

State Legislators Agree on Most Judicial-Branch Priorities

By Gary Scott

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SACRAMENTO - Lawmakers on Tuesday resolved most of their remaining differences over which judicial-branch priorities to fund and with how much money.

Generally, legislators on the Assembly side showed more reluctance to spend on new programs or projects, using their votes on a legislative budget committee to strip millions from the funding recommendations made by the Senate and the governor.

The Senate, for example, asked for \$25.6 million to bolster trial-court security. The Assembly cut that to zero. The governor requested \$5 million for a Civil Gideon pilot project in the state. The Assembly slashed the earmark in half, to \$2.5 million, and directed the money to self-help clinics.

Last week, Assembly committee members scuttled a \$3.2 million plan to boost staffing at the Administrative Office of the Courts, and capped the number of new judges to be hired at 50, even though both the Senate and the governor were ready to go ahead with 100 over two years.

The Judicial Council did walk away with a few victories. The Senate wanted and got \$13.1 million to start new trial-court construction projects in nine counties. The council also considered the new judgeships a win.

"I hope we can continue to work on the court-security issue," said Eraina Ortega, governmental advocate for the Judicial Council of California.

Ortega also held out hope the Senate would win the day on an enhanced retirement package for judges that is expected to cost \$11 million a year to start.

The retirement plan appears to be a long shot, however, and is alive only because of the stalwart support of Sen. Denise Moreno Ducheny, D-San Diego. She is one of six legislators negotiating spending items on the Budget Conference Committee.

"Obviously, all of us have to make priorities in the budget," Ducheny said about why the Assembly appeared more reticent to fund judicial priorities. "Everybody has concerns about making sure money is getting to the local trial courts and that it is being spent effectively."

Depending on whom one asks, the reason for the Assembly's fiscal restraint in judicial matters varies, from simple philosophical differences with the Senate, to penny-pinching for the sake of giving more to social services programs, to implementing a strategy that keeps more money on the table in future years for negotiating labor contracts.

"The question that all the unions have raised is, How much money are we getting at the trial-court level to bargain from?" Ducheny said. "The counties that were funding folks high [before the state takeover] have different needs."

Fredericka McGee, general counsel to Assembly Speaker Fabian Núñez, said that, in some cases, the Assembly had yet to fully vet the fiscal impacts of the proposal before it reached conference committee. In other cases, the Assembly was concerned about committing to funding ongoing programs, "especially when we're cutting social services money for kids and poor families."

"There are different dynamics on different issues," McGee said.

For example, she said the Assembly had nagging concerns that the \$25.6 million trial-court security proposal lacked necessary cost controls and staffing standards. And her words gave little hope for compromise on the judicial retirement package.

"I have never seen a situation like the retirement issue," McGee said. "Everyone is saying it is a bad idea - the legislative analyst's office, the Finance Department, the Assembly - and the Senate is the last man standing on that."

Ducheny said she hoped to broker some kind of agreement that at least keeps the retirement proposal alive so it can be made more palatable to the Assembly.

Some on the Assembly side would have preferred that the judicial branch pay for any new staff or programs out of its annual adjustment, called the State Appropriations Limit, rather than through separate appropriations that could have long-term budget implications.

"One house feels that the court should live within SAL, and the other thinks there should be

enhancements," said Assemblyman Roger Niello, R-Sacramento, vice chairman of legislative budget committee.

Ortega acknowledged that Judicial Council proposals generally received a more favorable reception in the Senate than in the Assembly. But with a couple of funding issues still on the table, she tread lightly when asked why this might be.

"There's a general concern about the state's fiscal situation," Ortega said.

The constitutional deadline to pass the state budget expired Friday to little fanfare or surprise. The legislative budget committee was continuing to meet late Tuesday to hash out differences between the two houses on a host of other budget items.

H.D. Palmer, spokesman for the Finance Department, said last week that he thinks a budget will be ready for the governor's signature before the end of the month and the start of the new fiscal year.

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