



## Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 "L" Street, Suite 700 • Sacramento, California 95814-3393  
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RONALD M. GEORGE  
*Chief Justice of California*  
*Chair of the Judicial Council*

WILLIAM C. VICKREY  
*Administrative Director of the Courts*

RONALD G. OVERHOLT  
*Chief Deputy Director*

KATHLEEN T. HOWARD  
*Director, Office of Governmental Affairs*

September 13, 2005

Hon. Arnold Schwarzenegger  
Governor of California  
State Capitol, First Floor  
Sacramento, California 95814

Subject: AB 1435 (Evans) – Request for Signature

Dear Governor Schwarzenegger:

The Judicial Council respectfully requests your signature of AB 1435. AB 1435 makes technical changes to the Trial Court Facilities Act, removes obsolete language regarding court reporters in Mendocino County, clarifies allowable expenditures from the local courthouse construction fund and expands the reporting requirement of the Judicial Council regarding those expenditures. AB 1435 also provides counties with the first right of refusal at fair market value for court facilities that transfer to the state where the state later decides to sell the facility.

Of particular importance to the Judicial Council is the provision in AB 1435 that clarifies the appropriate use of courthouse construction funds (CCF) collected pursuant to Government Code section 76100. A literal reading of the current statute supports the narrow interpretation that CCFs can only be used to renovate buildings being vacated by the court or to build excess courtrooms or courthouses. The broader interpretation allows the use of CCFs for these limited purposes, in addition to acquisition, rehabilitation, construction or financing of court buildings, and is consistent with the Legislature's subsequently enacted statutes addressing CCFs and with what appears to have been the Legislature's intent in enacting the provision, notwithstanding its inconclusive legislative history.

The effect of the narrow interpretation of the section 76100 would make most expenditures from CCFs inappropriate. In addition, the narrow interpretation is not consistent with negotiations that have occurred between the AOC, the California State Association of Counties, and counties regarding the transfer of court facilities from counties to the state.

AB 1435 also simplifies the way penalty assessments will be distributed after a court facility transfers to the state. Under current law, the penalty distribution established for a local CCF will change each time a facility is transferred. This could result in several changes of the penalty distribution in a given fiscal year (through June 2007) especially for large counties as each facility is transferred individually. AB 1435 requires that the change in penalty assessment distribution only occur once per year for all facilities that transfer in a given county. This amendment will prevent significant staff workload for the State Controller's Office, counties, and the Administrative Office of the Courts.

For these reasons, the Judicial Council urges your signature of AB 1435.

Sincerely,

A handwritten signature in black ink, appearing to read "Eraina Ortega". The signature is fluid and cursive, with the first name "Eraina" written in a larger, more prominent script than the last name "Ortega".

Eraina Ortega  
Manager

EO/yt

cc: Hon. Noreen Evans, Member of the Assembly  
Ms. Karen Pank, Deputy Legislative Secretary, Office of the Governor  
Ms. Sue Blake, Assistant Director of Legislation, Office of Planning and Research



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June 24, 2005

Hon. Joseph L. Dunn, Chair  
Senate Judiciary Committee  
State Capitol, Room 2080  
Sacramento, California 95814

Subject: AB 1435 (Evans), as amended June 23, 2005 – Support  
Hearing: Senate Judiciary Committee – June 28, 2005

Dear Senator Dunn:

AB 1435 makes several important changes to the Trial Court Facilities Act of 2002, including correction of technical errors, clarification of the appropriate use of courthouse construction funds, and simplification of the process for modifying the distribution of penalty assessments for the benefit of the courthouse construction fund.

AB 1435 clarifies the appropriate use of courthouse construction funds (CCF) collected pursuant to Government Code section 76100. A literal reading of the statute supports the narrow interpretation that CCFs can only be used to renovate buildings being vacated by the court or to build excess courtrooms or courthouses. The broader interpretation allows the use of CCFs for these limited purposes, in addition to acquisition, rehabilitation, construction or financing of court buildings, and is consistent with the Legislature's subsequently enacted statutes addressing CCFs and with what appears to have been the Legislature's intent in enacting the provision, notwithstanding its inconclusive legislative history.

The effect of the narrow interpretation of the section 76100 would make most expenditures from CCFs inappropriate. In addition, the narrow interpretation is not consistent with negotiations that have occurred between the AOC, the California State Association of Counties, and counties regarding the transfer of court facilities from counties to the state.

AB 1435 also simplifies the way penalty assessments will be distributed after a court facility transfers to the state. Under current law, the penalty distribution established for a local CCF will change each time a facility is transferred. This could result in several changes of the penalty distribution in a given fiscal year (through June 2007) especially for large counties as each facility is transferred individually. AB 1435 requires that the change in penalty assessment distribution only occur once per year for all facilities that transfer in a given county. This amendment will prevent significant staff workload for the State Controller's Office, counties, and the Administrative Office of the Courts.

For these reasons, the Judicial Council urges your "aye" vote on AB 1435.

Sincerely,

A handwritten signature in cursive script, reading "Eraina Ortega".

Eraina Ortega  
Manager

EO/lb

cc: Members, Senate Judiciary Committee  
Hon. Noreen Evans, Member of the Assembly  
Ms. Gloria Ochoa, Deputy Chief Counsel, Senate Judiciary Committee  
Mr. Anthony Matthews, Sr. Consultant, Office of Assembly Member Noreen Evans  
Ms. Fredericka McGee, Legal Counsel, Office of Assembly Speaker Nuñez  
Ms. Karen Pank, Deputy Legislative Secretary, Office of the Governor  
Ms. Sue Blake, Assistant Office of Planning and Research



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*Director, Office of Governmental Affairs*

May 27, 2005

Hon. Noreen Evans  
Member of the Assembly  
State Capitol, Room 6025  
Sacramento, California 95814

Subject: AB 1435 (Evans), as amended April 19, 2005 – Support

Dear Assembly Member Evans:

The Judicial Council supports AB 1435 because it ensures that Government Code 76100 will be interpreted appropriately as counties transfer court facilities to the state.

The Trial Court Facilities Act of 2002 provides that the Administrative Director of the Courts or the Director of Finance may audit each county's Courthouse Construction Fund (CCF) and notify a county that an expenditure made from the fund was not permitted under Government Code section 76100. The county must repay any inappropriate expenditure to the State Court Facilities Construction Fund (SCFCF). Beginning January 1, 2004, no county may make an expenditure or encumber future funds from its CCF without the approval of the Administrative Director of the Courts.

During audits of CCF expenditures and the development of procedures for the Administrative Director's review of future expenditures, staff determined that section 76100, if interpreted narrowly, unnecessarily restricts the use of the CCF. A literal reading of the statute supports the narrow interpretation that CCFs can only be used to renovate buildings being vacated by the court or to build excess courtrooms or courthouses. The broader interpretation allows the use of CCFs for these limited purposes, in addition to acquisition, rehabilitation, construction or financing of court buildings, and is consistent with the Legislature's subsequently enacted statutes addressing CCFs and with what appears to have been the Legislature's intent in enacting the provision, notwithstanding its inconclusive legislative history.

The effect of the narrow interpretation of the section 76100 would make most expenditures from CCFs inappropriate. In addition, the narrow interpretation is not consistent with negotiations

Hon. Noreen Evans  
May 27, 2005  
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that have occurred between the AOC, the California State Association of Counties, and counties regarding the transfer of court facilities from counties to the state.

For these reasons, the Judicial Council supports the amendments to Government Code section 76100 proposed in AB 1435.

Sincerely,

A handwritten signature in cursive script, reading "Eraina Ortega".

Eraina Ortega  
Manager

EO/lb

cc: Mr. Anthony Matthews, Sr. Consultant, Office of Assembly Member Noreen Evans  
Karen Pank, Deputy Legislative Secretary, Office of the Governor  
Office of Planning and Research



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March 31, 2005

Hon. Noreen Evans  
Member of the Assembly  
State Capitol, Room 6025  
Sacramento, California 95814

Subject: AB 1435 (Evans), as introduced  
Hearing: Assembly Judiciary Committee – April 5, 2005

Dear Assembly Member Evans:

The Trial Court Facilities Act of 2002 provides that the Administrative Director of the Courts or the Director of Finance may audit each county's Courthouse Construction Fund (CCF) and notify a county that an expenditure made from the fund was not permitted under Government Code section 76100. The county must repay any inappropriate expenditure to the State Court Facilities Construction Fund (SCFCF). Beginning January 1, 2004, no county may make an expenditure or encumber future funds from its CCF without the approval of the Administrative Director of the Courts.


During audits of CCF expenditures and the development of procedures for the Administrative Director's review of future expenditures, staff determined that section 76100, if interpreted narrowly, unnecessarily restricts the use of the CCF. A literal reading of the statute supports the narrow interpretation that CCFs can only be used to renovate buildings being vacated by the court or to build excess courtrooms or courthouses. The broader interpretation allows the use of CCFs for these limited purposes, in addition to acquisition, rehabilitation, construction or financing of court buildings, and is consistent with the Legislature's subsequently enacted statutes addressing CCFs and with what appears to have been the Legislature's intent in enacting the provision, notwithstanding its inconclusive legislative history.

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Hon. Noreen Evans  
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The Judicial Council has concerns with the specific approach proposed in AB 1435, but remains committed to working with the counties to develop a proposal to clarify what are allowable expenditures from the CCF. Further, we support moving AB 1435 out of the Judiciary Committee so that it may be available as vehicle to address these issues at a later date.

Sincerely,

  
Eraina Ortega  
Manager

EO/lb

cc: Hon. Dave Jones, Chair, Assembly Judiciary Committee  
Members, Assembly Judiciary Committee  
Ms. Cynthia Alvillar, Counsel, Assembly Judiciary Committee  
Karen Pank, Deputy Legislative Secretary, Office of the Governor  
Office of Planning and Research