

AMENDED IN ASSEMBLY MARCH 29, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2458

Introduced by Assembly Member Obernolte

February 19, 2016

An act to amend Section ~~77203~~ of 68502.5 of, and to repeal and add Section 77203 of, the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2458, as amended, Obernolte. Courts: unexpended funds.

Existing law, until June 30, 2014, authorized a trial court to carry unexpended funds over from one fiscal year to the next. Existing law, commencing June 30, 2014, authorizes a trial court to carry over unexpended funds in an amount not to exceed 1% of the court's operating budget from the prior fiscal year. Existing law exempts certain funds from the calculation of the 1% authorized to be carried over from the prior fiscal year.

This bill would repeal the 1% limitation described above, and authorize a trial court to carry unexpended funds over from one fiscal year to the next. The bill would also make conforming changes.

~~Existing law, until June 30, 2014, authorized a trial court to carry unexpended funds over from one fiscal year to the next. Existing law, commencing June 30, 2014, authorizes a trial court to carry over unexpended funds in an amount not to exceed 1% of the court's operating budget from the prior fiscal year. Existing law exempts certain funds from the calculation of the 1% authorized to be carried over from the prior fiscal year.~~

~~This bill would, notwithstanding the provision described above, authorize a trial court to petition the Department of Finance to carry~~

over funds in an amount greater than 1% of the court’s operating budget from the prior fiscal year. The bill would authorize the department to approve the petition if the additional funds are dedicated by the trial court to a specific technology or efficiency upgrade.

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

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

1 SECTION 1. Section 68502.5 of the Government Code is
2 amended to read:

3 68502.5. (a) The Judicial Council may, as part of its trial court
4 budget process, seek input from groups and individuals as it deems
5 appropriate *appropriate*, including, but not limited to, advisory
6 committees and the Administrative Director of the Courts. The
7 trial court budget process may include, but is not limited to, the
8 following:

9 (1) The receipt of budget requests from the trial courts.

10 (2) The review of the trial courts’ budget requests and evaluate
11 them against performance criteria established by the Judicial
12 Council by which a court’s performance, level of coordination,
13 and efficiency can be measured.

14 (3) The annual adoption of the projected cost in the subsequent
15 fiscal year of court ~~operations~~ *operations*, as defined in Section
16 ~~77003~~ 77003, for each trial court. This estimation shall serve as a
17 basis for recommended court budgets, which shall be developed
18 for comparison purposes and to delineate funding responsibilities.

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

1 shall include incentives and rewards for any trial court's
2 implementation of efficiencies and cost saving measures.

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

9 (6) The allocation of funds in the State Trial Court Improvement
10 and Modernization Fund to ensure equal access to trial courts by
11 the public, to improve trial court operations, and to meet trial court
12 emergencies, as expressly authorized by statute.

13 (7) Upon approval of the trial courts' budget by the Legislature,
14 the preparation during the course of the fiscal year of allocation
15 schedules for payments to the trial courts, consistent with Section
16 68085, which shall be submitted to the Controller's office at least
17 15 days before the due date of any allocation.

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

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

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

28 (11) Provisions set forth in rules adopted pursuant to Section
29 77206 of the Government Code.

30 (b) Courts and counties shall establish procedures to allow for
31 the sharing of information as it relates to approved budget proposals
32 and expenditures that impact the respective court and county
33 budgets. The procedures shall include, upon the request of a court
34 or county, that a respective court or county shall provide the
35 requesting court or county a copy of its approved budget and, to
36 the extent possible, approved program expenditure component
37 information and a description of budget changes that are anticipated
38 to have an impact on the requesting court or county. The Judicial
39 Council shall provide to the Legislature on December 31, 2001,

1 and yearly thereafter, budget expenditure data at the program
2 component level for each court.

3 (c) (1) The Judicial Council shall retain the ultimate
4 responsibility to adopt a budget and allocate funding for the trial
5 courts and perform the other activities listed in subdivision (a) that
6 best ~~assure~~ *ensure* their ability to carry out their functions, promote
7 implementation of statewide policies, and promote the immediate
8 implementation of efficiencies and cost saving measures in court
9 operations, in order to guarantee equal access to the courts.

10 (2) (A) When setting the allocations for trial courts, the Judicial
11 Council shall set a preliminary allocation in July of each fiscal
12 year. The preliminary allocation shall include an estimate of
13 available trial court reserves as of June 30 of the prior fiscal year
14 and each court's preliminary allocation shall be offset by the
15 amount of reserves ~~in excess of the amount~~ authorized to be carried
16 over pursuant to ~~subdivision (b)~~ of Section 77203. In January of
17 each fiscal year, after review of available trial court reserves as of
18 June 30 of the prior fiscal year, the Judicial Council shall finalize
19 allocations to trial courts and each court's finalized allocation shall
20 be offset by the amount of reserves ~~in excess of the amount~~
21 authorized to be carried over pursuant to ~~subdivision (b)~~ of Section
22 77203.

23 (B) Upon preliminary determination of the allocations to trial
24 courts pursuant to subparagraph (A), the Judicial Council shall set
25 aside 2 percent of the total funds appropriated in Program 45.10
26 of Item 0250-101-0932 of the annual Budget Act and these funds
27 shall remain in the Trial Court Trust Fund. These funds shall be
28 administered by the Judicial Council and be allocated to trial courts
29 for unforeseen emergencies, unanticipated expenses for existing
30 programs, or unavoidable funding shortfalls. Unavoidable funding
31 shortfall requests for up to 1.5 percent of these funds shall be
32 submitted by the trial courts to the Judicial Council no later than
33 October 1 of each year. The Judicial Council shall, by October 31
34 of each year, review and evaluate all requests submitted, select
35 trial courts to receive funds, and notify those selected trial courts.
36 By March 15 of each year, the Judicial Council shall distribute the
37 remaining funds if there has been a request from a trial court for
38 unforeseen emergencies or unanticipated expenses that has been
39 reviewed, evaluated, and approved. Any unexpended funds shall
40 be distributed to the trial courts on a prorated basis.

1 (C) The Judicial Council shall, no later than April 15 of each
2 year, report to the Legislature, pursuant to Section 9795 of the
3 Government Code, and to the Department of Finance all requests
4 and allocations made pursuant to subparagraph (B).

5 *SEC. 2. Section 77203 of the Government Code is repealed.*

6 ~~77203. (a) Prior to June 30, 2014, a trial court may carry over~~
7 ~~all unexpended funds from the courts operating budget from the~~
8 ~~prior fiscal year.~~

9 ~~(b) Commencing June 30, 2014, a trial court may carry over~~
10 ~~unexpended funds in an amount not to exceed 1 percent of the~~
11 ~~court's operating budget from the prior fiscal year. The calculation~~
12 ~~of the 1 percent authorized to be carried over from the previous~~
13 ~~fiscal year shall not include funds received by the court pursuant~~
14 ~~to the following:~~

15 ~~(1) Section 470.5 of the Business and Professions Code.~~

16 ~~(2) Section 116.230 of the Code of Civil Procedure, except for~~
17 ~~those funds transmitted to the Controller for deposit in the Trial~~
18 ~~Court Trust Fund pursuant to subdivision (h) of that section.~~

19 ~~(3) Subdivision (f) of Section 13963, Sections 26731, 66006,~~
20 ~~68090.8, 70640, 70678, and 76223, subdivision (b) of Section~~
21 ~~77207.5, and subdivision (h) of Section 77209.~~

22 ~~(4) The portion of filing fees collected for conversion to~~
23 ~~micrographics pursuant to former Section 26863, as that section~~
24 ~~read immediately before its repeal, and Section 27361.4.~~

25 ~~(5) Sections 1027 and 1463.007, subdivision (a) of Section~~
26 ~~1463.22, and Sections 4750 and 6005, of the Penal Code.~~

27 ~~(6) Sections 11205.2 and 40508.6 of the Vehicle Code.~~

28 *SEC. 3. Section 77203 is added to the Government Code, to*
29 *read:*

30 *77203. A trial court may carry over all unexpended funds from*
31 *the court's operating budget from the prior fiscal year.*

32 *SECTION 1. Section 77203 of the Government Code is*
33 *amended to read:*

34 ~~77203. (a) Prior to June 30, 2014, a trial court may carry over~~
35 ~~all unexpended funds from the court's operating budget from the~~
36 ~~prior fiscal year.~~

37 ~~(b) Commencing June 30, 2014, a trial court may carry over~~
38 ~~unexpended funds in an amount not to exceed 1 percent of the~~
39 ~~court's operating budget from the prior fiscal year. The calculation~~
40 ~~of the 1 percent authorized to be carried over from the previous~~

- 1 ~~fiscal year shall not include funds received by the court pursuant~~
2 ~~to the following:~~
- 3 ~~(1) Section 470.5 of the Business and Professions Code.~~
 - 4 ~~(2) Section 116.230 of the Code of Civil Procedure, except for~~
5 ~~those funds transmitted to the Controller for deposit in the Trial~~
6 ~~Court Trust Fund pursuant to subdivision (h) of that section.~~
 - 7 ~~(3) Subdivision (f) of Section 13963, Sections 26731, 66006,~~
8 ~~68090.8, 70640, 70678, and 76223, subdivision (b) of Section~~
9 ~~77207.5, and subdivision (h) of Section 77209.~~
 - 10 ~~(4) The portion of filing fees collected for conversion to~~
11 ~~micrographics pursuant to former Section 26863, as that section~~
12 ~~read immediately before its repeal, and Section 27361.4.~~
 - 13 ~~(5) Sections 1027 and 1463.007, subdivision (a) of Section~~
14 ~~1463.22, and Sections 4750 and 6005, of the Penal Code.~~
 - 15 ~~(6) Sections 11205.2 and 40508.6 of the Vehicle Code.~~
 - 16 ~~(e) Notwithstanding subdivision (b), a trial court may petition~~
17 ~~the Department of Finance to carry over funds in an amount greater~~
18 ~~than 1 percent of the court's operating budget from the prior fiscal~~
19 ~~year. The Department of Finance may approve the petition if the~~
20 ~~additional funds are dedicated by the trial court to a specific~~
21 ~~technology or efficiency upgrade.~~