

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Policy Coordination and Liaison Committee
Hon. Marvin R. Baxter, Chair
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DATE: October 26, 2006

SUBJECT: County Fine and Forfeiture Maintenance of Effort (MOE) Obligation (Gov. Code, § 77201.1–77201.3) (Action Required)

Issue Statement

Two legislative measures of 2005 resulted in potential fine and forfeiture maintenance of effort (MOE) buyouts by the state from individual counties. AB 139 (Stats. 2005, ch. 74) provided, where applicable, for buyouts of county civil assessment revenue, while AB 145 (Stats. 2005, ch. 75) provided for buyouts of the county portion of certain fees designated by the Trial Court Funding Act (Stats. 1997, ch. 850 (AB 233)). The “buyouts” have been effectuated in the 2005–2006 fiscal year by notice and agreement between staff of the Administrative Office of the Courts (AOC), trial courts, counties, and the State Controller’s Office.

Recommendation

The Policy Coordination and Liaison Committee and staff recommend that the Judicial Council co-sponsor legislation with the California State Association of Counties (CSAC) to add a new section to the Government Code that codifies the adjusted county fine and forfeiture MOE amounts that have been paid as a result of the buyouts agreed to under AB 139 and AB 145. Additional conforming changes will be sought, consistent with the buyout agreements.

Rationale for Recommendation

Current law specifies the fine and forfeiture MOE that each county remits to the state for the support of trial court operations (Gov. Code, § 77201.1(b)(2)). Adding a section to the Government Code that specifies the new MOE amounts owed to the state (new § 77201.3) will codify the agreements that have been reached between courts, counties, the AOC, and CSAC. This change will prevent any future disagreement or

misunderstanding about the amounts owed and is the final step in the disposition of fees and fines that have long been disputed between courts and counties.

Two additional conforming changes are necessary to ensure appropriate implementation of the revised MOE payments:

1. Counties are required to remit to the Trial Court Improvement Fund (TCIF) 50 percent of the fine and forfeiture revenue they collect in excess of the amount they must remit under Government Code section 77201.1(b)(2), as discussed above. The buyouts included in AB 139 and AB 145 were not intended to change the basis of this 50 percent split. Therefore, legislation is necessary to ensure that the calculation of the 50 percent split remains based on the MOE amounts in current law and not the new amounts that will be codified under this proposal. Without this change, the calculation will result in counties paying a higher amount toward the 50 percent split.
2. AB 139 required the AOC and CSAC to work with counties and courts to develop and follow procedures to correct inequities resulting from the implementation of the bill, caused by a number of factors, including “institution of new civil assessment programs after the 2003–04 fiscal year.” In Santa Clara, the court and county implemented a new civil assessment program in the 2005–2006 fiscal year. Rather than determining a fixed buyout amount, the court and county negotiated a process for determining the buyout each year based on revenues in those future years so that both entities could benefit from the goals of AB 139. The proposed change will codify the negotiated “buyout” of Santa Clara County’s civil assessment revenues.

Alternative Actions Considered

By mutual agreement with the courts and the AOC, four counties—Fresno, Merced, Orange, and Santa Cruz—dedicated their civil assessment revenues to new trial court facility projects. Because AB 139 requires civil assessment revenues to be deposited in the Trial Court Trust Fund (TCTF), and at the time of the enactment of AB 139 expenditures from the TCTF for facilities costs were not allowed, legislation was considered that would transfer additional revenues to the four counties to ensure that they could meet their facility obligation.

As part of the Budget Act of 2006, statutory changes were made to Government Code sections 68085(a) (related to the TCTF) and 77202 (related to the calculation of the State Appropriations Limit funding) to provide the AOC with the flexibility to pay for costs, including facilities, on behalf of the trial courts. This flexibility obviates the need to make further transfers to the four counties. The AOC will likely enter into a memorandum of understanding with each court and county to ensure that the agreed civil assessment revenues are available for the facilities costs.

Comments From Interested Parties

N/A

Implementation Requirements and Costs

N/A

Attachment

Sections 77201.1 and 77201.2 of the Government Code are amended and section 77201.3 is added, as follows:

§ 77201.1

- 1 (a) Commencing on July 1, 1997, no county shall be responsible for funding court
 2 operations, as defined in Section 77003 and Rule 810 of the California Rules of
 3 Court as it read on July 1, 1996.
- 4 (b) Commencing in the 1999-2000 fiscal year, and each fiscal year thereafter, each
 5 county shall remit to the state in four equal installments due on October 1, January 1,
 6 April 1, and May 1, the amounts specified in paragraphs (1) and (2) of this
 7 subdivision. For purposes of determining the counties' payments beginning in the
 8 2005-06 fiscal year, the amounts listed in subdivision (a) of Section 77201.3 shall be
 9 used in lieu of the amounts listed in subdivision (b) of this section.
- 10 (1) Except as otherwise specifically provided in this section, each county shall remit
 11 to the state the amount listed below which is based on an amount expended by
 12 the respective county for court operations during the 1994-95 fiscal year:

<u>Jurisdiction</u>	<u>Amount</u>
14 Alameda	\$22,509,905
15 Alpine.....	--
16 Amador	--
17 Butte.....	--
18 Calaveras.....	--
19 Colusa	--
20 Contra Costa.....	11,974,535
21 Del Norte.....	--
22 El Dorado.....	--
23 Fresno.....	11,222,780
24 Glenn.....	--
25 Humboldt	--
26 Imperial	--
27 Inyo	--
28 Kern.....	9,234,511
29 Kings	--
30 Lake.....	--
31 Lassen	--
32 Los Angeles	175,330,647
33 Madera	--
34 Marin.....	--
35 Mariposa	--
36 Mendocino	--
37 Merced	--
38 Modoc	--
39 Mono.....	--
40 Monterey	4,520,911

1	Napa	--
2	Nevada	--
3	Orange.....	38,846,003
4	Placer.....	--
5	Plumas.....	--
6	Riverside	17,857,241
7	Sacramento.....	20,733,264
8	San Benito.....	--
9	San Bernardino.....	20,227,102
10	San Diego.....	43,495,932
11	San Francisco.....	19,295,303
12	San Joaquin	6,543,068
13	San Luis Obispo.....	--
14	San Mateo	12,181,079
15	Santa Barbara.....	6,764,792
16	Santa Clara.....	28,689,450
17	Santa Cruz.....	--
18	Shasta	--
19	Sierra.....	--
20	Siskiyou.....	--
21	Solano	6,242,661
22	Sonoma	6,162,466
23	Stanislaus	3,506,297
24	Sutter.....	--
25	Tehama.....	--
26	Trinity	--
27	Tulare	--
28	Tuolumne	--
29	Ventura.....	9,734,190
30	Yolo.....	--
31	Yuba.....	--

(2) Except as otherwise specifically provided in this section, each county shall also remit to the state the amount listed below which is based on an amount of fine and forfeiture revenue remitted to the state pursuant to Sections 27361 and 76000 of this code, Sections 1463.001, 1463.07, and 1464 of the Penal Code, and Sections 42007, 42007.1, and 42008 of the Vehicle Code during the 1994-95 fiscal year:

	<u>Jurisdiction</u>	<u>Amount</u>
40		
41	Alameda.....	\$ 9,912,156
42	Alpine.....	58,757
43	Amador	265,707
44	Butte.....	1,217,052
45	Calaveras.....	310,331
46	Colusa	397,468

1	Contra Costa.....	4,486,486
2	Del Norte.....	124,085
3	El Dorado.....	1,028,349
4	Fresno.....	3,695,633
5	Glenn.....	360,974
6	Humboldt.....	1,025,583
7	Imperial.....	1,144,661
8	Inyo.....	614,920
9	Kern.....	5,530,972
10	Kings.....	982,208
11	Lake.....	375,570
12	Lassen.....	430,163
13	Los Angeles.....	71,002,129
14	Madera.....	1,042,797
15	Marin.....	2,111,712
16	Mariposa.....	135,457
17	Mendocino.....	717,075
18	Merced.....	1,733,156
19	Modoc.....	104,729
20	Mono.....	415,136
21	Monterey.....	3,330,125
22	Napa.....	719,168
23	Nevada.....	1,220,686
24	Orange.....	19,572,810
25	Placer.....	1,243,754
26	Plumas.....	193,772
27	Riverside.....	7,681,744
28	Sacramento.....	5,937,204
29	San Benito.....	302,324
30	San Bernardino.....	8,163,193
31	San Diego.....	16,166,735
32	San Francisco.....	4,046,107
33	San Joaquin.....	3,562,835
34	San Luis Obispo.....	2,036,515
35	San Mateo.....	4,831,497
36	Santa Barbara.....	3,277,610
37	Santa Clara.....	11,597,583
38	Santa Cruz.....	1,902,096
39	Shasta.....	1,044,700
40	Sierra.....	42,533
41	Siskiyou.....	615,581
42	Solano.....	2,708,758
43	Sonoma.....	2,316,999
44	Stanislaus.....	1,855,169
45	Sutter.....	678,681
46	Tehama.....	640,303

1	Trinity	137,087
2	Tulare	1,840,422
3	Tuolumne	361,665
4	Ventura.....	4,575,349
5	Yolo.....	880,798
6	Yuba.....	289,325

- 7
- 8 (3) Except as otherwise specifically provided in this section, county remittances
9 specified in paragraphs (1) and (2) shall not be increased in subsequent years.
- 10 (4) Except for those counties with a population of 70,000, or less, on January 1,
11 1996, the amount a county is required to remit pursuant to paragraph (1) shall be
12 adjusted by the amount equal to any adjustment resulting from the procedures in
13 subdivisions (c) and (d) of Section 77201 as that section read on June 30, 1998,
14 to the extent a county filed an appeal with the Controller with respect to the
15 findings made by the Department of Finance. This paragraph shall not be
16 construed to establish a new appeal process beyond what was provided by
17 Section 77201, as that section read on June 30, 1998.
- 18 (5) Any change in statute or rule of court that either reduces the bail schedule or
19 redirects or reduces a county’s portion of fee, fine, and forfeiture revenue to an
20 amount that is less than (A) the fees, fines, and forfeitures retained by that
21 county, and (B) the county’s portion of fines and forfeitures transmitted to the
22 state in the 1994-95 fiscal year, shall reduce that county’s remittance specified
23 in paragraph (2) of this subdivision by an equal amount. Nothing in this
24 paragraph is intended to limit judicial sentencing discretion.
- 25 (6) Notwithstanding any other provision of law, commencing with the 2005-06
26 fiscal year, the amount that the County of Santa Clara is required to remit to the
27 state each fiscal year under paragraph (2) of subdivision (b) of this section shall
28 be reduced as described in this paragraph rather than as described in subdivision
29 (b) of Section 68085.7. It is the intent of the Legislature for this paragraph to
30 have retroactive effect.
- 31 (A) For the County of Santa Clara, the remittance under this subdivision for
32 each fiscal year shall be reduced by an amount equal to the following: one-
33 half of the amount calculated by subtracting from the net civil assessments
34 received in that county in that fiscal year the budget reduction for the
35 Superior Court of Santa Clara County for that fiscal year attributable to the
36 reduction of the counties’ payment obligation from \$31 million
37 (\$31,000,000). The reduction of the counties’ payment obligation is the
38 difference between the counties’ payment obligation under subdivision (a)
39 of Section 68085.6 for that fiscal year and thirty-one million dollars
40 (\$31,000,000). “Net civil assessments” as used in this paragraph means the
41 amount of civil assessments collected minus the costs of collecting those
42 civil assessments, under guidelines of the State Controller.
- 43 (B) The reduction under this paragraph of the amount that the County of Santa
44 Clara is required to remit to the state under paragraph (2) of subdivision (b)
45 of this Section shall not exceed two million five hundred thousand dollars
46 (\$2,500,000) in any fiscal year. When the reduction for a fiscal year has

1 reached two million five hundred thousand dollars (\$2,500,000), the amount
2 that the county is required to remit to the state under paragraph (2) of
3 subdivision (b) of this Section in each subsequent fiscal year shall be
4 reduced by two million five hundred thousand dollars (\$2,500,000).

5 (C) Nothing in this paragraph shall affect the reduction of the annual remittance
6 for the County of Santa Clara as provided in Section 68085.2.

7 (7) Notwithstanding the changes to the amounts in paragraph (2) of subdivision (b)
8 made by Section 68085.7 or any other section, the amounts in paragraph (2) of
9 subdivision (b) shall not be changed for purposes of the calculation required by
10 subdivision (a) of Section 77205.

- 11 (c) Nothing in this section is intended to relieve a county of the responsibility to provide
12 necessary and suitable court facilities pursuant to Section 68073.
- 13 (d) Nothing in this section is intended to relieve a county of the responsibility for
14 justice-related expenses not included in Section 77003 which are otherwise required
15 of the county by law, including, but not limited to, indigent defense representation
16 and investigation, and payment of youth authority charges.
- 17 (e) County base year remittance requirements specified in paragraph (2) of subdivision
18 (b) incorporate specific reductions to reflect those instances where the Department of
19 Finance has determined that a county's remittance to both the General Fund and the
20 Trial Court Trust Fund during the 1994-95 fiscal year exceeded the aggregate
21 amount of state funding from the General Fund and the Trial Court Trust Fund. The
22 amount of the reduction was determined by calculating the difference between the
23 amount the county remitted to the General Fund and the Trial Court Trust Fund and
24 the aggregate amount of state support from the General Fund and the Trial Court
25 Trust Fund allocated to the county's trial courts. In making its determination of
26 whether a county is entitled to a reduction pursuant to that paragraph, the
27 Department of Finance subtracted from county revenues remitted to the state, all
28 moneys derived from the fee required by Section 42007.1 of the Vehicle Code and
29 the parking surcharge required by subdivision (c) of Section 76000.
- 30 (f) Notwithstanding subdivision (e), the Department of Finance shall not reduce a
31 county's baseyear remittance requirement, as specified in paragraph (2) of
32 subdivision (b), if the county's trial court funding allocation was modified pursuant
33 to the amendments to the allocation formula set forth in paragraph (4) of subdivision
34 (d) of Section 77200, as amended by Chapter 2 of the Statutes of 1993, to provide a
35 stable level of funding for small county courts in response to reductions in the
36 General Fund support for the trial courts.
- 37 (g) In any fiscal year in which a county of the first class pays the employer- paid
38 retirement contribution for court employees, or any other employees of the county
39 who provide a service to the court, and the amounts of those payments are charged to
40 the budget of the courts, the sum the county is required to pay to the state pursuant to
41 paragraph (1) of subdivision (b) shall be increased by the actual amount charged to
42 the trial court up to twenty-three million five hundred twenty-seven thousand nine
43 hundred forty-nine dollars (\$23,527,949) in that fiscal year. The county and the trial
44 court shall report to the Controller and the Department of Finance the actual amount
45 charged in that fiscal year.
- 46 (h) This section shall become operative on July 1, 1999.

1 **§ 77201.2**

2
3 All moneys required to be paid to the Trial Court Trust Fund pursuant to Sections 77201,
4 ~~and 77201.1, and 77201.3~~ shall be considered delinquent if not received by the dates
5 therein specified, and shall be subject to the penalties set forth in Section 68085.
6

7 **§ 77201.3**

8
9 (a) Commencing with the 2006-2007 fiscal year, except as otherwise specifically
10 provided in this section, each county shall remit to the state the amounts described in
11 this subdivision in four equal installments due on October 1, January 1, April 1, and
12 May 1. The amounts listed in this subdivision shall be in lieu of the amounts listed
13 in subdivision (b) of section 77201.1. However, for purposes of the calculation
14 required by subdivision (a) of section 77205, the amounts in paragraph (2) of
15 subdivision (b) of Section 77201.1 shall be used.

16 (1) Commencing with the 2006-2007 fiscal year, each county shall remit to the state
17 the amount listed below, which is based on an amount expended by the
18 respective county for court operations during the 1994-95 fiscal year. The
19 amount listed for Los Angeles County includes the \$23,527,949 increase
20 required by subdivision (g) of Section 77201.1.

<u>Jurisdiction</u>	<u>Amount</u>
<u>Alameda</u>	<u>\$22,509,905</u>
<u>Alpine</u>	<u>--</u>
<u>Amador</u>	<u>--</u>
<u>Butte</u>	<u>--</u>
<u>Calaveras</u>	<u>--</u>
<u>Colusa</u>	<u>--</u>
<u>Contra Costa</u>	<u>11,974,535</u>
<u>Del Norte</u>	<u>--</u>
<u>El Dorado</u>	<u>--</u>
<u>Fresno</u>	<u>11,222,780</u>
<u>Glenn</u>	<u>--</u>
<u>Humboldt</u>	<u>--</u>
<u>Imperial</u>	<u>--</u>
<u>Inyo</u>	<u>--</u>
<u>Kern</u>	<u>9,234,511</u>
<u>Kings</u>	<u>--</u>
<u>Lake</u>	<u>--</u>
<u>Lassen</u>	<u>--</u>
<u>Los Angeles</u>	<u>198,858,596</u>
<u>Madera</u>	<u>--</u>
<u>Marin</u>	<u>--</u>
<u>Mariposa</u>	<u>--</u>
<u>Mendocino</u>	<u>--</u>
<u>Merced</u>	<u>--</u>

1	Modoc	--
2	Mono.....	--
3	Monterey.....	4,520,911
4	Napa.....	--
5	Nevada	--
6	Orange.....	38,846,003
7	Placer.....	--
8	Plumas.....	--
9	Riverside	17,857,241
10	Sacramento.....	20,733,264
11	San Benito.....	--
12	San Bernardino.....	20,227,102
13	San Diego.....	43,495,932
14	San Francisco.....	19,295,303
15	San Joaquin	6,543,068
16	San Luis Obispo.....	--
17	San Mateo	12,181,079
18	Santa Barbara.....	6,764,792
19	Santa Clara.....	28,689,450
20	Santa Cruz.....	--
21	Shasta.....	--
22	Sierra.....	--
23	Siskiyou.....	--
24	Solano	6,242,661
25	Sonoma	6,162,466
26	Stanislaus	3,506,297
27	Sutter.....	--
28	Tehama.....	--
29	Trinity	--
30	Tulare.....	--
31	Tuolumne	--
32	Ventura.....	9,734,190
33	Yolo.....	--
34	Yuba.....	--

- 35
- 36 (2) (A) This subparagraph is intended to set forth the amount of the revenue
37 maintenance of effort payment for each county as modified by the
38 reductions in Sections 68085.2 and 68085.7.
- 39 (B) The following amounts are based on an amount of fine and forfeiture
40 revenue remitted to the state pursuant to Sections 27361 and 76000 of this
41 code, Sections 1463.001, 1463.07, and 1464 of the Penal Code, and
42 Sections 42007, 42007.1, and 42008 of the Vehicle Code during the 1994-
43 95 fiscal year, as set forth in paragraph (2) of subdivision (b) of Section
44 77201.1, reduced by the following: (1) the amount determined under
45 Section 68085.2, and (2) the amount determined under subdivision (b) of

Section 68085.7, including, where applicable, any adjustment under paragraph (1) of subdivision (b) of Section 68085.8.

<u>Jurisdiction</u>	<u>Amount</u>
Alameda	\$7,529,814
Alpine.....	58,459
Amador	261,618
Butte.....	797,512
Calaveras.....	298,247
Colusa	394,002
Contra Costa.....	3,136,407
Del Norte.....	120,598
El Dorado.....	732,606
Fresno.....	3,536,164
Glenn.....	293,014
Humboldt	933,601
Imperial	1,075,275
Inyo	610,438
Kern.....	5,247,051
Kings.....	759,717
Lake.....	133,003
Lassen	379,561
Los Angeles	47,023,566
Madera	1,025,684
Marin.....	2,010,028
Mariposa	131,611
Mendocino	541,037
Merced	1,600,227
Modoc	103,798
Mono.....	409,747
Monterey	2,662,998
Napa	710,832
Nevada	1,197,947
Orange.....	15,603,484
Placer.....	835,467
Plumas.....	154,384
Riverside	7,108,548
Sacramento.....	1,829,692
San Benito.....	270,940
San Bernardino.....	3,325,704
San Diego.....	13,501,132
San Francisco.....	3,123,814
San Joaquin	2,158,803
San Luis Obispo.....	1,754,131
San Mateo	2,527,355
Santa Barbara.....	3,117,677

1	<u>Santa Cruz.....</u>	<u>1,495,691</u>
2	<u>Shasta.....</u>	<u>574,383</u>
3	<u>Sierra.....</u>	<u>41,810</u>
4	<u>Siskiyou.....</u>	<u>482,082</u>
5	<u>Solano.....</u>	<u>1,931,765</u>
6	<u>Sonoma.....</u>	<u>1,439,188</u>
7	<u>Stanislaus.....</u>	<u>1,079,927</u>
8	<u>Sutter.....</u>	<u>644,174</u>
9	<u>Tehama.....</u>	<u>627,958</u>
10	<u>Trinity.....</u>	<u>102,233</u>
11	<u>Tulare.....</u>	<u>1,345,686</u>
12	<u>Tuolumne.....</u>	<u>277,573</u>
13	<u>Ventura.....</u>	<u>2,283,494</u>
14	<u>Yolo.....</u>	<u>464,030</u>
15	<u>Yuba.....</u>	<u>273,437</u>

16
17 (C) The amount remitted by the County of Santa Clara shall be \$10,961,293,
18 reduced as described in paragraphs (i) and (ii) below. The amount of
19 \$10,961,293 is based on an amount of fine and forfeiture revenue remitted
20 to the state pursuant to Sections 27361 and 76000 of this code, Sections
21 1463.001, 1463.07, and 1464 of the Penal Code, and Sections 42007,
22 42007.1, and 42008 of the Vehicle Code during the 1994-95 fiscal year, as
23 set forth in paragraph (2) of subdivision (b) of Section 77201.1, reduced by
24 the amount determined under Section 68085.2.

25 (i) For the County of Santa Clara, the remittance under this subdivision for
26 each fiscal year shall be reduced by an amount equal to the following:
27 one-half of the amount calculated by subtracting from the net civil
28 assessments received in that county in that fiscal year the budget
29 reduction for the Superior Court of Santa Clara County for that fiscal
30 year attributable to the reduction of the counties' payment obligation
31 from \$31 million (\$31,000,000). The reduction of the counties'
32 payment obligation is the difference between the counties' payment
33 obligation under subdivision (a) of Section 68085.6 for that fiscal year
34 and thirty-one million dollars (\$31,000,000). "Net civil assessments"
35 as used in this paragraph means the amount of civil assessments
36 collected minus the costs of collecting those civil assessments, under
37 guidelines of the State Controller.

38 (ii) The reduction under described in paragraph (i) shall not exceed two
39 million five hundred thousand dollars (\$2,500,000) in any fiscal year.
40 When the reduction for a fiscal year has reached two million five
41 hundred thousand dollars (\$2,500,000), the amount that the county is
42 required to remit to the state under (a) of this Section in each
43 subsequent fiscal year shall be \$8,461,293.

44 (b) Except as otherwise specifically provided in this section, county remittances
45 specified in subdivision (a) shall not be increased in subsequent years.

- 1 (c) Except for those counties with a population of 70,000, or less, on January 1, 1996,
2 the amount a county is required to remit pursuant to paragraph (1) of subdivision (a)
3 shall be adjusted by the amount equal to any adjustment resulting from the
4 procedures in subdivisions (c) and (d) of Section 77201 as that section read on June
5 30, 1998, to the extent a county filed an appeal with the Controller with respect to
6 the findings made by the Department of Finance. This paragraph shall not be
7 construed to establish a new appeal process beyond what was provided by Section
8 77201, as that section read on June 30, 1998.
- 9 (d) Any change in statute or rule of court that either reduces the bail schedule or
10 redirects or reduces a county's portion of fee, fine, and forfeiture revenue to an
11 amount that is less than (1) the fees, fines, and forfeitures retained by that county,
12 and (2) the county's portion of fines and forfeitures transmitted to the state in the
13 1994-95 fiscal year, shall reduce that county's remittance specified in paragraph (2)
14 of subdivision (a) by an equal amount. Nothing in this paragraph is intended to limit
15 judicial sentencing discretion.
- 16 (e) Nothing in this section is intended to relieve a county of the responsibility to provide
17 necessary and suitable court facilities pursuant to Section 68073.
- 18 (f) Nothing in this section is intended to relieve a county of the responsibility for
19 justice-related expenses not included in Section 77003 that are otherwise required of
20 the county by law, including, but not limited to, indigent defense representation and
21 investigation, and payment of youth authority charges.
- 22 (g) County base year remittance requirements specified in paragraph (2) of subdivision
23 (a) incorporate specific reductions to reflect those instances where the Department of
24 Finance has determined that a county's remittance to both the General Fund and the
25 Trial Court Trust Fund during the 1994-95 fiscal year exceeded the aggregate
26 amount of state funding from the General Fund and the Trial Court Trust Fund. The
27 amount of the reduction was determined by calculating the difference between the
28 amount the county remitted to the General Fund and the Trial Court Trust Fund and
29 the aggregate amount of state support from the General Fund and the Trial Court
30 Trust Fund allocated to the county's trial courts. In making its determination of
31 whether a county is entitled to a reduction pursuant to that paragraph, the
32 Department of Finance subtracted from county revenues remitted to the state, all
33 moneys derived from the fee required by Section 42007.1 of the Vehicle Code and
34 the parking surcharge required by subdivision (c) of Section 76000.
- 35 (h) Notwithstanding subdivision (g), the Department of Finance shall not reduce a
36 county's base year remittance requirement, as specified in paragraph (2) of
37 subdivision (a), if the county's trial court funding allocation was modified pursuant
38 to the amendments to the allocation formula set forth in paragraph (4) of subdivision
39 (d) of Section 77200, as amended by Chapter 2 of the Statutes of 1993, to provide a
40 stable level of funding for small county courts in response to reductions in the
41 General Fund support for the trial courts.