

AMENDED IN ASSEMBLY SEPTEMBER 6, 1995

AMENDED IN ASSEMBLY AUGUST 31, 1995

SENATE BILL

No. 1356

**Introduced by Senators ~~Leslie, Kopp-Kopp, Leslie, and~~
Marks**

(Principal coauthors: Assembly Members Willie Brown,
Burton, and Knowles)

March 30, 1995

An act to amend Sections 21151 and 68085 of, and to add Section 77302 to, the Government Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1356, as amended, ~~Leslie-Kopp~~. Courts.

(1) Existing law provides that a person retired under the Public Employees' Retirement System may serve without reinstatement from retirement or loss or interruption of retirement benefits under specified circumstances.

This bill would add to those circumstances the appointment by the Administrative Director of the Courts to the position of Court Security Coordinator, a position deemed temporary in nature and requiring the specialized skills and experience of a retired professional peace officer.

(2) Existing statutes for the distribution of funds in the Trial Court Trust Fund contain provisions that required funds accrued in the Trial Court Trust Fund during the 1993-94 fiscal year to be allocated to each option county, as specified,

in the month of November 1993, and in the months of February, May, and August of 1994.

This bill would delete these provisions and require, instead, that the fourth quarterly payment from the Trial Court Trust Fund for the prior fiscal year shall be made on August 31 commencing with the 1994–95 fiscal year.

(3) Existing provisions of the Brown-Presley Trial Court Funding Act, specify the method by which a county may opt under the provisions of the act.

This bill would specify, notwithstanding those provisions, that for the 1995–96 fiscal year only, the counties of Alpine and San Francisco shall be eligible to receive any trial court funds appropriated by the Legislature from the General Fund and the Trial Court Trust Fund pursuant to the allocation formula adopted by Trial Court Budget Commission.

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

Vote: $\frac{2}{3}$. 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 21151 of the Government Code
2 is amended to read:

3 21151. A retired person may serve without
4 reinstatement from retirement or loss or interruption of
5 benefits provided by this system, as follows:

6 (a) As a member of any board, commission, or advisory
7 committee, upon appointment by the Governor, the
8 Speaker of the Assembly, the President pro Tempore of
9 the Senate, director of a state department, or the
10 governing board of the contracting agency. However, the
11 appointment shall not be deemed employment within
12 the meaning of Division 4 (commencing with Section
13 3200) and Division 4.5 (commencing with Section 6100)
14 of the Labor Code, and shall not provide a basis for the
15 payment of workers' compensation to a retired state
16 employee or to his or her dependents.

17 (b) As a school crossing guard.

18 (c) As a juror or election officer.



1 (d) As an elective officer on and after September 15,
2 1961. However, all rights and immunities which may have
3 accrued under Section 21158 as it read prior to that
4 section's repeal during the 1969 Regular Session of the
5 Legislature are hereby preserved.

6 (e) As an appointive member of the governing body
7 of a contracting agency. However, the compensation for
8 that office shall not exceed one hundred dollars (\$100)
9 per month.

10 (f) Upon appointment by the Legislature, or either
11 house, or a legislative committee to a position deemed by
12 the appointing power to be temporary in nature.

13 (g) Upon employment by a contracting agency to a
14 position found by the governing body, by resolution, to be
15 available because of a leave of absence granted to a
16 person on payroll status for a period not to exceed one
17 year and found by the governing body to require
18 specialized skills. The temporary employment shall be
19 terminated at the end of the leave of absence.
20 Appointments under this section shall be reported to the
21 board and shall be accompanied by the resolution
22 adopted by the governing body.

23 (h) Upon appointment by the governing body of a
24 contracting agency to a position deemed by the
25 governing body to be of a limited duration and requiring
26 specialized skills or during an emergency to prevent
27 stoppage of public business. These appointments, in
28 addition to any made pursuant to Section 21153, shall not
29 exceed a total for all employers of 960 hours in any
30 calendar year. When an appointment is expected to, or
31 will, exceed 960 hours in any calendar year, the governing
32 body shall request approval from the board to extend the
33 temporary employment. The governing body shall
34 present a resolution to the board requesting action to
35 allow or disallow the employment extension. The
36 resolution shall be presented prior to the expiration of the
37 960 hour maximum for the calendar year. The
38 appointment shall continue until notification of the
39 board's decision is received by the governing body. The
40 appointment shall be deemed approved if the board fails



1 to take action within 60 days of receiving the request.
2 Appointments under this subdivision may not exceed a
3 total of one year.

4 (i) Upon appointment by the Administrative Director
5 of the Courts to the position of Court Security
6 Coordinator, a position deemed temporary in nature and
7 requiring the specialized skills and experience of a retired
8 professional peace officer.

9 SEC. 2. Section 68085 of the Government Code is
10 amended to read:

11 68085. (a) (1) There is hereby established the Trial
12 Court Trust Fund, the proceeds of which shall be
13 apportioned quarterly by the Controller on or before the
14 25th day of the month following the end of that quarter,
15 upon appropriation by the Legislature, for the purpose of
16 funding trial court operations, as defined in Section 77003.

17 (2) The quarterly apportionment payments shall be
18 made by the Controller, except that the quarterly
19 apportionment shall be withheld from any county that is
20 delinquent in making the full transfer of funds pursuant
21 to this section.

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

27 (c) Except as specified in subdivision (d), this section
28 applies to all fees collected pursuant to Sections 26820.4,
29 26826, 26827, 68086, 72055, and 72056.

30 (d) This section does not apply to that portion of a
31 filing fee collected pursuant to Section 26820.4, 26826,
32 26827, 72055, or 72056 which is allocated for dispute
33 resolution pursuant to Section 470.3 of the Business and
34 Professions Code, the county law library pursuant to
35 Section 6320 of the Business and Professions Code, the
36 Judges' Retirement Fund pursuant to Section 26822.3,
37 automated recordkeeping or conversion to
38 micrographics pursuant to Sections 26863 and 68090.7,
39 and courthouse financing pursuant to Section 76238.



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

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

10 (g) Any amounts required to be transmitted by a
11 county to the state pursuant to this section shall be
12 remitted to the Controller no later than 45 days after the
13 end of the month in which the fees were collected. This
14 remittance shall be accompanied by a remittance advice
15 identifying the collection month and the appropriate
16 account in the Trial Court Trust Fund to which it is to be
17 deposited. Any remittance which is not made by the
18 county in accordance with this section shall be considered
19 delinquent, and subject to the penalties pursuant to this
20 section.

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

31 (i) Penalty amounts withheld under subdivision (h)
32 shall be reserved in the Trial Court Trust Fund. The
33 Judicial Council shall allocate these moneys based upon
34 the recommendations of the Trial Court Budget
35 Commission.

36 (j) The Trial Court Trust Fund shall be invested in the
37 Surplus Money Investment Fund and all interest earned
38 shall be allocated to the Trial Court Trust Fund
39 semiannually and shall be allocated among the counties
40 in accordance with the requirements of subdivision (a).



1 The specific allocations shall be specified by the Judicial
2 Council, based upon recommendations from the Trial
3 Court Budget Commission.

4 (k) The fourth quarterly payment from the Trial
5 Court Trust Fund for the prior fiscal year shall be made
6 on August 31 commencing with the 1994–95 fiscal year.

7 SEC. 3. Section 77302 is added to the Government
8 Code, to read:

9 77302. Notwithstanding Sections 77300 and 77301, for
10 the 1995–96 fiscal year only, the counties of Alpine and
11 San Francisco shall be eligible to receive any trial court
12 funds appropriated by the Legislature from the General
13 Fund and the Trial Court Trust Fund pursuant to the
14 allocation formula adopted by the Trial Court Budget
15 Commission.

16 SEC. 4. This act is an urgency statute necessary for the
17 immediate preservation of the public peace, health, or
18 safety within the meaning of Article IV of the
19 Constitution and shall go into immediate effect. The facts
20 constituting the necessity are:

21 In order to make needed fiscal changes as soon as
22 possible, it is necessary that this act take effect as an
23 urgency statute.

