

'Trailer' Bills Hit the Highway

High Court Ruling Could Change Legislature's Budgetary Strategies

BY SIGRID BATHEN
RECORDER CAPITAL CORRESPONDENT

SACRAMENTO — Government officials on both sides of the annual state budget battles agreed Wednesday that this week's complex state Supreme Court opinion outlawing so-called budget "trailer bills" is no great loss.

The court unanimously held Tuesday that the Legislature must halt the use of a single omnibus "trailer" bill to amend numerous state laws to conform with the budget. The court held that the practice violates the constitutional requirement that individual legislative measures deal with a single subject.

But the Supreme Court also ruled that

Gov. George Deukmejian exceeded his constitutional authority in 1984 when he vetoed part of a 71-section trailer bill that expanded welfare benefits under Aid to Families with Dependent Children.

While officials agree that legislators probably should not have been employing trailer bills, they were uncertain about the impact of the ruling.

Geoffrey Long, senior consultant to the Assembly Ways and Means Committee, the principal fiscal committee of the lower house, said committee members are awaiting a legal analysis of the court's opinion before issuing a statement.

It's a complicated ruling, and we haven't determined what the long-term

effects will be," Long said. "It looks like we won't be able to do trailer bills, but we'd probably be better off without them. It's not going to have great repercussions. It's essentially a budgetary issue."

Spokesmen for Assembly Speaker Willie Brown, D-San Francisco, and Senate President Pro Tem David Roberti, D-Hollywood, declined comment.

"It's a complicated ruling, and we haven't determined what the long-term effects will be," said a Brown aide.

"It is 43 pages long, and it is complex," said Deputy Attorney General Robert Murphy, who defended the state against a suit challenging a gubernatorial

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veto of a section of a 1984 trailer bill. "Some things are clear, and some are not."

"It sure seems to say [legislators] will have to be a whole lot more careful about how many subjects they put into a bill," Murphy added.

Robert Williams, a civil-service attorney who has been in the governor's legislative office for 25 years, agreed that legislators will have to be "more careful" in the use of budget trailer bills, which have been utilized over the past eight years as "omnibus" measures to amend statutes to put the governor's annual budget into effect.

"The immediate impact is [that] the governor's view prevails," Murphy said. "The long-range impact is much harder to assess."

Williams said the budget trailer bill procedure "evolved" by mutual agreement between the legislative and executive branches of state government and has been used in most, but not all, legislative sessions since the practice began in 1979.

"Every once in a while, the governor

will propose a budget that requires a lot of statutory changes," he said. "The concept of a fiscal affairs bill developed in 78-79. It evolved, it just happened, like Topsy. It was seen as a way to solve a lot of budget problems. For a while, you didn't see them [trailer bills] and then they came back — like a bad penny.

"It's a recent phenomenon, and we've both [legislative and executive branches] participated," Williams continued. "If you ask anyone on either side of the aisle, they'd say it's not the proper way to go, but it has been a practical way of solving difficult budgetary problems instead of [introducing] an army of bills. Most people would agree it's a practical rather than a constitutional solution. To make the budget work, you needed a trailer bill. Here we were trying to make the budget process work and we created a constitutional dilemma for ourselves and the court."

He said the omnibus measures include a variety of issues, all lumped under the heading of "fiscal affairs," with all parties to the process "operating in good

faith" in utilizing a questionable technical maneuver around the constitutional limitation. Williams and other state lawyers said the court's decision will help to "tighten up the process."

"The court has spoken on the subject, and that spells the demise of the trailer bill," he added.

Williams said the constitutional basis of the single-subject rule involved "an effort to prevent log-rolling or loading up bills with [numerous] provisions."

"I would assume the court has put everyone on notice that if you're going to fabricate a measure, you'd better not violate the single-subject rule," he added.

Sarah Kurtz, a supervising attorney for the San Mateo County Legal Aid Society who brought the original action against the 1984 veto in the First District Court of Appeal, said she was pleased with the high court ruling but was disappointed that the opinion does not negate the veto. The court's opinion specifically applies to future budgetary years.

"Our clients get no benefit from the result," she said.