARBARA

KENT TAYLOR
County Administrator

105 E. Anapamu St.
Santa Barbara, CA 93101
Telephone 568-3400



CASEY SPARKS KANEKO
Legislative Representative

1100 K Street, Suite 101
Sacramento, CA 95814-3941
Telephone (916) 327-7531
Fax (916) 441-5507

ADMINISTRATOR'S OFFICE

LEGISLATIVE PROGRAM

June 1, 1994

MEMORANDUM

TO: Members of the Senate Judiciary Committee

FROM: Casey Kaneko
Legislative Representative

RE: **AB 2544 (Isenberg) - Support**
Hearing: 6/8/94

Santa Barbara County supports AB 2544. This measure continues the Legislature's efforts to transform the court system from a fractured locally funded system to a uniform statewide system.

Santa Barbara County was one of the last counties to "opt in" to Trial Court Funding, the reason being that the courts and the County had not been able to reach an appropriate agreement on local disbursement of the block grant money. The current arrangement is a tenuous one that causes County staff considerable anguish on an annual basis. Therefore, the County is most supportive of AB 2544 since it repeals judicial sign-off and provides a more structured methodology for financing the various court costs.

Additionally, with the enactment of the Three Strikes legislation, county criminal justice costs will increase. The transfer of fines and penalty funds from the State to counties provided in AB 2544 will help to fund the new program responsibilities proposed in the Governor's Budget.

For these reasons I urge you to vote "aye" on this measure.

SP-8

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File AB 2544 April 29 1994 SF Daily Record

Trial Court Budget Hike Gets Handed Over to the Senate

■ Local judges' authority issues remain unresolved, however.

By Tom Dresslar
Daily Journal Staff Writer

SACRAMENTO – Legislation to implement Gov. Pete Wilson's plan to increase state funding of trial courts by $400 million passed the Assembly Thursday on a 61-1 vote. AB2544 by Assembly Judiciary Committee Chairman Phillip Isenberg, D-Sacramento, now goes to the Senate.

The bill progressed despite lingering concerns within the judiciary about a provision that ends local judges' power to order county supervisors to provide the courts whatever resources judges deem necessary to conduct their operations.

Discussions among Isenberg, judiciary officials and county representatives are continuing in an effort to resolve the issue, which centers on the bill's elimination of judges' statutory authority under Government Code section 68073. Isenberg aide Alison Harvey met with representatives of the Judicial Council and its Administrative Office of the Courts Wednesday.

Judicial Council lobbyist Ray LeBov said that, based on Wednesday's talks, the council is "in the process of drafting what our proposal will be" on section 68073. Harvey added: "We're still talking. There's nothing solid. There are some ideas floating around." She indicated judiciary officials, including AOC Director William Vickrey, showed at least a preliminary interest in some ideas discussed at Wednesday's meeting.

Currently, section 68073 allows courts to order county supervisors to provide "anything necessary to the conduct of the court's functions . . ." AB2544 would amend the section to specify counties only have to fund those court functions not funded by the state. And it eliminates judges' power to order payments from county officials.

Judiciary officials don't necessarily disagree section 68073 should be changed to reflect the state's growing responsibility for trial court funding. But they want the courts to retain some statutory recourse to seek additional funds when they determine their ability to function is threatened.

Wilson's fiscal 1994-95 trial court funding proposal calls for state support of local court operations to total $1.017 billion, a $400 million hike over the current year's level. Under the governor's proposal, the state's share of trial court funding would reach 59 percent of the total statewide expenditures projected by the council's Trial Court Budgeting Commission.

Isenberg's bill would implement two main features of Wilson's trial court plan. First, the bill would end the block grant method for providing state funds. Under the governor's proposal, the state budget would provide money for specific court functions, with the Trial Court Budgeting Commission allocating the funds to individual counties.

Second, AB2544 would implement Wilson's proposal to allow local governments to keep the criminal fines, forfeitures and penalties they now remit to the state general fund. Those monies eventually return to the counties as part of their trial court funding block grants. AB2544 would allow counties to keep $300 million in criminal court revenues. The disposition of another $50 million – that Wilson wants to give to cities – is being negotiated.

In a significant development, Isenberg recently amended the bill to specify it cannot take effect unless it is made revenue-neutral for the state through a local-state government realignment plan. Since AB2544 is designed to implement Wilson's $400 million trial court funding increase, and it allows the counties to keep $300 million in criminal court revenues, the revenue-neutrality provision would require counties to assume $700 million in programs now funded by the state, said Harvey.

One piece of that realignment puzzle is contained in Isenberg's AB3822, which would transfer from the state to counties responsibility for incarceration and supervision of juvenile offenders. The $300 million cost would be funded by the criminal court revenues retained by counties under AB2544. The Assembly Ways and Means Committee approved AB3822 Thursday and sent it to the floor.



Daily Journal

PHILLIP ISENBERG – The Assembly Judiciary Committee chairman continued discussions of his bill.

ASSEMBLY COMMITTEE ON JUDICIARY

#90

Hon. Thomas Hannigan
Room 3104, State Capitol
Attn: Rebecca Gonzales

JS

Assembly Floor Analysis
Room 3196, State Capitol

Assembly Minority Consultants
1021 "O" Street, 4th Floor Annex
Attn: Library

Hon. Willie L. Brown, Jr.
Room 219, State Capitol
Attn: Cary Rudman

Lara Bierman
Leg. Counsel
Room 3021, State Capitol

Judicial Council

5-7524

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Legislative Unit
State Capitol

Governor's Office
Planning and Research
1400 10th Street, Ste. 250
Attn: Christina Strader

Senate Judiciary Committee
Room 2032, State Capitol

Assembly Ways and Means
Room 6026, State Capitol

Circe Olander
Minority Ways and Means
State Capitol, Room 3123

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SP-10

ASSEMBLY JUDICIARY COMMITTEE
HEARING AGENDA
February 23, 1994
9:00 a.m. - Room 444

Individuals who, because of a disability, need special assistance to attend or participate in an Assembly Committee hearing or in connection with other Assembly services, may request assistance at the Assembly Rules Committee, Room 3016, or by calling 445-8019. Requests should be made 48 hours in advance whenever possible.

ITEM	BILL NUMBER	CONSENT	DESCRIPTION
1.	AB 2544 (Isenberg)		**Trial Court Funding:** Enacts statutory changes necessary to carry out revised state and county obligations in regard to trial court funding. (Harvey)

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SENATE COMMITTEE ON JUDICIARY Bill Lockyer, Chairman 1993-94 Regular Session

AB 32 (Isenberg) As Amended February 19, 1993 Hearing date: February 23, 1993
Government Code §§GRS

Chap 626, Stats of 1992 Chap 1368, Stats of 1992 Chap 2409, Stats of 1992

TRIAL COURT FUNDING

HISTORY

Source: Author

~~Prior~~ Legislation: AB 3027 (1992) - Chaptered AB 2409 (1992) - Chaptered AB ~~1344~~ (1992) - Chaptered AB 544 (1991) - Chaptered SB 21 (1991) - Chaptered AB 1297 (1991) - Chaptered AB 195 (1991) - Chaptered SB 612 (1988) - Chaptered AB 1197 (1988) - Chaptered SB 709 (1987) - Chaptered AB 19 (1985) - Chaptered

Support: Judicial Council; California State Association of Counties; County of Colusa; California Association for Superior Court Administration

Opposition: No Known

Assembly Floor vote: Ayes 65 - Noes 3

KEY ISSUE

SHOULD THE 1992-93 REVENUES DERIVED FROM COURT FILING FEES AND DEPOSITED IN THE TRIAL COURT FUNDING TRUST FUND BE APPROPRIATED TO THE COUNTIES FOR SUPPORT OF THE TRIAL COURT SYSTEM?

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(More)

SP-12

PURPOSE

In 1985, with the passage of AB 19 (Robinson), the State of California determined to assume responsibility for the funding of the trial courts in this state. Pursuant to the Trial Court Funding Act of 1988, state support took the form of block grants paid to each county per judicial position and full assumption of judicial salaries. The Trial Court Realignment and Efficiency Act

1991 (AB 1297-Isenberg), with follow-up legislation in 1992, increased the te's share of the total cost of court operations in consideration of ecified reforms and efficiencies, including deposit with the state of a rtion of court revenues collected. It also specified the intent of the gislature to move away from block grant funding toward line-item appropriation r support of the court system.

st year the Legislature passed AB 1344-Isenberg, a further refinement of trial urt funding undertaken in the context of the budget crisis. That measure (a) ovided the funds necessary to effectuate state support in light of budget justments, repealing the 1991-92 allocation schedule and replacing it with a w $635.2 million in block grants; (b) transferred first paper filing fees to e state and increased them to off-set the state's revised share of funding;) gave courts leeway to offset budget cuts in their local funding share; (d) stated commitment to elimination of block grants and line-item appropriation, th formation of a Trial Court Budgeting Commission to prepare budgetary oposals; and (d) created a Trial Court Trust Fund for the collection of fees the state level, to be appropriated beginning this year (1993) in support of urt operations. The appropriation was delayed so that revenues might accrue, d the distribution formula be calculated based on November 1992 reports of tual court expenditures.

is bill as amended would appropriate and allocate to the counties $140 million 1992-93 Trust Fund revenues using a percentage formula derived from actual urt expenditures last year. Distribution would be undertaken on a quarterly sis, in January (already passed), April, June, and August.

is bill would enact additional clarifications to the court funding package.

rrently, the salaries of judges sitting on assignment are advanced by the dicial Council; the counties' share of this expense is deducted by the state om their block grants and forwarded periodically to the Judicial Council. is bill would require reimbursement to the Judicial Council on a monthly sis.

ovisions included last year relating to filing fees raised the total amount harged for a first paper to $182. This bill would remove a lower cap advertently retained pertaining to fees imposed in courts where no court porter fees are collected. This

(More)

nange is essentially technical, and would not result in any increase in fees.

egislation enacted last year (SB 1478-Presley) authorized the imposition of a 50 filing fee surcharge in Riverside County alone for reconstruction and eismic stabilization of the Riverside County Courthouse. This bill would ermit these revenues to be used for reconstruction of the Indio Branch ourthouse as well.

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purpose of this measure is to distribute $140 million in anticipated funding the counties in support of their court operations.

)MMENT

.. Distribution of less revenue than anticipated

Vhen court revenues were "swept up" by the state last year, it was initially estimated that the fees to be gathered would total $205 million in 1992-93. Iowever, due to the late date of AB 1344 enactment and the general economic malaise, it is now estimated that the revenue generated will reach only $140 million. Regardless of what is available, the counties are anxious for return of the funds which were local revenues prior to last year's rearrangement.

Distribution as proposed by this bill's schedule has been deemed acceptable by the counties. What is included is a two-part formula, intended to give each county the equivalent of the support it received last year. The first $140 million is apportioned based upon the number of judicial positions in each county and that county's percent share of total court expenditures. Any amount received over $140 million is to be distributed solely on the basis of a county's percentage share of total expenditures. The first past of the formula favors smaller counties, and is consistent with a bias built into previous block grant calculations recognizing constant court costs regardless of county size. The second favors large counties, reflective of their actual share of statewide court costs.

2. The matter of multiple filing fees

Previous versions of this measure attempted to deal with a problem arising in some counties pertaining to civil filing fees, where the full amount authorized last year is imposed upon each party whether filing separately or jointly. Perceived intent of the Legislature was to impose the fee per transaction, regardless of the number of parties to the filing. Apparently, resolution of this matter will require additional negotiation. In order to avoid any delay of the court funding

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(More)

appropriation, the subject has been deleted from this measure and corrective language will be developed for insertion in a future bill.

3. Indio Courthouse provision

Authorizing expenditures for construction of a court facility in Indio is included at the behest of the county. Since the original surcharge was requested by the county, and generated no opposition from the local Bar, the disposition of the funds would seem to be a local matter.

****

NATIONAL TRAFFIC SAFETY INSTITUTE

NTSI

NATIONAL TRAINING SYSTEMS INSTITUTE DIV.

May 12, 1994

Assemblymember Phil Isenberg
CA State Capitol
Sacramento, CA 95814

RE: AB 2544 - Oppose

Dear Assemblymember Isenberg:

My client, National Traffic Safety Institute has reviewed your AB 2544 relative to Trial Court Funding and finds they must oppose this legislation.

NTSI opposes any additional fees to attend traffic violators schools. As a result of the additional fees to attend traffic violators schools imposed through the FY 91-92 trial court funding realignment, traffic violator schools are realizing a 40% drop in enrollment. Because of the high costs involved, many people are being forced to choose not to attend traffic schools, and opt instead to seek a trial hearing or in many cases, simply ignore the situation and just fail to appear. The courts have estimated that they are seeing a 35% increase in requests for trial, creating additional burdens on an already overcrowded system.

I am available to meet with you at your convenience to further discuss our concerns. Please call me at 916/921-0658.

Sincerely,

Brian L. Hatch

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(408) 297-7200 • FAX (408) 297-3541

SP-15

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5/23

City of Arcadia

240 West Huntington Drive, Post Office Box 60021
Arcadia, California 91066-6021 • (818) 574-5400

MARY B. YOUNG
MAYOR
DR. SHENG CHANG
MAYOR PROTEMPORE
BARBARA D. KUHN
DENNIS A. LOJESKI
BOB MARGETT
COUNCIL MEMBERS
JUNE D. ALFORD
CITY CLERK
WILLIAM R. KELLY
ACTING CITY MANAGER

May 16, 1994

Senator David Roberti
Senate Judiciary Committee
State Capitol Building, Room 205
Sacramento CA 95814

RE: Oppose - - AB 2544

Dear Senator Roberti:

On behalf of the Arcadia City Council, I encourage you to oppose AB 2544, which would require cities to forward 50% of their parking citation fines to counties.

The State's desire to restructure the funding of the trial courts is to be applauded. However, as proposed, Assembly Member Isenberg's AB 2544 would establish a mechanism that, in essence creates two problems:

First, it would reduce to the City of Arcadia over $75,000 in fines received from locally enforced parking ordinances. The City of Arcadia already faces a $2.2 million shortfall for 1993-1994.

Second, with the $75,000 reduction, the economic incentive to issue citations is dramatically reduced. The State has already reduced the cost effectiveness of parking enforcement through past actions. Eventually, there comes a point where parking enforcement becomes economically difficult to uphold.

I understand the State's need to restructure the funding of the trial courts, but not on the backs of local governments. For the reasons cited above, I urge you to oppose AB 2544 when it comes before you for a vote.

Sincerely,

Mary B. Young

MARY B. YOUNG
Mayor

MBY:AM

cc: City Council
Senator Hill
Assemblyman Mountjoy
League of California Cities

SP-16

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INDEPENDENT CITIES ASSOCIATION
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David N. Smith, Consultant

June 4, 1994

Honorable David Roberti, Member
Senate Judiciary Committee
205 Capitol Building
Sacramento, California 95814

Re: AB 2544 (Isenberg) - Oppose

Dear Senator Roberti:

The Independent Cities Association (ICA), which is comprised of fifty cities in the Southern California area, opposes AB 2544 for the reasons set forth by the League of California Cities.

Thank you for considering the position of the Independent Cities Association on this issue.

Respectfully,

Betty Ainsworth, Chairwoman
ICA Major Issues & Legislation Committee

ds

League of Cal. Cities
Judy Smith
444-5790

LEGISLATIVE INTENT SERVICE (800) 666-1917

MEMBER CITIES:

Alhambra	Colton	El Segundo	Inglewood	Monterey Park	Santa Monica	West Covina
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Azusa	Compton	Gardena	Long Beach	Pomona	Signal Hill	
Baldwin Park	Costa Mesa	Glendora	Los Angeles	Redondo Beach	South Gate	
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Beverly Hills	Culver City	Hermosa Beach	Manhattan Beach	San Gabriel	Torrance	
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Claremont	El Monte	Indio	Montebello	Santa Fe Springs	Vernon	

SP-17

MAY - 6 1994

Isenberg

SENATE JUDICIARY COMMITTEE
BACKGROUND INFORMATION

445-5957

AB 2544

Please complete this form and return it to the Senate Judiciary Committee, Room 2032, as soon as possible. Your bill **cannot** be heard until this form is returned. **PLEASE CALL AS SOON AS POSSIBLE TO SET YOUR BILL.**

1. Who on your staff is responsible for this measure?

   Alison Harvey

2. Which agency, organization or individual requested the introduction of this bill? none

   Name:

   Contact Person:

   Phone number:

3. Which agencies, organizations, or individuals (outside of the sponsor) have expressed support?

   CSAC; Chief Probation Officers of California; Counties of Mono Santa Barbara, Imperial, Fresno; Consolidated Courts of Riverside County

4. Which agencies, organizations or individuals have expressed opposition? Association of Municipal Court Clerks (to provisions affecting Govt Code Sec. 68073).

5. If a similar bill has been introduced in a previous session, what was the number and year of its introduction? AB 392 (ch. 158) & AB 32 (ch. 2) were the 1993 trial court funding implementation bills.

6. What problem or deficiency under current law does the bill seek to remedy? This bill 1) makes the statutory changes necessary to increase the state's share of trial court funding to 65% and to directly fund specific court functions as opposed to paying state share in block grants to counties; 2) transfers $300 million in revenues to counties

SP-18

7. Are you planning any amendments to be offered before the Committee hearing? Possibly, as a result of ongoing discussions between courts and counties over Govt Code Sec. 68073

If you have any further background information or material relating to this measure (letters of support or opposition, reports, opinions, citations, etc.) please attach copies or state where such information is available.

Your cooperation is appreciated.

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Appropriations Committee Fiscal Summary

Hearing Date: 6/27/94 **AB 2544 (Isenberg)**

Amended: 6/21/94 **Policy Vote:** Judic. 9-0

Consultant: David Maxwell-Jolly

BILL SUMMARY: AB 2544, an urgency measure, makes significant changes in the structure of the Brown-Presley Trial Court Funding Act. The bill eliminates the county block grant structure used to allocate trial court funds and substitutes an allocation process for individual courts based on recommendations to the Judicial Council from the Trial Court Budget Commission. The amount to be allocated would be specified in the annual budget act. The bill specifies criteria to be used by the commission in allocating funds. In addition the bill:

- Provides state funding for health benefits for active and retired municipal and justice court judges.
- Limits the ability of judges to order counties to provide for court expenses to only those court functions not funded by the state.
- Eliminates the process by which counties opt into trial court funding.
- Transfers to the counties from the state fine and penalty revenues.
- Permits nonprofit agencies that monitor traffic schools to charge a fee for the service.

Fiscal Impact (in thousands)

Major Provisions	1994-95	1995-96	1996-97	Fund
State revenue losses	259,000	259,000	259,000	General
	2,000	2,000	2,000	Penalty
County revenue gains	248,000	248,000	248,000	county
Retired judge benefits	1,300	1,300	1,300	General
Active judge benefits	3,000	3,000	3,000	General*

*The bill specifies that these funds come out of the trial court funding appropriation in the budget act.

STAFF COMMENTS: This bill meets the criteria to be placed on the Suspense file.

The author will offer amendments to remove the revenue losses to the state through the fine and penalty transfers (with the exception of a $2 million shift from the State Penalty Fund to county general funds)l. The amendments also make important technical changes to the sections affecting health benefits for municipal court judges.

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Trial Court Sections

77000
~~77001~~
77002 ✓
3 am ✓
4 optnl co. defined
5 SMLP defined
6 Sub offic
→ 77006.5 — add
7 — trial ct defined
8 - filing fees defined
~~9~~
~~10~~
~~11~~
12 co defined
13 Controller defined

77300 ℓ
77301 ℓ
77400

77100 ✓
77101 ✓

77200 ℓ
02 ℓ
02.5 ventura VLF
03 MSMLP reimb. ✓
03.5 — add?
04 ℓ
05 ℓ add 77205
05.3 ℓ add 77205.1
05.5 add 77205.3
06 ℓ
07 improvement fund
08
is this needed? ✓

SF-1

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Technical amendments:

Section 24 (p 29 l 19+21) ~~should be~~ 77205.5 already exists — opt in section.

77205.5 — is this needed?

77208 — is this needed?

Is section 30 ~~the same~~ 77205.3 the same as the section 29 repeal?

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Debra: Here's the revenue list.

1993-94 revenues from the sources switched from state general fund to counties in AB 3822: $294.2 million

✓ County 75% split (1463.001 PC)	$80.0 million
✓ $3 state penalty (1464 PC)	$60.1 million
✓ Traffic violator school bail fee (42007.1 VC)	$88.4 million
— $24 traffic violator school fee (42007.1 VC)	$32.4 million]
✓ $25 county booking fee (29550 GC)	$ .8 million
✓ $10 citation release fee (29550 GC)	$ .9 million
✓ $1 parking surcharge (76000(c) GC)	$16.3 million
✓ Document recording fee (27361 GC)	$12.7 million
State % $10 correction fee (42008 VC)	$ 2.6 million

City 50% split (1463.001 PC) $48.5 million

(The traffic violator school fee is a fee equal to the full fine + penalties that an offender would have to pay normally. The state gets 77% of this and the rest goes to the counties. It applies that way to all tickets, including those issued within city limits, because prior to the trial court funding bills people who attended traffic school didn't have to pay the fine. So this was new money.)

		CP21/ version	amends
42007.1		75% back to county ——	no change
		$88.4m GF loss	0
		no change in $24 ——	no change
1463.001	75% State parking fine	$80 m to co	0
1464	$3 state penalty	$60.1 m $ to co per 76000	0
GC 29550	$25 release booking fee $10 cit release	0.8 to co 0.9 to co	
GC 27361	doc fee	$12.7 ↓	0
GC 76000(c)	$1 parking surcharge	$16.3 m to co	0
VC 42008	$10 correction fee	no actn	

SF-3

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DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: August 16, 1993
POSITION: OPPOSE
SPONSOR: California Dental Hygienist's Association

BILL NUMBER: AB 221
AUTHOR: Areias

BILL SUMMARY

AB 221 would establish a new category of allied dental health professional called "Registered Dental Hygienist in Alternative Practice" (RDHA), require the Dental Board or the Department of Consumer Affairs (DCA) to adopt new regulations that specify the functions and level of independence/supervision required for the new class, and specify that services from the new class of licensees are eligible for Medi-Cal reimbursement.

FISCAL SUMMARY

Code/Department Agency or Revenue Type	SO LA CO RV	PROP 98	(Fiscal Impact by Fiscal Year) (Dollars in Thousands) FC 1993-94	FC 1994-95	FC 1995-96	Code Fund
1270/Dental Aux	SO	No		C $13		380/ADHPF*
1200/Lic Fees	RV	No		U 8	U 8	380/ADHPF*
4260/DHS/Medi-Cal	LA	No		C $163,370	C $253,687	001/GF
4260/DHS/Medi-Cal	LA	No		C $163,370	C $253,687	890/FF

* Allied Dental Health Professional Fund

COMMENTS

The last Department of Finance (DOF) analysis of AB 221, which proposed several amendments, was on the April 27, 1993, version. Although the August 16, 1993, version incorporated those proposed DOF amendments, the bill now poses a new but very significant fiscal problem for DOF. The 1994-95 Governor's Budget, as reflected in the June Revision, has proposed to reduce funding for nine optional Medi-Cal benefit programs, which creates a conflict with the language contained in this bill. The estimated cost to the General Fund is $163.4 million in FY 94-95 and $253.7 million in FY 95-96, plus the comparable Federal Fund match.

Although the bill establishes a new registration fee for RDHAs, the DOF notes no concerns with this provision since the sponsor of AB 221 is the California Dental Hygienist's Association, which represents the industry directly affected by the new one-time fee.

Analyst/Principal	Date	Program Budget Manager	Date
(222) Diana Alonzo	6/24/94	S. Calvin Smith	6-24-94

Department Deputy Director — Date

Governor's Office: By: Date: Position Noted____ Position Approved____ Position Disapproved____

BILL ANALYSIS — Form DF-43 (Rev 03/92 Buff)

CJ:BA,AB221-3.MW

SF.4

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COMMENTS (cont.)

The DOF is not opposed to any provision that would promote less expensive service delivery for Medi-Cal patients provided there are no adverse impacts to General Fund and federal participation can be assured.

SUMMARY OF CHANGES

Amendments to this bill since our analysis of the April 27, 1993, version are fiscally neutral and do not alter our previous position. Those amendments include:

1) deleting the provision to increase the Committee on Dental Auxiliaries within the Board of Dental Examiners from 9 members to 10; and,
2) making the provision to mandate Medi-Cal coverage for all dental hygiene services provided by an RDHA permissive.

ANALYSIS

A. Specific Findings

Current law establishes a 9-member Committee on Dental Auxiliaries within the Board of Dental Examiners (BDE) to advise on the appropriate practices and degree of supervision exercised by other licensed dental occupations for dental assistants and dental hygienists. Dental auxiliaries are licensed by the BDE upon payment of specified fees and revenues which are deposited into the Dental Auxiliary Fund.

AB 221 proposes to change the name of the special fund, to establish a new license category for an RDHA, to require the Board to adopt regulations by January 1, 1995, specifying the qualifications for and the scope of practice for an RDHA, including the functions which may be performed independent of a dentist, and to specify that the Director of the DCA may adopt the new regulations if not adopted by the BDE.

Additionally, this bill requires the new class to refer patients to licensed dentists for diagnosis and dental treatment, adds the new class to the list of those whom health insurance companies may not exclude from reimbursement for covered service but limits this for managed care programs to those who have actually contracted with the care program, and adds the new class to the list of authorized services for Medi-Cal beneficiaries.

The DOF understands that the Office of Statewide Health Planning and Development (OSHPD) maintained oversight on two pilot projects, pursuant to the Health Manpower Pilot Project of 1973, which were initiated to demonstrate/test the concept of dental hygienists in alternative practice. According to the DCA, the results indicated no adverse health consequences to patients.

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B. Fiscal Analysis

According to the DCA's analysis, 30 currently licensed hygienists would qualify for the new licensure category. They anticipate 20-30 new licensees of the 100 or so applications received annually would also seek the new category. Therefore, the new revenue from the one-time registration of a RDHA would generate an annual revenue of $7,500 in fiscal years 1994-95 and 1995-96, as well as subsequent fiscal years. DCA notes the current renewal fee for hygienists would apply to the registrants for the new category in subsequent years. DOF does not consider this to be a new revenue.

Since the DCA provides no cost estimate of preparing new regulations to implement the provisions of this bill, DOF must conclude those costs are absorbable. DCA also anticipates that there will be no increased costs associated with enforcement because the new class would perform the same functions they are already licensed to perform, albeit without supervision for certain functions. Also, the DCA would have an estimated one-time cost of $11,000 to $13,000 to accommodate the new category in the central applicant tracking system. While the DCA indicates these costs are not absorbable, we believe any expenditure authority increase should be addressed through the BCP process.

As a general observation, we would note that Welfare and Institutions Code Section 14132 (the section amended by this bill) is quite lengthy, complex and often subject to amendments by other legislative proposals during the same session. Therefore, the addition of new types of Medi-Cal services by way of separate code sections often is advisable.

Any local government costs resulting from the mandate in this measure would not be state-reimbursable, because the mandate only involves the definition of a crime or the penalty for conviction of a crime.

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THIRD READING

SENATE RULES COMMITTEE

Office of
Senate Floor Analyses
1020 N Street, Suite 524
445-6614

Bill No.	AB 2544
Author:	Isenberg (D)
Amended:	6/30/94 in Senate
Vote Required:	27 - Urgency

Committee Votes:

COMMITTEE: JUDICIARY
BILL NO.: AB 2544
DATE OF HEARING: 6-14-94

SENATORS:	AYE	NO
Calderon		
Campbell	✓	
Lockyer	✓	
Marks	✓	
Petris	✓	
Presley	✓	
Torres	✓	
Watson	✓	
Wright	✓	
Leslie (VC)		
Roberti (Ch)	✓	
TOTAL:	9	0

COMMITTEE: APPROPRIATIONS
BILL NO.: AB 2544
DATE OF HEARING: 6-27-94

SENATORS:	AYE	NO
Alquist		
Bergeson	✓	
Dills		
Greene		
Johnston	✓	
Kelley	✓	
Killea	✓	
Leonard	✓	
Mello	✓	
Torres	✓	
Watson	✓	
Beverly (VC)	✓	
Presley (Ch)	✓	
TOTAL:	10	0

Senate Floor Vote:

Assembly Floor Vote: 64-1, p. 6350, 4/28/94

SUBJECT: Trial court funding

SOURCE: Author

DIGEST: This bill makes necessary statutory changes to revise the method of trial court funding from block grants to allocations in the state budget.

ANALYSIS: In 1985, with the passage of AB 19 (Robinson), the State of California determined to assume responsibility for the funding of the trial courts in this state. Pursuant to the Trial Court Funding Act of 1988, state support took the form of block grants paid to each county per judicial position and full assumption of judicial salaries. The Trial Court Realignment and Efficiency Act of 1991 (AB 1297-Isenberg), with follow-up legislation in 1992, increased the state's share of the total cost of court operations in consideration of specified reforms and efficiencies, including deposit with the state of a portion of court revenues collected offsetting increased general fund obligations. It also specified the intent of the Legislature to move away from block grant funding toward line-item appropriation for support of the court system.

In 1992, AB 1344 (Isenberg) was enacted to make a further refinement of trial court funding undertaken in the context of the budget crisis. That measure (a) provided the funds necessary to effectuate state support in light of budget adjustments, repealing the 1991-92 allocation schedule and replacing it with a new $635.2 million in block grants; (b) transferred first paper filing fees to the state and increased them to offset the state's revised share of funding; (c) gave courts leeway to offset budget cuts in their local funding share; (d) restated the commitment to eliminate

CONTINUED

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block grants and adopt line-item appropriation funding, with formation of a Trial Court Budgeting Commission to prepare budgetary proposals; and (e) created a Trial Court Trust Fund for the collection of fees on the state level, to be appropriated beginning this year in support of court operations. The appropriation was delayed so that revenues might accrue, and the distribution formula be calculated based on November 1992 reports of actual court expenditures; it was ultimately made pursuant to the provisions of AB 32 (Isenberg), which was signed by the Governor on March 2.

The Budget Act appropriated $574 million in support of trial court funding for FY 93-94.

In 1993, AB 392 (Isenberg) provided for the distribution of the block grant portion of trial court funding for FY 93-94, moving to FY 94-95 the projected starting date for funding by direct appropriation within the judiciary budget. AB 392 also enacted a number of adjustments and clean-up provisions to trial court funding. AB 392 also created the Trial Court Budget Commission, which prepared the trial courts' budget for inclusion in the 1994-95 state budget.

This bill would make a number of changes in existing law.

Existing law provides the state's share of trial court funding through block grants to each county, which are paid both from the state's General Fund and the Trial Court Trust Fund.

This bill repeals that method of funding. Courts would be funded through allocations in the state budget, which may be allocated and reallocated by the Trial Court Budget Commission.

The bill would require progressively more careful identification of the costs of services obtained by the county from county agencies and to require the negotiation of agreements on the cost of county provided services.

Existing law requires counties to "opt in" to the trial court funding program by March 1 of each year in order to be eligible for a block grant. The "opt-in" agreement must be agreed to by the local bench.

This bill repeals that requirement.

Existing law requires the counties to provide funding for a variety of trial court personnel and facilities.

This bill relieves the counties of that responsibility for those items that are funded by the state through the state budget and requires the counties to consult with the local bench before altering, remodeling or relocating existing court facilities.

Existing law requires the counties to pay a portion of superior judge salaries and the expenses of trial court judges sitting on assignment.

This bill repeals those requirements.

Existing law requires the state to provide health, dental and vision care benefits to sitting and retired Supreme Court judges only. Sitting and retired municipal and justice court judges must seek such benefits from the county.

CONTINUED

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This bill extends such state provided benefits to municipal and justice court judges and retirees.

This bill will require the state to provide municipal and justice court judges - and retirees - with the health, dental and vision care benefits provided to retired superior court judges and will also require that no judge shall have any salary or benefits, with specified exceptions, reduced solely by reason of the enactment of this bill.

Existing law requires each county board of supervisors to provide suitable courtrooms and equipment; judges are allowed to order the county to provide items the courts find necessary if not otherwise provided.

This bill modifies the authority of courts to make such orders by requiring the submission of a finding of unmet need submitted to the Trial Court Budget Commission; allows the Commission to reallocate trial court funds from other trial courts; and restricts the local court from directing the county to provide items until the Commission has had the opportunity to act first.

This bill makes a number of other consistent changes in law.

Prior Legislation

AB 392 - Chapter 158, Statutes of 1993
AB 32 - Chapter 2, Statutes of 1993
AB 3027 - Chapter 1369, Statutes of 1992
AB 2409 - Chapter 1199, Statutes of 1992
AB 1344 - Chapter 696, Statutes of 1992
AB 544 - Chapter 189, Statutes of 1991
AB 1297 - Chapter 90, Statutes of 1991
SB 1766 - Chapter 210, Statutes of 1990
SB 612 - Chapter 945, Statutes of 1988
AB 1197 - Chapter 944, Statutes of 1988
SB 709 - Chapter 1211, Statutes of 1987
AB 19 - Chapter 1607, Statutes of 1985

FISCAL EFFECT: Appropriation: No Fiscal Committee: Yes Local: Yes

Fiscal Impact (in thousands)

Major Provisions	1994-95	1995-96	1996-97	Fund
Retired judge benefits	1,300	1,300	1,300	General
Active judge benefits	3,000	3,000	3,000	General*

*The bill specifies that these funds come out of the trial court funding appropriation in the budget act.

SUPPORT: (Verified 6/30/94)

California State Association of Counties
County of Santa Barbara
Judicial Council

CONTINUED

LEGISLATIVE INTENT SERVICE (800) 666-1917

OPPOSITION: (Verified 6/30/94)

National Traffic Safety Institute

ARGUMENTS IN SUPPORT: The California State Association of Counties supports this bill which would make significant changes in the laws governing trial court funding. Specifically, it would appropriately align responsibility for the funding of the trial courts by limiting the counties funding responsibility to those items not provided for in the state budget; modifying provisions that currently allow the courts to make expenditures; repealing the judicial sign off provisions.

ARGUMENTS IN OPPOSITION: The National Traffic Safety Institute is opposed to this bill because it removes a sunset on the surcharge which is imposed when a person chooses to attend a traffic violators school. The FY 91-92 trial court funding realignment legislation imposed a $24 fee (which will sunset on January 1, 1997) on persons attending traffic violator schools, in addition to fines and penalty assessments required of all violators. The $24 fee goes to the General Fund. That surcharge generates approximately $32 million each fiscal year.

This bill would eliminate that sunset altogether and would transfer the fees collected to the counties. The National Traffic Safety Institute opposes removing the sunset on the grounds that the fee forces some traffic violators to opt out of the traffic school option and instead seek a court trial or simply not appear. (Note: the Institute is the sponsor of SB 2064 [McCorquodale] which would move the sunset to one year earlier; that bill is now in the Assembly.)

ASSEMBLY FLOOR VOTE:

ASSEMBLY BILL NO. 2544 (Isenberg)—An act to amend Sections 27361, 29550, 68073, 68085, 68502.5, 68542.5, 76000, and 76104.5 of, to add Sections 77006.5 and 77205.1 to, to repeal and add Section 77205 of, and to repeal Sections 68206, 77200, 77202, 77204, 77205.3, 77206, 77300, and 77301 of, the Government Code, to amend Sections 1463.001 and 1464 of, and to repeal Section 1463.003 of, the Penal Code, and to amend Sections 40611 and 42007 of, and to repeal Section 42007.1 of, the Vehicle Code, relating to trial court funding, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Bill passed by the following vote:

AYES—64

Aguiar	Connolly	Horcher	O'Connell
Allen	Conroy	Isenberg	Polanco
Alpert	Cortese	Johnson	Pringle
Andal	Costa	Jones	Rainey
Archie-Hudson	Ducheny	Karnette	Richter
Baca	Epple	Katz	Sher
Bates	Frazee	Klehs	Snyder
Boland	Friedman, Barbara	Knight	Solis
Bornstein	Goldsmith	Knowles	Statham
Bowler	Gotch	Martinez	Takasugi
Bronshvag	Hannigan	McDonald	Tucker
Brown, Valerie	Harvey	McPherson	Umberg
Brulte	Hauser	Moore	Vasconcellos
Caldera	Haynes	Morrow	Weggeland
Campbell	Hoge	Murray	Woodruff
Cannella	Honeycutt	Napolitano	Mr. Speaker

NOES—1

Burton

Bill ordered transmitted to the Senate.

RJG:lm 6/30/94 Senate Floor Analyses

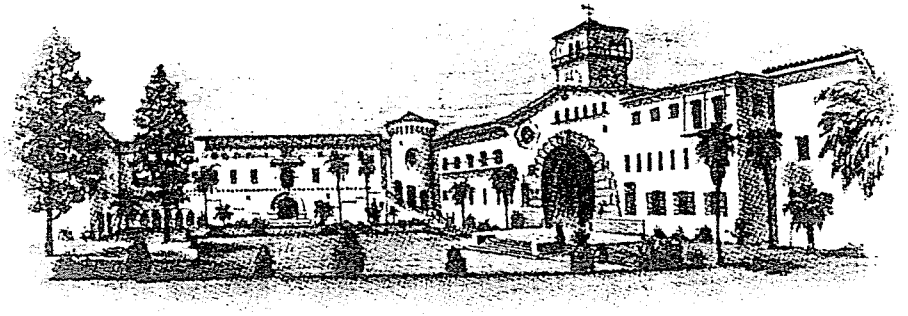
LEGISLATIVE INTENT SERVICE (800) 666-1917

3/60

COUNTY OF SANTA BARBARA

KENT TAYLOR
County Administrator

105 E. Anapamu St.
Santa Barbara, CA 93101
Telephone 568-3400



CASEY SPARKS KANEKO
Legislative Representative

1100 K Street, Suite 101
Sacramento, CA 95814-3941
Telephone (916) 327-7531
Fax (916) 441-5507

ADMINISTRATOR'S OFFICE
LEGISLATIVE PROGRAM

March 7, 1994

The Honorable Phillip Isenberg
Room 6005, State Capitol
Sacramento, CA 95814

RE: AB 2544 - Support
Hearing: 3/9/94

Dear Assembly Member Isenberg:

On behalf of the Santa Barbara County Board of Supervisors I would like to thank you for introducing AB 2544 and for your continued leadership in the area of Trial Court Funding. The County commends your efforts to guide the metamorphosis of the court system from a fractured locally funded system to a uniform statewide system.

As you know, Santa Barbara County was one of the last counties to "opt in" to Trial Court Funding, the reason being that the courts and the County could not reach an appropriate agreement on local disbursement of the block grant money. The current arrangement is a tenuous one that causes county staff considerable anguish on an annual basis. Therefore, the County delights in the provisions in your bill which repeal judicial sign-off and eliminate the court's authority to order the Board to make expenditures for the courts.

Additionally, with the enactment of the Three Strikes legislation, county criminal justice costs will increase. The transfer of fines and penalty funds from the State to counties provided in AB 2544 will help to offset these costs and to fund the new program responsibilities proposed in the Governor's Budget.

Again, thank you for your perseverance and leadership on this issue.

Sincerely,

Casey

Casey Kaneko
Legislative Representative

cc: Members of the Judiciary Committee

LEGISLATIVE INTENT SERVICE (800) 666-1917

SUBMITTED BY Senator Lockyer BILL AB 2544

RN 9422873 AUTHOR Isenberg

SENATE FLOOR AMENDMENTS
Committee Analysis

SUBJECT OF BILL:

Trial court funding (urgency omnibus bill)

Subject of Amendments:

Trial court funding

Were these amendments discussed in committee? No

If so, did the committee defeat the amendments? No

Amendments are: **Technical - (Substantive) - Re-write - New Bill**
(circle applicable description)

ANALYSIS:

Under existing law, a court may use a nonprofit agency to administer and monitor traffic violator schools which are on the list maintained by the court for use by persons referred to traffic violator school.

As amended and passed by the Senate Judiciary Committee, AB 2544 would allow those nonprofit agencies to charge a traffic violator a fee sufficient to defray the costs of the monitoring reports and services provided to the court. That fee shall be regulated and approved by the court.

These amendments provide a further refinement to the the fee which the nonprofit monitoring agencies may charge, as follows:

(1) Until December 31, 1994, the fee shall not exceed the actual cost incurred by the agency or six dollars, whichever is less.

(2) From January 1, 1995, until June 30, 1995, the fee shall not exceed the actual cost incurred by the agency or five dollars, whichever is less.

(3) The authorization to collect the fee shall sunset on June 30, 1995, unless a later date is enacted in statute.

By Senate Judiciary /Simon Haines Received by SFA_____
Name of Committee Consultant

Upon completion, please return to: Rick Rollens or David Wilkening
Room 3189

rev. 9/88

SFA-2

LEGISLATIVE INTENT SERVICE (800) 666-1917

California State Association of Counties

June 23, 1994

The Honorable Phillip Isenberg
California State Assembly
State Capitol, Room 6005
Sacramento, CA 95814

Re: AB 2544 (Isenberg) -- Support

Dear Assembly Member Isenberg:

California State Association of Counties (CSAC) supports AB 2544, which would make significant changes in the law governing Trial Court Funding.

Specifically, AB 2544 makes significant changes in appropriately aligning responsibility for the funding of the trial courts and would provide the following:

- Eliminates the county block grant method of funding. Funding would be done through the Judicial Council, Trial Court Budget Commission.
- Repeals the Judicial Sign Off.
- Provides that counties shall not be required to provide funding for any trial court function for which the state has provided funding.
- Repeals the requirement that counties pay a portion of superior court judges salaries and the cost of having a trial court judge on assignment.
- Allows counties to retain local fine and forfeiture revenue.
- Requires the state to provide municipal and justice court judges and retirees with the health, dental and vision care benefits provided to retired superior court judges and will also require that no judge shall have any salary or benefits, with specified exceptions, reduced solely by reason of the enactment of this provision.
- Modifies the judges expenditure authority (GC 68073) by requiring the court to submit findings of unmet needs to the Trial Court Budget Commission: allowing the Commission to reallocate state trial court funds from other trial courts; and restricts the local court from directing the county to provide items until the commission has had the opportunity to act first.

AB 2544 makes a number of changes that will enable the state to eventually assume responsibility for full funding of the trial courts. CSAC commends you for your continued effort to fund the state trial courts.

For these reasons, CSAC supports AB 2544.

Sincerely,

Carolyn McIntyre

Carolyn McIntyre
Legislative Representative

SFA-3

1100 K Street, Suite 101 / Sacramento, CA 95814-3941 / 916-327-7500 / FAX 916-441-5507

LEGISLATIVE INTENT SERVICE (800) 666-1917

California State Association of Counties

June 23, 1994

To: Members, Senate Appropriations Committee

From: Carolyn McIntyre CMc
Legislative Representative

Subject: AB 2544 (Isenberg) -- Support
Set for Hearing Monday, June 27, 1994

California State Association of Counties (CSAC) supports AB 2544, which would make significant changes in the law governing Trial Court Funding.

Specifically, AB 2544 makes significant changes in appropriately aligning responsibility for the funding of the trial courts and would provide the following:

- Eliminates the county block grant method of funding. Funding would be done through the Judicial Council, Trial Court Budget Commission.
- Repeals the Judicial Sign Off.
- Provides that counties shall not be required to provide funding for any trial court function for which the state has provided funding.
- Repeals the requirement that counties pay a portion of superior court judges salaries and the cost of having a trial court judge on assignment.
- Allows counties to retain local fine and forfeiture revenue.
- Requires the state to provide municipal and justice court judges and retirees with the health, dental and vision care benefits provided to retired superior court judges and will also require that no judge shall have any salary or benefits, with specified exceptions, reduced solely by reason of the enactment of this provision.
- Modifies the judges expenditure authority (GC 68073) by requiring the court to submit findings of unmet needs to the Trial Court Budget Commission: allowing the Commission to reallocate state trial court funds from other trial courts; and restricts the local court from directing the county to provide items until the commission has had the opportunity to act first.

AB 2544 makes a number of changes that will enable the state to eventually assume responsibility for full funding of the trial courts. CSAC commends you for your continued effort to fund the state trial courts.

CSAC urges your support of AB 2544 with an "AYE" vote.

SFA-4

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LEGISLATIVE INTENT SERVICE (800) 666-1917

California State Association of Counties

April 11, 1994

TO: Members, Assembly Ways and Means Committee

FROM: Carolyn McIntyre
Legislative Representative

SUBJECT: **AB 2544--Support**
Hearing Scheduled: April 13, 1994

The California State Association of Counties (CSAC) supports AB 2544 which would make significant changes in the laws governing Trial Court Funding.

Specifically, AB 2544 would appropriately align responsibility for the funding of the Trial Courts by limiting the counties funding responsibility to those items not provided for in the state budget; modifying provisions that currently allow the courts to make expenditures; repealing the judicial sign off provisions; and returning fine and penalty revenue to counties.

CSAC supports the modification and eventual sunset of Government Code (GC) Section 68073. Courts have argued that counties will not provide adequate service and funding levels for those areas not provided for by the Trial Court Budget Commission if this provision is repealed. There is no evidence to support this argument. Counties have repeatedly met their obligation to fund the trial courts. When the state failed to meet their legislative intent to fund 55 and 60 percent of the courts, counties provided the funding. Counties have continuously recognized their responsibility to provide funding for the courts and have met these funding responsibilities without the judges having to use the powers provided under GC 68073. Additionally, the authority authorized under GC 68073 does not relate to court operations in general. This code specifically relates to the Board of Supervisors responsibility to provide for facilities furnishings and fixtures. Boards have demonstrated their willingness to meet these needs of the court. As the state assumes additional funding responsibility for the courts, the need for this authority will be completely eliminated. The eventual sunset of this provision as proposed by AB 2544 is appropriate.

As introduced, AB 2544 would have required the courts and counties to mutually agree upon reasonable and necessary funding for indirect court expenditures and other services. This provision seemed to assume that the courts were funded at 100 percent by the state. This is not the case. This provision was appropriately amended out of the bill.

CSAC supports the elimination of the judicial sign off provision. This provision has created tremendous battles between the Board of Supervisors and the courts in many counties. Courts throughout the state have used the judicial sign off provision to extort budget agreements out of the boards. Boards have been forced to agree to specific funding levels and enter into contracts with the courts, even before the board is able to identify its budget for the fiscal year.

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This provision was intended to have both the board and the court agree that optioning into the state trial court funding process was in the best interest of the court and the county. **The abuses that have occurred since its enactment support the need for repeal**. Additionally, since the Trial Court Budget Commission currently has authority to review court budgets and allocate state funding, there is no longer a need for the judicial sign off or for the court and county to option into the state funding program.

Lastly, CSAC supports the return of county fine and penalty funding to the counties. This revenue is being generated and collected at the local level and should appropriately be kept there.

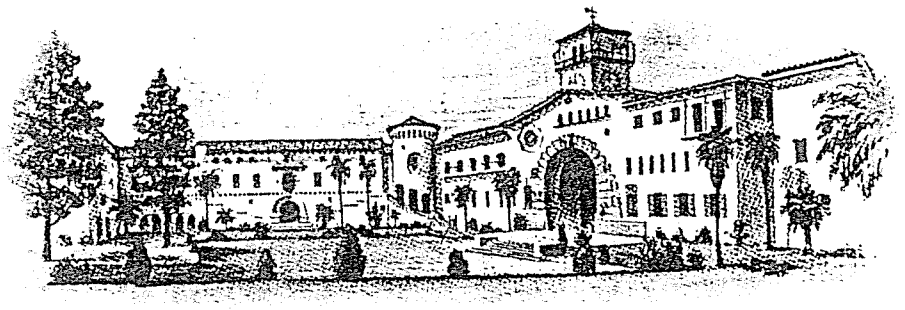
For these reasons, CSAC supports AB 2544 and requests your AYE vote.

LEGISLATIVE INTENT SERVICE (800) 666-1917

COUNTY OF SANTA BARBARA

KENT TAYLOR
County Administrator

105 E. Anapamu St.
Santa Barbara, CA 93101
Telephone 568-3400



CASEY SPARKS KANEKO
Legislative Representative

1100 K Street, Suite 101
Sacramento, CA 95814-3941
Telephone (916) 327-7531
Fax (916) 441-5507

ADMINISTRATOR'S OFFICE
LEGISLATIVE PROGRAM

April 8, 1994

MEMORANDUM

TO: Members of the Ways and Means Committee

FROM: Casey Kaneko
Legislative Representative

RE: AB 2544 (Isenberg) - Support
Hearing: 4/13/94

Santa Barbara County supports AB 2544. This measure continues the Legislatures efforts to transform the court system from a fractured locally funded system to a uniform statewide system.

Santa Barbara County was one of the last counties to "opt in" to Trial Court Funding, the reason being that the courts and the County had not been able to reach an appropriate agreement on local disbursement of the block grant money. The current arrangement is a tenuous one that causes County staff considerable anguish on an annual basis. Therefore, the County is most supportive of the provisions in AB 2544 which repeal judicial sign-off and eliminate the court's authority to order the Board to make expenditures for the courts.

Additionally, with the enactment of the Three Strikes legislation, county criminal justice costs will increase. The transfer of fines and penalty funds from the State to counties provided in AB 2544 will help to offset these costs and to fund the new program responsibilities proposed in the Governor's Budget.

For these reasons I urge you to vote "aye" on this measure.

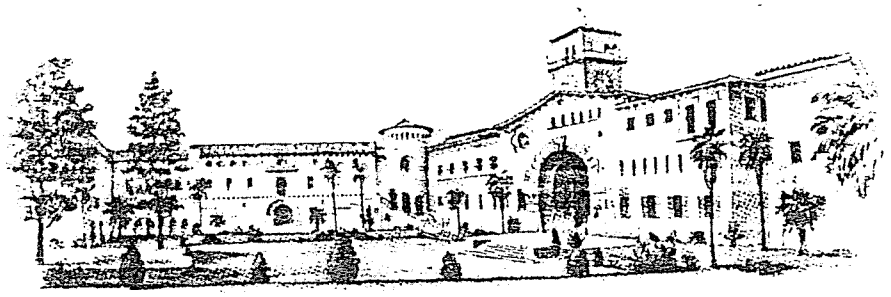
SFA-7

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COUNTY OF SANTA BARBARA

KENT TAYLOR
County Administrator

105 E. Anapamu St.
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Telephone 568-3400



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Legislative Representative

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ADMINISTRATOR'S OFFICE

LEGISLATIVE PROGRAM

June 1, 1994

MEMORANDUM

TO: Members of the Senate Judiciary Committee

FROM: Casey Kaneko
Legislative Representative

RE: AB 2544 (Isenberg) - Support
Hearing: 6/8/94

Santa Barbara County supports AB 2544. This measure continues the Legislature's efforts to transform the court system from a fractured locally funded system to a uniform statewide system.

Santa Barbara County was one of the last counties to "opt in" to Trial Court Funding, the reason being that the courts and the County had not been able to reach an appropriate agreement on local disbursement of the block grant money. The current arrangement is a tenuous one that causes County staff considerable anguish on an annual basis. Therefore, the County is most supportive of AB 2544 since it repeals judicial sign-off and provides a more structured methodology for financing the various court costs.

Additionally, with the enactment of the Three Strikes legislation, county criminal justice costs will increase. The transfer of fines and penalty funds from the State to counties provided in AB 2544 will help to fund the new program responsibilities proposed in the Governor's Budget.

For these reasons I urge you to vote "aye" on this measure.

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LEGISLATIVE INTENT SERVICE (800) 666-1917

Senate Floor Analysis

NATIONAL TRAFFIC SAFETY INSTITUTE — NTSI — NATIONAL TRAINING SYSTEMS INSTITUTE DIV.

May 12, 1994

Senator David Roberti, Chair
Senate Judiciary Committee
California State Capitol
Sacramento, CA 95814

RE: AB 2544 (Isenberg) - Oppose

Dear Senator Roberti:

My client, National Traffic Safety Institute has reviewed AB 2544 (Isenberg) relative to trial court funding and finds they must oppose this legislation.

NTSI opposes any additional fees to attend traffic violators schools. As a result of the additional fees to attend traffic violators schools imposed through the FY 91-92 trial court funding realignment, traffic violator schools are realizing a 40% drop in enrollment. Because of the high costs involved, many people are being forced to choose not to attend traffic schools, and opt instead to seek a trial hearing or in many cases, simply ignore the situation and just fail to appear. The courts have estimated that they are seeing a 35% increase in requests for trial, creating additional burdens on an already overcrowded system.

We respectfully request your No vote when AB 2544 comes before you in the Senate Judiciary Committee. I am available at your convenience to meet with to further discuss our concerns. Please call me at 916/921-0658.

Sincerely,

Brian L. Hatch

cc: Members of Senate Judiciary Committee
Committee Consultant
Senate Floor Analysis

SFA-9

LEGISLATIVE INTENT SERVICE (800) 666-1917

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: March 23, 1994
POSITION: NEUTRAL, SUGGEST AMENDMENTS

BILL NUMBER: AB 2544
AUTHOR: Isenberg

BILL SUMMARY

This bill would revise various aspects of the Trial Court Funding Realignment and Efficiency Act of 1991.

Urgency Statute.

FISCAL SUMMARY

Code/Department Agency or Revenue Type	SO LA CO RV	PROP 98	(Fiscal Impact by Fiscal Year) (Dollars in Thousands) FC 1993-94	FC 1994-95	FC 1995-96	Code Fund
0450/Trial Courts			----------See Fiscal Analysis----------			001/GF

COMMENTS

- The Governor's restructuring plan proposes that the revenue from fines and penalties be returned to the city or county which had retained these fines and penalties prior to the Trial Court Funding Act. This bill would authorize counties to retain all their fines, but would require cities to continue to deposit 50 percent of their fines in the State General Fund. This would be inconsistent with the Governor's restructuring proposal; therefore, the Department of Finance has recommended amendments (see attached).

- One of the issues that has to be discussed in terms of any restructuring proposal of trial court funding is the total budget for trial courts. The responsibility of the counties to fund trial courts could increase based on any trial court increases made by the Trial Court Budget Commission (TCBC) and the availability of state resources. Under the present funding procedures (partial state and partial county funding), changes in the expenditure level approved by the TCBC and changes in the amount appropriated by the State both directly affect the counties, but counties have no ability to control these changes and in fact, the expenditure level approved by the TCBC may not be reflective of the fiscal reality facing the State and counties.

SUMMARY OF CHANGES

Changes since our March 3, 1994 analysis consist of the following:

Reiterates legislative intent to increase the State's share of trial court funding to 65 percent in 1994-94 and 70 percent in 1995-96.

Would require the Trial Court Budget Commission to forward trial court budget requests to the counties for review.

Would delete the requirement that trial courts negotiate for the delivery of services with the counties.

Analyst/Principal (556) 550 — Date

Program Budget Manager: Diane M. Cummins — Date: 4/12/94

Department Deputy Director — Date

SFA-10

Governor's Office: By: — Date: — Position Noted ____ Position Approved ____ Position Disapproved ____

BILL ANALYSIS — Form DF-43 (Rev 03/92 Buff)

AB2544.556

LEGISLATIVE INTENT SERVICE (800) 666-1917

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED) Form DF-43

AUTHOR	AMENDMENT DATE	BILL NUMBER
Isenberg	March 23, 1994	AB 2544

SUMMARY OF CHANGES (Cont.)

Would require cities' base fine revenues to be deposited in the State General Fund rather than the county general fund.

Would authorize Fresno County to use 1993-94 for a base year rather than 1992-93 required in current law for all counties.

These amendments do not change our previous position of Oppose.

ANALYSIS

A. Specific Findings

Sec. 1. FINDINGS AND DECLARATIONS. This section contains a legislative finding that funding for trial court operations is a candidate for state funding and that the state will progressively increase its share of funding of the annual costs for court operations to 65 percent for the 1994-95 fiscal year and to 70 percent for the 1995-96 fiscal year. The section indicates the state will achieve savings in court operations through enactment of administrative efficiencies. This section also declares the Legislature's intent to (1) include funding as line item allocations in the 1994 Budget Act; (2) require careful identification of the costs of services obtained by the court from county agencies; and (3) enable the transition to full state funding.

COMMENT. The Administration continues to evaluate the appropriate level of trial court funding.

Sec. 2. RECORDING FEES. Currently, a fee of $4 for the first page and $3 for each additional page is required for each document filed with the courts. One dollar of each $3 fee is transmitted by the county auditor to the State Controller and deposited in the General Fund. This bill deletes the requirement to transmit $1 to the state. The county would retain the entire recording fee.

FISCAL IMPACT. The 1994-95 Governor's Budget already anticipates shifting this revenue to the counties. State Controller (SCO) records indicate the amount of revenue transferred to the state by counties pursuant to this section in 1992-93 was $12,739,533. Deletion of the requirement that this $1 be transferred to the state would result in a revenue increase to counties of a like amount. This amount is estimated to be $13,250,000 in 1994-95.

Sec. 3. ADMINISTRATIVE FEES. Current law authorizes local entities in certain situations to collect a $25 administrative screening fee from each person arrested and released on his or her own recognizance . A citation processing fee of $10 must be collected from each person cited and released by any peace office in the field or at a jail facility, as specified. These fees are transmitted by the county auditor monthly to the Controller for deposit in the General Fund. This bill would authorize these fees to be retained in the county general fund.

FISCAL IMPACT. The 1994-95 Governor's Budget already anticipates shifting this revenue to the counties. SCO records indicate the amount of revenue transferred to the state by counties in 1992-93 pursuant to this section was $957,964. Deletion of the requirement that these administrative fees be transferred to the state would result in a revenue increase to counties of a like amount in 1994-95.

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LEGISLATIVE INTENT SERVICE (800) 666-1917

ANALYSIS

A. Specific Findings (Cont.)

Sec. 4. COUNTY RESPONSIBILITY. Currently, boards of supervisors are required to provide suitable courtrooms, judges' chambers and associated equipment, etc. to trial courts. If suitable sites are not provided, the court may direct the appropriate officers of the county to provide the requested physical equipment. Associated costs become an unbudgeted expense of the county. This bill would specify that as of July 1, 1994, the board of supervisors shall only be required to provide funding for those trial court functions not provided for in the state budget and is obligated to fund those functions only in the amount for each of those functions that is provided in the budget adopted by the Judicial Council.

COMMENT. The responsibility of the counties to fund trial courts could increase based on any trial court increases made by the Trial Court Budget Commission (TCBC) and the availability of state resources. Under the present funding procedures (partial state and partial county funding), changes in the expenditure level approved by the TCBC and changes in the amount appropriated by the State both directly affect the counties, but counties have no ability to control these changes.

Sec. 4.5. TRIAL COURT TRUST FUND. Existing law establishes the Trial Court Trust Fund for purposes of funding trial court operations upon appropriation by the Legislature. This section would require the Controller to apportion money in this fund quarterly, as specified.

Sec 5. SUPERIOR COURT JUDGES SALARY. Repeals language related to the county's share of a superior court judge's salary.

FISCAL IMPACT. This section has no fiscal impact.

Sec. 6. TRIAL COURT BUDGET COMMISSION. Current law provides that the Trial Court Budget Commission receive and review budget requests from the trial courts. This section would require that upon receipt of the trial court's budget request, the commission shall forward the request to the county in which the court is located.

COMMENT. This provision was requested by counties in order to give them an opportunity to review and comment if necessary.

Sec. 6.5. ASSIGNED JUDGES. Under existing law, a county is required to pay specified expenses of a trial court judge serving on assignment in the county. This bill would eliminate the county's obligation to pay these expenses.

FISCAL IMPACT. This section has no fiscal impact on either the state or the counties though it could affect the allocation to individual counties.

Sec. 7. PENALTY ASSESSMENT. Currently an additional penalty of $7 is levied for every $10 of fine. This section increases the $7 penalty to $10. Current law also establishes a penalty assessment of $2.50 for parking offenses, and requires the county treasurer to transfer $1 of this assessment to the Controller. This bill would repeal this requirement. The county would be authorized to retain the $1 in the county treasury. This section would also revise the requirements for processing parking penalties.

SFA-12

LEGISLATIVE INTENT SERVICE (800) 666-1917

ANALYSIS

A. Specific Findings (Cont.)

COMMENT. This section is tied to Section 22.

FISCAL IMPACT. Section 7 increases the county's penalty assessment by $3 and Section 22 decreases the State's penalty assessment by a like amount. The 1994-95 Governor's Budget already anticipates shifting this revenue to the counties. SCO records indicate the state collected $16,162,881 in 1992-93. Transferring the $3 penalty would result in a county revenue increase of a like amount. This amount is estimated to be $16,800,000 in 1994-95.

Sec. 8. DNA IDENTIFICATION FUND. Current law authorizes a county to establish a DNA Identification Fund. The board of supervisors may specify the amount to be deposited in the fund up to $0.50 for every $7 of vehicle code violations fines. This bill would specify that $0.50 for every $10 rather than the $7 could be deposited in the fund which is consistent with the change in the previous section.

FISCAL IMPACT. This section has no fiscal impact on either the state or the counties.

Sec. 9. TRIAL COURT FUNDING DEFINITION. Defines "trial court funding" as the amount of state funds provided for the operation of the trial courts appropriated in the Budget Act and allocated or reallocated by the Trial Court Budgeting Commission.

COMMENT. This section was suggested by the author's office to clarify that the term "trial court funding" does not include local support for trial court operations.

Sec. 10. TRIAL COURT FUNDING PERCENTAGES. Repeals legislative intent language to increase trial court funding by specified percentages, and repeals 1993-94 apportionment language. This language is no longer appropriate.

Sec. 11. BLOCK GRANTS. Repeals language referencing block grant payments to counties. This language is no longer appropriate.

Sec. 12. OPTION COUNTIES. Repeals language referencing option county appropriations. This language would no longer be appropriate if other provisions of the bill are enacted.

COMMENT. Option county refers to current law that specifies each county must notify the state by March 1 of its desire to opt into the trial court funding system.

Sec. 13. REVENUE AND EXPENDITURE INFORMATION. Repeals language requiring the Judicial Council to provide court revenue and expenditure information on counties who opted into the trial court funding system to the Controller for inclusion in the Controller's annual report. This language is no longer appropriate.

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LEGISLATIVE INTENT SERVICE (800) 666-1917

ANALYSIS

A. Specific Findings (Cont.)

Sec. 14. PAYMENTS. This bill would require the Controller to make quarterly payments of trial court funding prior to the 25th day of that quarter.

Sec. 15. PAYMENTS. Repeals language related to the Controller transferring funds to the Judicial Council on a monthly basis to pay for assigned judges. Funds for assigned judges are now appropriated to the Judicial Council; therefore, this language is no longer appropriate.

Sec. 16. COUNTY OPTION. Repeals language related to a county opting into the trial court system.

Sec. 17. COUNTY OPTION. Repeals language which requires counties to notify the state of decisions to opt into the system for a specific fiscal year by March 1 of the preceding fiscal year.

Sec. 18. JUDICIAL SIGNOFF. Repeals language which requires counties to notify the state of a decision to opt into the trial court system by transmitting a resolution agreeing to specified conditions to the Controller. The section required that the resolution be signed by the chairperson of the board of supervisors and the presiding judges of the superior and municipal courts.

COMMENT. Repealing this section would give counties more control over the distribution of its resources. Under current law, courts can obtain additional funding by withholding signatures from the resolution.

Sec. 19. REVENUE DISTRIBUTION. Current trial court funding provisions require that fine and forfeiture revenues be divided 75/25 state/county and 50/50 state/city. This section would repeal that requirement and would authorize 100 percent of all base fine revenues to be retained by the county. Fifty percent of cities' base fine revenue would continue to be deposited in the State General Fund.

Current law also specifies that if the total amount of fines and forfeitures transmitted to the State during any given year does not equal the amount transmitted during the 1992-93 fiscal year (the base year), the city or county is required to make up the difference from the local general fund. This provision would authorize Fresno County to use 1993-94 for a base year rather than 1992-93. Fresno County's position is unique because in 1977 the county entered into an agreement with the City of Fresno to allow the city to retain sales tax receipts in lieu of fines and forfeitures. Based on the 1992-93 base year, Fresno County has been remitting 75 percent of fines and forfeitures, including that portion of fines and forfeitures which would belong to the City of Fresno without the specific agreement. Because the county gave up sales tax receipts, it is paying an excess amount in fines and forfeitures. This amount approximates $200,000 a year.

LEGISLATIVE INTENT SERVICE (800) 666-1917

ANALYSIS

A. Specific Findings (Cont.)

COMMENT. The Governor's restructuring plan proposes that the revenue from fines and penalties be returned to the city or county which had retained this revenue prior to enactment of the Trial Court Funding Act. This bill proposes to continue to require cities to deposit 50 percent of fines to the state General Fund while counties would be authorized to retain the funding they currently send to the state. This would be inconsistent with the Governor's restructuring proposal; therefore, the Department of Finance is recommends the attached amendments to AB 2544.

The provision of the bill related to Fresno County would result in a revenue loss of $200,000 per year to the General Fund, which under normal situations, it would not have received in the first place.

FISCAL. This section would result in the annual gain of $139 million to counties. Under the Governor's restructuring proposal, counties would receive an additional $87 million from fines and forfeitures and cities would receive an additional $52 million.

Sec. 20. REVENUE DISTRIBUTION. This section would repeal language related to the calculation of the maximum amount of fines and forfeitures which may be retained by counties and cities in the 1991-92 fiscal year. This language is no longer appropriate.

Sec. 21. PENALTY ASSESSMENT. Other than for parking offenses, existing law imposes a state penalty assessment of $10 for every $10 of each fine, forfeiture, or penalty . This section would reduce this state penalty assessment from $10 to $7, and eliminate the deposit of 30 percent of these penalty assessments to the General Fund.

COMMENT. This section is tied to Section 7. Section 7 increases the county's penalty assessment by $3 and Section 22 decreases the State's penalty assessment by a like amount.

FISCAL IMPACT. The 1994-95 Governor's Budget already anticipates shifting this revenue to the counties. SCO records indicate the state collected $16,162,881 in increased penalty assessments in 1992-93. Transferring the $3 penalty to the counties would result in a revenue loss to the state of a like amount. This amount is estimated to be $16,800,000 in 1994-95.

Sec. 22. REVENUE DISTRIBUTION. Existing law requires a $10 fee be added to the fines for certain vehicle violations. Thirty-four percent of this fee is transferred to the state General Fund for deposit in the State Penalty Fund. Current law also requires 33 percent to be transferred to the local governmental entity in whose jurisdiction the citation was issued, and 33 percent to the county general fund. This section would repeal the requirement that 34 percent be transferred to the state for deposit in the State Penalty Fund, and would increase the percentage to be deposited in the county general fund to 67 percent.

LEGISLATIVE INTENT SERVICE (800) 666-1917

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED) Form DF-43

AUTHOR	AMENDMENT DATE	BILL NUMBER
Isenberg	March 23, 1994	AB 2544

ANALYSIS

B. Fiscal Analysis

Secs. 23 & 24. TRAFFIC VIOLATOR SCHOOL FEES. Existing law requires a court to collect a $24 fee from each person attending a traffic violator school. These sections would eliminate the requirement that these fees be deposited in the General Fund and the State Courthouse Construction Fund. Revenue from these fees would be deposited in the county general fund.

FISCAL IMPACT. SCO records indicate the amount of revenue associated with these sections transferred to the state by counties in 1992-93 was $120,847,332. Deletion of the requirement to transfer traffic violator school fees would result in a revenue decrease of the $120,847,332 and a revenue increase to counties of a like amount. This amount is estimated to be $163,100,000 in 1994-95.

Sec. 25. Provides that the bill does not contain a reimbursable state mandated program.

Sec. 26. Indicates the bill is an urgency statute.

This bill would result in a $348 million dollar loss of revenue to the state and a revenue gain of a like amount to the counties. The Governor's Budget already reflects the decrease in State revenue.

LEGISLATIVE INTENT SERVICE (800) 666-1917

SUGGESTED AMENDMENTS

AB 2544
(as Amended March 23, 1994)

Amendment 1

On page 18, line 37, strike

to the General

Amendment 2

On page 18, line 38, strike

Fund, and 50 percent deposited

LEGISLATIVE INTENT SERVICE (800) 666-1917

California State Association of Counties

March 7, 1994

TO: Members, Assembly Judiciary Committee

FROM: Carolyn McIntyre
Legislative Representative

RE: **AB 2544 (Isenberg) -- Support If Amended**
Hearing Scheduled -- March 9, 1994

The California State Association of Counties (CSAC) supports if amended AB 2544, which would make significant changes in the law governing Trial Court Funding.

Specifically, AB 2544 makes significant changes in appropriately aligning responsibility for the funding of the trial courts. However, there are several provisions in the AB 2544 which CSAC requests be amended to better clarify responsibility for and control of costs.

AB 2544 provides that counties shall only provide funding for those functions of the trial courts not provided for in the state budget. Although CSAC supports this provision, it is our position that it should be expanded to limit the counties share of responsibility to no more than the difference between what the state provides and total court costs as determined by the Trial Court Funding Budget Commission and adopted by the legislature. The Trial Court Funding Budget Commission (TCFBC) was created to receive and review budget requests from the trial courts and to submit a recommended trial court budget to the Judicial Council for approval and forwarding to the Governor for inclusion in the Governor's proposed State Budget. It is implied that the Commission is responsible for accurately determining the cost to operate the trial courts. Counties should not be expected to fund court budgets that exceed those approved by the Commission.

Additionally, the TCFBC should require the courts to submit their budgets to the county for review and comment prior to submitting the budget to the commission. This will enable the county to provide comment to the TCFBC on the necessity or lack thereof, of budget requests.

Current law provides that it is the intent of the Legislature to increase trial court funding by an amount sufficient to fund 65 percent of the annual cost for court operations in fiscal year 1994/95 and 70 percent in 1995/96. AB 2544 repeals this provision. The Legislature's intent as it relates to funding of the courts should be reinstated. CSAC is unaware of the Legislature or the Administration changing their commitment with regards to increasing funding for the courts. In fact, in the 1994/95 proposed State Budget, the Administration has proposed to fund the courts at 65 percent of total cost as determined by the TCFBC.

SFA-18

1100 K Street, Suite 101 / Sacramento, CA 95814-3941 / 916-327-7500 / FAX 916-441-5507

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AB 2544 includes authorization to allow courts to contract for services and establish separate data processing systems. This provision appears to assume that the courts are 100 percent funded by the state. That is not the case. Therefore, CSAC requests that such provision be amended out of the bill and discussed when appropriately an issue. If such provisions are not eliminated from AB 2544, they should be amended to provide that if courts and counties cannot reach an agreement on the contracting of or delivery of services, courts would be required to follow the counties or the state procedures for obtaining such services and should not be allowed to spend more to receive the service than what the state or the county would charge to provide it. Additionally, courts should be prohibited from abandoning county wide systems that are dependant on the courts participation (i.e. criminal justice information systems) and counties should not incur additional costs as a result of the courts installing a separate system.

AB 2544 also provides that the county shall continue to provide services to the courts proportionate to those currently provided until June 30, 1995. This provision is over-broad and does not allow for reductions resulting from efficiencies or changes in procedure.

Lastly, AB 2544 provides that 50 percent of base fines resulting from city arrest shall be deposited in the county general fund. CSAC strongly supports this provision.

In 1991 the Trial Court Realignment and Efficiency Act was enacted to increase the state share of funding for court operations. This legislation also included a requirement that the cities and counties submit 50 and 75 percent respectively, of all fines and penalty funds collected for crimes, other than parking, to the state general fund. AB 2544 proposes to return all of these funds to the county. Counties continue to be responsible for providing funding for courts as well as other justice related programs while cities continue to drive the cost. Additionally, the passage of the Three Strikes, You're Out legislation will increase costs on county jails, the courts, the district attorney and the public defender. The transfer of these fines from the state to the counties will appropriately off set this cost.

CSAC urges your support for Trial Court Funding and requests your aye vote.

cc: Consultant, Assembly Judiciary Committee

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CONCURRENCE IN SENATE AMENDMENTS

AB 2544 (Isenberg) - As Amended: July 7, 1994

ASSEMBLY VOTE 64-1 (April 28, 1994) SENATE VOTE _____ (July 7, 1994)

Original Committee Reference: JUD.

DIGEST

Urgency statute. 2/3 vote required.

Existing law provides the state's share of trial court funding through block grants to each county, which are paid both from the state's General Fund (GF) and the Trial Court Trust Fund.

As passed by the Assembly, this bill repealed that method of funding. Courts would be funded through a line item in the state budget, which may be allocated and reallocated by the Trial Court Budget Commission. This bill required the Trial Court Budget Commission to establish minimum operational standards and performance criteria by which the courts' performance and efficiency can be measured.

Existing law required counties to "opt in" to the trial court funding program by March 1 of each year in order to be eligible for a block grant. The "opt-in" agreement must be agreed to by the local bench.

This bill repealed that requirement.

Existing law required the counties to provide funding for a variety of trial court personnel and facilities.

This bill relieved the counties of that responsibility for those items that are funded by the state through the state budget, limits the counties' funding obligations to the remaining amount in the courts' budgets as adopted by the Judicial Council and the Legislature, and requires the counties to consult with the local bench before altering, remodeling or relocating existing court facilities.

Existing law required the counties to pay a portion of superior judge salaries and the expenses of trial court judges sitting on assignment.

This bill repealed those requirements.

Existing law requires the transfer to the state GF by the counties of a variety of revenues, including shares of criminal fines, a $3 penalty assessment, traffic school fees, and some miscellaneous fees charged for jail booking, citation releases, parking surcharges, vehicle equipment corrections and document recording.

- continued -

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This bill transferred those revenues except the state's share of criminal fines and forfeitures from city arrests to the counties' general funds.

The Senate amendments:

1) Eliminate the transfer of the state's share of criminal fines, penalty assessment, traffic school fees and miscellaneous fees to the counties.

2) Put a $6 cap on fees charged to traffic violators who attend traffic violator school for monitoring and regulating the schools. The fee would be reduced January 1, 1995 and eliminated July 1, 1995.

3) Require the courts to present a written finding of fiscal need to the Trial Court Budget Commission before ordering counties to provide for court expenses.

4) Require trial court budgets to be based on the optimum use of court coordination and efficiencies.

5) Provide health, dental and vision care benefits to sitting and retired municipal and justice court judges, funded within the amount appropriated for trial courts.

FISCAL EFFECT

This bill implements the 1994-95 state budget for the trial courts and is necessary for the state's appropriation to be allocated among the courts.

COMMENTS

None.

FN 007760

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Alison Harvey
445-4560
ajud

STATE OF CALIFORNIA

DEPARTMENT OF FINANCE
OFFICE OF THE DIRECTOR
STATE CAPITOL, ROOM 1145
SACRAMENTO, CA 95814-4998

PETE WILSON, Governor

94 JAN 32 AM 10: 23

January 31, 1994

Mr. William C. Vickery, Director
Judicial Council
South Tower, 4th Floor
303 Second Street
San Francisco, CA 94107

Dear Mr. Vickery:

This letter is to clarify any confusion which may exist regarding the interaction between the 65 percent state assumption of trial courts costs, the return of fine and penalty monies to the counties and the restructuring proposal outlined in the 1994-95 Governor's Budget. As we have begun discussions regarding this proposal, a number of county officials have indicated that there is a perception among local courts that the savings accruing to counties, as well as the increased revenue are available as increased resources for the courts.

It is not the intent of this proposal to have counties pay increased court costs beyond their 35 percent share of the $1,565,000,000 for trial court costs specified in the Governor's Budget. The Administration's intent is that the $387 million in savings to counties and the $296 million in increased revenue be available in the first instance for all programs funded from the Community Services Fund such as community mental health, indigent health, foster care or in-home supportive services. I believe it is critical that everyone understand that, absent the restructuring proposal, the State could not assume 65 percent of trial court costs. At the same time, we do not expect that counties will be required to fund an expenditure level for courts beyond that proposed in the Governor's Budget.

As indicated in the Governor's Budget, the Administration believes it is incumbent upon the courts to reconsider the budget submitted in light of the fiscal constraints facing the State and the counties. Any increase in the total amount of costs for trial courts beyond what is included in the Governor's Budget would require reductions in other county or State programs. We ask for your assistance in clarifying any misunderstanding regarding this proposal.

I am available to discuss any questions or comments you have on this issue at your convenience.

Sincerely,

RUSSELL S. GOULD
Director

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LEGISLATIVE INTENT SERVICE (800) 666-1917

WILLIAM J. BRENNAN
EXECUTIVE OFFICER

Municipal Court

NORTH ORANGE COUNTY JUDICIAL DISTRICT
1275 NORTH BERKELEY AVENUE
P.O. BOX 5000
FULLERTON, CALIFORNIA 92635-0500

TELEPHONE: (714) 773-4555

JUDICIAL DISTRICT
NORTH ORANGE COUNTY

ANAHEIM, BREA
BUENA PARK, FULLERTON,
LA HABRA, LA PALMA,
PLACENTIA, YORBA LINDA

February 16, 1994

William C. Vickrey
Administrative Director
Judicial Council
Administrative Office of the Courts
303 Second Street, South Tower
San Francisco, CA 94107

Dear Mr. Vickrey:

Thank you for the opportunity to comment on the provisions of AB2544. This legislation is similar to other previous legislation in that it is attempting to correct and clean up the ills of State Trial Court Funding. The views and comments contained herein are strictly that of the undersigned.

I have read AOC's issues and concerns regarding AB2544 and I must conclude that once again someone or some group prefers to keep local trial courts guessing, from year to year, about how we can best manage our court and ensure quality service to the public. Since the advent of Trial Court Funding the local courts have been whip sawed through annual changes in funding, revenue, allocations, new rules, new dictates and so on. Tens of thousands of judicial and non-judicial hours have been re-directed away from case backlog to commissions, committees, sub-committees, ad hoc committees, study groups, etc., all meeting up and down the State trying to make this rock float. It is most unfortunate that someone can't muster the courage to put an end to this folly.

My suggestion regarding a better way to handle this embarrassment is to structure a bill that does the following:

- restores block grant funding (this effort would save thousands of hours of judges, administrators and A.O.C. staff time to focus on why we are all here 'getting the cases processed')
- restores the independence of the Judiciary
- provides revenue sources that are reliable and somewhat predictable
- allows local trial courts to serve the public without interference of centralized authorities
- puts an end to this annual shell game
- reduces or eliminates the far too numerous committees, commissions, and self-promoting interest groups.

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In conclusion I must recognize that my views are 180 degrees out from those who are part of this belief that big government is better than small government, that centralized power is better than de-centralized power, that the duties of judges and court administrators is to serve committees and not the public. Also I must accept that the truth isn't what anyone wants to hear.

Best wishes,

WILLIAM J. BRENNAN,
Executive Officer

WJB:djl

cc: Senator David Roberti, Chairman, Senate Judiciary
Assemblyman Phil Isenberg, Chairman, Assembly Judiciary

LEGISLATIVE INTENT SERVICE (800) 666-1917

Government Relations Oversight Committee

1455 Response Road, Suite 190, Sacramento, CA 95815
Telephone Number: (916) 923-1825 Fax: (916) 263-6090

California Police Chiefs' Association

Government Relations Manager, John Lovell
Telephone Number: (916) 447-3820 Fax (916) 447-3817

February 21, 1994

Honorable Phil Isenberg
State Capitol
Sacramento, CA 95814

Dear Assembly Member Isenberg:

The California Police Chiefs' Association regret that we must oppose AB 2544. Up until 1991, cities received certain fine monies from moving violations committed within their boundaries. These funds went to the general funds of those cities.

Two years ago, however, legislation was enacted that took fifty percent of those city funds and allocated them to the State General Fund. Obviously, this had a deleterious impact on municipal budgets as cities scrambled to make up the $ 50,000,000 shortfall. Unhappily, in many jurisdictions one of the consequences of that state action was for cities to cut public safety services.

The Governor's 1994 budget implicitly recognizes the folly of that 1991 action by returning that fifty percent share back to the cities. AB 2544, by contrast, would take those same funds and return them not to the cities, but would allocate them to county general funds, instead.

This is extremely unwise public policy from a municipal public safety perspective. Prior to 1991, fines from offenses committed in municipal jurisdictions went to support the general funds of those cities, with a major portion of those monies being allocated to municipal public safety. Since the majority of Californians must look to municipal police forces for their primary public safety, continuing to deprive cities of an equitable share of revenues attributable to violations committed within their own boundaries seems singularly inappropriate. For this reason, we respectfully request a "No" vote on AB 2544.

Very truly yours,

John Lovell
Government Relations Manager

LEGISLATIVE INTENT SERVICE (800) 666-1917

OFFICE OF THE
MAYOR

JOE SERNA, JR.
MAYOR

CITY OF SACRAMENTO
CALIFORNIA

CITY HALL
ROOM 205
915 I STREET
SACRAMENTO, CA
95814-2672

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TDD (ONLY) 264-5880

February 24, 1994

Honorable Phil Isenberg, Chair
Assembly Judiciary Committee
State Capitol
Sacramento, California 95814

re: AB 2544

Dear Assemblymember Isenberg:

While I am in support of your overall efforts to restructure trial court funding, I must - on behalf of the City of Sacramento - register my ardent opposition to the current provision in AB 2544 which would require cities to send half of their traffic fine revenues to their respective counties. Not only would there be a significant revenue loss to local law enforcement services, the shift would create a dysfunctional financial structure by depriving cities of an important incentive to enforce traffic laws ...laws adopted by the Legislature.

A few important facts may help to illuminate the City's position:

1. **City traffic enforcement costs far exceed city revenues from traffic fines.**

   One argument for this diversion of City revenues has been that the costs of related trial court services are not covered by the revenues from the fines. Join the party. Field enforcement is certainly a critical element in the justice process. Yet, even with a repeal of the 50% pass-through provision, the revenues to cities from traffic fines do not come close to covering the direct cost of traffic enforcement.*

2. **Cities are in dire need of revenues as much as any other level of government.**

   Over the last two years, the City of Sacramento has cut more than 500 jobs and slashed services from 7% to 25%. We have cut library services, transportation engineering, parks maintenance, land-use planning, management and support staff. In the face of increasing demand by citizens for public safety services, we are bravely proposing a "police services property assessment" because we know there is no where else to cut. We have been through exhaustive efforts to cut waste while struggling to maintain the core of our essential services. We do not have money to spare.

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3. **Taking fine revenues from cities removes an important incentive for enforcing traffic laws passed by the Legislature.**

The governor's proposal recognized the need to restore an incentive into the law to enforce traffic laws. It makes great business sense to send these revenues to support the enforcement services which generate them, thereby providing an incentive and protecting the service from cuts due to tax revenue shortfalls.

Based on these points, I request that you remove the current provision from the bill requiring cities to send 50% of their traffic fine revenues to the counties. The provision means not only a revenue loss to cities, but an impractical fiscal structure.

Sincerely,

JOE SERNA, JR.
Mayor

JS/mecv

cc: Members of the Assembly Judiciary Committee
Members of the Sacramento City Council
Ken Emanuels
League of California Cities

* The direct cost to the City of Sacramento for traffic enforcement is approximately $2.4 million per year. This supports twenty-eight (28) traffic officers who annually issue over 30,000 moving citations, investigate over 1,500 accidents, make over 120 DUI and over 120 other arrests. Prior to 1991-92, the annual traffic fine revenue to the City was $1,000,000, covering only about 40% of the direct costs of service. With the current provision requiring a 50% pass through to the State General Fund, these revenues have fallen to about $300,000 annually. Thus, the impact of this pass through has been more than 50% because the fiscal incentive to enforce these laws has been so severely reduced.

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OFFICE
OF
THE CLERK

RICHARD W. BIGGINS
CLERK/EXECUTIVE OFFICER

Municipal Court

WEST ORANGE COUNTY JUDICIAL DISTRICT
8141 13th STREET
WESTMINSTER, CALIFORNIA 92683
TELEPHONE: (714) 896-7181

JUDICIAL DISTRICT

CYPRESS, FOUNTAIN VALLEY
GARDEN GROVE, HUNTINGTON BEACH,
LOS ALAMITOS, SEAL BEACH
STANTON, WESTMINSTER

February 22, 1994

William C. Vickrey, Director
Judicial Council of California
Administrative Office of the Courts
303 Second Street, South Tower
San Francisco, California 94107

Dear Mr. Vickrey:

This is in response to your invitation to comment on AB 2544. I find it ironic that on the same day of your letter, I received the letter from Judge Robert Mallano, chair of the Budget Commission Standing Advisory Committee stating the need for ten subcommittees to address the ten functional budgeting categories.

AB 2544 again re-states the heretofore total inability of the state to fund trial court operations and also re-states that it is the state's responsibility to re-examine and reconstruct the role of the judicial branch of government. So far all that has been accomplished is total confusion, broken legislative intent, thousands of valuable court hours taken away from efficiency and alleviating backlog to attend meetings, create committees which in turn create sub-committees that have created more confusion. This, all in the name of fixing a system that, overall, wasn't broken. Change is inevitable. Well conceived, it is more often good than not. What we as representative of the judicial branch face now, however, has aspects, if not the absolute embodiment of change for change's sake. Beyond that, these changes appear to have been conceived and implemented during the worst economic times this state has faced in sixty years.

I note with particular interest A.O.C.'s comment on Section 4, the elimination of Government Code 68073(a). You ask for examples of county disregard for court needs. While never having to fully utilize this provision, its very existence and the possibility of enforcing it, has been a valuable tool in negotiations with Orange County. A review of the history of budget negotiations in smaller counties such as Lassen will find G.C. 68073 as the last and only resort for them and has been used on numerous occasions.

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I suppose all of us could comment at great length on AB 2544 however the time restraint, as usual in such cases, prevents producing a novel-like response. It does appear to this voice in the wilderness that the train that left the station has Casey Jones at the throttle. Can any municipal court state that they are in a more secure position since the advent of state funding? I think not. Unfortunately some within the judicial system have become the vocal self-appointed "leaders" of what I and many of my counterparts believe is the erosion of the "people's court". Continuing this shell game will only serve to increase the appetite of those in government who feel bigger is better, leaving the users of the court, the tax payer, the individual support employee and those of us who have had to wrestle with the massive administrative requirements associated with state funding (and its baggage) to wonder how this could be happening.

Mine may be a view not shared by those who seem to be on every committee. It may, however be shared by those who have an abiding concern for the independence of the judiciary and the process of justice in this state. It is a view that has as much logic and less mysticism than those blindly supporting the demise of a system that was far from broken, yet which system they find themselves driven to "fix".

Yours truly,

Richard W. Biggins
Clerk/Executive Officer

RWB:cb

c: Senator David Roberti, Chairman,
Senate Judiciary Committee
Assemblyman Phillip Isenberg, Chairman,
Assembly Judiciary Committee

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League of California Cities

California Cities
Work Together

February 22, 1994

Assembly Member Phil Isenberg
State Capitol
Room 6005
Sacramento, CA 95814

RE: AB 2544 - Notice of Opposition

Dear Assembly Member Isenberg:

The purpose of this letter is to notify you that, following our initial review of your AB 2544, the League of California Cities must respectfully oppose this bill.

Consistent with the League's opposition in 1991 to the state taking a share of city fine revenue, the League is opposed to the provisions of AB 2544 that earmark 50 percent of city fine revenue for counties.

The decision to take city fine revenue two years ago was a mistake. Cities have had insufficient revenue to adequately enforce traffic laws which has resulted in fewer fines being collected on a statewide basis. The League is supportive of the proposal in the Governor's Budget which would return all city fine revenue to cities.

We hope this letter adequately explains the basis of our opposition. Please contact our office if you would like to discuss our position.

Sincerely,

Judi Smith
Legislative Representative

cc: Members, Assembly Judiciary Committee
Consultant, Assembly Judiciary Committee

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LEGISLATIVE INTENT SERVICE (800) 666-1917

CONFERENCE REGISTRATION OFFICE
BOX 7005, LAFAYETTE, CA 94549
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HEADQUARTERS
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SOUTHERN CALIFORNIA OFFICE
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(818) 305-1315

CALIFORNIA ASSOCIATION FOR SUPERIOR COURT ADMINISTRATION

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LEGISLATIVE CHAIR
Dennis Jones, Sacramento

February 22, 1994

Assembly Member Phillip Isenberg, Chairman
Assembly Committee on Judiciary
6005 Capitol Building
Sacramento, CA 95814

Subject: AB 2544

Dear Assembly Member Isenberg:

Thank you for the opportunity for the California Association for Superior Court Administration (CASCA) to comment on Assembly Bill 2544. CASCA represents Superior Court administrators in 48 of the 58 California counties. The CASCA Board of Directors has met to review AB 2544 and submits the following comments.

We believe a provision should be included in AB 2544 which establishes county's responsibilities to provide funding to courts in the percentage not provided by the state. This is necessary in order for courts to meet State imposed mandates at the funding level established by the State Court Budgeting Commission. Should the State assume 65% funding for instance, a provision should exist which sets the county's responsibility for the courts at 35%. The State Court Budgeting Commission reviews individual court budget requests and makes reductions as part of its mandated function. Reductions are made on that portion of the court's budget covered not just by the State but by the county as well. Since the Budgeting Commission would have already scrutinized court budget requests and made appropriate reductions, any further reductions by a county would result in an inadequate funding level. The net effect would be an inability to meet the mandates of courts and a continued erosion of the services to the public.

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In addition to the provision described in the preceding paragraph, it is essential that Government Code Section 68073 be retained. This section provides the courts specific authority to assert their constitutional independence and ensure funding to accomplish the courts' mission. Experience indicates that the California courts have been extremely responsible in their use of this code section. Courts have not abused their authority with this section and, in fact, have not used it even in situations where funding by counties has been inadequate. This section must be retained for those most severe instances however.

While AB 2544 proposes to eliminate the county requirement to pay judicial traveling expenses for judges on assignment from within a county pursuant to GC 68542.5, we believe the State's responsibility to pay this expense should be specifically stated and included in AB 2544.

With regard to GC 76000, we believe fees collected within counties should stay local and not be subject to a "roundabout" arrangement, sent initially to Sacramento then returned to the county. Fees which remain local encourage collections locally.

Proposed GC 77205 would require courts and counties to negotiate mutually agreeable arrangements for support services. We recommend that a provision be added which would have the Judicial Council establish guidelines to deal with situations where mutual agreements cannot be reached. For example, the State Court Budgeting Commission might be designated as the arbiter in instances where agreement cannot be reached between counties and courts. An appeal or notification process would be developed by the Judicial Council.

Proposed GC 77205.3 eliminates the section that authorizes the Judicial Council to seek reimbursement for assigned judges costs from the State Controller. This section must be retained or alternatives developed to provide the mechanism to fund the assigned judges program for the trial courts.

Proposed GC 77300 eliminates the trial court funding "opt-in" provision. Judicial sign off is an integral and essential component in trial court and county negotiations in certain counties. We strongly recommend that the judicial sign off be retained and is an appropriate participation in the budgeting process by the judicial branch of government.

Proposed GC 77302(a)(1) protects municipal court judges' local benefits unless changes are mutually agreed upon by courts and counties. This provision must also include Superior Court judges to ensure equity in benefits among all judges in a county.

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Proposed GC 77302(a)(2) and (3) provides maintenance level funding for court use of all equipment, furnishing and facilities proportionate to that provided for prior to June 1, 1994, and an identical maintenance level for funding for sheriff and marshall services for court security. We recommend language which sets existing funding levels for these services as minimum levels, but the specific funding level to be established by the State Court Budgeting Commission in view of court needs and financial resources.

Proposed GC 77302(b) requires existing memoranda of understanding pertinent to labor relations between courts and their employees would remain in effect after July 1, 1994. This section should be considered in conjunction with SB 985. Negotiations are currently being conducted between representatives of court administration, judges, the Judicial Council and labor organizations which represent court employees. Proposed language in SB 985 will specify how collective bargaining and representation of court employees will occur. Provisions in AB 2544 should not conflict with that being negotiated for SB 985.

Thank you for the opportunity to comment on this important proposed legislation. Should you like any additional information or comment, or have questions regarding these comments, please do not hesitate to contact me.

Very truly yours,

Ronald G. Overholt, President

RGO:mk

cc: CASCA Members
Members, Assembly Judiciary Committee
Members, Senate Judiciary Committee
Bill Vickery, Director, Administrative Office of the Courts
Steve Love, Chief Deputy Director, Administrative Office of the Courts
Kiri Torre, Asst. Director, Court Services, Administrative Office of the Courts
Terri Wilfong, ELAN
Members, Court Administrator's Standing Advisory Committee
Judge Vern Nakahara, Chair, Presiding Judge's Standing Advisory Committee
Judge Mac Amos, President, California Judges Association

bisenber.f22

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LEGISLATIVE INTENT SERVICE (800) 666-1917

California State Association of Counties

March 7, 1994

TO: Members, Assembly Judiciary Committee

FROM: Carolyn McIntyre
Legislative Representative

RE: **AB 2544 (Isenberg) -- Support If Amended**
Hearing Scheduled -- March 9, 1994

The California State Association of Counties (CSAC) supports if amended AB 2544, which would make significant changes in the law governing Trial Court Funding.

Specifically, AB 2544 makes significant changes in appropriately aligning responsibility for the funding of the trial courts. However, there are several provisions in the AB 2544 which CSAC requests be amended to better clarify responsibility for and control of costs.

AB 2544 provides that counties shall only provide funding for those functions of the trial courts not provided for in the state budget. Although CSAC supports this provision, it is our position that it should be expanded to limit the counties share of responsibility to no more than the difference between what the state provides and total court costs as determined by the Trial Court Funding Budget Commission and adopted by the legislature. The Trial Court Funding Budget Commission (TCFBC) was created to receive and review budget requests from the trial courts and to submit a recommended trial court budget to the Judicial Council for approval and forwarding to the Governor for inclusion in the Governor's proposed State Budget. It is implied that the Commission is responsible for accurately determining the cost to operate the trial courts. Counties should not be expected to fund court budgets that exceed those approved by the Commission.

Additionally, the TCFBC should require the courts to submit their budgets to the county for review and comment prior to submitting the budget to the commission. This will enable the county to provide comment to the TCFBC on the necessity or lack thereof, of budget requests.

Current law provides that it is the intent of the Legislature to increase trial court funding by an amount sufficient to fund 65 percent of the annual cost for court operations in fiscal year 1994/95 and 70 percent in 1995/96. AB 2544 repeals this provision. The Legislature's intent as it relates to funding of the courts should be reinstated. CSAC is unaware of the Legislature or the Administration changing their commitment with regards to increasing funding for the courts. In fact, in the 1994/95 proposed State Budget, the Administration has proposed to fund the courts at 65 percent of total cost as determined by the TCFBC.

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LEGISLATIVE INTENT SERVICE (800) 666-1917

1100 K Street, Suite 101 / Sacramento, CA 95814-3941 / 916-327-7500 / FAX 916-441-5507

AB 2544 includes authorization to allow courts to contract for services and establish separate data processing systems. This provision appears to assume that the courts are 100 percent funded by the state. That is not the case. Therefore, CSAC requests that such provision be amended out of the bill and discussed when appropriately an issue. If such provisions are not eliminated from AB 2544, they should be amended to provide that if courts and counties cannot reach an agreement on the contracting of or delivery of services, courts would be required to follow the counties or the state procedures for obtaining such services and should not be allowed to spend more to receive the service than what the state or the county would charge to provide it. Additionally, courts should be prohibited from abandoning county wide systems that are dependant on the courts participation (i.e. criminal justice information systems) and counties should not incur additional costs as a result of the courts installing a separate system.

AB 2544 also provides that the county shall continue to provide services to the courts proportionate to those currently provided until June 30, 1995. This provision is over-broad and does not allow for reductions resulting from efficiencies or changes in procedure.

Lastly, AB 2544 provides that 50 percent of base fines resulting from city arrest shall be deposited in the county general fund. CSAC strongly supports this provision.

In 1991 the Trial Court Realignment and Efficiency Act was enacted to increase the state share of funding for court operations. This legislation also included a requirement that the cities and counties submit 50 and 75 percent respectively, of all fines and penalty funds collected for crimes, other than parking, to the state general fund. AB 2544 proposes to return all of these funds to the county. Counties continue to be responsible for providing funding for courts as well as other justice related programs while cities continue to drive the cost. Additionally, the passage of the Three Strikes, You're Out legislation will increase costs on county jails, the courts, the district attorney and the public defender. The transfer of these fines from the state to the counties will appropriately off set this cost.

CSAC urges your support for Trial Court Funding and requests your aye vote.

cc: Consultant, Assembly Judiciary Committee

LEGISLATIVE INTENT SERVICE (800) 666-1917

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DISTRICT 3
DEAN A. SHORES
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DISTRICT 4
BRAD LUCKEY
P.O. BOX 1271, BRAWLEY, CA 92227

DISTRICT 5
SAM SHARP
660 OLIVE AVE., HOLTVILLE, CA 92250

MAR 1 1 1994

LINDA K. WEAVER
CLERK OF THE BOARD

Board of Supervisors
County of Imperial

COUNTY ADMINISTRATION CENTER
940 W. MAIN STREET, #212
EL CENTRO, CA 92243-2871
TELEPHONE: (619) 339-4220

FAX: (619) 352-7876

March 8, 1994

Honorable Phil Isenberg
California State Assembly
6005 Capitol Building
Sacramento Ca 95814

SUBJECT: AB 2544

Dear Assemblyman Isenberg:

The Imperial County Board of Supervisors wishes to support the provisions in AB 2544 that allow 50% of the fine and penalty funds resulting from city citations to go to the County General Fund.

City residents are the majority users of County services, and this revenue source would help offset County costs.

It is our understanding that AB 2544 is scheduled for a hearing March 9 before the Assembly Judiciary Committee. Copies of this letter will be provided to members of that Committee.

Very truly yours,

SAM SHARP, CHAIRMAN
BOARD OF SUPERVISORS

cc: Members, Assembly Judiciary Committee
CSAC

SS/jo/B3/ab2544/534.7

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AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

LEGISLATIVE INTENT SERVICE (800) 666-1917

ASSOCIATION
FOR
LOS ANGELES DEPUTY SHERIFFS, INC.

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MEL JONES

March 8, 1994

The Honorable Phillip Isenberg
Member of the Assembly
Room 6005, State Capitol
Sacramento, California 95814

RE: AB 2544 -- Support if Amended

Dear Assemblymember Isenberg:

The Association for Los Angeles Deputy Sheriffs, which represents over 6,500 Deputy Sheriffs and District Attorney Investigators in Los Angeles County, supports CSAC's general position on AB 2544 and specifically supports the suggested amendments set forth in the March 7, 2994, letter to you from Ms. Carolyn McIntyre. In addition, ALADS specifically requests an amendment to AB 2544 to ensure continuity of bailiff services in any county where bailiff consolidation has already occurred. We do not believe that is either necessary, or appropriate, to authorize courts to contract for bailiff services in a manner inconsistent with current law.

Please feel free to call upon me, as well as other county rank and file law enforcement organizations, for our support once these amendments have been included in your bill.

Very truly yours,

Timothy H.B. Yaryan
Legislative Representative

cc: All Members of the California Law Enforcement Summit
Shaun Mathers, President, ALADS
Bud Treece, Executive Director, ALADS

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LOS ANGELES COUNTY PROBATION DEPARTMENT UNION LOCAL 685
PROFESSIONAL STANDARDS THROUGH COLLECTIVE BARGAINING

2500 Wilshire Boulevard, Suite 508, Los Angeles, CA 90057, (213) 386-5860
FAX (213) 386-5878

March 8, 1994

The Honorable Phillip Isenberg
Member of the Assembly
Room 6005, State Capitol
Sacramento, California 95814

RE: AB 2544 -- Support if Amended

Dear Assemblymember Isenberg:

The Los Angeles Deputy Probation Officers Union Local 685, AFSCME, supports CSAC's general position on AB 2544 and, specifically, supports the suggested amendments to you set forth in the March 7, 2994, letter from Ms. Carolyn McIntyre.

In addition, Local 685 specifically requests an amendment to AB 2544 to ensure that all current county probation programs remain under the umbrella of county services. As you know, a recent report entitled *Justice in the Balance -- Vision 20/20* recommended all probation programs be merged into the judicial branch. Since many probation programs, functionally, have little to do with the courts, this recommendation was quite perplexing. In addition, at their March 1994, meeting of Chief Probation Officers, this very issue was debated and voted upon. The overwhelming sentiment of the Chiefs (with two dissenters) was that probation remain part of the county family. I can assure you that our rank and file deputies strongly concur!

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Since your bill, without any limitation or specification, allows Judges to contract out for services, we think it is imperative that the bill be amended to ensure that Deputy Probation Officers charged with judicially related functions -- such as Deputies who prepare presentence investigation reports -- be protected both from displacement by private operators and from absorption by the judicial branch.

Please fee free to call upon me, as well as other rank and file law enforcement organizations, for our support once these amendments have been included in your bill.

Very truly yours,

Timothy H.B. Yaryan
Legislative Representative

cc: Andy Baron, AFSCME
Allen Davenport, SEIU
Aaron Read, Orange County Employees Association
Arlyn Webster, SCOPO
Susan Cohen, CPPCA
Alan Clarke, CPOC
Steve Zehner, Los Angeles County
Barry Nidor, Chief Probation Officer, Los Angeles County
Carolyn McIntyre, CSAC
Richard Shumsky, President, Local 685

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Los Angeles, CA
(Los Angeles Co.)
Daily Journal
(Cir. 5xW. 20,000)

MAR 10 1994

Allen's P. C. B. Est. 1888

Bill Would Place Limits on Judges' Power Over Funding

C-43 By Tom Dresslar
Daily Journal Staff Writer

SACRAMENTO — Legislation that would significantly reduce local judges' power over trial court funding decisions won approval Wednesday from the Assembly Judiciary Committee.

The panel voted 8-1 to send AB2544 by Chairman Phil Isenberg, D-Sacramento, to the Ways and Means Committee.

The measure contains two provisions that would cut local judges' authority in the trial court budgeting process.

The first would strip judges of their power to force county officials to provide the facilities and other items needed to conduct the courts' business.

Currently, Government Code Section 68073 requires boards of supervisors to provide local courts sufficient rooms, furniture, supplies, lighting, heat and attendants. If the supervisors fail to provide adequate support, the court must notify the board of its needs. "If the board fails to provide anything necessary to the conduct of the court's functions, the court may direct the appropriate officers of the county to provide the same," the law states.

AB2544 would amend Section 68073, effective July 1, to instead specify that boards of supervisors must provide the courts only enough money to make up the difference between the state's allocation and the total required to fully fund the courts according to the state Judicial Council's Trial Court Budgeting Commission's formula. The provision contains no language that allows judges to enforce the new requirement. And it removes the current language that allows judges to order county officials to "provide anything necessary to the conduct of the court's functions.

AB2544 also would remove judges' ability to veto their county's participation in the Trial Court Funding Program. But the bill also would end the requirement that counties affirmatively decide to opt into the program. And since the measure would eliminate the block grants, which vests more funding discretion with local officials, the demise of the veto power would appear a lesser concern to the bench than the amendment to Section 68073.

Indeed, local judges reportedly have expressed serious concerns about proposed erosion of their power proposed under that provision of AB2544. Whether the judiciary and Isenberg can reach an agreement on the issue appeared questionable Wednesday.

Testifying for the Judicial Council, lobbyist Michael Corbett said the group had not yet taken a formal position on the measure. He indicated the council's willingness to work with Isenberg to iron out any differences.

Isenberg, however, didn't exactly sound conciliatory, saying he was adamantly opposed to the preservation of judges' current power under Section 68073.

AB2544 also contains provisions designed to implement Gov. Pete Wilson's trial court funding plan for fiscal 1994-95. Under Wilson's budget proposal, the state would provide $1.017 billion for local court operations, a $400 million increase over the 1993-94 level and roughly 58 percent of the total statewide expenditures projected by the Judicial Council's Trial Court Budgeting Commission.

To implement Wilson's budget plan, AB2544 would eliminate the block grant method for providing state funds. The governor proposes to make trial court funding a line item in the state budget, with money allotted for specific court functions. The budgeting commission, responsible for developing the trial court spending plan for the governor, would allocate the funds to individual counties.

Another provision of the measure would implement Wilson's proposal to allow cities and counties to keep the criminal fines, forfeitures and penalties they now remit to the state general fund. That budget provision and the increase in state funding for trial courts are part of a larger plan to realign state and local government financial responsibilities.

Wilson's budget proposes to give $300 million of the fine money to counties and $50 million to cities. Isenberg wanted to give all $350 million to the counties. But in the face of opposition from cities, he agreed to set the disputed $50 million aside while city and county law enforcement officials try to reach an agreement on the issue.

In other action, the committee approved:

- A measure that would make elected officials found liable for intentional torts, except defamation, primarily responsible for payment of such judgments, even when the tortious conduct is within the scope of duties.

AB2058 by Assemblyman Richard Katz, D-Panorama City, is one of several bills that responds to a 1993 case in which Los Angeles County paid a $1.2 million judgment against Supervisor Michael Antonovich. The damage award arose from Antonovich's ex parte contact with a judge on behalf of a campaign contributor embroiled in a lawsuit. The measure now goes to the Assembly floor.

- A bill that would expand the state's "Son of Sam" law by barring convicted felons from profiting from any business, activity, service or product that derives an enhanced value from the notoriety of the felon or his or her crime. AB33X by Assemblywoman Barbara Alby, R-Sacramento, is a reaction to fears that Charles Manson could earn royalties from the rock group Guns 'n Roses' recent release of a song penned by Manson about 20 years ago. The bill now goes to the Assembly Public Safety Committee.

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To: Assembly Members Aguiar, Conroy, Rainey and Woodruff
From: Mark Redmond
Date: March 14, 1994
Re: Trial Court Funding, Probation Services, and Department of Youth Authority.

STATE TRIAL COURT FUNDING

The trial courts within the state are comprised of 58 superior courts and 91 municipal courts with a total of 1459 judges, excluding retired judges appointed by the Chief Justice to serve on temporary assignments. There are more than 16,000 employees who staff the trial courts.

The superior court in each county has jurisdiction over family, juvenile and probate law, civil cases where damages sought exceed $25,000, final felony trial ajudiciations, and appellate review of municipal court rulings. Municipal courts have jurisdiction over civil cases with claims under $25,000, infractions, misdemeanors, and preliminary felony proceedings.

Prior to the the 1988 state block grant funding program the state paid approximately 85 to 90 percent of the salaries of superior court judges and $60,000 block grants for new judgeships created since 1973. Since 1988 all counties have chosen to participate in the Brown-Presley state trial court funding program (SB 612/Ch 945/88) which provides over 90 percent of superior court judge salaries and block grant funds to assist in covering trial court operations including salaries of municipal court judges. Prior to 1987-88, the state paid 10.4 % of trial court costs. After SB 612/88, this increased to 44.1 % in in 1989-90 and then decreased as we enter budget deficit years to 37.6 % in 1990-91.

AB 1297/91 realigned the funding of the trial courts with a legislative intent to move from 50 % to 70 % state funding by 1995-96. AB 1297 and related legislation increased fines and fees and provided for court efficiency and consolidation programs. However the increased criminal fines are sent in roundabout procedure to the state Controller and to be redistributed in block grants. Civil fines and court reporter fees, also increased, were allocated to a state Trial Court Trust Fund. However the counties have not been as vigorous in collecting these fines and fees as earlier projected.

AB 392/93 made a statutory change to replace the state block grant funding of trial courts with direct line item item funding in the state budget. The Governor's budget has initially sought to return approximately $300 million now collected by the Controller from the criminal fines and penalties to the Counties as part of a fiscal relief for other programs that they will be assuming control from the State. It is also recognized that the counties would have a greater incentive to collect such fines and penalty assessments by allowing them to be retained in their county general funds rather than received back through block grants. However, also in accordance with AB 1297/91 to move to 65% of

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state funding of trial courts, and in accordance with AB 392/93 to implement line item funding for specified items, the Governor's budget would increase from $617.1 million to $1.017 billion, drawing $141.5 million from the state Trial Court Trust Fund and another $875.5 million from the state General Funds. These were based on an initial cost estimate of $1.565 billion for trial court operations.

The Trial Court Budget Commission indicates that the projected expenditures for 1994-95 will likely be at $1.7 billion, higher than those used in the Governor's initial budget. Such would require another $88 million to reach the 65 % level.

Before the state block grant funding program, the growth in caseloads had amounted to annual increases averaging 13 percent over the prior decade. Within the last two years under the trial court realignment legislation with court efficiency programs and optional consolidation, the annual increase in costs has dropped to 4 percent.

Enclosed is a committee analysis of AB 2544 (Isenberg) which passed, 12-1, in Assembly Judiciary. It would generally carry out, in part, the Governor's reallocation of revenues, pertaining to the criminal fines and fees, as well as statutory changes to follow through on line item budgeting.

RECOMMENDATION:

Seek statutory or budget supplement language requiring Judicial Council to work with the Controller to refine expenditure reparting and standardization of accounting guidelines and report to the Legislator in October 1994.

Seek statutory or budget supplement language requiring Judicial Council and the Trial Court Budgeting Commission to implement fund allocation criteria that includes incentives for the courts to implement optional court efficiency measures enacted in 1991 and report to the Legislature in October 1994.

Seek statutory or budget supplement language to require Judicial Council to adopt specific trial court performance measures for use in developing its 1995-96 trial county funding budget and report to the Legislature in November 1994.

The above are also recommendations of the Legislative Analyst Office.

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ASSEMBLY JUDICIARY COMMITTEE
REPUBLICAN ANALYSIS

AB 2544 (Isenberg) -- TRIAL COURT FUNDING. (URGENCY)
Version: 03/ /94 Lead Republican: Jan Goldsmith
Analyzed: 03/09/94 Vote: 2/3 (Urgency)
Recommendation: Support (Watch)

SUMMARY: **Revises state and county obligations in regard to trial court funding.** This bill would: **(1)** Repeal block grant funding of trial courts as currently derived from the state's General Fund and Trial Court Trust Fund in favor of "line item" state budgeting with allocation and reallocation by the Trial Court Budgeting Commission; **(2)** Repeal the annual "opt in" procedure that allowed counties, with the approval of their courts, to participate in the state block grant funding program; **(3)** Relieve the counties of responsibility for items and functions to be funded in the state budget (which currently would include: Judicial Officers; Jury Fees and Mileage; Verbatim Reporting; Interpreters; Collection Enhancement; Dispute Resolution Programs; Court-Appointed Counsel; Court Security; Data Processing; State and Other Operating Expenses; and Indirect Costs); **(4)** Require the counties to consult with the local bench before altering or relocating existing court facilities; **(5)** Require counties to continue to provide payroll services, compensation functions, employee benefit programs, equipment, facilities, and court security through June 30, 1995; **(6)** Require existing employee agreements and contracts with the courts to continue in effect through June 30, 1995; **(7)** Repeal the requirement of counties to pay a portion of superior court judge salaries and the expenses of trial court judges sitting on assignment; **(8)** Require a shift in the distribution of revenues that include shares of criminal fines, traffic school fees and other miscellaneous fees currently allocated to the state General Fund to be retained in counties' general funds. FISCAL EFFECT: Non-reimburseable state mandated local program. Reduces the state General Fund by an estimated $300 million for revenues enumerated in (8) above that would hereafter be retained in counties general funds.

TAX OR FEE INCREASE: No net increase. Increases a county penalty assessment of $7 for every $10 of each fine, forfeiture or penalty imposed for criminal offenses (other than parking violations) under Govt. Code 76000 to $10 while decreasing a state penalty assessment of $10 for every $10 of each fine, forfeiture or penalty for criminal offenses (other than parking offenses) under Penal Code 1464 to $7. The portion increased under the Govt. Code 76000 assessments is allocated to counties' general funds. The portion to be decreased under Penal Code 1464 assessments would no longer be allocated to the state General Fund.

POTENTIAL EFFECTS: With the exception of no reallocation of fine revenues to the cities, the bill generally implements provisions of the Governor's state and local restructure proposal for the State to take another signifcant step in greater state funding of the trial courts.

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SUPPORT: California State Association of Counties (CSAC).
OPPOSITION: League of California Cities, San Diego, San Jose, Sacramento, Oakland and several other cities.
GOVERNOR'S POSITION: Unknown

COMMENTS:

- The author's office states two primary purposes for this bill: (1) To make statutory changes that replace the state block grant funding of trial courts with direct line item funding in the state budget. [AB 392 (Isenberg),Chapter 158/93, (final Assembly passage vote of 66-6) provided in Sec. 18.2 legislative intent language to subsequently make this funding change after FY 1993-94.]; and (2) To return miscellaneous state General Fund revenues to local government (approximately $300 million per year) to improve county incentive to collect these revenues.
- The Governor's proposed 1993-94 budget initially seeks the return of such revenues to local government with approximately $300 million to the counties and $50 million to the cities as part of a $5.4 billion plan. (His plan includes such additional revenues to local government in return for local government picking up more funding responsibilities for a variety of existing government service programs.)
- League of California Cities (League) and the Cities of San Diego, San Jose, Sacramento, Oakland and several other cities previously opposed the earmarking of 50 percent of city fine revenues for counties. The League argued that "Cities have had insufficient revenue to adequately enforce traffic laws which has resulted in fewer fines being collected on a statewide basis." The League supports the Governor's proposal to return all city fine revenues to cities. The bill is to be amended so as to limit the reallocation to the counties in keeping with the Governor's proposal (i.e. approximately $300 million to the counties) and thereby allow subsequent negotiations among interested parties to determine reallocation of an estimated $50 million which the cities would apparently seek as a full return to them of city fine revenues (of which half had been allocated to state funds under the 1991 court realignment). Note that counties would generally be receiving a full return of revenues that had also been allocated to state funds under the 1991 court realignment legislation-AB 1297/91.
- CSAC generally supports the bill and seeks to negotiate with municipal police chiefs and other interested parties regarding reallocation of an additional estimated $50 million (which the Governor's plan currently would reallocate to the cities).
- The Legislative Analyst Office (LAO) generally concurs with the rationale for greater state funding "on the basis that the state exercises primary control over trial court procedures and appoints the judges." However LAO recommends supplemental budget language "to exert" the Legislature's "influence to control trial court expenses and bring about operational efficiencies." LAO's Analysis of the 1994-95 Budget Bill offers three proposals to require: (1) Judicial Council to work with the Controller to refine expenditure reporting and standardization of accounting guidelines and report by October to the Legislature; (2) Trial Court Budget Commission and Judicial Council to implement allocation criteria that includes incentives for courts t implement optional court efficiency measures enacted in 1991 with an October report to the Legislature; and (3) Judicial Council to adopt specific trial court performance measures for use in

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developing its 1995-96 trial court funding budget with a November report to the Legislature. The author may wish to consider inclusion of such proposals where feasible as statutory language in this bill.

- o Judicial Council's concerns include the bill's statutory deletion of court authority to order counties to provide adequate services. The loss of judicial "signoff" is a continuing concern with some judges which was also raised by some before AB 392/93 passed to declare legislative intent to move from the state block grant program to "line item" state budgeting.
- o The author stated that he would return the bill to the committee if further significant substantive amendments are made.

Assembly Republican Committee vote
Judiciary -- 3/09/94
(10-1) Ayes: Goldsmith, Morrow, Statham, Weggeland
Noes: Horcher
Consultant: Mark Redmond

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OUTLINE OF PROPOSED BUDGET

Following is a summary of Gov. Pete Wilson s proposed $52.6 billion state budget for fiscal 1994-95, with the focus on programs important to the legal community.

TRIAL COURT FUNDING

Proposed	$1.017 billion
1993-94	$617.1 million
Percent change	$64.8 percent

SUPREME COURT

(general fund support)

Proposed	$18.4 million
1993-94	$17.2 million
Percent change	$7 percent

COURTS OF APPEAL

(general fund support)

Proposed	$107.6 million
1993-94	$99.1 million
Percent change	$8.6 percent

JUDICIAL COUNCIL

(general fund support)

Proposed	$28.2 million
1993-94	$21.9 million
Percent change	$28.8 percent

COMMISSION ON JUDICIAL PERFORMANCE

(general fund support)

Proposed	$1.4 million
1993-94	$1.3 million
Percent change	$7.7 percent

CONTRIBUTIONS TO JUDGES' RETIREMENT SYSTEM

(general fund subsidy plus statutory state contribution)

Proposed	$50.4 million
1993-94	$38.3 million
Percent change	$31.6 percent

DEPARTMENT OF JUSTICE

(general fund support)

Proposed	$176 million
1993-94	$157.8 million
Percent change	$11.5 percent

OFFICE OF STATE PUBLIC DEFENDER

(general fund support)

Proposed	$8.5 million
1993-94	$8.2 million
Percent change	$3.6 percent

OFFICE OF CRIMINAL JUSTICE PLANNING

Proposed	$106.5 million
1993-94	$109.4 million
Percent change	$Minus 2.6 percent

DEPARTMENT OF CORRECTIONS

(general fund support)

Proposed	$3 billion
1993-94	$2.7 billion
Percent change	$11.1 percent

BOARD OF PRISON TERMS

Proposed	$4.53 million
1993-94	$4.52 million
Percent change	$0.2 percent

DEPARTMENT OF YOUTH AUTHORITY

(general fund support)

Proposed	$377.2 million
1993-94	$358.3 million
Percent change	$5.3 percent

PAYMENT TO COUNTIES FOR HOMICIDE TRIAL COSTS

Proposed	$6 million
1993-94	$6 million
Percent change	$0 percent

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PROBATION SYSTEM

Juvenile Arrest Disposition

There is a lack of current information on the dispositon of juveniles arrested for committing crimes. With the rate of juvenile arrest increasing by 64 percent since 1987, the Legislature has a need to know how the state and counties are handling this increase, particular with an increase in violent crime offenses.

Recommendation: Consider a specific budgetary allocation to the Department of Justice to reinstate the compilation of information on the disposition of juvenile arrests.

In the alternative, consider a reimburseable mandated local program to require county probation departments to report yearly on disposition of juvenile arrests.

Probation Caseloads and Resources

Most probation departments have reduced their services as result of increasing caseloads and decreasing resources. The departments are generally reducing services to adult offenders in an attempt to maintain services for juvenile offenders. Some probationers have less incentives to refrain from criminal activity due to the lack of service programs and less oversight. Most departments no longer provide services to municipal and justice courts and are experiencing great difficulty in providing services to the superior courts. They generally no longer supervise misdemeanor probationers and therefore no attempt is made to ensure that such probationers are not repeating offenses.

At the superior court level for felony cases, most departments no longer identify for judges those defendants that might be eligible for release on their "own recognizance" or sufficiently supervise them to ensure their appearance for trial.

Recommendation:

Consider legislation to encourage innovative programs by (1) allocating a portion of existing categorical funds as block grants for programs to local agencies and (2) Establishing outcome-based performance measures. This should allow for program accountability while permitting local agencies to maintain flexibility in structuring their collaborative efforts.

DEPARTMENT OF YOUTH AUTHORITY

The Department of Youth Authority operates 11 state institutions and six conservation camps throughout the state. The department has 170 officers to supervise parolees. In 1994-95 there are approximately 9000 wards and this is projected to increase to 10,000 in 1997-98. There are 6950

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parolees in 1994-95 and expected to be 8000 by 1997-98.

Under the Governor's proposal the counties would assume the state's share of costs for the foster care placements, but counties would not be required to maintain juveniles in such placements. Counties could therefore decide to transfer these probationers to the Youth Authority to gain a double benefit for the county. First, the county would avoid the costs of the foster care placement because the costs to the counties for Youth Authority placement ($300) is much less expensive than foster care placement (annual average county share of $4300 to $22,000 depending on the placement and AFDC eligibility). Second, the county's share of the Community Services Fund would not decrease if the probationer is transferred to the Youth Authority, because the county's share is not based on its maintaining a certain "caseload" of foster care placements. The current restructuring proposal of the Governor may result in a significant increase in commitments and costs to the Youth Authority. A shift of one percent of the probation foster care placements could result in an additional net $1.2 million in General Fund Costs to the state.

Recommendation:

Department of Youth Authority to report at budget hearings on the possible effects of wards placed in probation foster care being transferred to the Youth Authority.

AB 3822 (Isenberg) has been introduced to address some concerns of the costs of the juvenile justice system and will likely be assigned to Assembly Public Safety Committee.

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COUNTY OF SANTA BARBARA

KENT TAYLOR
County Administrator

105 E. Anapamu St.
Santa Barbara, CA 93101
Telephone 568-3400



CASEY SPARKS KANEKO
Legislative Representative

1100 K Street, Suite 101
Sacramento, CA 95814-3941
Telephone (916) 327-7531
Fax (916) 441-5507

ADMINISTRATOR'S OFFICE
LEGISLATIVE PROGRAM

April 8, 1994

MEMORANDUM

TO: Members of the Ways and Means Committee

FROM: Casey Kaneko
Legislative Representative

RE: AB 2544 (Isenberg) - Support
Hearing: 4/13/94

Santa Barbara County supports AB 2544. This measure continues the Legislatures efforts to transform the court system from a fractured locally funded system to a uniform statewide system.

Santa Barbara County was one of the last counties to "opt in" to Trial Court Funding, the reason being that the courts and the County had not been able to reach an appropriate agreement on local disbursement of the block grant money. The current arrangement is a tenuous one that causes County staff considerable anguish on an annual basis. Therefore, the County is most supportive of the provisions in AB 2544 which repeal judicial sign-off and eliminate the court's authority to order the Board to make expenditures for the courts.

Additionally, with the enactment of the Three Strikes legislation, county criminal justice costs will increase. The transfer of fines and penalty funds from the State to counties provided in AB 2544 will help to offset these costs and to fund the new program responsibilities proposed in the Governor's Budget.

For these reasons I urge you to vote "aye" on this measure.

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League of California Cities

California Cities
Work Together

APR 1 1 1994

April 11, 1994

Assembly Member Phil Isenberg
State Capitol
Room 6005
Sacramento, CA 95814

RE: AB 2544 - Notice of Opposition

Dear Assembly Member Isenberg:

The purpose of this letter is to notify you that, following our review of the March 23 amendments to your AB 2544, the League of California Cities removes its opposition.

Although we have removed our opposition to AB 2544, we would urge further amendments to allow cities to keep a larger share of city fine revenue. The decision three years ago to take part of city and county fine revenue was a mistake; those revenues have since decreased. AB 2544 allows counties to retain 100 percent of county fine revenue as an incentive to maximizing fine revenue; this is only one-half of the solution. Allowing cities to keep city fine revenue is the other half of the solution. If cities are allowed to keep their own fine revenue, they will be able to fund more traffic officers and consequently issue more tickets. The League is supportive of the proposal in the Governor's Budget that would return **all** city fine revenue to cities, and county fine revenue to counties.

We hope this letter adequately explains our position on this issue. Please contact our office if you would like to discuss our position.

Sincerely,

Judi Smith
Legislative Representative

c: Consultant, Assembly Ways and Means Committee

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DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: March 23, 1994
POSITION: NEUTRAL, SUGGEST AMENDMENTS

BILL NUMBER: AB 2544
AUTHOR: Isenberg

BILL SUMMARY

This bill would revise various aspects of the Trial Court Funding Realignment and Efficiency Act of 1991.

Urgency Statute.

FISCAL SUMMARY

Code/Department Agency or Revenue Type	SO LA CO RV	PROP 98	(Fiscal Impact by Fiscal Year) (Dollars in Thousands) FC 1993-94	FC 1994-95	FC 1995-96	Code Fund
0450/Trial Courts			----------See Fiscal Analysis----------			001/GF

COMMENTS

- The Governor's restructuring plan proposes that the revenue from fines and penalties be returned to the city or county which had retained these fines and penalties prior to the Trial Court Funding Act. This bill would authorize counties to retain all their fines, but would require cities to continue to deposit 50 percent of their fines in the State General Fund. This would be inconsistent with the Governor's restructuring proposal; therefore, the Department of Finance has recommended amendments (see attached).

- One of the issues that has to be discussed in terms of any restructuring proposal of trial court funding is the total budget for trial courts. The responsibility of the counties to fund trial courts could increase based on any trial court increases made by the Trial Court Budget Commission (TCBC) and the availability of state resources. Under the present funding procedures (partial state and partial county funding), changes in the expenditure level approved by the TCBC and changes in the amount appropriated by the State both directly affect the counties, but counties have no ability to control these changes and in fact, the expenditure level approved by the TCBC may not be reflective of the fiscal reality facing the State and counties.

SUMMARY OF CHANGES

Changes since our March 3, 1994 analysis consist of the following:

Reiterates legislative intent to increase the State's share of trial court funding to 65 percent in 1994-94 and 70 percent in 1995-96.

Would require the Trial Court Budget Commission to forward trial court budget requests to the counties for review.

Would delete the requirement that trial courts negotiate for the delivery of services with the counties.

Analyst/Principal (556) 550 — Date

Program Budget Manager: Diane M. Cummins — Date: 4/12/94

Department Deputy Director — Date

Governor's Office: By: — Date: — Position Noted ____ Position Approved ____ Position Disapproved ____

BILL ANALYSIS — Form DF-43 (Rev 03/92 Buff)

AB2544.556

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BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED) Form DF-43

AUTHOR	AMENDMENT DATE	BILL NUMBER
Isenberg	March 23, 1994	AB 2544

SUMMARY OF CHANGES (Cont.)

Would require cities' base fine revenues to be deposited in the State General Fund rather than the county general fund.

Would authorize Fresno County to use 1993-94 for a base year rather than 1992-93 required in current law for all counties.

These amendments do not change our previous position of Oppose.

ANALYSIS

A. Specific Findings

Sec. 1. FINDINGS AND DECLARATIONS. This section contains a legislative finding that funding for trial court operations is a candidate for state funding and that the state will progressively increase its share of funding of the annual costs for court operations to 65 percent for the 1994-95 fiscal year and to 70 percent for the 1995-96 fiscal year. The section indicates the state will achieve savings in court operations through enactment of administrative efficiencies. This section also declares the Legislature's intent to (1) include funding as line item allocations in the 1994 Budget Act; (2) require careful identification of the costs of services obtained by the court from county agencies; and (3) enable the transition to full state funding.

COMMENT. The Administration continues to evaluate the appropriate level of trial court funding.

Sec. 2. RECORDING FEES. Currently, a fee of $4 for the first page and $3 for each additional page is required for each document filed with the courts. One dollar of each $3 fee is transmitted by the county auditor to the State Controller and deposited in the General Fund. This bill deletes the requirement to transmit $1 to the state. The county would retain the entire recording fee.

FISCAL IMPACT. The 1994-95 Governor's Budget already anticipates shifting this revenue to the counties. State Controller (SCO) records indicate the amount of revenue transferred to the state by counties pursuant to this section in 1992-93 was $12,739,533. Deletion of the requirement that this $1 be transferred to the state would result in a revenue increase to counties of a like amount. This amount is estimated to be $13,250,000 in 1994-95.

Sec. 3. ADMINISTRATIVE FEES. Current law authorizes local entities in certain situations to collect a $25 administrative screening fee from each person arrested and released on his or her own recognizance . A citation processing fee of $10 must be collected from each person cited and released by any peace office in the field or at a jail facility, as specified. These fees are transmitted by the county auditor monthly to the Controller for deposit in the General Fund. This bill would authorize these fees to be retained in the county general fund.

FISCAL IMPACT. The 1994-95 Governor's Budget already anticipates shifting this revenue to the counties. SCO records indicate the amount of revenue transferred to the state by counties in 1992-93 pursuant to this section was $957,964. Deletion of the requirement that these administrative fees be transferred to the state would result in a revenue increase to counties of a like amount in 1994-95.

LEGISLATIVE INTENT SERVICE (800) 666-1917

ANALYSIS

A. Specific Findings (Cont.)

Sec. 4. COUNTY RESPONSIBILITY. Currently, boards of supervisors are required to provide suitable courtrooms, judges' chambers and associated equipment, etc. to trial courts. If suitable sites are not provided, the court may direct the appropriate officers of the county to provide the requested physical equipment. Associated costs become an unbudgeted expense of the county. This bill would specify that as of July 1, 1994, the board of supervisors shall only be required to provide funding for those trial court functions not provided for in the state budget and is obligated to fund those functions only in the amount for each of those functions that is provided in the budget adopted by the Judicial Council.

COMMENT. The responsibility of the counties to fund trial courts could increase based on any trial court increases made by the Trial Court Budget Commission (TCBC) and the availability of state resources. Under the present funding procedures (partial state and partial county funding), changes in the expenditure level approved by the TCBC and changes in the amount appropriated by the State both directly affect the counties, but counties have no ability to control these changes.

Sec. 4.5. TRIAL COURT TRUST FUND. Existing law establishes the Trial Court Trust Fund for purposes of funding trial court operations upon appropriation by the Legislature. This section would require the Controller to apportion money in this fund quarterly, as specified.

Sec 5. SUPERIOR COURT JUDGES SALARY. Repeals language related to the county's share of a superior court judge's salary.

FISCAL IMPACT. This section has no fiscal impact.

Sec. 6. TRIAL COURT BUDGET COMMISSION. Current law provides that the Trial Court Budget Commission receive and review budget requests from the trial courts. This section would require that upon receipt of the trial court's budget request, the commission shall forward the request to the county in which the court is located.

COMMENT. This provision was requested by counties in order to give them an opportunity to review and comment if necessary.

Sec. 6.5. ASSIGNED JUDGES. Under existing law, a county is required to pay specified expenses of a trial court judge serving on assignment in the county. This bill would eliminate the county's obligation to pay these expenses.

FISCAL IMPACT. This section has no fiscal impact on either the state or the counties though it could affect the allocation to individual counties.

Sec. 7. PENALTY ASSESSMENT. Currently an additional penalty of $7 is levied for every $10 of fine. This section increases the $7 penalty to $10. Current law also establishes a penalty assessment of $2.50 for parking offenses, and requires the county treasurer to transfer $1 of this assessment to the Controller. This bill would repeal this requirement. The county would be authorized to retain the $1 in the county treasury. This section would also revise the requirements for processing parking penalties.

LEGISLATIVE INTENT SERVICE (800) 666-1917

ANALYSIS

A. Specific Findings (Cont.)

COMMENT. This section is tied to Section 22.

FISCAL IMPACT. Section 7 increases the county's penalty assessment by $3 and Section 22 decreases the State's penalty assessment by a like amount. The 1994-95 Governor's Budget already anticipates shifting this revenue to the counties. SCO records indicate the state collected $16,162,881 in 1992-93. Transferring the $3 penalty would result in a county revenue increase of a like amount. This amount is estimated to be $16,800,000 in 1994-95.

Sec. 8. DNA IDENTIFICATION FUND. Current law authorizes a county to establish a DNA Identification Fund. The board of supervisors may specify the amount to be deposited in the fund up to $0.50 for every $7 of vehicle code violations fines. This bill would specify that $0.50 for every $10 rather than the $7 could be deposited in the fund which is consistent with the change in the previous section.

FISCAL IMPACT. This section has no fiscal impact on either the state or the counties.

Sec. 9. TRIAL COURT FUNDING DEFINITION. Defines "trial court funding" as the amount of state funds provided for the operation of the trial courts appropriated in the Budget Act and allocated or reallocated by the Trial Court Budgeting Commission.

COMMENT. This section was suggested by the author's office to clarify that the term "trial court funding" does not include local support for trial court operations.

Sec. 10. TRIAL COURT FUNDING PERCENTAGES. Repeals legislative intent language to increase trial court funding by specified percentages, and repeals 1993-94 apportionment language. This language is no longer appropriate.

Sec. 11. BLOCK GRANTS. Repeals language referencing block grant payments to counties. This language is no longer appropriate.

Sec. 12. OPTION COUNTIES. Repeals language referencing option county appropriations. This language would no longer be appropriate if other provisions of the bill are enacted.

COMMENT. Option county refers to current law that specifies each county must notify the state by March 1 of its desire to opt into the trial court funding system.

Sec. 13. REVENUE AND EXPENDITURE INFORMATION. Repeals language requiring the Judicial Council to provide court revenue and expenditure information on counties who opted into the trial court funding system to the Controller for inclusion in the Controller's annual report. This language is no longer appropriate.

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ANALYSIS

A. Specific Findings (Cont.)

Sec. 14. PAYMENTS. This bill would require the Controller to make quarterly payments of trial court funding prior to the 25th day of that quarter.

Sec. 15. PAYMENTS. Repeals language related to the Controller transferring funds to the Judicial Council on a monthly basis to pay for assigned judges. Funds for assigned judges are now appropriated to the Judicial Council; therefore, this language is no longer appropriate.

Sec. 16. COUNTY OPTION. Repeals language related to a county opting into the trial court system.

Sec. 17. COUNTY OPTION. Repeals language which requires counties to notify the state of decisions to opt into the system for a specific fiscal year by March 1 of the preceding fiscal year.

Sec. 18. JUDICIAL SIGNOFF. Repeals language which requires counties to notify the state of a decision to opt into the trial court system by transmitting a resolution agreeing to specified conditions to the Controller. The section required that the resolution be signed by the chairperson of the board of supervisors and the presiding judges of the superior and municipal courts.

COMMENT. Repealing this section would give counties more control over the distribution of its resources. Under current law, courts can obtain additional funding by withholding signatures from the resolution.

Sec. 19. REVENUE DISTRIBUTION. Current trial court funding provisions require that fine and forfeiture revenues be divided 75/25 state/county and 50/50 state/city. This section would repeal that requirement and would authorize 100 percent of all base fine revenues to be retained by the county. Fifty percent of cities' base fine revenue would continue to be deposited in the State General Fund.

Current law also specifies that if the total amount of fines and forfeitures transmitted to the State during any given year does not equal the amount transmitted during the 1992-93 fiscal year (the base year), the city or county is required to make up the difference from the local general fund. This provision would authorize Fresno County to use 1993-94 for a base year rather than 1992-93. Fresno County's position is unique because in 1977 the county entered into an agreement with the City of Fresno to allow the city to retain sales tax receipts in lieu of fines and forfeitures. Based on the 1992-93 base year, Fresno County has been remitting 75 percent of fines and forfeitures, including that portion of fines and forfeitures which would belong to the City of Fresno without the specific agreement. Because the county gave up sales tax receipts, it is paying an excess amount in fines and forfeitures. This amount approximates $200,000 a year.

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ANALYSIS

A. Specific Findings (Cont.)

COMMENT. The Governor's restructuring plan proposes that the revenue from fines and penalties be returned to the city or county which had retained this revenue prior to enactment of the Trial Court Funding Act. This bill proposes to continue to require cities to deposit 50 percent of fines to the state General Fund while counties would be authorized to retain the funding they currently send to the state. This would be inconsistent with the Governor's restructuring proposal; therefore, the Department of Finance is recommends the attached amendments to AB 2544.

The provision of the bill related to Fresno County would result in a revenue loss of $200,000 per year to the General Fund, which under normal situations, it would not have received in the first place.

FISCAL. This section would result in the annual gain of $139 million to counties. Under the Governor's restructuring proposal, counties would receive an additional $87 million from fines and forfeitures and cities would receive an additional $52 million.

Sec. 20. REVENUE DISTRIBUTION. This section would repeal language related to the calculation of the maximum amount of fines and forfeitures which may be retained by counties and cities in the 1991-92 fiscal year. This language is no longer appropriate.

Sec. 21. PENALTY ASSESSMENT. Other than for parking offenses, existing law imposes a state penalty assessment of $10 for every $10 of each fine, forfeiture, or penalty . This section would reduce this state penalty assessment from $10 to $7, and eliminate the deposit of 30 percent of these penalty assessments to the General Fund.

COMMENT. This section is tied to Section 7. Section 7 increases the county's penalty assessment by $3 and Section 22 decreases the State's penalty assessment by a like amount.

FISCAL IMPACT. The 1994-95 Governor's Budget already anticipates shifting this revenue to the counties. SCO records indicate the state collected $16,162,881 in increased penalty assessments in 1992-93. Transferring the $3 penalty to the counties would result in a revenue loss to the state of a like amount. This amount is estimated to be $16,800,000 in 1994-95.

Sec. 22. REVENUE DISTRIBUTION. Existing law requires a $10 fee be added to the fines for certain vehicle violations. Thirty-four percent of this fee is transferred to the state General Fund for deposit in the State Penalty Fund. Current law also requires 33 percent to be transferred to the local governmental entity in whose jurisdiction the citation was issued, and 33 percent to the county general fund. This section would repeal the requirement that 34 percent be transferred to the state for deposit in the State Penalty Fund, and would increase the percentage to be deposited in the county general fund to 67 percent.

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BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED) Form DF-43

AUTHOR	AMENDMENT DATE	BILL NUMBER
Isenberg	March 23, 1994	AB 2544

ANALYSIS

B. Fiscal Analysis

Secs. 23 & 24. TRAFFIC VIOLATOR SCHOOL FEES. Existing law requires a court to collect a $24 fee from each person attending a traffic violator school. These sections would eliminate the requirement that these fees be deposited in the General Fund and the State Courthouse Construction Fund. Revenue from these fees would be deposited in the county general fund.

FISCAL IMPACT. SCO records indicate the amount of revenue associated with these sections transferred to the state by counties in 1992-93 was $120,847,332. Deletion of the requirement to transfer traffic violator school fees would result in a revenue decrease of the $120,847,332 and a revenue increase to counties of a like amount. This amount is estimated to be $163,100,000 in 1994-95.

Sec. 25. Provides that the bill does not contain a reimbursable state mandated program.

Sec. 26. Indicates the bill is an urgency statute.

This bill would result in a $348 million dollar loss of revenue to the state and a revenue gain of a like amount to the counties. The Governor's Budget already reflects the decrease in State revenue.

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SUGGESTED AMENDMENTS

AB 2544
(as Amended March 23, 1994)

Amendment 1

On page 18, line 37, strike

to the General

Amendment 2

On page 18, line 38, strike

Fund, and 50 percent deposited

LEGISLATIVE INTENT SERVICE (800) 666-1917

Arthur Sims
Executive Officer/Clerk

Michael J. Bayne
Assistant Executive Officer

Garry L. Raley
Assistant Executive Officer

Courthouse
4075 Main Street, Suite 310
Riverside, California 92501
(909) 275-5536
FAX: (909) 275-5537

Consolidated Superior/Municipal Courts of Riverside County

April 19, 1994

APR 26 1994

Honorable Phil Isenberg
Member of the California Assembly
Room 6005, State Capitol Building
Sacramento, CA 95814

SUBJECT: ASSEMBLY BILL NO. 2544

Dear Assembly Member Isenberg:

This correspondence regards Assembly Bill No. 2544, legislation that would make various changes in the provisions related to trial court funding. On behalf of the Coordinated and Consolidated Superior/Municipal Courts of Riverside County, I would like to take this opportunity to voice our support of Assembly Bill 2544.

Prior to the amendments made on March 23, 1994, we opposed the bill because it eliminated judicial sign-off as a condition for participation in the Trial Court Funding Program. Further, there was no requirement for counties to provide funding for court operations not funded by the State.

The amendments made to Section 68073 of the Government Code obligate the counties to fund court functions not provided for by the State. This, in our opinion, represents an equitable tradeoff for eliminating the opt-in (judicial sign-off) provision. We, therefore, support the bill as currently drafted.

Thank you in advance for considering our views on this matter. If you have any questions regarding our position on this bill, please contact myself at (909) 275-5536.

Sincerely,

ARTHUR SIMS
Executive Officer

cc: Riverside County Legislators
Steven Birdlebough, AOC, Sacramento
Terrie Wilfong, AOC, San Francisco
Martin Moshier, Executive Officer, San Bernardino County Courts
Michael Corbett, Riverside County Lobbyist
Donna Linton-Goss, Administrative Office

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THE ASSOCIATION OF MUNICIPAL COURT CLERKS OF CALIFORNIA, INC.

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Reply to:

April 25, 1994

APR 29 1994

The Honorable Phillip Isenberg,
California State Assembly Member
State Capitol
Sacramento, CA 95814

Dear Assembly Member Isenberg:

RE: AB2544 (ISENBERG) STATE TRIAL COURT FUNDING

The purpose of this communication is to inform you of our strong opposition to those provisions of AB 2544 as they serve to amend Section 68073 of the Government Code, specifically in regards to paragraph (a). In that your proposal would effectively repeal the judiciary's constitutional right to function independently of the legislative and executive branches of government, most particularly at the local level, we have grave concerns over the ramifications of such a drastic change. I respectfully direct your attention to *Mallett vs Superior Court (1992)* 6 Cal. App. 4th 1853, 1864, for the history of Section 68073 G. C. and a discussion concerning the potential danger of its repeal [similar, in effect, to SB 666 (1983) as initially introduced by Senator Presley].

We believe that the constitutional safeguards and statutory remedies provided under Section 68073 G.C. as it is presently constructed are essential to ensuring the perpetuation of good-faith negotiations between the courts and their respective counties. The fact that 68073 G.C. is a rarely used remedy serves to further substantiate its value and impact, and for the absolute necessity that the courts' authority under this section be preserved.

If I can provide any further information to you or your staff, please do not hesitate to call me.

Sincerely,

Earl S. Bradley

Earl S. Bradley, President
(805) 253-7301
FAX (805) 254-4107

ESB:mlm

Attachment

A-39

c: Kitti Torre, Judicial Council

P.O. Box 1082 • Sacramento, CA 95812 • 916/345-2752

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V. Reviewability of Orders Under Section 68073

We begin with a brief review of the history and development of section 68073. (See fn. 1, ante.) The evolution of the statute can be traced back to former Code of Civil Procedure section 144, which was enacted in 1872 and repealed and replaced by section 68073 in 1953. (See Deering's Cal. Code Civ. Proc. A., § 144 (1990 ed.).) As originally enacted, neither Code of Civil Procedure section 144 nor then section 68073 provided for any notice to or demand on the county by the court.

In 1983, a proposed amendment to the statute was introduced in the Senate. Senate Bill No. 666 (Presley) as originally introduced proposed that the courts' authority to direct county officials to provide sufficient quarters, supplies, and services be eliminated. In addition, the expenses incurred under the section would no longer be chargeable against the county treasury or paid out of the general fund. (Sen. Bill No. 666 (1983-1984 Reg. Sess.) Mar. 1, 1983, § 6.)

Opponents to the proposal included the Judicial Council, the Attorney General, and the California Judges' Association. The Attorney General questioned whether deletion of this authority would violate the constitutional provision establishing the judiciary as an independent branch of government. "Clearly the county could not limit the expenses of a court to the point where it could not perform its constitutional functions, and a court order to provide necessary support would be sustained with or without statutory authority." (Sen. Com. on Judiciary, Analysis of Sen. Bill No. 666 (1983-1984 Reg. Sess.) as amended May 5, 1983, at p. 5.) The Court Management Committee of the Judicial Council stated that "[t]his is a rarely used safeguard since counties have as a matter of course provided the judicial branch trial courts with sufficient resources." The deletion of this statutory remedy "would eliminate a safeguard whereby a court could meet unforeseen events in order to continue to exercise its constitutional function and meet its duty to litigants." (May 12, 1983, Letter of Judicial Council to Barry Keene, Chairman of Sen. Judiciary Com.) It concluded by noting that "no abuse of the existing statute is known to justify the deletion proposed by SB 666." (Id at p. 2.)

This proposal was not adopted. The version of section 68073 which emerged in September 1984 and remains its current form mandates that the board of supervisors be notified by the court of any perceived unsuitability or insufficiency in services or accommodations before the court can exercise its power to order necessary services and thereby create a charge against the county's general fund.

[7a] If petitioners are correct in asserting that Croci's factual disputes are immaterial as a matter of law because their conclusions are not subject to review, the trial court abused its discretion in refusing to grant them summary judgment. As a policy matter, petitioners contend that, unless judges are the sole arbiters of their needs under section 68073, they will be forced to submit to the process of discovery and trial whenever anyone wishes to dispute the factual basis for their orders. A contrary interpretation would, they contend, also undercut the legislative intent, as demonstrated by the history underlying the 1984 amendment, to refuse to give boards of supervisors the final say in what is necessary for the courts' transaction of business.

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[8] We conclude that orders made pursuant to section 68073, including those regarding the adequacy of the marshal's services, are reviewable. The authority granted by that statute is limited in both its scope, as circumscribed by the items enumerated in the statute, and its depth, as indicated by the requirement of a finding of unsuitability or insufficiency and of necessity prior to its exercise. To conclude otherwise would be to read these limits out of the statute and thereby render them meaningless. We decline to do so. As a practical matter, our decision will not unduly disrupt the courts' ability to carry out their business by opening the floodgates of litigation. As revealed by the comments of the Judicial Council in 1983, the primary source of control over the use of the power set forth in section 68073 has resided in the courts themselves, which have exercised it sparingly.

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(Cir. 5xW. 8,500)

APR 29 1994

Allen's P. C. B Est 1888

Trial Court Budget Hike Gets Handed Over to the Senate

■ Local judges' authority issues remain unresolved, however.

By Tom Dresslar
Daily Journal Staff Writer

SACRAMENTO – Legislation to implement Gov. Pete Wilson's plan to increase state funding of trial courts by $400 million passed the Assembly Thursday on a 61-1 vote. AB2544 by Assembly Judiciary Committee Chairman Phillip Isenberg, D-Sacramento, now goes to the Senate.

The bill progressed despite lingering concerns within the judiciary about a provision that ends local judges' power to order county supervisors to provide the courts whatever resources judges deem necessary to conduct their operations.

Discussions among Isenberg, judiciary officials and county representatives are continuing in an effort to resolve the issue, which centers on the bill's elimination of judges' statutory authority under Government Code section 68073. Isenberg aide Alison Harvey met with representatives of the Judicial Council and its Administrative Office of the Courts Wednesday.

Judicial Council lobbyist Ray LeBov said that, based on Wednesday's talks, the council is "in the process of drafting what our proposal will be" on section 68073. Harvey added: "We're still talking. There's nothing solid. There are some ideas floating around." She indicated judiciary officials, including AOC Director William Vickrey, showed at least a preliminary interest in some ideas discussed at Wednesday's meeting.

Currently, section 68073 allows courts to order county supervisors to provide "anything necessary to the conduct of the court's functions . . ." AB2544 would amend the section to specify counties only have to fund those court functions not funded by the state. And it eliminates judges' power to order payments from county officials.

Judiciary officials don't necessarily disagree section 68073 should be changed to reflect the state's growing responsibility for trial court funding. But they want the courts to retain some statutory recourse to seek additional funds when they determine their ability to function is threatened.

Wilson's fiscal 1994-95 trial court funding proposal calls for state support of local court operations to total $1.017 billion, a $400 million hike over the current year's level. Under the governor's proposal, the state's share of trial court funding would reach 59 percent of the total statewide expenditures projected by the council's Trial Court Budgeting Commission.

Isenberg's bill would implement two main features of Wilson's trial court plan. First, the bill would end the block grant method for providing state funds. Under the governor's proposal, the state budget would provide money for specific court functions, with the Trial Court Budgeting Commission allocating the funds to individual counties.

Second, AB2544 would implement Wilson's proposal to allow local governments to keep the criminal fines, forfeitures and penalties they now remit to the state general fund. Those monies eventually return to the counties as part of their trial court funding block grants. AB2544 would allow counties to keep $300 million in criminal court revenues. The disposition of another $50 million – that Wilson wants to give to cities – is being negotiated.

In a significant development, Isenberg recently amended the bill to specify it cannot take effect unless it is made revenue-neutral for the state through a local-state government realignment plan. Since AB2544 is designed to implement Wilson's $400 million trial court funding increase, and it allows the counties to keep $300 million in criminal court revenues, the revenue-neutrality provision would require counties to assume $700 million in programs now funded by the state, said Harvey.

One piece of that realignment puzzle is contained in Isenberg's AB3822, which would transfer from the state to counties responsibility for incarceration and supervision of juvenile offenders. The $300 million cost would be funded by the criminal court revenues retained by counties under AB2544. The Assembly Ways and Means Committee approved AB3822 Thursday and sent it to the floor.



Daily Journal

PHILLIP ISENBERG – The Assembly Judiciary Committee chairman continued discussions of his bill.

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NATIONAL TRAFFIC SAFETY INSTITUTE

NTSI

NATIONAL TRAINING SYSTEMS INSTITUTE DIV.

May 12, 1994

Assemblymember Phil Isenberg
CA State Capitol
Sacramento, CA 95814

RE: AB 2544 - Oppose

Dear Assemblymember Isenberg:

My client, National Traffic Safety Institute has reviewed your AB 2544 relative to Trial Court Funding and finds they must oppose this legislation.

NTSI opposes any additional fees to attend traffic violators schools. As a result of the additional fees to attend traffic violators schools imposed through the FY 91-92 trial court funding realignment, traffic violator schools are realizing a 40% drop in enrollment. Because of the high costs involved, many people are being forced to choose not to attend traffic schools, and opt instead to seek a trial hearing or in many cases, simply ignore the situation and just fail to appear. The courts have estimated that they are seeing a 35% increase in requests for trial, creating additional burdens on an already overcrowded system.

I am available to meet with you at your convenience to further discuss our concerns. Please call me at 916/921-0658.

Sincerely,

Brian L. Hatch

275 NORTH FOURTH STREET • SAN JOSE, CALIFORNIA 95112
(408) 297-7200 • FAX (408) 297-3541

A-43

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COUNTY ADMINISTRATOR'S OFFICE

Steven C. Szalay, CAO *Susan S. Muranishi, Asst. CAO*

MEMORANDUM

Post-it™ brand fax transmittal memo 7671	# of pages ▸ 2
To Lynn Suter	From
Co.	Co.
Dept.	Phone #
Fax #	Fax #

May 16, 1994

TO: Lynn Suter, Legislative Advoc

FROM: Steven C. Szalay, County Administrator

SUBJECT: **Comments on Reports from the Senate Working Group on Realignment**

Thank you for sending the subject report, which I have read with great interest and reviewed with most of our department heads. My comments are as follows:

Revenue Issues: The report generally restated many of the revenue problems local government has had to endure over the years. The local sales tax vote requirements and the property tax administration proposals were of particular interest to me. Enacting a statute to require the Board of Equalization to enter into a contract with any County Board of Supervisors if the Board passes an ordinance, notwithstanding the vote requirements in Section 7285 seems to make sense. Also, the property tax administration proposal that would allow counties to recover our costs from overall proceeds from the tax prior to allocation to other entities is beneficial.

✓ Trial Court Funding: Transferring the fines, fees, and forfeitures back to counties would be cost effective.

✓ Realignment of Long-Term Care Programs: I support this concept wholeheartedly. Alameda County could become a demonstration county to assume all long-term care programs. Since we would need to plan very carefully, six months lead time would be required.

✓ Work Force Preparation Realignment: This is an excellent idea and Alameda County would be well positioned to take on this realignment.

✓ Children's Services: This proposal tracks nicely with our efforts in the Children's Policy Academy. Our target population group will be children in out-of-home placement and children in danger of being placed out of the home. A realignment effort in the children's area is long overdue.

✓ Juvenile Justice Realignment: A two or three county pilot project including Alameda County would be most beneficial in this program area.

A-44

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We are anxious to enter into more detailed discussions concerning these proposed realignment areas. I believe Alameda county is in a good position since we care about these programs and are trying to restructure them locally to improve service delivery.

Please advise how we can assist in the Sacramento discussions.

SCS:ph
senatepl.ph

c: Each member, Board of Supervisors

LEGISLATIVE INTENT SERVICE (800) 666-1917

DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE

1515 K STREET, SUITE 511
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June 2, 1994

Alison Harvey
Chief of Staff
Assemblyman Philip Isenberg
Room 6005
State Capitol
Sacramento, California 95814

Re: AB 2544 - Trial Court Funding

Dear Alison:

Enclosed, per our conversation this afternoon, is the Attorney General Opinion holding that the Legislature may not delegate responsibility for establishing judges' compensation — including health benefits. (61 Ops.Cal.Atty.Gen. 388.) The opinion turns upon interpretation of article VI, section 19, of the California Constitution, which states in part: "The Legislature shall ***prescribe*** compensation for judges of record."

Notwithstanding this language, Government Code section 53200.3 delegates to counties the determination of benefits for municipal county judges. This office opined that section 53200.3 is an impermissible delegation of the Legislature's responsibility and therefore unconstitutional.

The Legislature has ignored this opinion for some 16 years now, and life seems to have gone on fairly well. No court has directly addressed the issue. However, in a recent case involving the responsibility for workers' compensation benefits for municipal court judges the court cited the Attorney General's Opinion with approval, commenting: "Although the question is not before us, we note that the Government Code provision in question may well be unconstitutional." (*County of Sonoma v. Workers' Comp. Appeals Bd.* (1990) 222 Cal.App.3d 1133, 1144.)

Now the question is before the courts in a challenge brought by the County of Santa Clara. (*County of Santa Clara, et al. v. Public Employees' Retirement System, et al.*, Santa Clara County Superior Court No. CV 738483.) In essence the county argues that the Legislature must set the benefits, and thus the State must pay for them. The

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county has agreed to hold further proceedings pending enactment of the 1994-95 Budget Act and the implementing language of AB 2544.

Let me know if I can be of further assistance.

Sincerely,

DANIEL E. LUNGREN
Attorney General

ALLEN SUMNER
Senior Assistant Attorney General

AS:kaw

Enclosure

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It is apparent in light of the foregoing that the board's attempt on August 8 retroactively to decrease the superintendent's salary effective July 1, 1977 was nugatory; section 3.1 subdivision (b) of article IX confers upon it no power to avoid its matured contractual obligations for past services rendered.[2] For those services rendered between July 1, 1977 and August 8, 1977, the superintendent is fully entitled to compensation at the rate set on April 12, 1977. As to those services rendered *after* August 8, 1977, however, we perceive no reason why the board's vote henceforth to decrease the superintendent's remuneration should not be viewed as being wholly within its discretion and therefore valid.

Opinion No. CV 78-29—August 25, 1978

SUBJECT: ELIGIBILITY FOR COUNTY-SPONSORED HEALTH AND DENTAL INSURANCE PROGRAMS—The amendment of Government Code section 53200.3 did not remove the deficiencies in the original section which rendered it unconstitutional. Therefore, under present legislation, superior and municipal court judges are not eligible to participate in county-sponsored health or dental insurance programs.

Requested by: COUNTY COUNSEL, STANISLAUS COUNTY

Opinion by: EVELLE J. YOUNGER, Attorney General
Victor D. Sonenberg, Deputy

The Honorable Gilbert W. Boyne, County Counsel, Stanislaus County, has requested an opinion on the following question:

In view of 59 Ops. Cal. Atty. Gen. 496 (1976), which concluded that Government Code section 53200.3 was unconstitutional, is that section, as subsequently amended, now constitutional so that superior and municipal court judges would be eligible to participate in county-sponsored health or dental insurance programs?

The conclusion is:

The amendment of Government Code section 53200.3 did not remove the deficiencies in the original section which rendered it unconstitutional. Therefore, under present legislation, superior and municipal court judges are not eligible to participate in county-sponsored health or dental insurance programs.

ANALYSIS

Under Government Code sections 53200-53210[1] local governments, including counties, have been authorized by the Legislature to provide health and welfare benefits for its officers and employees (see specifically §§ 53201, 53205).

[2] This opinion is intended to deal with validly created public employer-employee relationships only; it is not intended to deal with private contractual relationships, either express or implied.

[1] Hereafter all section references are to the Government Code unless otherwise specified.

In 1956 this office issued an opinion that superior court judges and other personnel were thus not eligible for county health insurance. (36 Ops. Cal. Atty. Gen. 338 (1956).)

Shortly after the issuance of that opinion, section 53200.3 which specified that superior court judges were county employees for purposes of [illegible] was enacted.

However, in 1976 this office concluded that section 53200.3 was "an unconstitutional attempt to delegate a nondelegable duty." (59 Ops. Cal. Atty. Gen. 496 (1976).)

This conclusion was based upon the following:

1. In providing that [illegible] for judges of courts of record, the California Constitution specifically [illegible] amounts to specify the [illegible]

2. Health insurance [illegible]

3. By permitting [illegible] standards, if and to what [illegible] vided to judges, section 53200.3 [illegible] to the counties of the legislative [illegible] of judges.

Purporting to respond to the [illegible] Pension Assembly Committee, the Legislature amended section 53200.3 to provide:

"For the limited purpose of [illegible] the superior and municipal courts whose salaries are paid out of the county are considered county employees and shall receive such benefits as are now required or granted to county employees of said judges' officers."

The question that we consider is whether section 53200.3 overcame its previous [illegible]

At the time it was enacted section 53200.3 read as follows:

"For the limited purpose of [illegible] superior and municipal courts whose salaries are paid either in whole or in part out of the county treasury are considered county employees. The employer's share of [illegible] charge against the salary fund [illegible] in the same manner as the [illegible]

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In 1956 this office issued an opinion concluding that superior and municipal court judges and other personnel of those courts were not county employees and were thus not eligible for county-sponsored health insurance. (27 Ops. Cal. Atty. Gen. 338 (1956).)

Shortly after the issuance of that opinion the Legislature enacted section 53200.3 which specified that superior and municipal court judges, and their attaches, were county employees for purposes of county health benefit programs.[2]

However, in 1976 this office issued an opinion concluding that section 53200.3 was "an unconstitutional attempt on the part of the Legislature to delegate a non-delegable duty." (59 Ops. Cal. Atty. Gen. 496, 501 (1976).)

This conclusion was based on the following propositions:

1. In providing that "The legislature shall prescribe compensation for judges of courts of record," article VI, section 19 of the California Constitution specifically enjoined the Legislature from delegating its authority to specify the compensation of judges.

2. Health insurance programs are a form of compensation.

3. By permitting counties to determine, without any controlling standards, if and to what extent this form of compensation should be provided to judges, section 53200.3 constituted an unconstitutional delegation to the counties of the Legislature's authority to prescribe the compensation of judges.

Purporting to respond to this opinion in 1977 (see *Bill Analysis* AB 213 (Fenton), Assembly Committee on Public Employment and Retirement, 2-24-77), the Legislature amended section 53200.3 (Stats. 1977, ch. 106). The section now provides:

"For the limited purpose of the application of this article, judges of the superior and municipal courts and the officers and attaches of said courts whose salaries are paid either in whole or in part from the salary fund of the county are county employees and shall be subject to the same or similar obligations and be granted the same or similar employee benefits as are now required or granted to employees of the county in which the court of said judge, officer, or attache is located."

The question that we consider here is whether this 1977 amendment of section 53200.3 overcame its previous constitutional deficiencies.

[2] At the time of its enactment in 1957 (Stats. 1957, ch. 472) section 53200.3 provided as follows:

"For the limited purpose of the application of this article, judges of the superior and municipal courts and the officers and attaches of said courts whose salaries are paid either in whole or in part from the salary fund of the county are county employees. The employer's contribution for such employees is a proper charge against the salary fund of the county and shall be paid through said fund in the same manner as the salaries, or portion of the salaries, of such employees."

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A-49

In analyzing these constitutional deficiencies, our prior opinion (59 Ops. Cal. Atty. Gen., *supra*, at p. 497) noted that the use in the Constitution of the word "prescribe," as opposed to the word "provide," in its declaration that "[t]he Legislature shall *prescribe* compensation for judges . . ." (emphasis added; Cal. Const. art. VI, § 19) was specifically intended to indicate that the fixing of judicial compensation was not to be delegated by the Legislature to others. (See also *County of Madera* v. *Superior Court* (1974) 39 Cal. App. 3d 665, 669-671; 56 Ops. Cal. Atty. Gen. 315 (1973).)

Thus, the Constitution explicitly mandates the Legislature to itself determine the compensation of judges. Therefore if the Legislature seeks to involve other agencies in this compensation determining process, it would, at the very least, have to formulate reasonably precise standards as a constraining statutory guide for such agencies. (59 Ops. Cal. Atty. Gen. 496 *supra*. See *Blumenthal* v. *Board of Medical Examiners* (1962) 57 Cal. 2d 228, 235. See also the discussion in 59 Ops. Cal. Atty. Gen. 496, *supra*, at pp. 498-500, of the statutory standards approved in *Kugler* v. *Yocum* (1968) 69 Cal. 2d 371 and in *Martin* v. *County of Contra Costa* (1970) 8 Cal. App. 3d 856.)

In considering the validity of section 53200.3, as presently amended, in light of this constitutional stricture, we note that, prior to its 1977 amendment, section 53200.3 sought to make judges eligible for county employee health benefits by specifically declaring them to be county employees for such purposes. The 1977 amendment merely added in specific terms that judges were subject to the same obligations and were to be granted "the same or similar employee benefits as are now required or granted to employees of the county . . . ."

The amendment is thus essentially tautological, i.e., it merely states in different words, without substantive addition, what has already been stated. Thus, as was the case prior to the amendment, the Legislature authorizes the individual county legislative bodies to determine if, and in what form, and to what extent judges shall be compensated with county-sponsored health insurance benefits. (See 59 Ops. Cal. Atty. Gen. 496, *supra*, at pp. 497, 500.) There is a complete absence of effective legislatively established standards to guide county authorities in the making of this determination. The Legislature has thus failed to address itself to those omissions that caused the original statute to be constitutionally defective.

We therefore conclude that section 53200.3, as amended, does not render superior and municipal court judges eligible to participate in county-sponsored health and dental insurance programs.

Op

SUBJECT: DISCLOSU
Board of Equaliza
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Advisory Commit
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Requested by: EXEC
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Opinion by: EVELLE
Rodney

The Honorable D
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May the State B
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Revenue and Taxation

The conclusion is

The State Board o
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A-50

LEGISLATIVE INTENT SERVICE (800) 666-1917

TRIAL COURTS AND THE THIRD BRANCH OF GOVERNMENT

STRUCTURE

With 186 courts, 1,459 judges and 16,164 employees, the trial courts -- superior, municipal and justice -- are by far the biggest segment of the judicial branch of California government. They dwarf the Supreme Court and the six courts of appeal, which total 95 justices and 649 employees.

Each county has a superior court. Their traditional jurisdiction is over family, juvenile and probate law, civil cases over $25,000, and final felony proceedings. They also have appellate review of lower court decisions.

There are 37 justice courts and 91 municipal courts. Their traditional jurisdiction is over small civil cases, preliminary felony proceedings, misdemeanors, infractions, small claims and residential evictions.

These differences between the trial courts' jurisdictions serve tradition and not the effective use of scarce tax dollars.

That is why, in many counties, superior, municipal and justice court judges and their employees are "cross-assigned" so that court caseload may be handled in the most efficient, cost-effective way possible.

FUNDING

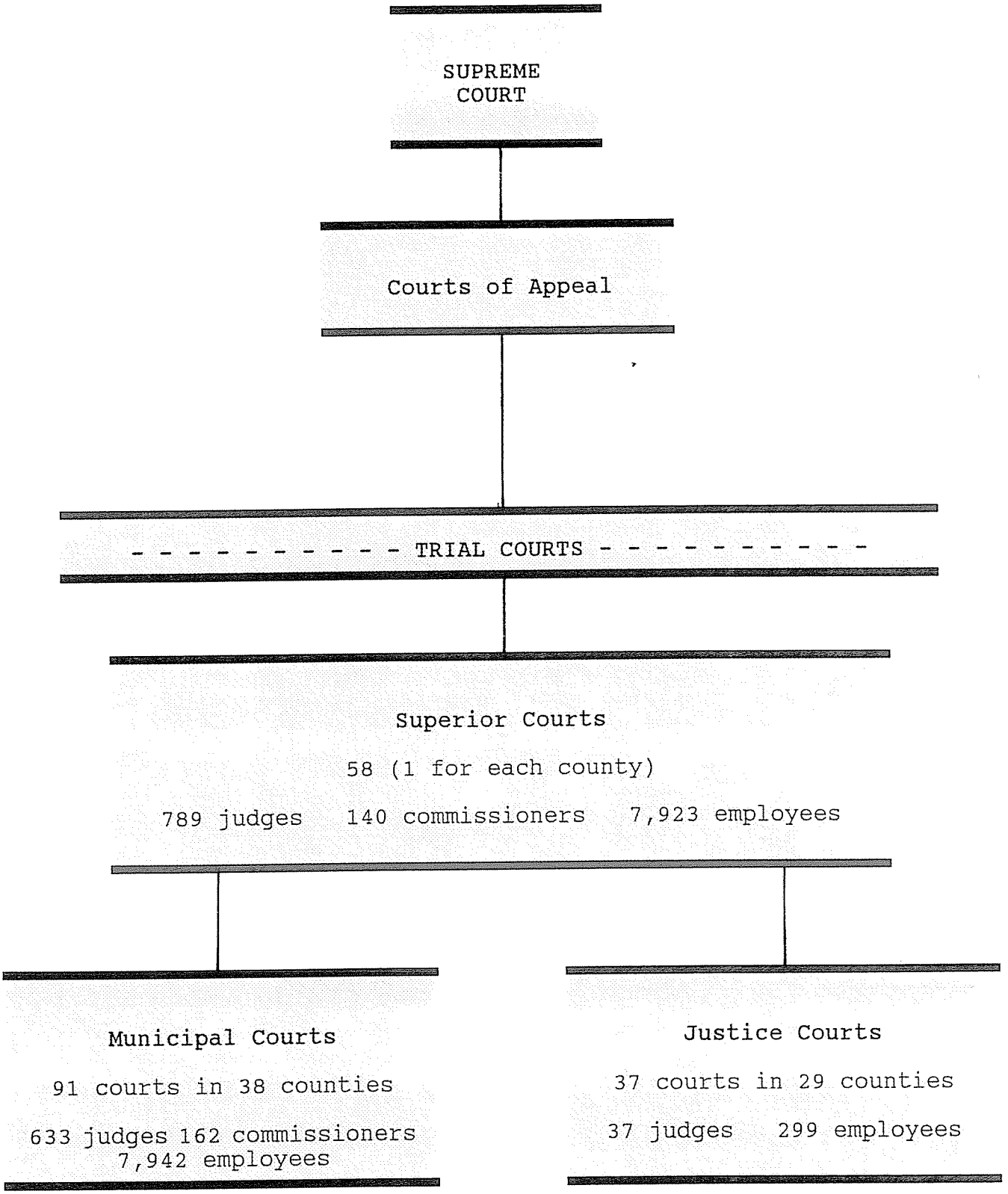
The trial courts are expected to cost $1.7 billion in the next fiscal year, a growth of 260 percent over ten years. No segment of California government except prisons has experienced such a growth rate.

According to the Legislative Analyst, trial court costs increased at about 13 percent per year between 1984-85 and 1990-91, when they were funded mostly by the counties and the courts were not required to operate more efficiently.

The 1991 Isenberg legislation increasing the state's share of cost also required the superior, municipal and justice courts to coordinate and share their work, including cross assigning judges and staff between the courts. This and other cost saving measures slowed the growth rate to about 4 percent per year since then. However, the Legislative Analyst predicts a return to high cost increases if new judgeships are created and courts are not induced through the budget to further streamline their activities.

The trial courts will be directly funded through the state budget for the first time in 1994-95. Previously, each court developed its budget, and the state provided its share through a block grant to the county. Under the new system, the Trial Court Budget Commission scrutinizes each court's budget and may deny excessive expenditures.

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EXAMPLES OF EXISTING TRIAL COURT EFFICIENCIES IN ISENBERG LEGISLATION

MANDATORY



Trial court delay programs required in all municipal courts by July 1, 1992.



Parking tickets are no longer adjudicated in courts.



Most traffic misdemeanors have uniform bail, eliminating need for "courtesy" notices.

DISCRETIONARY



Cross assignment of municipal (justice) and superior court judges to hear all criminal and civil cases.



Single presiding judge and a single executive committee.



Central assignment of all court cases.



Cross assignment of superior and municipal (justice) court staff.



Single chief executive officer.



Unified administrative and filing systems.



County district attorneys may establish alternative dispute methods for criminal misdemeanors and wobblers.

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EVALUATION OF COURTS' COMPLIANCE WITH DISCRETIONARY EFFICIENCIES

The Judicial Council contracted with the Justice Management Institute (JMI) to perform an independent analysis of the courts' first year coordination efforts.

The following are some of JMI's observations and conclusions:

- The level of coordination statewide is about 40% of full coordination which is defined by JMI as implementation of all 24 prescribed coordination methods to the maximum extent possible. (18% counties were determined to be highly coordinated.)

- Cost avoidance and savings have been realized as a result of coordination. For example, Sacramento courts report saving an equivalent of 5.5 judges through use of cross-assignment.

- Most courts achieved the required 3% cost reduction during their first year. Additional savings may be recognized after further analysis.

- Coordination can achieve a high degree of trial court unification. However, for coordination beyond minimal levels, judicial leadership and judicial commitment to coordination are essential.

- Some courts need further guidance and a formal strategic planning approach to develop an effective coordination plan over the next two years.

- Courts that achieved the highest levels of coordination were the ones in which coordination and consolidation activities began before the July 1, 1992 deadline. Courts that started coordination on July 1, 1992 are likely to show similar levels of coordination by the end of the second year.

- Coordination plans should be prepared on a county basis, not on an individual court basis.

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CHART 1: TRIAL COURT FUNDING DATA

Year	General Fund (millions)	Criminal Fines	Reporting/ Filing Fees	STATE TOTAL	Percent of Costs
1985-86	$81.2	0	0	$81.2	10.9%
1986-87	$89.7	0	0	$89.7	10.8%
1987-88	$93.0	0	0	$93.0	10.4%
1988-89	$289.1	0	0	$289.1	27.9%
1989-90	$529.7	0	0	$529.7	44.1%
1990-91	$503.7	0	0	$503.7	37.6%
1991-92	$511.3	$236.0	0	$747.3	50.8%
1992-93	$264.4	$347.0	$119.2	$730.6	47.9%
1993-94	$158.6	$317.0	$141.5	$617.1	39.0
1994-95 Proposed	$875.5	$0	$141.5	$1,017.4	65.0%

CHART 2: TRIAL COURT OPERATIONS COST DATA

Fiscal Year	Total Court Operations Cost	Percent Growth
1985-86	$746 million	13.2 percent
1986-87	$829 million	11.0 percent
1987-88	$895 million	8.0 percent
1988-89	$1,036 million	15.7 percent
1989-90	$1,200 million	15.8 percent
1990-91	$1,340 million	11.7 percent
1991-92	$1,470 million	9.7 percent
1992-93	$1,508 million	2.5 percent
1993-94	$1,596 million	5.8 percent
1993-94	$1,730 million	8.4 percent

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INDEPENDENT CITIES ASSOCIATION
14156 MAGNOLIA BLVD., SUITE 103, SHERMAN OAKS, CA 91423 • (818) 906-0941 • FAX (818) 784-1187

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MANAGEMENT CONSULTANTS
KEN SPIKER AND ASSOCIATES, INC
David N. Smith, Consultant

June 4, 1994

Honorable David Roberti, Member
Senate Judiciary Committee
205 Capitol Building
Sacramento, California 95814

Re: AB 2544 (Isenberg) - Oppose

Dear Senator Roberti:

The Independent Cities Association (ICA), which is comprised of fifty cities in the Southern California area, opposes AB 2544 for the reasons set forth by the League of California Cities.

Thank you for considering the position of the Independent Cities Association on this issue.

Respectfully,

Betty Ainsworth

Betty Ainsworth, Chairwoman
ICA Major Issues & Legislation Committee

League of Cal. Cities
Judy Smith
444-5790

ds

LEGISLATIVE INTENT SERVICE (800) 666-1917

MEMBER CITIES:

Alhambra	Colton	El Segundo	Inglewood	Monterey Park	Santa Monica	West Covina
Arcadia	Commerce	Fullerton	Irwindale	Pasadena	Sierra Madre	Whittier
Azusa	Compton	Gardena	Long Beach	Pomona	Signal Hill	
Baldwin Park	Costa Mesa	Glendora	Los Angeles	Redondo Beach	South Gate	
Bell	Covina	Hawthorne	Lynwood	San Fernando	South Pasadena	
Beverly Hills	Culver City	Hermosa Beach	Manhattan Beach	San Gabriel	Torrance	
Burbank	Downey	Huntington Park	Monrovia	Santa Clarita	Upland	
Claremont	El Monte	Indio	Montebello	Santa Fe Springs	Vernon	

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California State Association of Counties

June 23, 1994

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1994

The Honorable Phillip Isenberg
California State Assembly
State Capitol, Room 6005
Sacramento, CA 95814

Re: AB 2544 (Isenberg) -- Support

Dear Assembly Member Isenberg:

California State Association of Counties (CSAC) supports AB 2544, which would make significant changes in the law governing Trial Court Funding.

Specifically, AB 2544 makes significant changes in appropriately aligning responsibility for the funding of the trial courts and would provide the following:

- Eliminates the county block grant method of funding. Funding would be done through the Judicial Council, Trial Court Budget Commission.
- Repeals the Judicial Sign Off.
- Provides that counties shall not be required to provide funding for any trial court function for which the state has provided funding.
- Repeals the requirement that counties pay a portion of superior court judges salaries and the cost of having a trial court judge on assignment.
- Allows counties to retain local fine and forfeiture revenue.
- Requires the state to provide municipal and justice court judges and retirees with the health, dental and vision care benefits provided to retired superior court judges and will also require that no judge shall have any salary or benefits, with specified exceptions, reduced solely by reason of the enactment of this provision.
- Modifies the judges expenditure authority (GC 68073) by requiring the court to submit findings of unmet needs to the Trial Court Budget Commission: allowing the Commission to reallocate state trial court funds from other trial courts; and restricts the local court from directing the county to provide items until the commission has had the opportunity to act first.

AB 2544 makes a number of changes that will enable the state to eventually assume responsibility for full funding of the trial courts. CSAC commends you for your continued effort to fund the state trial courts.

For these reasons, CSAC supports AB 2544.

Sincerely,

Carolyn McIntyre

Carolyn McIntyre
Legislative Representative

A-57

LEGISLATIVE INTENT SERVICE (800) 666-1917

1100 K Street, Suite 101 / Sacramento, CA 95814-3941 / 916-327-7500 / FAX 916-441-5507

Administratively Consolidated Municipal Courts
Los Angeles County

Judge Donald L. Wilson
Chair, Executive Committee
7500 E. Imperial Highway
Downey, California 90242
(310) 803-7012

Tim R. Aguilar, Executive Officer
200 W. Compton Boulevard
Compton, California 90220
(310) 603-7255

Member Courts:

Compton Judicial District
Jerry E. Johnson, Presiding Judge
Tim R. Aguilar, Court Administrator

Downey Judicial District
John D. Lord, Presiding Judge
Elaine E. Osborne, Court Administrator

Los Cerritos Judicial District
K. Mautino, Presiding Judge
, Court Administrator

Rio Hondo Judicial District
Peter J. Meeka, Presiding Judge
Jessica B. Lee, Court Administrator

Santa Anita Judicial District
S. Clark Moore, Presiding Judge
Mary E. Robles, Court Administrator

Southeast Judicial District
Russell F. Schooling, Presiding Judge
Joe Sharar, Court Administrator

Whittier Judicial District
Yvonne T. Sanchez, Presiding Judge
Phyllis Rice, Acting Court Administrator

June 29, 1994

The Honorable Phillip Isenberg
California State Assembly Member
6005 Capitol Building
Sacramento, Ca 95814

Dear Assembly Member Isenberg:

I have recently learned that AB2544 has received opposition from several traffic school providers as it relates to traffic school monitoring fees. These fees are necessary if the courts are to continue providing the option of traffic school programs to the public and preserve the integrity of the traffic school program.

Department of Motor Vehicles, by its own admission, is not able to effectively perform this task and absent this monitoring service the court will immediately begin to experience the decline in the quality and integrity of the traffic school program.

I have served the judiciary for over twenty-two years and my experience involving traffic school providers has been short of pleasant.

Without monitoring we forego compliance and without compliance we fail the public and the goals and objectives of providing quality traffic school education and enhanced safety to our communities.

I urge you most strenuously, do not remove the monitoring enforcement arm of the courts, thereby permitting traffic school providers to cause havoc in our courts and jeopardize this option to the public.

Please support the monitoring fee of $9.00 for nonprofit organizations.

Sincerely,

Tim R. Aguilar
Executive Officer/Clerk

RECEIVED
JUL 1994
Isenberg Capitol Of.

cc: Judicial Executive Committee
ACMC Court Administrators

A-58

LEGISLATIVE INTENT SERVICE (800) 666-1917

Arthur Sims
Executive Officer/Clerk

Michael J. Bayne
Assistant Executive Officer

Garry L. Raley
Assistant Executive Officer

Courthouse
4075 Main Street, Suite 310
Riverside, California 92501
(909) 275-5536
FAX: (909) 275-5537

Consolidated
Superior/Municipal Courts
of Riverside County

June 29, 1994

The Honorable Phillip Isenberg
Chair, Assembly Judiciary Committee
6005 Capitol Building
Sacramento, CA 95814

Subject: AB 2544 - Traffic Violator Schools (TVS)

Dear Assembly Member Isenberg:

It is my understanding that last minute language has been added to AB 2544 whereby non-profit agencies would be allowed to collect a fee sufficient to charge a traffic violator to defray the cost incurred by the agency for the service provided.

The Consolidated and Coordinated Superior/Municipal Courts of Riverside County are using such a non-profit agency at several locations in Riverside County. In Riverside County, this non-profit agency is providing a service that is very, very critical to the courts. It comes down to basics: If we cannot rely on the quality and integrity of traffic schools, the courts will be forced to consider discontinuing a vital service to the "public."

There is a current omission in the law and courts have been contracting with these non-profit agencies to render the monitoring of traffic violator schools. The non-profit agencies have been charging a nominal fee for their services. As you are well aware, the Department of Motor Vehicles cannot effectively perform the tasks necessary, as authorized by law, to ensure compliance by the traffic violator schools and have very actively supported the courts' use of non-profit agencies to accomplish this task.

With decreasing budgets in the State of California, we are faced with choices. We feel that unless traffic schools are monitored effectively and compliance is assured, the courts may elect not to allow traffic violators the option of attending traffic school as an alternative to adjudication of their traffic citation. These are every day citizens that receive these citations. TVS schools need to be regulated and the alternative is to place into law

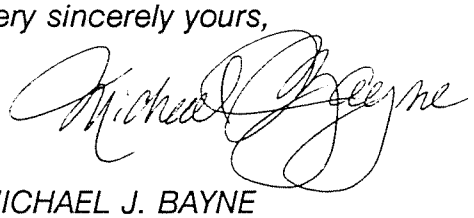
A-59

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legislation authorizing these non-profit agencies to charge a reasonable fee for their services. We urge your support in this matter.

If you or your staff have any questions regarding our concerns, please telephone me at (909) 275-5551. Thank you for your consideration.

Very sincerely yours,



MICHAEL J. BAYNE
Assistant Executive Officer

MJB:tbm

cc: Steve Thunberg, AMCCC Legislative Committee
Earl Bradley, President, AMCCC
California Traffic Safety Institute

LEGISLATIVE INTENT SERVICE (800) 666-1917

w/ letter 6/29 per Pauline

JUN 0 1994

Isenberg Capitol O

CALIFORNIA LABOR FEDERATION, AFL-CIO

417 MONTGOMERY STREET, SUITE 300
SAN FRANCISCO, CALIFORNIA 94104
TELEPHONE: (415) 986-3585
FAX NUMBER: [redacted]
(415) 392-8505

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June 29, 1994

Honorable Bill Lockyer
President pro Tempore
State Capitol Room 205
Sacramento, CA 95814

Dear Senator Lockyer:

The California Labor Federation, AFL-CIO, is opposed to AB 2544 (Isenberg), as amended on June 21, 1994.

The recent amendments to AB 2544 would allow unrestricted increases in fees charged to motorists who attend Traffic School for minor traffic citations received. Traffic School attendance is already down 40% over the last few years as a result of the increase in the rates charged for Traffic Schools. The ability to attend Traffic School is crucial for people with lower incomes.

We ask that you support an amendment to strike our SEC. 37 and SEC. 38 of AB 2544, which would in effect restore current law.

Sincerely,

John F. Henning
Executive Secretary-Treasurer

JFH:pw
ope 3 afl cio

cc: Members of the Senate

A-61

LEGISLATIVE INTENT SERVICE (800) 666-1917

Administrative Office of the
Shasta County Courts

KAREN COUTS
EXECUTIVE OFFICER/CLERK OF THE COURT

SUSAN NULL
ASSISTANT EXECUTIVE OFFICER/CLERK OF THE COURT

RECEIVED
JUN 1994
Isenberg Capitol Office

1500 COURT STREET, ROOM 205
REDDING, CA 96001
(916) 225-5331
FAX (916) 225-5339

June 29, 1994

The Honorable Phillip Isenberg
California State Assembly Member
6005 Capital Building
Sacramento, CA 95814

Dear Assembly Member Isenberg:

I am writing to support the use of Traffic School programs (CAP-court assistance programs) in the courts and to voice my support AB 2544.

There is a dire need in the courts for the use of these CAP companies. In Shasta County we use CTSI to administer our traffic school program. They provide a person to us, process the paperwork, plus help out in other areas as needed. We most likely would not offer the traffic school program to violators cited in Shasta County without that assistance.

It seems that every year these companies are challenged regarding their nominal fee. It is about time that we put an end to this costly and time consuming effort. The courts continue to support the charge of a nominal fee by the non-profit traffic school agencies to cover the costs of their operation.

In conclusion, I strongly urge your support of AB2544 and also urge you to mandate the authority of these non-profit agencies to charge a reasonable fee for their services.

Thank you for your consideration.

Very truly yours,

Susan Null

Susan Null
Assistant Court Executive Officer

SN:ct

c: Michael Corbett

A-62

LEGISLATIVE INTENT SERVICE (800) 666-1917

7-7-94

FLOOR STATEMENT

THIS BILL CONTAINS THE STATUTORY CHANGES NECESSARY TO CHANGE THE WAY WE FUND THE TRIAL COURTS -- FROM BLOCK GRANTS THROUGH THE COUNTIES TO DIRECT FUNDING BY THE STATE OF SPECIFIC COURT FUNCTIONS.

AS SUCH, IT NEEDS TO BE ENACTED TODAY.

THE LEGISLATURE DECIDED THREE YEARS AGO TO MAKE THIS CHANGE, AND TO THIS END WE CREATED THE TRIAL COURT BUDGET COMMISSION TO REVIEW AND EVALUATE THE INDIVIDUAL COURT BUDGETS. THIS COMMISSION'S FIRST PRODUCT IS IN THE 1994-95 APPROPRIATION FOR THE COURTS.

THROUGH THIS MECHANISM, WE ARE ABLE TO ESTABLISH PERFORMANCE CRITERIA FOR THE COURTS AND TO SET MINIMUM STANDARDS FOR EFFICIENCY AND COST-SAVINGS.

BECAUSE WE HAVE ELIMINATED BLOCK GRANT FUNDING, THIS BILL REPEALS "JUDICIAL SIGN-OFF," WHICH REQUIRED THE COUNTIES TO OBTAIN THE LOCAL COURTS' PERMISSION TO GET A STATE BLOCK GRANT. THIS

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"SIGN-OFF" HAS PREVENTED THE COUNTIES FROM ASSERTING SUFFICIENT CONTROL OVER COURT EXPENDITURES.

THIS BILL ALSO REQUIRES THE COURTS, BEFORE THEY MAY ORDER THE COUNTIES TO FUND THEIR OPERATIONS, TO APPEAL TO THE BUDGET COMMISSION FOR A REVIEW OF THE ADDITIONAL SPENDING REQUEST.

ALSO INCLUDED IN THIS BILL IS A PROVISION EXTENDING HEALTH, VISION AND DENTAL CARE BENEFITS TO SITTING AND RETIRED MUNICIPAL AND JUSTICE COURT JUDGES, WHO CURRENTLY MUST SEEK SUCH BENEFITS FROM THE COUNTIES. THE STATE ALREADY COVERS SUPERIOR COURT JUDGES, AND THE ATTORNEY GENERAL HAS OPINED THAT THE STATE MUST PROVIDE THIS COMPENSATION TO ALL JUDGES, WHO ARE TECHNICALLY "OFFICERS OF THE STATE."

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AB 2544 (ISENBERG) FLOOR AMENDMENT

THIS BILL CONTAINS THE STATUTORY CHANGES NECESSARY TO CHANGE THE WAY WE FUND THE TRIAL COURTS -- FROM BLOCK GRANTS THROUGH THE COUNTIES TO DIRECT FUNDING BY THE STATE OF SPECIFIC COURT FUNCTIONS.

THE AMENDMENTS ALLOW THE COURTS TO CHARGE A FEE TO COVER THE COST OF THE NON-PROFIT AGENCIES WHO PROVIDE TRAFFIC SCHOOL MONITORING AND REFERRAL SERVICES UNDER CONTRACT TO THE COURTS. THIS IS NOT A NEW FEE BECAUSE IT IS ALREADY BEING CHARGED, BUT THE AMENDMENTS PUT A CAP ON THE FEE AND SUNSET IT NEXT YEAR IN ORDER TO REQUIRE THE COURTS AND THE TRAFFIC SCHOOLS TO NEGOTIATE HOW MUCH THE FEE SHOULD BE AND HOW IT SHOULD BE COLLECTED.

THESE AMENDMENTS REMOVE THE OPPOSITION OF THE TRAFFIC SCHOOLS AND SOME LABOR UNIONS.

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THE STATE BAR
OF CALIFORNIA

OFFICE OF GOVERNMENTAL AFFAIRS

915 L STREET, SUITE 1260, SACRAMENTO, CALIFORNIA 95814 TELEPHONE: (916) 444-2762 FAX: (916) 443-0562

The Honorable Pete Wilson
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

July 17, 1994

AB 2544 (Isenberg) -- REQUEST FOR SIGNATURE
State Bar Board of Governors

Dear Governor Wilson,

The Board of Governors of the State Bar of California strongly supports and requests you to sign into law AB 2544 by Assemblyman Phil Isenberg, which is currently before you.

AB 2544 is the latest in a series of efforts to provide a consistent, stable, and equitable source of funding for the trial courts of California. The Board of Governors has gone on record in support of your original budget proposal to provide a state funding level for the trial courts in 1994-95 which is equal to 65% of the cost of trial court operations, as well as those steps of restructuring and realignment necessary to implement this level of state funding. AB 2544 is a necessary interim step towards reaching that goal, by limiting the counties' funding responsibility to those items not in the state budget, modifying provisions that currently allow the courts to make expenditures, and repealing the judicial sign-off provisions.

AB 2544 would also encourage increased coordination of the trial courts, irrespective of whether or not SCA 3 is approved by the Legislature and subsequently by the voters, by authorizing the Trial Court Budget Commission to evaluate the funding requests by courts in light of performance criteria relating to the level of coordination. The Board of Governors strongly supports the increased coordination of the state's trial courts, seeing this as essential to maximizing judicial efficiency and the effective use of limited judicial recourse. As you know, the Board of Governors continues to strongly support SCA 3, on the belief that this measure will guarantee the maximization of this efficiency and effectiveness; however, this support is not to the exclusion of other measures, like AB 2544, which take positive, if less expansive, steps towards the same important goal.

We are still hopeful that more can be accomplished on the trial court funding issue when the Legislature returns in August. In particular, we support the realignment of state and county funding obligations, which is essential to freeing up additional monies for the trial courts. In the meantime, however, we believe that AB 2544 is an essential interim measure, and we urge you to sign it. Thank you.

Best Regards,

LARRY DOYLE
Chief Legislative Counsel

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JUL 1 1994
Isenberg Capitol Office

A-66

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cc: The Honorable Phil Isenberg
Margaret Morrow, President, State Bar of California
Glenda Veasey, Chair, Board Committee on Courts & Legislation
Mel Assagai, Senior Executive, Governmental Affairs
David Long, Director, State Bar Office of Research

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Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
303 Second Street South Tower • San Francisco California 94107 • PHONE 415 396-9100 FAX 415 396-9349

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TO: All Presiding and Sole Judges of the Trial Courts
All Court Executive Officers, Court Administrators, Clerks of Court,
and County Clerks of the Trial Courts

FROM: Kiri Torre, Assistant Director
Court Services Division, Administrative Office of the Courts

DATE: July 27, 1994

SUBJECT: Summary of Assembly Bill 2544 (Urgency Legislation - Effective July 21, 1994)

Attached is a summary of Assembly Bill 2544 (AB 2544), as interpreted by the Administrative Office of the Courts.. This urgency bill was signed by the Governor and became effective on July 21, 1994. Also attached is a copy of the final version of the bill. Many of the statutory amendments reflected in the bill were the result of the valuable input from the AB 2544 working group, consisting of the following individuals:

Judge Vernon Nakahara, Chair - Presiding Judges' Standing Advisory Committee
Ms. Sheila Gonzalez, Chair - Court Administrators' Standing Advisory Committee
Mr. Ron Overholt, President - California Association of Superior Court Administration
Mr. Earl Bradley, President - Association of Municipal Court Clerks of California
Mr. Richard Chernick, Attorney - Gibson, Dunn & Crutcher
Mr. Mark Willman, Attorney - L. A. County Municipal Courts Planning & Research Unit
Mr. Michael Corbett, Corbett & Associates

The following procedures, stemming from AB 2544, are being developed by the Trial Court Budget Commission (TCBC) and will be distributed to the trial courts in late August:

- State Judicial benefits opt-in procedure for municipal & justice court judges (§ 22754.35 GC).
- State judicial benefits opt-in procedure for retired municipal & justice court judges (§ 77208 GC)
- TCBC procedure to review trial court findings in relation to invoking § 68073 GC.
- TCBC rules authorizing courts to transfer state funding moneys among functions (§ 68502.5 GC)

Cleanup legislation is needed to address some oversights in the legislation. It is anticipated that those amendments will be incorporated into urgency legislation in early August when the Legislature reconvenes. ***If you have proposals for cleanup legislation related to AB 2544, please contact me with your ideas at (415) 396-9296, by August 5, 1994.***

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Staff from our office will work with representatives from the Legislature, Department of Finance and State Controller's Office in an attempt to propose a realignment package to increase funding to the trial courts for fiscal year 1994-95. ***If you have any ideas regarding potential revenues which could be incorporated into the realignment proposal, please provide your ideas to Jim Brighton, AOC Budget and Planning Unit, at (415) 396-9196, by August 5, 1994.***

Attachment

cc: Members of the Judicial Council
Members of the Trial Court Budget Commission
Members of the AB 2544 Working Group
All County Executives and County Administrators

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Supreme Court of California
303 SECOND STREET SOUTH TOWER
SAN FRANCISCO, CA 94107

August 5, 1994

MALCOLM M. LUCAS
CHIEF JUSTICE

Hon. Phillip Isenberg
Member of the Assembly
State Capitol, Room 6005
Sacramento, California 95814

RE: Trial Court Funding/Realignment

Dear Assembly Member Isenberg:

I have enclosed a copy of a letter I sent to the Governor today with regards to his convening a group to develop a realignment proposal which includes increasing the state's level of participation in the funding of the trial courts. I am requesting your support in the effort.

Additionally, on behalf of the Judicial Council, I would like to express our appreciation for your strong support of Trial Court Funding this year and for authoring Assembly Bill 2544 (Isenberg).

Cordially,

Malcolm M. Lucas

MALCOLM M. LUCAS

cc: ✓Alison Harvey, Chief of Staff
William C. Vickrey, Director

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Supreme Court of California
303 SECOND STREET SOUTH TOWER
SAN FRANCISCO, CA 94107

MALCOLM M. LUCAS
CHIEF JUSTICE

August 5, 1994

Hon. Pete Wilson
Governor
State of California
State Capitol
Sacramento, California 95814

RE: Trial Court Funding/Realignment

Dear Governor Wilson:

On behalf of the Judicial Council, I would like to express our appreciation for your recommendation to support Trial Court Funding this year and for signing Assembly Bill 2544 (Isenberg). The purpose of this letter is to seek your personal involvement and support in obtaining legislative approval for a realignment of state and local funding responsibilities in a manner that will permit the state to assume a larger role in the funding of the trial courts, as you recommended in the proposed state budget. The goal of such a realignment is to strengthen the justice system without adversely impacting other programs.

Over the past several years, the State of California has frequently reiterated its intent that trial courts be funded at the state level. Several of the benefits of achieving this intent are:

- Improving statewide court planning, operating policies, and funding priorities.
- Enhancing the efficient and effective use of judicial resources.
- Maximizing local court management flexibility and fiscal accountability.
- Eliminating the adverse consequences of bifurcated state/local court funding responsibilities.

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After a thorough and detailed review and analysis, the Trial Court Budget Commission has also concluded that the trial courts will operate more efficiently and effectively if the level of state funding is increased. I am confident that a realignment proposal can be crafted that will not only increase existing service levels, but will also enhance the overall effectiveness of the justice system.

Trial courts have been left in a very precarious position as a result of the FY 1994-95 budget process. Some counties have reduced or are contemplating reducing court budgets commensurate with the loss of their share of the $388 million which was deleted from the budget because no realignment proposal was adopted. Additionally, the uncertainty over the level and source of funding seriously impedes the ability of the trial courts to engage in planning efforts which could result in operational efficiencies.

The number of judgeships has not increased since 1987. Nonetheless, caseloads and demands on courts continue to rise. Erosion of resources will severely undermine the ability of the judiciary to respond to these demands.

Trial court funding legislation establishes a state funding level goal of 65 percent, or $1.12 billion of the $1.73 billion in trial court costs. A substantial portion of this funding was to be provided as a result of the aforementioned realignment proposal. Since realignment has not occurred, however, the level of state funding of the trial courts has again decreased. During the past three years the transfer of local government revenues has replaced previously provided state funds for the courts rather than supplementing those funds. Today, both the goals of trial court funding and the ability of our trial courts to provide the most basic services to the public are in danger.

The judicial branch accounts for only 3 percent of the State's Budget. Currently, access to the trial courts is particularly at risk because neither local nor state government has full responsibility for court funding. Full state funding of the trial courts under a realignment proposal may well offer the best, and perhaps the only opportunity to ensure that all Californians have reasonable access to our state's trial courts and to maintain the basic constitutional integrity of this branch of government.

Success in developing a viable realignment program will require direct involvement with representatives of your office, the Department of Finance, the State Controller's Office, the California State Association of Counties, and the judicial branch. I request that you immediately convene a group of representatives

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from the above entities to work with the Legislature to develop a proposal to be passed in August which is agreeable to you and will achieve the goals of trial court funding. As Chief Justice, I stand ready to appoint the judicial branch representatives to such a group.

I recognize there are many issues confronting you that have a far greater financial impact on the state budget. None, however, is more fundamental to our system of government than assuring the ability of California courts to provide justice for all. *I urge you to take all steps possible to ensure that a viable realignment proposal is enacted on behalf of the California trial courts when the Legislature reconvenes this month.*

Thank you for taking the time to address this crucial issue. If I can provide any additional information, please let me know.

Cordially,

Malcolm M. Lucas

MALCOLM M. LUCAS

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California Legislature

Assembly Committee on Judiciary

PHILLIP ISENBERG
CHAIRMAN

STAFF
RUBIN R. LOPEZ
Chief Counsel
MIKKI BAKO SORENSEN
Counsel
GENE ERBIN
Counsel
MILLIE ANDERSON
Committee Secretary

August 15, 1994

Malcolm M. Lucas, Chief Justice
California Supreme Court
303 Second Street, South Tower
San Francisco, CA 94107

Dear Chief Justice Lucas:

Thank you for sending me a copy of your letter to Governor Wilson about convening a group to develop a state-local government realignment proposal involving the trial courts.

I appreciate very much your active interest, and I stand ready to participate and assist in any way possible.

Sincerely,

PLI/hh

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ASSEMBLY BILL NO. 2544(L) 1994 REGULAR SESSION CHAPTER 308

AUTHOR Isenberg

DATE RECEIVED 7/12 1994

LAST DAY TO ACT 7/25 1994

	LC			IR			PUC	
	BTH			LEGAL			DPA	
	CAL-EPA			OPR	✓		CD&ED	
✓	FIN	✓		RES				
	F&A			SCS	✓			
	H&W			YAC				
	DIR			OCJP				

ACTION OF GOVERNOR 7/20 1994

w/signing message

AB 2544 (L) 1994 CHAPTER 308

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Deputies

Sacramento, California
July 20, 1994

Honorable Pete Wilson
Governor of California
Sacramento, CA 95814

Assembly Bill No. 2544

Dear Governor Wilson:

Pursuant to your request, we have reviewed the above-numbered bill authored by Assembly Member Isenberg and, in our opinion, the title and form are sufficient and the bill, if chaptered, will be constitutional. The digest on the printed bill as adopted correctly reflects the views of this office.

Very truly yours,

Bion M. Gregory
Legislative Counsel

By John A. Corzine
John A. Corzine
Principal Deputy

JAC:nd

Two copies to Honorable Phillip Isenberg, pursuant to Joint Rule 34.

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DEPARTMENT OF FINANCE ENROLLED BILL REPORT

AMENDMENT DATE: July 7, 1994
RECOMMENDATION: SIGN

BILL NUMBER: AB 2544
AUTHOR: Isenberg

Assembly: 71/1
Senate: 31/2

BILL SUMMARY

This bill would revise various aspects of the Trial Court Funding Realignment and Efficiency Act of 1991.

Urgency Statute.

FISCAL SUMMARY

Code/Department Agency or Revenue Type	SO LA CO RV	PROP 98	(Fiscal Impact by Fiscal Year) (Dollars in Thousands) FC 1994-95	FC 1995-96	FC 1996-97	Code Fund
0450/Trial Courts			----------See Fiscal Analysis----------			001/GF

COMMENTS

- The provisions of this bill which would delete requirements for counties to "opt into" trial court funding could leave the State liable for the cost of trial court mandates including any reductions below the highest level of state funding.
- The provision of this bill which would permits the Judicial Council to change the approved level of funding for particular courts could be very disruptive to county budget administration, however the California State Association of Counties has not raised concerns about this provision.
- The provisions of this bill which would provide fringe benefits for retired municipal and justice court judges would increase the scope of trial court funding by $1.3 million.
- The provision of this bill which would eliminate language concerning the transfer of funds for the assigned judges program would not permit payments to be made from the Trial Court Funding (Item 0450-101-001) because other provisions of the Government Code require that compensation for assigned judges be paid "by the Judicial Council."

We have discussed our concerns about this bill with Assemblyman Isenberg and he has committed to pursuing urgency legislation in August to eliminate the State's potential local mandate exposure, clarify that the State will not backfill money reallocated from one county to another and restore authority for the Judicial Council to pay for the assigned judges program from Item 0450-101-001. With this assurance, we are recommending that this bill be signed.

Analyst/Principal	Date	Program Budget Manager	Date
(556) 550	7/18/94	Diane M. Cummins	7/18/94

Department Deputy Director — Date 7/18/94

ENROLLED BILL REPORT — Form DF-43 (Rev 03/92 Pink)

HW:BA\ASSEMBLY\AB2544.556

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ANALYSIS

A. Specific Findings

Sec. 1. FINDINGS AND DECLARATIONS. This section contains a legislative finding that funding for trial court operations is a candidate for state funding and that the state will progressively increase its share of funding of the annual costs for court operations to 65 percent for the 1994-95 fiscal year and to 70 percent for the 1995-96 fiscal year. The section indicates the State will achieve savings in court operations through enactment of administrative efficiencies. This section also declares the Legislature's intent to (1) include funding for various functions as allocations in the 1994 Budget Act; (2) require careful identification of the costs of services obtained by the court from county agencies and to require the negotiations of agreements on the cost of county-provided services; and (3) enable the transition to full state funding.

Sec. 2. HEALTH BENEFITS. Currently, the State is not obligated to make any contribution to health benefit plans for active and retired municipal or justice court judges, except for municipal or justice court judges serving on senior judge status. This section repeals this language.

Sec. 3. HEALTH BENEFITS. This section would define "employee" to include any municipal or justice court judge and "annuitant" to include any municipal and justice court judge who retires under the Judges' Retirement System. This section also would provide that a municipal or justice court judge's entitlement shall be the same as a superior court judge in terms of health benefits and employer contributions, and the continuation of health benefits coverage shall be administered by the board of supervisors. The section would provide that the State shall provide each sitting municipal and justice court judge with benefits equal to those provided to superior court judges, and that no judge shall have any salary or benefits reduced solely by reason of the enactment of this section.

Sec. 4. HEALTH BENEFITS. Repeals language related to the option of a county to provide health benefits to retired municipal and justice court judges.

Sec. 5. HEALTH BENEFITS. Repeals language related to retired judges electing to continue health coverage under the county plan.

Sec. 6. HEALTH BENEFITS. Repeals language authorizing specified retired judges who work as assigned judges to enroll in the county health plan.

Sec. 7. HEALTH BENEFITS. Current law provides an employer of a retired municipal and justice court judge shall not be required to make any contribution toward the cost of benefit coverage. Any contribution is at the option of the county. This section repeals that language.

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BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED) Form DF-43

AUTHOR	AMENDMENT DATE	BILL NUMBER
Isenberg	July 7, 1994	AB 2544

ANALYSIS

A. Specific Findings (Cont.)

COMMENT. Sections 2 through 7 would require the State to provide municipal and justice court judges (and retirees) with the health, dental, and vision care benefits provided to retired superior court judges and would also require that no judge shall have any salary or benefits, with specified exceptions, reduced solely by reason of the enactment of this bill.

FISCAL IMPACT. Currently, the cost of benefits for municipal and justice court judges is reflected by the Judicial Council in expense category 10, while the cost of benefits for retired judges is not included in the expense categories maintained by the Judicial Council for determining trial court expenses. The cost of funding retired municipal and justice court judges' health benefits would approximate $1.3 million annually. These sections would increase the base of what is considered "Trial Court Funding" by $1.3 million by including benefits for retired municipal and justice court judges in trial court funding.

Sec. 8. **PENALTY FOR LATE TRANSFER.** Current law requires an officer of a county or judicial district who is authorized to collect money to pay the collected money into the county treasury at the time the county auditor specifies. This section would provide that if the county auditor finds that an officer has failed to comply with the requirements for payment of moneys which results in the assessment of a financial penalty, the county department which failed to comply shall reimburse the judicial district in an amount equal to the penalty.

Sec. 9 & 10. **COUNTY RESPONSIBILITY.** Currently, boards of supervisors are required to provide suitable courtrooms, judges' chambers and associated equipment, etc. to trial courts. If suitable sites are not provided, the court may direct the appropriate officers of the county to provide the requested physical equipment. Associated costs become an unbudgeted expense of the county. This bill would specify that as of July 1, 1994, the board of supervisors shall only be required to provide funding for those trial court functions not provided for in the state budget and is obligated to fund those functions only in the amount for each of those functions that is provided in the budget adopted by the Judicial Council.

Under certain conditions, the Judicial Council could authorize the Trial Court Budget Commission to reallocate trial court funds from other trial courts if it seemed appropriate in order to address the needs of another court.

The section also would specify that prior to construction of new court facilities or the alteration, remodeling, etc. of existing court facilities, the board of supervisors shall submit proposed plans to the judges of the affected court for review and recommendations. The judges' review and recommendation shall not be disregarded without reasonable grounds.

COMMENT. This section would modify the authority of courts to order the county to pay for specified costs by requiring the submission of a finding of unmet need submitted to the Trial Court Budget Commission (TCBC); would allow the Commission to reallocate trial court funds from other trial courts; and would restrict the local court from directing the county to provide items until the Commission has had the opportunity to act first.

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BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED) Form DF-43

AUTHOR	AMENDMENT DATE	BILL NUMBER
Isenberg	July 7, 1994	AB 2544

ANALYSIS

A. Specific Findings (Cont.)

The responsibility of the counties to fund trial courts could increase based on any trial court increases made by the TCBC and the availability of state resources. Under the present funding procedures (partial state and partial county funding), changes in the expenditure level approved by the TCBC and changes in the amount appropriated by the State directly affect the counties, but counties have no ability to control these changes.

Authorizing the Judicial Council to reallocate trial court funds from one court to another could cause fiscal problems for either the counties or the State. The bill does not adequately address whether the State or the county from which funds are reallocated would be responsible for replacing the money which has been reallocated. The language in Government Code Section 68073 will be amended to read: ". . .no board of supervisors shall be required to provide funding for those functions of the trial courts which are provided for in the state budget. . ." If it is determined (as CSAC argues) that whenever the Judicial Council approves an allocation of state funds for a court, that allocation establishes the minimum level of funding ". . .provided for in the state budget. . .", then a reallocation by the Judicial Council creates a deficiency in the state budget. If, on the other hand, a reallocation from one county to another county redefines the level of funding ". . .provided for in the state budget. . .", then the reallocation creates a deficiency in the county's budget. The intended consequences of the section should be clarified.

Sec. 11. TRIAL COURT TRUST FUND. Existing law establishes the Trial Court Trust Fund for purposes of funding trial court operations upon appropriation by the Legislature. This section would require the Controller to apportion money in this fund quarterly. The section would authorize the Controller to deduct actual administrative costs. Costs reimbursed shall be determined on an annual basis in consultation with the Judicial Council. The section also would authorize the Controller to withhold quarterly apportionment payments from any county that is delinquent in making a full transfer to the State.

Sec. 12. PENALTIES FOR LATE TRANSFER OF REVENUES TO THE STATE. Current law specifies that fines and forfeitures which the State is entitled to receive from the county shall be transferred to the State once a month. This bill would provide that if the transfer is not made, the funds shall be considered delinquent and subject to penalties.

Sec 13. SUPERIOR COURT JUDGES SALARY. Repeals language related to the county's share of a superior court judge's salary.

FISCAL IMPACT. This section does not affect the total amount of trial court costs and has no fiscal impact.

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Veto

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED) Form DF-43

AUTHOR	AMENDMENT DATE	BILL NUMBER
Isenberg	July 7, 1994	AB 2544

ANALYSIS

A. Specific Findings (Cont.)

Sec. 14. **TRIAL COURT BUDGET COMMISSION.** Current law provides that the Trial Court Budget Commission receive and review budget requests from the trial courts. This section would require trial courts to send a copy of their proposed budgets to the county boards of supervisors. Counties could send their comments to the Trial Court Budget Commission. This section also would give the Commission authority to recommend a schedule for the allocation of moneys to individual courts and prepare the allocation schedule. This section also would authorize the Commission to reallocate sums up to 15 percent of that portion of any court's annual budget amount funded by the State, excluding: ". . .any amount derived from trial court funding moneys appropriated to a county by the Legislature." Counties would have no obligation to replace moneys reallocated pursuant to this section. The purpose of this authority is to ensure equal access to the trial courts by the public, to improve trial court operations, and to meet trial court emergencies.

COMMENT. The provision related to sending a copy of the budget request to the county board of supervisors was requested by the county boards in order to give them an opportunity to review and comment if necessary.

The provision which authorizes the Commission to reallocate 15 percent of a court's annual budget could create problems for counties. Under this section the Commission could reallocate 15 percent of a court's State allocation to another court. A reduction in state funding late in the fiscal year could create fiscal hardships. For example, in the case of Los Angeles, 15 percent of the State's portion of the court's budget could be over $30 million.

It is not clear how the exclusion of "trial court funding moneys appropriated to a county by the Legislature" is to be interpreted. Under a very restrictive interpretation, this language would appear to preclude the Trial Court Budget Commission from reallocating any money. On the other hand, this provision could be interpreted to preclude the Trial Court Budget Commission from reallocating any money which the Legislature appropriates in specific amounts or proportions to specific counties such as was done with the Trial Court Trust Fund in the 1993-94 fiscal year.

Sec. 15. **COURT OPERATIONS.** This section would delete language referencing block grants which exceed the 1987-88 fiscal year funding for counties with a population less than 350,000.

Sec. 16. **TRIAL COURT FUNDING DEFINITION.** This section would define "trial court funding" as the amount of state funds provided for the operation of the trial courts appropriated in the Budget Act and allocated or reallocated by the Trial Court Budget Commission upon authorization of the Judicial Council.

COMMENT. This section was suggested by the author's office to clarify that the term "trial court funding" does not include local support for trial court operations.

Sec. 17. **TRIAL COURT FUNDING PERCENTAGES.** This section would repeal legislative intent language to increase trial court funding by specified percentages, and would repeal 1993-94 apportionment language which is no longer appropriate.

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BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED) Form DF-43

AUTHOR	AMENDMENT DATE	BILL NUMBER
Isenberg	July 7, 1994	AB 2544

ANALYSIS

A. Specific Findings (Cont.)

Sec. 18. BLOCK GRANTS. This section would repeal out-dated language referencing block grant payments to counties.

Sec. 19. COUNTY OPTION. Current law specifies that when a county opts into the trial court system, it waives all claims for reimbursement for state-mandated local programs, as specified. This section deletes this language.

COMMENT. Currently, when a county accepts state funding for trial courts, the county agrees to not pursue any claims for state mandated costs on the courts. This language should be retained to ensure that state funding for trial court costs applies to any state mandated costs. The repeal of this language would be appropriate only if the State were funding trial courts 100 percent.

Sec. 20. TRIAL COURT OPERATIONS FUND. This section would require the boards of supervisors in each county to establish a Trial Court Operations Fund. All funds appropriated in the Budget Act and allocated and reallocated by the Trial Court Budget Commission shall be deposited into this fund.

Sec. 21. OPTION COUNTIES. This section would repeal language referencing option county appropriations.

COMMENT. This language should be retained to ensure that state funding for trial court costs applies to any state mandated costs. The repeal of this language would be appropriate only if the State were funding trial courts 100 percent.

Sec. 22. REVENUE AND EXPENDITURE INFORMATION. This section would repeal language requiring the Judicial Council to provide court revenue and expenditure information on counties that opted into the trial court funding system to the Controller for inclusion in the Controller's annual report.

Sec. 23. REPORTING PROCEDURES. This section would require the Judicial Council to adopt appropriate rules for budget submission and management and reporting of revenues and expenditures by each court. The Controller, in consultation with the Judicial Council, shall maintain appropriate regulations for recordkeeping and accounting by the county and the courts. These regulations would be exempt from the Office of Administrative Law review.

Sec. 24. PAYMENTS FROM THE STATE TO COUNTIES. This section would require the Controller to make quarterly payments of trial court funding prior to the 25th day of that quarter.

Sec. 25. PAYMENTS FROM THE STATE TO COUNTIES. This section would repeal language related to the Controller transferring funds to the Judicial Council on a monthly basis to pay for assigned judges.

COMMENT. Funds for assigned judges are now appropriated in the Trial Court Funding Item (0450-101-001). Government Code Section 68543.5 requires that all compensation for assigned judges be paid by the Judicial Commission.

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BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED) Form DF-43

AUTHOR	AMENDMENT DATE	BILL NUMBER
Isenberg	July 7, 1994	AB 2544

ANALYSIS

A. Specific Findings (Cont.)

Without the language which directs that funding for assigned judges be transferred to the Judicial Council, the Judicial Council may not be able to charge the assigned judges expenses to Item 0450-101-001.

Sec. 26. **JUDICIAL COUNCIL CERTIFICATION.** Current law requires the Judicial Council to certify to the Controller the salaries of justice court judges in option counties for purposes of calculating the counties' block grants. This section repeals that language.

Sec. 27. **APPROPRIATIONS LIMITS.** This section repeals language which specifies how the appropriations limits for the State and for counties receiving state subventions for trial court funding should be adjusted. This section was included when additional state support for trial courts was part of the Administration's restructuring proposal. Since trial court funding is no longer part of a restructuring proposal, this section is no longer appropriate.

Sec. 28. **COUNTY OPTION.** This section would repeal language related to a county opting into the trial court system.

COMMENT. Current law should be retained to ensure that state funding for trial court costs applies to any state mandated costs. The repeal of this language would be appropriate only if the State were funding trial courts 100 percent.

Sec. 29. **HEALTH BENEFITS.** This section would require the State to provide each retired municipal and justice court judge with benefits equal to those provided to retired superior court judges, and that no judge shall have any salary or benefits reduced solely by reason of the enactment of this section.

FISCAL IMPACT. The Public Employees Retirement System estimates that funding retired municipal and justice courts judges health benefits would approximate $1.3 million annually.

Sec. 30. **COUNTY OPTION.** This section would repeal language which requires counties to notify the State of decisions to opt into the system for a specific fiscal year by March 1 of the preceding fiscal year.

COMMENT. This language should be retained to ensure that state funding for trial court costs applies to any state mandated costs. The repeal of this language would be appropriate only if the State were funding trial courts 100 percent.

Sec. 31. **JUDICIAL SIGNOFF.** This section would repeal current law which requires counties to notify the State of a decision to opt into the trial court system by transmitting a resolution agreeing to specified conditions to the Controller. Current law requires that the resolution be signed by the chairperson of the board of supervisors and the presiding judges of the superior and municipal courts.

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BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED) Form DF-43

AUTHOR	AMENDMENT DATE	BILL NUMBER
Isenberg	July 7, 1994	AB 2544

ANALYSIS

A. Specific Findings (Cont.)

COMMENT. Repealing this section would give counties more control over the distribution of resources. Under current law, courts can obtain additional funding from the county by threatening to withhold signatures from the resolution thereby jeopardizing the State trial court funding grants to the counties.

Sec. 32 & 33. **TRAFFIC VIOLATOR SCHOOLS.** These sections would authorize a nonprofit agency to charge a traffic violator a fee sufficient to defray the costs incurred by the agency for monitoring reports and for services provided to the court. The fee would be limited to $6 for the remainder of 1994 and would be limited to $5 for the first six months of 1995. The language regarding this fee would sunset on June 30, 1995.

Sec. 34. **ROAD FUND.** Current law specifies that fines and forfeitures resulting from specified arrests shall be paid into the county treasury. However, the county board of supervisors may, by resolution, provide that up to 50 percent of the revenue be deposited into the county general fund. This section would provide that the board of supervisors may provide that a portion of the revenue be transferred into the county road fund.

Sec. 35. **MANDATE DISCLAIMER.** This section specifies that no reimbursement is necessary because local entities have sufficient fees to pay for any new mandates. This section also specifies that this act shall become operative on the date the act becomes effective.

Sec. 36. **URGENCY CLAUSE.** This section contains the urgency clause.

B. Fiscal Analysis

The cost to the State to pay health benefits for retired municipal and justice court judges in estimated at $1.3 million annually.

There could be unknown substantial reimbursable state-mandated costs if the sections of the bill related to counties that choose to participate in the trial court funding system waive all reimbursable state mandates, as specified, are repealed.

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REID

SUGGESTED SIGN MESSAGE

AB 2544
(as amended July 7, 1994)

I have signed Assembly Bill 2544 on this date because I believe it makes numerous improvements and clarifications to the Trial Court Funding Realignment and Efficiency Act of 1991. There are, however, several provisions which need further revision to avoid an unintended significant impact on the General Fund.

The author has committed that urgency legislation will be introduced in August 1994 to clarify these provisions. Specifically, the urgency legislation will address the following concerns:

- Currently, when counties accept State funding for trial courts, they agree to forgo any claims for reimbursement of mandated costs. This process ensures that no counties engage in "double dipping" by accepting a state subvention which can be used for any approved trial court costs and seeking additional State money for specific trial court costs. This bill would delete this requirement, thereby making the State liable for the cost of trial court mandates in addition to the courts' State subventions.

- The provisions of this bill describing the Trial Court Budget Commission's ability to reallocate State money from one court to another court leave questions regarding the State or counties' responsibilities to backfill such reallocations.

- This bill would eliminate provisions of current law concerning the transfer of funds for the assigned judges program. Without these provisions, the Judicial Council will not be able to charge payments for assigned judges to the Budget Act Item which appropriates money for this purpose.

I have asked the Department of Finance to work with Assemblyman Isenberg and his staff to draft corrective legislation so the Legislature can enact these changes when it returns.

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GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

Enrolled Bill Report

Bill Number	Author	As Amended
AB 2544	ISENBERG	7/7/94

Subject: TRIAL COURT FUNDING

SUMMARY

This bill would provide comprehensive revisions to State funding of trial courts. **Urgency.**

ANALYSIS

Since 1985, the Governor and the Legislature have enacted various measures to provide increasingly higher levels of State funding for local trial courts.

AB 2544 would enact numerous provisions to provide further State funding of trial courts.

Legislative Intent

AB 2544 would make the following legislative declarations:

1. Since 1991, it has been the policy of the State to examine operation and financing of superior, municipal, and justice courts.

2. It is also the policy of the State that funding of trial court operations is most logically a candidate for State funding, and that the State will progressively increase its share of funding of annual costs to 65% for 1994-95, and 70% for 1995-96, and will achieve greater administrative efficiencies.

3. It is the policy of the State to create a judicial branch budgeting system that protects the independence of the judiciary and optimizes local control and responsibility, while preserving financial accountability to the overall State Budget.

4. It is the Legislature's intent to:

   A. Include trial court funding as part of the annual State Budget.

Recommendation	
SIGN	
By: Lee Grissom	Date: 7/14/94
Title: Director	

C/S

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B. Require more careful identification of costs of service obtained by the courts from the counties, and to require additional negotiations of agreement over such costs.

C. Transition to full State funding of Trial courts.

Opt-In Procedures

Existing law requires counties to "opt-in" to the trial court funding program by March 1 of each year. It also requires the approval of the presiding judges of the superior and municipal courts in each county.

AB 2544 would repeal these opt-in procedures.

Existing law provides that the initial decision by a county to opt-in to trial court funding shall constitute a waiver of all claims for reimbursement for State-mandated local programs related to trial court funding.

AB 2544 would repeal this provision.

Block Grant Allocation

In 1988, SB 612 (Ch. 945) was enacted to implement a block grant procedure for funding courts. This procedure provides a specified block grant to each county based on the number of judicial positions per county, and provides for annual cost of living adjustments (COLA).

In 1991, AB 1297 (Ch. 90) and AB 544 (Ch. 189) were enacted to revise the block grant procedure to achieve 50% State funding in 1991-92, with annual 5% increases until the level of State funding reaches 70% in 1995-96.

In 1992, AB 1344 (Ch. 696) continued this plan of adjusting block grants to achieve 55% State funding. However, due to continued severe fiscal deficits, in 1993 AB 392 (Ch. 158) reduced State funding by 8% rather than increasing it to the scheduled 60%.

These measures also declared continued legislative intent for eliminating the current block grant process, and moving toward annual trial court funding through the State Budget Act.

AB 2544 would repeal this block grant process, and would restore legislative intent that the State return to its previous funding schedule so that State funding is set at 65% for 1994-95.

The bill would instead fund courts with allocations through the State Budget process.

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Trial Court Trust Fund

While the State has been providing increased funding of trial courts, it also enacted various provisions requiring counties to remit various fine and forfeiture revenues and court filing fees to the State to offset the State's obligation.

In 1992, AB 1344 repealed the counties existing authority to set fees for filing first complaints in civil court actions. AB 1344 increased these fees to a statewide rate of $182 in superior court, and $80 for municipal court. AB 1344 also increased court reporter fees to $100 per half-day after the first day of the trial. The bill then required the State to create the Trial Court Trust Fund. All revenues from the increased filing fees and the reporter fees are remitted to the State for deposit into the Trust Fund. The State is required to use this fund solely to finance court operations.

AB 2544 would not revise the remittance of fine and filing fee revenues from counties to the State. It would revise operating procedures for the Trial Court Trust Fund. Specifically, the bill would:

1. Revise the dates for apportioning the Fund to counties.

2. Require the State to withhold Trust Fund allocation to counties that are delinquent in remitting revenues.

3. Require the State to deduct appropriate administrative costs from the Trust Fund.

4. Require the State to invest the Trust Fund in the Surplus Money Investment Fund. All interest earned shall be allocated among counties, based upon recommendations from the Trial Court Budget Commission.

Trial Court Budget Commission

AB 1344 established a formula derived from actual court expenditures to provide ongoing funding to courts, and required the judicial council to create a Trial Court Budget Commission to develop this new process. Last year, AB 392 empowered the Commission to: (1) receive and review budget requests from trial courts; (2) submit annual recommended court budgets to the Judicial Council for approval; (3) prepare a schedule for allocation of funds to each court; and (4) reallocate funds to courts based on need and improved operations.

AB 2544 would revise the procedures for the Commission. Specifically, the bill would:

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1. Require Trial Courts to send to their county supervisors a copy of their proposed budget at the time the proposal is sent to the Commission. Courts would be authorized to submit comments to the Commission on these proposals.

2. Require the Commission to review the proposals and evaluate them against performance criteria established by the Judicial Council.

3. Annually recommend to the Judicial Council for its approval, the projected costs of court operations. This estimate shall serve as the basis of court budgets.

4. Establish rules regarding a court's authority to transfer trial court funding revenues from one functional category to another.

AB 2544 would also require the Judicial Council to adopt rules for budget submission, budget management, reports of revenues, and finance court operations and expenditures by each court. The Judicial Council shall also adopt rules for accounting to counties and courts in order to determine revenues collected by the courts and counties.

Judicial Salaries and Benefits

Existing law requires counties to fund a portion of the salaries of superior court judges. The county portion is set in statute and determined based upon the population of the county.

AB 2544 would repeal this provision, thereby requiring the State to fund the entire salaries of superior court judges.

Existing law requires the State to provide health, dental, and vision care benefits to superior court judges. Municipal and justice court judges receive their benefits from the county.

This bill would require the State to provide these same benefits to municipal and justice court judges. No judge shall have any salary or benefits reduced by reason of this section. The bill includes language to ensure that municipal and justice court judges do not receive cash contributions from counties for benefits and receive State-funded benefits.

Existing law provides procedures for payment to justice court judges who try some cases in their home county, but who spend a large amount of time sitting on cases in other counties. These provisions require the judge's home county to pay the judge. This bill would provide a technical correction by requiring the Judicial Council to pay these judges. (This section refers to which agency actually writes the check, rather than which agency actually pays the salaries.)

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Revisions to Court Operations at the Local Level

Existing law defines court operations as the salaries, benefits, and retirement of judges and court personnel; marshals, constables, and sheriffs used for court operations; certain court-appointed counsel; services and supplies; collective bargaining agreements; and certain indirect costs.

This bill would require each county to establish a Trial Court Operations Fund. All funds appropriated in the State Budget for court funding shall be deposited into these funds, and used to support the above court operations.

Facilities/Court Orders

Existing law requires counties to provide funding for a variety of court facilities and equipment. It also allows courts to order counties to provide a certain level of funding for such facilities, equipment, and services.

AB 2544 would repeal this authority for courts. Instead, the bill would require courts to receive approval from the Trial Court Budget Commission and to justify their request for additional county expenditure based on need, not only of the courts, but of other county programs. The bill would require counties to provide funds only for items that are not funded in the State Budget. The bill would require counties to consult with their judiciary prior to altering, remodeling, or relocating existing court facilities.

Traffic Violator School

Existing law requires courts to maintain referral lists of approved traffic violator schools which persons convicted of traffic violations may attend in lieu of paying a fine. The courts may also utilize nonprofit agencies that monitor such traffic schools and provide lists of approved schools.

AB 2544 would allow the courts to impose a fee upon traffic violators to defray the nonprofit agency costs of providing this service. The fee would be set by the court, and could not exceed $6 until December 31, 1994. From January 1, 1995 until June 30, 1995, the fee could not exceed $5. This fee provision would be repealed on June 30, 1995. The fee would be allocated to the nonprofit agency.

Finally, AB 2544 would make nonsubstantive technical changes to existing law.

COST

No appropriation. AB 2544 would create a State-mandated local program by increasing the duties of local agencies. No reimbursement is required because local agencies have the authority to levy fees and charges to offset any additional costs.

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ECONOMIC IMPACT

AB 2544 would not appear to affect the State's business economy.

LEGAL IMPACT

The bill would not appear to conflict with other State or federal laws, or increase the State's liability.

LEGISLATIVE HISTORY

AB 2544 is sponsored by the author.

Each year, Assemblymember Isenberg authors legislation to provide comprehensive and technical reforms to statutes which govern State funding of trial courts. AB 2544 is the vehicle for 1994.

AB 2544 would reinstate the Legislature's intent that funding of trial courts be set at 65% State funding in 1994-95, with movement towards eventual full state funding.

The bill would realign the current system of funding. Specifically, it would eliminate the current block grant system, and partial funding by counties of judicial salaries. Instead, it would provide a system of funding courts through the annual State Budget process. Courts would submit proposed budgets to the Trial Court Budget Commission for review and approval.

While the provisions of this bill were included following long negotiations between counties, courts and the author's staff, there are several provisions which should be discussed.

Judicial Benefits

Since 1978, it has been argued that existing law contains deficient language regarding what entity provides health benefits to judges. Over the years, several Attorney General opinions have been issued regarding this issue. The basic conclusion continues to be that because of this deficient language, superior and municipal judges were not eligible to receive county health benefits. While the law has been amended, it is still believed to be deficient. As a result, the County of Santa Clara has sued the State claiming that because of this deficient language, the State is responsible for paying health benefits for all judges.

Because this lawsuit is pending, affected parties believe this bill could be used to clear up the situation. Therefore, language was added to the bill which was agreed upon by all parties. The language states that the State shall pay the health benefits of superior, municipal, and justice court judges. This provision is revenue neutral. The State will pay the benefits, but the revenues will come from the money allocated for overall trial court funding. No additional revenues will be provided to counties for this purpose.

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Department of Finance Concerns

When original trial court funding procedures were enacted, counties were allowed to opt-in to this system. If a county elected to participate, it waived its right to claim reimbursement for any State-mandated programs related to trial court funding.

AB 2544 repeals this opt-in process, and repeals the State mandate waiver.

Department of Finance is concerned that this repeal could result in potential major costs to the State. (See Finance analysis.) Staff with DOF stated that they are working with CSAC, the Judicial Council, and the author to draft cleanup legislation to solve this and other issues. Such legislation has not yet been agreed upon.

Support and Opposition

AB 2544 is supported by CSAC, the Judicial Council, and the County of Santa Barbara. There is no known opposition.

VOTE:	Assembly - 28 April 1994	Senate - 07 July 1994
	Ayes - 64	Ayes - 30
	Noes - 1	Noes - 0

Concurrence - 07 July 1994
Ayes - 71
Noes - 1

RECOMMENDATION

The Governor's Office of Planning and Research recommends the Governor SIGN AB 2544.

This measure would provide comprehensive realignment and revision to State funding of trial courts to ensure that counties receive adequate funding for court operations, while more scrutiny is required of costs of services to preserve financial accountability of the overall State Budget.

The urgency clause was added to ensure that these provisions are enacted at the earliest possible time.

Nancy Patton, Assistant Deputy Director, Legislation

KJM

LEGISLATIVE INTENT SERVICE (800) 666-1917

Analyst Name: Sharon Vigil
Phone No.: 323-2949

STATE AND CONSUMER SERVICES AGENCY — **ENROLLED BILL REPORT**

DEPARTMENT	AUTHOR	BILL NUMBER
GENERAL SERVICES	Isenberg	AB 2544

SUMMARY

This bill would allow the courts to charge a traffic violator a fee for the costs incurred by the non-profit agency utilized by the courts to monitor traffic violator schools. The fee shall not exceed the actual costs incurred or $6, which ever is less, until December 31, 1994. From January 1, 1995, until June 30, 1995, the fee shall not exceed the actual cost incurred or $5, which ever is less. This bill also makes various changes to trial court funding. This bill contains an URGENCY CLAUSE.

LEGISLATIVE HISTORY

AB 2409/92 (Isenberg), Chap. 1199, Stats. of 1992, revised the computation of the State's share of trial court funding, and raised the limits on the amounts of fines and forfeitures which may be retained by a city or county.

PROGRAM HISTORY

The State Board of Control (Board), Victims of Crime Program (Program), reimburses victims for specified net out-of-pocket losses incurred as a result of a crime. Reimbursable expenses include medical expenses, mental health counseling, funeral/burial costs, and wage or support losses not otherwise covered by insurance or other sources. The Program's revenue source, the Restitution Fund (Fund), receives its revenue primarily from state penalties assessed on court-ordered fines. Roughly 70 percent of the fines which generate penalty assessments represent Vehicle Code violations.

The growth of claims and payment demands in recent years has continually outpaced revenues, which has required the Board to seek supplemental funding. To address the shortfall facing the Fund in Fiscal Year 1993/94, the Governor signed AB 2386 (Vasconcellos) on January 27, 1994. This urgency measure provided $44 million to fund the Program through June 1994. Also, the Governor's Budget for Fiscal Year 1994/95 provided the Fund with an increased share of the State Penalty Fund revenues beginning on July 1, 1994. These funding measures are critical to the survival of the Program. However, the Board continues to explore opportunities to improve the imposition, collection, and distribution of crime victim restitution.

SPECIFIC FINDINGS

Among other things, this bill would allow the courts to charge a traffic violator a fee for the costs incurred by the non-profit agency utilized by the courts to monitor traffic violator schools. The fee shall not exceed the actual costs incurred by the non-profit agency or $6, which ever is less, until December 31, 1994. From January 1, 1995, until June 30, 1995, the fee shall not exceed the actual cost incurred by the non-profit agency or $5, which ever is less. The court may delegate the collection of the fee to the non-profit agency.

We are greatly concerned with this provision of the bill. The Program's revenue source, the Restitution Fund (Fund), receives its revenue **primarily** from state penalties assessed on court-ordered fines that are deposited into the State Penalty Fund (SPF). Roughly 70 percent of the fines which generate penalty assessments represent Vehicle Code violations.

Although charging the fee is permissive, it is more than likely that the courts will do so. This proposed fee could be viewed as being in competition for revenue generated by traffic violators with the SPF. While the amount of the fee is relatively small any additional fees, assessment or fines imposed on traffic violators has the potential of shifting the distribution of the revenues generated by traffic violations. Further, this bill allows this fee to be charged to traffic violators that are not attending traffic violator schools.

Considering that state and local penalty assessments are already imposed at $17 for every $10, or fraction thereof, of base fine for traffic violations, any additional charges imposed on traffic violators would put an additional strain on this revenue source. If this bill were signed, the courts may be inclined to impose a slightly smaller base fine which would also decrease the penalty assessments to compensate for the additional fee provided for in the bill. This would allow for a distribution of the traffic violator's assets between those currently receiving a portion of the revenue and the non-profit agencies performing services for the courts.

VOTE: Assembly			VOTE: Senate		
Floor:	Aye 71	No 1	Floor:	Aye 31	No 2
Policy Committee:	Aye 10	No 1	Policy Committee:	Aye 9	No 0
Fiscal Committee:	Aye 21	No 0	Fiscal Committee:	Aye 10	No 0
RECOMMENDATION TO GOVERNOR:	SIGN ___	VETO X	DEFER TO OTHER AGENCY		
DEPARTMENT DIRECTOR	DATE: 7/13		AGENCY SECRETARY	DATE: 7/13/94	

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It could be argued that 70 percent of the fines which generate penalty assessments come from traffic violations because the violators are most often from a segment of the population that have the ability to pay fines and therefore could pay the additional fee. However, given the importance of the revenue from this source, any contamination of this revenue source could be detrimental to the SPF and Fund. Further, some traffic violators could have difficulty paying current base fines and penalty assessments without being charged an additional fee. If a county is unable to collect in full from a traffic violator, it is likely that the county would collect its monies first including the additional fee and the remaining monies would be transferred to the SPF.

Precedent exists to demonstrate that such competition has been detrimental to the Fund. AB 2409/92 (Isenberg), Chap. 1199, Stats. of 1992, revised the computation of the State's share of trial court funding, and raised the limits on the amounts of fines and forfeitures which may be retained by a city or county. The effect of this bill was a reduction of $15 million in revenue to the Fund in the succeeding budget year. To address the shortfall facing the Fund in Fiscal Year 1993/94, the Governor signed AB 2386 (Vasconcellos) on January 27, 1994. It can be assumed that this bill could cause a similar shortfall, and that the Board will again have to seek emergency funding through legislation.

Finally, we are concerned that this bill could set a precedence for the charging of additional fees, to cover various costs, not only for traffic violators but also for persons convicted of misdemeanors or felonies. This could lead to additional burdens being placed on revenue sources that are already stretched thin. THIS BILL HAS AN URGENCY CLAUSE.

REGULATIONS None

LEGISLATIVELY MANDATED REPORTS None

COMMISSIONS AND BOARDS None

SOCIOECONOMIC IMPACT
This bill would reduce revenues to the Restitution Fund, delaying reimbursement to victims who have suffered losses as a result of crimes.

FISCAL IMPACT

	Current FY	Budget FY	Ongoing FY
General Fund	$ -0-	$ -0-	$ -0-
Other (Restitution Fund)	$ -0-	$ unknown	$ unknown
Total	$ -0-	$ unknown	$ unknown

Personnel Years : 0
Although this bill could have a detrimental effect on the fiscal condition of the Fund, this effect cannot be accurately estimated at this time.

SOCIOECONOMIC IMPACT
This bill could negatively impact the Fund thereby reducing the amount of funding available to reimburse victims of crime for expenses they incurred as a result of a crime.

PROS/CONS (PROGRAMS/FISCAL)

Arguments in Support of This Bill
This bill would allow courts to charge a fee to traffic violators to cover the costs incurred by the non-profit agencies utilized by the courts to monitor traffic violator schools.

Arguments in Opposition to This Bill
This bill would reduce revenues to the Restitution Fund, delaying reimbursement to victims who have suffered losses as a result of crimes.

PROPONENTS/OPPONENTS

Sponsor: Author

Proponents: CA State Association of Counties
County of Santa Barbara

Opponents: National Traffic Safety Institute
League of California Cities

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Significant Vote Count: "NO" votes were as follows: Assemblymember Horcher in the Assembly Judiciary Committee and Assemblymember Ferguson on the Assembly Floor; Senators McCorquodale and Rogers voted against the measure on the Senate Floor.

The reasons for the "No" votes were unavailable at the time this report was prepared.

RECOMMENDATION:

The Department of General Services recommends that the Governor VETO this bill.

This bill could reduce the revenue received by the State Penalty Fund (SPF) and, therefore, the Restitution Fund (Fund). Considering that state and local penalty assessments are already imposed at $17 for every $10, or fraction thereof, of base fine for traffic violations, any additional charges imposed on traffic violators could put an additional strain on this revenue source. Courts may be inclined to impose a slightly smaller base fine which would also decrease the penalty assessments to compensate for the additional fee allowed by this bill. This would allow for a distribution of the traffic violator's assets between those currently receiving a portion of the revenue and the non-profit agencies performing services for the courts.

It could be argued that 70 percent of the fines which generate penalty assessments come from traffic violations because the violators are most often from a segment of the population that have the ability to pay fines and therefore could pay the additional fee. However, given the importance of the revenue from this source, any contamination of this revenue source could be detrimental to the SPF and the Fund. Further, some traffic violators may have difficulty paying the base fine and penalty assessments without being charged an additional fee. If a county is unable to collect in full from a traffic violator, it is likely that the county would collect its monies first including the additional fee and the remaining monies would be transferred to the SPF.

Precedent exists to demonstrate that such competition has been detrimental to the Fund. AB 2409/92 (Isenberg), Chap. 1199, Stats. of 1992, revised the computation of the State's share of trial court funding, and raised the limits on the amounts of fines and forfeitures which may be retained by a city or county. The effect of this bill was a reduction of $15 million in revenue to the Fund in the succeeding budget year. To address the shortfall facing the Fund in Fiscal Year 1993/94, the Governor signed AB 2386 (Vasconcellos) on January 27, 1994. It can be assumed that this bill could cause a similar shortfall, and that the Board will again have to seek emergency funding through legislation.

Finally, we are concerned that this bill could set a precedence for the charging of additional fees, to cover various costs, not only for traffic violators but also for persons convicted of misdemeanors or felonies. This could lead to additional burdens being placed on revenue sources that are already stretched thin.

Virginia S. Douglas
Assistant Director - Legislation
Bus. Phone: 445-3946

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VETO MESSAGE

AB 2544 (ISENBERG)

I am returning AB 2544 without my signature.

Among other things, this bill would allow the courts to charge a traffic violator fee for the costs incurred by the non-profit agency utilized by the courts to monitor traffic violator schools. The fee shall not exceed the actual costs incurred or $6, whichever is less, until December 31, 1994. From January 1, 1995, until June 30, 1995, the fee shall not exceed the actual cost incurred or $5, whichever is less. The court may delegate the collection of the fee to the non-profit agency.

Although charging the fee is permissive, it is more than likely that the courts will do so. Considering that state and local penalty assessments are already imposed at $17 for every $10, or fraction thereof, of base fine for traffic violations, any additional charges imposed on traffic violators could put an additional strain on this revenue source. Approximately 70 percent of the fines which generate penalty assessments represent Vehicle Code violations. The Restitution Fund (Fund), which reimburses victims for specified net out-of-pocket losses incurred as a result of a crime, receives its revenue primarily from state penalties assessed on court-ordered fines. Given the importance of this revenue source, any reduction in penalty assessments could be detrimental to the Restitution Fund, further jeopardizing its ability to reimburse victims who have suffered losses as a result of crimes.

Finally, I am concerned that this bill could set a precedence for charging additional fees to cover various costs not only for traffic violators but also for persons convicted of misdemeanors or felonies. This could lead to additional burdens being placed on revenue sources that are already stretched thin.

DGS 7/13/94

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THIRD READING

SENATE RULES COMMITTEE

Office of
Senate Floor Analyses
1020 N Street, Suite 524
445-6614

Bill No.	AB 2544
Author:	Isenberg (D)
Amended:	6/30/94 in Senate
Vote Required:	27 - Urgency

Committee Votes:

COMMITTEE: JUDICIARY		
BILL NO.: AB 2544		
DATE OF HEARING: 6-14-94		
SENATORS:	AYE	NO
Calderon		
Campbell	✓	
Lockyer	✓	
Marks	✓	
Petris	✓	
Presley	✓	
Torres	✓	
Watson	✓	
Wright	✓	
Leslie (VC)		
Roberti (Ch)	✓	
TOTAL:	9	0

COMMITTEE: APPROPRIATIONS		
BILL NO.: AB 2544		
DATE OF HEARING: 6-27-94		
SENATORS:	AYE	NO
Alquist		
Bergeson	✓	
Dills		
Greene		
Johnston	✓	
Kelley	✓	
Killea	✓	
Leonard	✓	
Mello	✓	
Torres	✓	
Watson	✓	
Beverly (VC)	✓	
Presley (Ch)	✓	
TOTAL:	10	0

Senate Floor Vote:

Assembly Floor Vote: 64-1, p. 6350, 4/28/94

SUBJECT: Trial court funding

SOURCE: Author

DIGEST: This bill makes necessary statutory changes to revise the method of trial court funding from block grants to allocations in the state budget.

ANALYSIS: In 1985, with the passage of AB 19 (Robinson), the State of California determined to assume responsibility for the funding of the trial courts in this state. Pursuant to the Trial Court Funding Act of 1988, state support took the form of block grants paid to each county per judicial position and full assumption of judicial salaries. The Trial Court Realignment and Efficiency Act of 1991 (AB 1297-Isenberg), with follow-up legislation in 1992, increased the state's share of the total cost of court operations in consideration of specified reforms and efficiencies, including deposit with the state of a portion of court revenues collected offsetting increased general fund obligations. It also specified the intent of the Legislature to move away from block grant funding toward line-item appropriation for support of the court system.

In 1992, AB 1344 (Isenberg) was enacted to make a further refinement of trial court funding undertaken in the context of the budget crisis. That measure (a) provided the funds necessary to effectuate state support in light of budget adjustments, repealing the 1991-92 allocation schedule and replacing it with a new $635.2 million in block grants; (b) transferred first paper filing fees to the state and increased them to offset the state's revised share of funding; (c) gave courts leeway to offset budget cuts in their local funding share; (d) restated the commitment to eliminate

CONTINUED

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block grants and adopt line-item appropriation funding, with formation of a Trial Court Budgeting Commission to prepare budgetary proposals; and (e) created a Trial Court Trust Fund for the collection of fees on the state level, to be appropriated beginning this year in support of court operations. The appropriation was delayed so that revenues might accrue, and the distribution formula be calculated based on November 1992 reports of actual court expenditures; it was ultimately made pursuant to the provisions of AB 32 (Isenberg), which was signed by the Governor on March 2.

The Budget Act appropriated $574 million in support of trial court funding for FY 93-94.

In 1993, AB 392 (Isenberg) provided for the distribution of the block grant portion of trial court funding for FY 93-94, moving to FY 94-95 the projected starting date for funding by direct appropriation within the judiciary budget. AB 392 also enacted a number of adjustments and clean-up provisions to trial court funding. AB 392 also created the Trial Court Budget Commission, which prepared the trial courts' budget for inclusion in the 1994-95 state budget.

This bill would make a number of changes in existing law.

Existing law provides the state's share of trial court funding through block grants to each county, which are paid both from the state's General Fund and the Trial Court Trust Fund.

This bill repeals that method of funding. Courts would be funded through allocations in the state budget, which may be allocated and reallocated by the Trial Court Budget Commission.

The bill would require progressively more careful identification of the costs of services obtained by the county from county agencies and to require the negotiation of agreements on the cost of county provided services.

Existing law requires counties to "opt in" to the trial court funding program by March 1 of each year in order to be eligible for a block grant. The "opt-in" agreement must be agreed to by the local bench.

This bill repeals that requirement.

Existing law requires the counties to provide funding for a variety of trial court personnel and facilities.

This bill relieves the counties of that responsibility for those items that are funded by the state through the state budget and requires the counties to consult with the local bench before altering, remodeling or relocating existing court facilities.

Existing law requires the counties to pay a portion of superior judge salaries and the expenses of trial court judges sitting on assignment.

This bill repeals those requirements.

Existing law requires the state to provide health, dental and vision care benefits to sitting and retired Supreme Court judges only. Sitting and retired municipal and justice court judges must seek such benefits from the county.

CONTINUED

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This bill extends such state provided benefits to municipal and justice court judges and retirees.

This bill will require the state to provide municipal and justice court judges - and retirees - with the health, dental and vision care benefits provided to retired superior court judges and will also require that no judge shall have any salary or benefits, with specified exceptions, reduced solely by reason of the enactment of this bill.

Existing law requires each county board of supervisors to provide suitable courtrooms and equipment; judges are allowed to order the county to provide items the courts find necessary if not otherwise provided.

This bill modifies the authority of courts to make such orders by requiring the submission of a finding of unmet need submitted to the Trial Court Budget Commission; allows the Commission to reallocate trial court funds from other trial courts; and restricts the local court from directing the county to provide items until the Commission has had the opportunity to act first.

This bill makes a number of other consistent changes in law.

Prior Legislation

AB 392 - Chapter 158, Statutes of 1993
AB 32 - Chapter 2, Statutes of 1993
AB 3027 - Chapter 1369, Statutes of 1992
AB 2409 - Chapter 1199, Statutes of 1992
AB 1344 - Chapter 696, Statutes of 1992
AB 544 - Chapter 189, Statutes of 1991
AB 1297 - Chapter 90, Statutes of 1991
SB 1766 - Chapter 210, Statutes of 1990
SB 612 - Chapter 945, Statutes of 1988
AB 1197 - Chapter 944, Statutes of 1988
SB 709 - Chapter 1211, Statutes of 1987
AB 19 - Chapter 1607, Statutes of 1985

FISCAL EFFECT: Appropriation: No Fiscal Committee: Yes Local: Yes

Fiscal Impact (in thousands)

Major Provisions	1994-95	1995-96	1996-97	Fund
Retired judge benefits	1,300	1,300	1,300	General
Active judge benefits	3,000	3,000	3,000	General*

*The bill specifies that these funds come out of the trial court funding appropriation in the budget act.

SUPPORT: (Verified 6/30/94)

California State Association of Counties
County of Santa Barbara
Judicial Council

CONTINUED

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OPPOSITION: (Verified 6/30/94)

National Traffic Safety Institute

ARGUMENTS IN SUPPORT: The California State Association of Counties supports this bill which would make significant changes in the laws governing trial court funding. Specifically, it would appropriately align responsibility for the funding of the trial courts by limiting the counties funding responsibility to those items not provided for in the state budget; modifying provisions that currently allow the courts to make expenditures; repealing the judicial sign off provisions.

ARGUMENTS IN OPPOSITION: The National Traffic Safety Institute is opposed to this bill because it removes a sunset on the surcharge which is imposed when a person chooses to attend a traffic violators school. The FY 91-92 trial court funding realignment legislation imposed a $24 fee (which will sunset on January 1, 1997) on persons attending traffic violator schools, in addition to fines and penalty assessments required of all violators. The $24 fee goes to the General Fund. That surcharge generates approximately $32 million each fiscal year.

This bill would eliminate that sunset altogether and would transfer the fees collected to the counties. The National Traffic Safety Institute opposes removing the sunset on the grounds that the fee forces some traffic violators to opt out of the traffic school option and instead seek a court trial or simply not appear. (Note: the Institute is the sponsor of SB 2064 [McCorquodale] which would move the sunset to one year earlier; that bill is now in the Assembly.)

ASSEMBLY FLOOR VOTE:

ASSEMBLY BILL NO. 2544 (Isenberg)—An act to amend Sections 27361, 29550, 68073, 68085, 68502.5, 68542.5, 76000, and 76104.5 of, to add Sections 77006.5 and 77205.1 to, to repeal and add Section 77205 of, and to repeal Sections 68206, 77200, 77202, 77204, 77205.3, 77206, 77300, and 77301 of, the Government Code, to amend Sections 1463.001 and 1464 of, and to repeal Section 1463.003 of, the Penal Code, and to amend Sections 40611 and 42007 of, and to repeal Section 42007.1 of, the Vehicle Code, relating to trial court funding, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Bill passed by the following vote:

AYES—64

Aguiar	Connolly	Horcher	O'Connell
Allen	Conroy	Isenberg	Polanco
Alpert	Cortese	Johnson	Pringle
Andal	Costa	Jones	Rainey
Archie-Hudson	Ducheny	Karnette	Richter
Baca	Epple	Katz	Sher
Bates	Frazee	Klehs	Snyder
Boland	Friedman, Barbara	Knight	Solis
Bornstein	Goldsmith	Knowles	Statham
Bowler	Gotch	Martinez	Takasugi
Bronshvag	Hannigan	McDonald	Tucker
Brown, Valerie	Harvey	McPherson	Umberg
Brulte	Hauser	Moore	Vasconcellos
Caldera	Haynes	Morrow	Weggeland
Campbell	Hoge	Murray	Woodruff
Cannella	Honeycutt	Napolitano	Mr. Speaker

NOES—1

Burton

Bill ordered transmitted to the Senate.

RJG:lm 6/30/94 Senate Floor Analyses

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GOVERNOR'S OFFICE

L94:3046

GOVERNOR WILSSON SIGNS LEGISLATION

FOR IMMEDIATE RELEASE
Monday, July 25, 1994

Contact: Jesus Arredondo
Sean Walsh
916/445-4571

SACRAMENTO -- Governor Pete Wilson has signed the following legislation:

**** AB 2544 -- Assemblyman Phil Isenberg (D-Sacramento) --** Will revise the method of trial court funding from block grants to allocations in the State Budget. The bill also makes oother changes to trial court funding allocations.

**** AB 2738 -- Assemblyman Sal Cannella (D-Ceres) --** Will prohibit a state department from disapproving a county plan required under current law or from imposing sanctions against a county due to the organization or reorganization of county departments. The bill will also require a state department to inform a county board supervisors in writing of a deficiency which led to the rejection of a county plan.

**** AB 2846 -- Assemblywoman Jackie Speier (D-South San Francisco) --** Will allow the statute of limitations on civil suits for the recovery of childhood sexual abuse to enacted on January 1, 1991 to also be applied to causes of action that otherwise would have lapsed by that date, and thereby revive those causes of action.

**** AB 2847 -- Assemblywoman Speier --** Will enact "whistle blower" protections for residents in a continuing care facility. Specifically, the bill will prohibit a continuing care provider from evicting or terminating a contract with a resident as retaliation for a resident filing a complaint against the provider, contacting an oversight agency or participating in a residents' coalition. The bill will also authorize the Department of Social Services to cite providers who fail to conform to specified requirements.

**** AB 2894 -- Assemblyman Louis Caldera (D-Los Angeles) --** Will revise provisions of the Financial Code by changing the phrase "demand deposit accounts" to "non-interest-bearing account."

- more -

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**** AB 2919 -- Assemblyman Robert Frazee (R-Carlsbad) --** Will allow a licensed importer of beer or wine to give or sell their products to nonprofit organizations, as specified, at prices other than those contained in schedules filed with the Department of Alcoholic Beverage Control.

**** AB 2933 -- Assemblyman Dominic Cortese (D-San Jose) --** Will authorize a court to order, as a condition of probation, a person to attend a hunter safety course and to perform community service upon conviction of a second time of specified violations relating to hunting. The proposed penalties will be in addition to existing penalties.

**** AB 2965 -- Assemblywoman Martha Escutia (D-Huntington Park) --** Will authorize the court, in its discretion, to require any person granted probation following conviction for looting to perform community service in addition to a county jail sentence, in any program deemed appropriate by the court, including any program created to rebuild the community.

**** AB 3017 -- Assemblywoman Juanita McDonald (D-Carson) --** Will make it a misdemeanor for any towing service or employee of a towing service to accept any money or gift from a repair shop in consideration for delivery of a vehicle not owned by the repair shop or towing service.

**** AB 3046 -- Assemblyman Bill Morrow (R-Oceanside) --** Existing State Teachers' Retirement Law authorized the system to offer a tax-sheltered annuity plan operated either directly or through one or more 3rd-party carriers, and prohibits the system from utilizing its member mailing list for transmitting information dedicated solely to advertising or marketing the program. This bill will delete those provisions and, instead, require STRS to offer an annuity contract and custodial account for not less than 5 years, authorized by the 3rd-party administrator, and require the board to determine the investment options.

**** AB 3092 -- Assemblyman Jan Goldsmith (R-Poway) --** Will repeal the sunset on existing law allowing counties to assess a $50 penalty on drivers who illegally park in parking spaces designated for disabled persons or disabled veterans for support of the Linkages program.

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**** AB 3195 -- Assemblyman Pete Knight (R-Palmdale) --** Will defer the commencement of construction of a court house in North Hollywood Redevelopment Project Area of the City of Los Angeles, in order to allow the building of other higher priority courthouses in the Los Angeles Area.

**** AB 3326 -- Assemblyman Jack O'Connell (D-Carpinteria) --** Existing law includes provisions that are now obsolete, including, among others, statutes pertaining to dueling, the killing of coyotes, the confinement of male animals, the issuance of permits to capture and kill burros, the establishment and maintenance of tuberculosis wards and hospitals by cities and counties, and provisions to ascertain the feasibility of employing women as members of the California Highway Patrol. This bill will repeal those sections.

**** AB 3349 -- Assemblyman Mike Gotch (D-San Diego) --** Will authorize "Teeter" counties to issue bonds to advance moneys to the local taxing jurisdictions within the county. The bill will also allow joint power authorities to issue revenue bonds for Teeter Plan purposes and to refinance local agencies' accrued unfunded pension liabilities.

**** AB 3389 -- Assemblywoman Barbara Friedman (D-North Hollywood) --** Will allow the Franchise Tax Board to offer a voluntary electronic funds transfer program to personal income taxpayers.

**** AB 3393 -- Assemblyman Byron Sher (D-Palo Alto) --** Will amend the California Beverage Container Recycling and Letter Reduction Act by eliminating obsolete time-limited provisions regarding California's beverage container recycling program.

**** AB 3403 -- Assemblyman Willard Murray (D-Paramount) --** Will provide an exemption from weighing requirements for specified tree nut hullers and shellers.

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**** AB 3444 -- Assemblyman Burt Margolin (D-Los Angeles) --**
Will prohibit a public a public official from acting for compensation as an agent or attorney for any other person by making any appearance before his/her state agency for the purpose of influencing the action on a contract, grant, loan, license, permit, or other entitlements for use. The bill also expands the definition of "public official" for the purpose of this section of law to include every member of any advisory committee of a state agency.

**** AB 3460 -- Assemblyman David Knowles (R-Placerville) --**
Will authorize a county having a population of 20,000 or less to have a grand jury of 11 members, upon approval of the board of supervisors, 8 of whom are required to concur in an indictment.

**** AB 3461 -- Assemblyman Knowles --**
The California Uniform Retail Food Facilities Law prohibits a private home from being used for the purpose of giving away, selling or handling food at retail, as defined. This bill will create an exemption to this prohibition for non-perishable, prepackaged food, as defined, that is given away, sold, or handled from a private home.

**** AB 3577 -- Assemblyman Epple --**
Under existing law, a hazardous waste facilities permit or other grant of authorization is not required to conduct treatment activities if the generator treats resins mixed in accordance with the manufacturer's instructions. This bill will include in that exemption the treatment of resins by curing, in addition to mixing, including multicomponent and pre-impregnated resins that are mixed or cured, in accordance with the manufacture's instructions.

**** AB 3634 -- Assemblyman Knight --**
Will eliminate the requirement for the California Department of Veterans Affairs to notify contract holders at least 90 days prior to the effective date of an interest rate decrease.

**** AB 3635 -- Assemblyman Knight --**
Existing law establishes the Veterans' Home of California, Yountville. The total annual fees and charges to be paid by members of the home are set at not greater than 30% of the State's General Fund cost of operation of the home for that year. This bill will delete that limitation and will instead, establishes the total individual member's fees and charges according to a prescribed schedule varying the fees and charges based upon the level of care.

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**** AB 3643 -- Assemblyman Richard Polanco (D-Los Angeles) --** Under existing law, the Public Utilities Commission is vested with the regulatory authority over public utilities. This bill will require the commission to initiate investigation and open proceedings to examine the current and future definitions of universal service in telecommunications. This bill will also require the Commission to report to the Legislature by January 1, 1996, on its findings and recommendations.

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CALIFORNIA LEGISLATURE

SENATE RULES COMMITTEE

SENATOR BILL LOCKYER, CHAIRMAN

1994 DIGEST OF SIGNIFICANT LEGISLATION

COVERING THE PERIOD OF JANUARY 3, 1994 THROUGH AUGUST 31, 1994

VOLUME I

Prepared by

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Covering the Period of
January 3, 1994 through August 31, 1994

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October 1994

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AB 2385 (Assembly Ways and Means Committee) - Judges' Retirement System

Increases, from 8% to 11%, the state and employee's contribution rate under the Judges' Retirement System.

Vetoed by the Governor

AB 2506 (Andal-R) - Small Claims Court

Raises the general monetary jurisdiction of small claims court from the current $5,000 limit to a limit of $10,000, except where the amount of the claim exceeds $5,000 and there is an insurance policy that may provide coverage to the defendant.

(Failed passage in Senate Judiciary Committee)

AB 2526 (Richter-R) - Attorney Fees

Extends statewide a pilot project relating to attorney fees, and requires the award of attorney fees in cases in which a fee award is currently discretionary.

(Failed passage in Assembly Judiciary Committee)

AB 2544* (Isenberg-D) - Trial Court Funding

Makes necessary statutory changes to revise the method of trial court funding from block grants to allocations in the state budget.

Chapter 308, Statutes of 1994

AB 2571 (Polanco-D) - Farm Workers Housing Law

Authorizes the court to award attorneys' fees and costs to a person filing suit to compel the payment of mandated relocation assistance to farm worker tenants when they must move because their labor camp has been found to be unsafe. Also in Procedural Section.

Chapter 1250, Statutes of 1994

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