

The Lockyer-Isenberg Trial Court Funding Act of 1997
(Ch. 850, Stats. of 1997) (AB 233)
Stated Goals / Principles / Expectations / Intent

SEC. 2. (uncodified)

- (b) ...[F]unding of trial court operations is most logically a function of the state. Such funding is necessary to provide uniform standards and procedures, economies of scale, and structural efficiency and simplification.
- (c) Structural improvement will provide for an improved court system, a uniform and equitable court system and will, therefore, increase access to justice for the citizens of the State of California.
- (e) The fiscal health of the judicial system, and the willingness and ability of the judiciary to adopt measures of efficiency and coordination, has a considerable impact on the quality of justice dispensed to the citizens of California.
- (g) The stated intent of the Legislature to assume the largest share of the funding of the trial courts has not been achieved. . . . However, there is a clear need to proceed as rapidly as possible toward the goal of full state funding of trial court operations. . . .

SEC. 3. (uncodified) The Legislature declares its intent to do each of the following:

- (a) Provide state responsibility for funding of trial court operations . . .
- (b) Provide that county contributions to trial court operations shall be permanently capped. . . .
- (c) Provide that the State of California shall assume full responsibility for any growth in costs of trial court operations
- (f) Return to the counties of California the revenue generated from fines and forfeitures pursuant to [citation of code sections omitted]
- (g) . . . [The] Legislature intends to do all of the following
 - (1) To provide that no personnel employed in the court system as of July 1, 1997, shall have their salary or benefits reduced as a result of this act.
 - (2) . . . [T]o adopt a plan to transition all existing court employees into an appropriate employment status . . .
 - (3) To consider providing courts in each county the option for employees to transition to the status of employees of the state, the local court or, with the concurrence of the county, continuation of the status as county employees, and a mechanism for involvement of the local judiciary in the negotiations regarding compensation of court employees.
- (h) Accelerate the pace of court coordination and efficiencies. . .and continue the development and implementation of comprehensive budget procedures and performance standards.
- (l) Acknowledge the need for strong and independent local court financial management, including encouraging the adoption by the Judicial Council of a Trial Courts Bill of Financial Management Rights, to be approved no later than January 1, 1998. This bill of management rights shall minimize the rules and regulations in the area of financial affairs to those sufficient to guarantee efficiency, but shall give strong preference to the need for local flexibility in the management of court financial affairs.

SEC. 42. Government Code section 77001

On or before July 1, 1998, the Judicial Council shall promulgate rules which establish a decentralized system of trial court management. These rules shall ensure:

- (a) Local authority and responsibility of trial courts to manage day-to-day operations.
- (b) Countywide administration of the trial courts.
- (c) The authority and responsibility of trial courts to manage all of the following, consistent with statute, rules of court, and standards of judicial administration:
 - (1) Annual allocation of funding, including the authority to move funding between functions or line items.
 - (2) Local personnel systems, including the promulgation of personnel policies.
 - (3) Processes and procedures to improve court operations and responsiveness to the public.
 - (4) The trial courts of each county shall establish the means of selecting presiding judges, executive officers or court administrators, clerks of court, and jury commissioners.
- (d) Trial court input into the Judicial Council budget process.
- (e) Equal access to justice throughout California utilizing standard practices and procedures whenever feasible.

SEC. 45.

Government Code section 77200

...[T]he state shall assume sole responsibility for the funding of court operations

Government Code section 77201

- (a) Commencing on July 1, 1997, no county shall be responsible for funding court operations . . .
- (d) Nothing in this section is intended to relieve a county of responsibility to provide necessary and suitable court facilities . . .
- (e) Nothing in this section is intended to relieve a county of the responsibility for justice-related expenses not included in Section 77003 which are otherwise required of the county by law

Government Code section 77201.1 (operational upon the sunset of 77201)

- (a) Commencing on July 1, 1997, no county shall be responsible for funding court operations . . .
- (c) Nothing in this section is intended to relieve a county of responsibility to provide necessary and suitable court facilities . . .
- (d) Nothing in this section is intended to relieve a county of the responsibility for justice-related expenses not included in Section 77003 which are otherwise required of the county by law

Government Code section 77202

- (a)The Judicial Council's trial court budget request shall meet the needs of all trial courts in a manner which promotes equal access to the courts statewide. The Judicial Council shall allocate the appropriation to the trial courts in a manner that best ensures the ability of the courts to carry out their functions, promotes implementation of statewide policies, and promotes the immediate implementation of efficiencies and cost saving measures in court operations, in order to guarantee access to justice to citizens of the state. The Judicial Council shall ensure that the recommendations of

the [Trial Court Budget C]ommission and the allocations made by the council reward each trial court's implementation of efficiencies and cost saving measures...

- (b) The Judicial Council shall promulgate rules governing practices and procedures for budgeting the trial courts in a manner that best ensures the ability of the courts to carry out their functions....

Government Code section 77206

- (a) The Judicial Council shall adopt appropriate rules for budget submission, budget management, and reporting of revenues and expenditures by each court.

Government Code section 77212

- (a) The State of California, the Counties of California, and the Trial Courts of California, recognize that a unique and interdependent relationship has evolved between the courts and the counties over a sustained period of time. While it is the intent of this act to transfer all fiscal responsibility for the support of trial courts from the counties to the State of California, it is imperative that the activities of the state, the counties, and the trial courts be maintained in a manner that ensures that services to the people of California not be disrupted.

SEC. 48.

Government Code section 77600

The Task Force on Trial Court Employees shall be established pursuant to this article on or before January 1, 1998, and is charged with recommending an appropriate system of employment and governance for trial court employees.

Government Code section 77605

- (b) It is the intent of the Legislature to enact a personnel system, that shall take effect on or before January 1, 2001, for employment of trial court employees. The personnel system shall have uniform statewide applicability and promote organizational and operational flexibility in accordance with Section 77001.

Government Code section 77650

The Task Force on Court Facilities is . . . charged with identifying the needs related to trial and appellate court facilities, and options and recommendations for funding court facility maintenance, improvements, and expansion, including the specific responsibilities of each entity of government.

SEC. 61. (uncodified)

The Judicial Council shall forward information regarding the fiscal impact of pending legislation affecting courts to the Legislature when the council deems that the information will assist the Legislature in its consideration of the legislation.

SEC. 62. (uncodified)

- (a) There shall be a Civil Delay Reduction Team comprised of judges assigned by and under the authority of the Chief Justice.
- (b) The primary responsibility of the team is to assist counties and courts in reducing or eliminating the delay in adjudicating civil cases.