

AMENDED IN ASSEMBLY APRIL 7, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 973

Introduced by Assembly Member Campos

February 18, 2011

~~An act to amend Section 68502.5 of, to add Section 68502.6 to, and to add Article 14 (commencing with Section 70142) to Chapter 5 of Title 8 of, the Government Code, relating to courts. An act to amend Section 68106 of, and to add Section 68511.7 to, the Government Code, relating to courts.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 973, as amended, Campos. Trial courts: budget process: public ~~meeting~~: notice.

Existing law requires a trial court to provide written notification to the public by conspicuous posting within or about its facilities, on its public Internet Web site, and to the Judicial Council, not less than 60 days prior to closing any courtroom, or closing or reducing the hours of clerks' offices during regular business hours on any day, except as specified.

This bill would require a trial court to also provide notification by electronic distribution to individuals who have subscribed to the court's electronic distribution service. The bill would require those required notifications to include information on how the public may provide written comments during the 60-day period on the court's plan for closing a courtroom, or closing or reducing the hours of clerks' offices. The bill would require the court to review and consider all public comments received and immediately post a revised notice if the court's plan changes as a result of the comments received.

Existing law authorizes the Judicial Council, as part of its trial court budget process, to seek input from groups and individuals as it deems appropriate, including, but not limited to, advisory committees and the Administrative Director of the Courts. The trial court budget process may include other considerations, including the receipt of budget requests from the trial courts. *Existing law requires the Judicial Council to adopt rules providing for notice to the public and for public input to decisions concerning administrative and financial functions of a trial court, including, but not limited to, decisions relating to the budget of the trial court prior to submittal to the Judicial Council and subsequent to budget approval. Existing law also requires the Judicial Council to adopt rules requiring trial courts to give notice to the public of other decisions concerning the administrative and financial functions of the trial courts.*

This bill would require each trial court, prior to adopting a baseline budget plan for the fiscal year, to provide the public notice of, and an opportunity for input on, the trial court's proposed budget plan, as specified. Among other things, the bill would require the court, prior to conducting a public hearing, to make the proposed baseline budget plan available to the public and to provide notice of the hearing date, time, and location, and the opportunity to submit written comments.

~~This bill would require the presiding judge of the trial court, or his or her designee, before a trial court submits its budget request to the Judicial Council, to hold a public hearing on the trial court's proposed budget request, as specified. The bill would provide for notification of dates and locations at which the proposed budget request may be inspected by the public and the date, time, and location of the public hearing on the proposed budget request. The bill also would require a public meeting and public hearing if the trial court proposes to implement a change in service, as defined, and would require the presiding judge of the trial court, or his or her designee, to provide public notice of the public meeting and public hearing.~~

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

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

1 SECTION 1. Section 68106 of the Government Code is
2 amended to read:

1 68106. (a) (1) In making appropriations for the support of the
2 trial courts, the Legislature recognizes the importance of increased
3 revenues from litigants and lawyers, including increased revenues
4 from civil filing fees. It is therefore the intent of the Legislature
5 that, to the extent practicable, access to court services for civil
6 litigants be preserved in the allocation of resources by and for trial
7 courts.

8 (2) Furthermore, it is the intent of the Legislature in enacting
9 the Budget Act of 2010, which includes increases in civil and
10 criminal court fees and penalties, that trial courts remain open to
11 the public on all days except judicial holidays, Saturdays, and
12 Sundays, and except as authorized pursuant to Section 68115.

13 (b) ~~Trial courts—~~*(1) A trial court shall provide written*
14 *notification to the public by conspicuous posting within or about*
15 *its facilities, on its public Internet Web site, and by electronic*
16 *distribution to individuals who have subscribed to the court's*
17 *electronic distribution service, and to the Judicial Council, not less*
18 *than 60 days prior to closing any courtroom, or closing or reducing*
19 *the hours of clerks' offices during regular business hours on any*
20 *day except judicial holidays, Saturdays, and Sundays, and except*
21 *as authorized pursuant to Section 68115. The notification shall*
22 *include the scope of the closure or reduction in hours, and the*
23 *financial constraints or other reasons that make the closure or*
24 *reduction necessary. Within*

25 *(2) The notification required pursuant to paragraph (1) shall*
26 *include information on how the public may provide written*
27 *comments during the 60-day period on the court's plan for closing*
28 *a courtroom, or closing or reducing the hours of clerks' offices.*
29 *The court shall review and consider all public comments received.*
30 *If the court plan for closing a courtroom, or closing or reducing*
31 *the hours of clerks' offices, changes as a result of the comments*
32 *received, the court shall immediately post a revised notice within*
33 *or about its facilities, on its public Internet Web site, and to the*
34 *Judicial Council. Any change in the court's plan pursuant to this*
35 *paragraph shall not require notification beyond the initial 60-day*
36 *period.*

37 (3) Within 15 days of receipt of a notice from a trial court, the
38 Judicial Council shall conspicuously post on its Internet Web site
39 and provide the chairs and vice chairs of the Committees on
40 Judiciary, the Chair of the Assembly Committee on Budget, and

1 the Chair of the Senate Committee on Budget and Fiscal Review
2 a copy of any notice received pursuant to this subdivision. The
3 Legislature intends to review the information obtained pursuant
4 to this section to ensure that California trial courts remain open
5 and accessible to the public.

6 (c) Nothing in this section is intended to affect, limit, or
7 otherwise interfere with regular court management decisionmaking,
8 including calendar management and scheduling decisions.

9 *SEC. 2. Section 68511.7 is added to the Government Code, to*
10 *read:*

11 *68511.7. (a) Prior to adopting a baseline budget plan for the*
12 *fiscal year, each trial court shall provide the public notice of, and*
13 *an opportunity for input on, the trial court's proposed budget plan,*
14 *consistent with the requirements of this section.*

15 *(b) The court shall allow public input by the submission of*
16 *written comments and by holding a public hearing on the trial*
17 *court's proposed baseline budget plan. Any public hearing shall*
18 *be conducted in a place reasonably accessible to the residents of*
19 *the county in which the court is located, and allow for public*
20 *comment. The court may conduct the public hearing at the*
21 *courthouse in that county.*

22 *(c) (1) Prior to conducting a public hearing, the court shall*
23 *make the proposed baseline budget plan available to the public*
24 *and provide notice of the hearing date, time, and location, and the*
25 *opportunity to submit written comments. Notice of the hearing and*
26 *the opportunity to submit comments shall be by conspicuous*
27 *posting within or about the courts' facilities, on the court's public*
28 *Internet Web site, and by electronic distribution to individuals that*
29 *have subscribed to the court's electronic distribution service. The*
30 *notice shall be posted not less than 10 court days prior to the date*
31 *of the hearing.*

32 *(2) The baseline budget plan shall be made available to the*
33 *public at the courthouse and on the court's public Internet Web*
34 *site no less than three court days prior to the hearing.*

35 ~~SECTION 1. Section 68502.5 of the Government Code is~~
36 ~~amended to read:~~

37 ~~68502.5. (a) The Judicial Council may, as part of its trial court~~
38 ~~budget process, seek input from groups and individuals as it deems~~
39 ~~appropriate including, but not limited to, advisory committees and~~

1 the Administrative Director of the Courts. The trial court budget
2 process may include, but is not limited to, the following:

3 (1) The receipt of budget requests from the trial courts, after
4 the public hearing required pursuant to Section 68502.6.

5 (2) The review of the trial courts' budget requests and evaluation
6 against performance criteria established by the Judicial Council
7 by which a court's performance, level of coordination, and
8 efficiency can be measured.

9 (3) The annual adoption of the projected cost in the subsequent
10 fiscal year of court operations, as defined in Section 77003 for
11 each trial court. This estimation shall serve as a basis for
12 recommended court budgets, which shall be developed for
13 comparison purposes and to delineate funding responsibilities.

14 (4) The annual approval of a schedule for the allocation of
15 moneys to individual courts and an overall trial court budget for
16 forwarding to the Governor for inclusion in the Governor's
17 proposed State Budget. The schedule shall be based on the
18 performance criteria established pursuant to paragraph (2), on a
19 minimum standard established by the Judicial Council for the
20 operation and staffing of all trial court operations, and on any other
21 factors as determined by the Judicial Council. This minimum
22 standard shall be modeled on court operations using all reasonable
23 and available measures to increase court efficiency. The schedule
24 of allocations shall assure that all trial courts receive funding for
25 the minimum operating and staffing standards before funding
26 operating and staffing requests above the minimum standards, and
27 shall include incentives and rewards for any trial court's
28 implementation of efficiencies and cost saving measures.

29 (5) The reallocation of funds during the course of the fiscal year
30 to ensure equal access to the trial courts by the public, to improve
31 trial court operations, and to meet trial court emergencies. Neither
32 the state nor the counties shall have any obligation to replace
33 moneys appropriated for trial courts and reallocated pursuant to
34 this paragraph.

35 (6) The allocation of funds in the Trial Court Improvement Fund
36 to ensure equal access to trial courts by the public, to improve trial
37 court operations, and to meet trial court emergencies.

38 (7) Upon approval of the trial courts' budget by the Legislature,
39 the preparation during the course of the fiscal year of allocation
40 schedules for payments to the trial courts, consistent with Section

1 68085, which shall be submitted to the Controller's office at least
2 15 days before the due date of any allocation.

3 ~~(8) The establishment of rules regarding a court's authority to~~
4 ~~transfer trial court funding moneys from one functional category~~
5 ~~to another in order to address needs in any functional category.~~

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

10 ~~(10) From time to time, a review of the level of fees charged~~
11 ~~by the courts for various services and prepare recommended~~
12 ~~adjustments for forwarding to the Legislature.~~

13 ~~(11) Provisions set forth in rules adopted pursuant to Section~~
14 ~~77206 of the Government Code.~~

15 ~~(b) Courts and counties shall establish procedures to allow for~~
16 ~~the sharing of information as it relates to approved budget proposals~~
17 ~~and expenditures that impact the respective court and county~~
18 ~~budgets. The procedures shall include, upon the request of a court~~
19 ~~or county, that a respective court or county shall provide the~~
20 ~~requesting court or county a copy of its approved budget and, to~~
21 ~~the extent possible, approved program expenditure component~~
22 ~~information and a description of budget changes that are anticipated~~
23 ~~to have an impact on the requesting court or county. The Judicial~~
24 ~~Council shall provide to the Legislature on December 31, 2001,~~
25 ~~and yearly thereafter, budget expenditure data at the program~~
26 ~~component level for each court.~~

27 ~~(c) The Judicial Council shall retain the ultimate responsibility~~
28 ~~to adopt a budget and allocate funding for the trial courts and~~
29 ~~perform the other activities listed in subdivision (a) that best assure~~
30 ~~their ability to carry out their functions, promote implementation~~
31 ~~of statewide policies, and promote the immediate implementation~~
32 ~~of efficiencies and cost saving measures in court operations, in~~
33 ~~order to guarantee equal access to the courts.~~

34 ~~SEC. 2. Section 68502.6 is added to the Government Code, to~~
35 ~~read:~~

36 ~~68502.6. (a) Before a trial court submits its budget request to~~
37 ~~the Judicial Council, the presiding judge of the trial court, or his~~
38 ~~or her designee, shall hold a public hearing on the trial court's~~
39 ~~proposed budget request in a place conveniently accessible to the~~
40 ~~residents of the county. The public hearing shall be held any day~~

1 on or before a regularly scheduled date set by the Judicial Council
2 for annual submission of budget requests, but not less than three
3 working days following availability of the proposed budget request
4 for public inspection.

5 (b) ~~The hearing may be concluded on the proposed budget~~
6 ~~request when there are no requests for further hearing on file, and~~
7 ~~shall be concluded no later than a regularly scheduled date set by~~
8 ~~the Judicial Council. The budget request shall not be submitted by~~
9 ~~the trial court until after the public hearing has been held.~~

10 (e) ~~Notification of the dates and the location or locations at~~
11 ~~which the proposed budget request may be inspected by the public~~
12 ~~and the date, time, and location of the public hearing on the~~
13 ~~proposed budget request shall be published by the trial court in a~~
14 ~~newspaper of general circulation in the county at least three days~~
15 ~~prior to the availability of the proposed budget request for public~~
16 ~~inspection. The same notice should be posted on the Internet Web~~
17 ~~site of the trial court. The publication of the dates and the location~~
18 ~~or locations shall occur no earlier than 45 days prior to the final~~
19 ~~date for the hearing, according to the schedule set by the Judicial~~
20 ~~Council, but not less than 10 days prior to the date set for the~~
21 ~~hearing.~~

22 ~~SEC. 3. Article 14 (commencing with Section 70142) is added~~
23 ~~to Chapter 5 of Title 8 of the Government Code, to read:~~

24
25 ~~Article 14. Changes in Service~~

26
27 ~~70142. (a) For purposes of this article, a “change in service”~~
28 ~~means any scheduled change in trial court operations that reduces~~
29 ~~services provided to the public, including, but not limited to, any~~
30 ~~of the following:~~

- 31 ~~(1) The closing of a courthouse for judicial business.~~
32 ~~(2) A reduction in the number of hours a court or court self-help~~
33 ~~center is open for business.~~
34 ~~(3) A reduction in the number of regularly scheduled judicial~~
35 ~~sessions held by a trial court.~~
36 ~~(4) A reduction in the availability of telephone appearances for~~
37 ~~litigants.~~
38 ~~(5) A reduction in the availability of court interpreters.~~

1 ~~(6) A reduction in access to court-provided services, such as~~
2 ~~law libraries and court records, either due to restrictions on access~~
3 ~~or changes in the time or location that services may be accessed.~~

4 ~~(7) A reduction in courthouse security, in terms of places~~
5 ~~covered and times of coverage.~~

6 ~~(8) A reduction in the availability of alternative dispute~~
7 ~~resolution procedures.~~

8 ~~(b) Before implementing a change in service, the court shall~~
9 ~~comply with the requirements of Section 70143.~~

10 ~~70143. (a) (1) The presiding judge of the trial court, or his or~~
11 ~~her designee, shall provide public notice of a public hearing at~~
12 ~~which the trial court proposes to implement the change in service.~~
13 ~~The trial court shall provide notice for a public meeting at the same~~
14 ~~time and in the same document as the notice for the public hearing,~~
15 ~~but the meeting shall occur prior to the hearing.~~

16 ~~(2) The joint notice of both the public meeting and the public~~
17 ~~hearing required by paragraph (1) with respect to a proposal for a~~
18 ~~change in service shall be published by all of the following~~
19 ~~methods:~~

20 ~~(A) A display advertisement of at least one-eighth page in a~~
21 ~~newspaper of general circulation for three weeks pursuant to~~
22 ~~Section 6063.~~

23 ~~(B) A first-class mailing to all interested parties who have filed~~
24 ~~a written request with the trial court for mailed notice of public~~
25 ~~meetings or hearings on changes in service.~~

26 ~~(C) A prominent posting on the trial court's public Internet Web~~
27 ~~site.~~

28 ~~(3) The public meeting pursuant to paragraph (1) shall take~~
29 ~~place no earlier than 10 days after the first publication of the joint~~
30 ~~notice pursuant to paragraph (2). The public hearing shall take~~
31 ~~place no earlier than seven days after that public meeting. The~~
32 ~~public hearing shall take place no earlier than 45 days after the~~
33 ~~first publication of the joint notice pursuant to paragraph (2).~~

34 ~~(b) The joint notice required by subdivision (a) shall include,~~
35 ~~but not be limited to, both of the following:~~

36 ~~(1) A description of the change in service, including appropriate~~
37 ~~background information regarding the service and the level of the~~
38 ~~service the trial court has provided for the last five years.~~

39 ~~(2) The estimated impact of the change in service on the public.~~

1 ~~(e) At least 24 hours prior to the public meeting and public~~
2 ~~hearing, the trial court shall post an agenda conforming to the~~
3 ~~requirements of paragraph (1) of subdivision (a) of Section~~
4 ~~54954.2, and limiting the matters that can be discussed at the~~
5 ~~meeting or hearing in the same manner as provided in paragraph~~
6 ~~(2) of subdivision (a) of Section 54954.2.~~

7 ~~(d) (1) The meeting and hearing shall be open and public, and~~
8 ~~all persons shall be permitted to attend. If a register, questionnaire,~~
9 ~~or similar document is posted or circulated at a meeting, it shall~~
10 ~~clearly state that completion of the document is voluntary and not~~
11 ~~a precondition for attendance.~~

12 ~~(2) The public has the right to provide testimony at both the~~
13 ~~meeting and the hearing on any subject that will be considered~~
14 ~~before or during the trial court's consideration of the item, to the~~
15 ~~same extent as provided in Section 54954.3.~~

16 ~~(3) (A) Any materials distributed in the meeting or hearing,~~
17 ~~including an agenda or other writing, to the presiding judge or~~
18 ~~other officials designated to conduct the meeting, are disclosable~~
19 ~~to the public upon request, and shall be made available without~~
20 ~~delay to members of the public.~~

21 ~~(B) If the trial court records the meeting or hearing on video or~~
22 ~~audio tape, the tape and a tape recorder shall be made available to~~
23 ~~the public upon request.~~

24 ~~(C) If the trial court prepares a transcript of the meeting or~~
25 ~~hearing, a copy of the transcript shall be made available to the~~
26 ~~public upon request.~~

27 ~~(e) Neither the public meeting or public hearing required by~~
28 ~~this section shall relieve the trial court of any obligation it may~~
29 ~~have to meet and confer with the exclusive representative of trial~~
30 ~~court employees concerning any matter within the scope of~~
31 ~~representation.~~