

Blizzard of Bills Filed On Trial Court Funding

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SACRAMENTO — Numerous technical changes in the landmark 1987 Trial Court Funding Act are contained in Assembly Bill 2640 by Speaker Willie Brown, D-San Francisco, which was approved last week by the Senate Budget and Fiscal Review Committee.

The measure is scheduled to be considered by the Senate Appropriations Committee on May 23.

Described as noncontroversial by its supporters, the measure may not remain so. The state Department of Finance, which is the fiscal arm of the Deukmejian administration, has indicated it will oppose a major aspect of the bill concerning the waiver of all non-court-related claims for reimbursement by the counties to the state.

That waiver, required as a condition of funding in the Trial Court Funding Act, would be removed by AB 2640 at the request of the counties.

"Various technical and procedural changes" would affect everything from payroll procedures for paying court personnel to performance audits and electronic funding transfers.

Perhaps as many as 40 measures are pending in the Legislature that would affect the Trial Court Funding Act in various ways. Many of the bills are specialized measures carried for local jurisdictions to exempt certain local fees from the reimbursement requirement. Many provisions eventually are expected to be included in another Brown omnibus measure, AB 1197, which will contain substantive policy changes in the act and will be hashed out in a legislative conference committee.

Although it may be substantially amended, under its current provisions AB 2640 would:

- Provide for disbursement to county payrolls of state funding for the salaries of municipal court judges, who were apparently inadvertently omitted from the disbursement process. Under the funding act, the state picks up approximately 90 percent of the salaries of superior and municipal court judges. The act does not provide for the salaries of justice court judges, and 2640 would authorize that payment, as well as support constables, sheriffs and marshals.

- Exempt from reimbursement to the state fees collected in smaller counties for probation and pretrial release services and indigent criminal defense. Larger counties are already exempt in the act.

- Provide that counties would not be penalized for reductions in court revenue "beyond their control," such as city annexations and formations and closures of state weigh stations or agricultural inspection facilities.

- Specify that court commissioners or referees must be full-time.

- Drop the waiver of claims for state reimbursement for non-court-related state mandates — a provision widely regarded as the most important and potentially controversial provision of the bill.

- Permit counties to provide "substantially identical retiree health benefits" to both municipal and superior court judges.

- Extend the deadline for counties to join the funding program from Aug. 1 to Sept. 5.

- Provide for annual adjustments of filing fees based on the cost-of-living increase granted to state employees and reduce the block grant to \$185,000 per judicial position in San Francisco, to reflect the unique nature of the city-county government in San Francisco. "It was originally intended that special arrangements be made for the jurisdiction," according to the Judiciary analysis, "but adjustments to the block grant reflective of the city's favorable revenue situation were inadvertently omitted."

- Provide for procedural clarifications requested by the state controller, including quarterly deposits by electronic transfer of county revenues, performance audits for counties that submit reports of court revenues that are 5 percent in excess

of the amount transmitted to the state, and withholding of funds owed to a county if county revenues are "not appropriately transmitted" or state funds "inappropriately expended."

- "Substantive changes" in the act probably will be considered separately in a joint Senate-Assembly conference committee that will review all such bills. Depending on that consensus, some of the subject matter in existing bills may be included in AB 1197.

Other measures that affect the act include:

- SB 2135, by Sen. Robert Presley, D-Riverside, permitting counties opting into the state funding program "to retain specified court revenues," including half of any revenue raised beyond the percentage annual increase in the state block grant, "as an added incentive to diligent collection." The measure would also permit counties to retain revenue derived from process serving, penalty assessments charged for support of automated fingerprint identification and laboratory analysis, and other local court and law-enforcement fees.

- SB 2153, by Sen. Alan Robbins, D-Van Nuys, permitting counties to increase superior and municipal court judicial salaries up to 7 percent in excess of statutory salaries, and to provide for county-funded per diem for overtime by court personnel.

- SB 1892, by Sen. John Seymour, R-Anaheim, exempting fees and penalty assessments for drug and alcohol education.

- SB 1952, by Sen. Ed Davis, R-Valencia, authorizing additional superior and municipal court judgeships for Los Angeles County.

- AB 1846, by Assemblyman Paul Zeltner, R-Lakewood, exempting district attorneys from filing and other fees relating to child and spousal support proceedings.

- AB 2374, by Assemblyman Stan Statham, R-Redding, diverting \$50 of the fine imposed for a conviction for certain controlled substances offenses and authorizing the imposition of an additional fine of up to \$70 to help pay for county AIDS education programs.

- AB 3131, by Assemblyman Elihu Harris, D-Oakland, prohibiting a board of supervisors from changing fees for filing judicial documents.

- AB 3445, by Assemblyman Ross Johnson, R-La Habra, limiting the ability of a county in which a matter involving a state prisoner originated to challenge the imposition of costs by the court of the receiving county, in instances of change of venue.

- AB 3685, by Assemblyman Robert Frazee, R-Carlsbad, exempting automation and micrographic fees from transmittal to the state.

- AB 4369, by Assemblyman Dan E. Hauser, D-Arcata, allowing calculations of county judicial costs to be made based on the County Revenue Stabilization Act after the Trial Court Funding Act is in full effect.

- AB 3441, by Assemblyman Peter Chacon, D-San Diego, allowing filing fees to be waived in conservatorship proceedings involving veterans.

- AB 3765, by Assemblyman Jim Costa, D-Fresno, limiting the amount of fees, fines and forfeitures required to be sent by the counties of Fresno and Merced to the state.

- AB 3909, by Assemblyman Phillip D. Wyman, R-Tehachapi, authorizing certain counties to increase penalty assessments for construction of court and criminal justice facilities.

- AB 3870, by Assemblyman Hauser, exempting DUI fines, forfeitures and penalty assessments from transmittal to the state.

Bills specifically aimed at the plight of no- and low-property tax cities include:

- SB 1725, by Sen. Bergeson, eliminating the transfer of county property taxes to cities and substituting a \$25 million state appropriation directly to the cities.

- SB 1734, by Sen. Quentin Kopp, Independent-San Francisco, specifically affecting property tax transfers from San Mateo County to Foster City.