

Senate Bill No. 430

CHAPTER 119

An act to amend Sections 68085 and 77205.1 of the Government Code, relating to trial court funding, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 27, 1997. Filed with
Secretary of State July 28, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

SB 430, Knight. Trial court funding: penalties.

Existing law imposes penalties on counties for the delinquent payment of specified moneys to the Controller for deposit in the Trial Court Trust Fund. Those penalties are calculated by multiplying the amount of the delinquent payment by the Pooled Money Investment Account rate at the end of the prior fiscal year.

This bill would provide, instead, for the calculation of those penalties by multiplying the amount of the delinquent payment at a daily rate equivalent to 1¹/₂% per month for the number of days the payment is delinquent.

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. 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 at a daily rate equivalent to $1\frac{1}{2}$ percent per month for the number of days the payment is delinquent.

(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) 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.

SEC. 2. Section 77205.1 of the Government Code is amended to read:

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

(b) 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 as specified in subdivision (h) of Section 68085.

(c) Penalty amounts withheld under subdivision (b) shall be allocated by the Judicial Council the following quarter, based upon the recommendations of the Trial Court Budget Commission.

SEC. 3. 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 avoid the unfair impairment of county budgets caused by basing penalties on an annual basis rather than a daily basis, it is necessary that this act take effect immediately.

