



House of Representatives

General Assembly

File No. 555

February Session, 2010

Substitute House Bill No. 5148

House of Representatives, April 15, 2010

The Committee on Appropriations reported through REP. GERAGOSIAN of the 25th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING FUNDING FOR THE JUDICIAL BRANCH.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4-73 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2010*):

3 (a) Part II of the budget document shall present in detail for each
4 fiscal year of the ensuing biennium the Governor's recommendation
5 for appropriations to meet the expenditure needs of the state from the
6 General Fund and from all special and agency funds classified by
7 budgeted agencies and showing for each budgeted agency and its
8 subdivisions: (1) A narrative summary describing the agency, the
9 Governor's recommendations for appropriations for the agency and a
10 list of agency programs, the actual expenditure for the last-completed
11 fiscal year, the estimated expenditure for the current fiscal year, the
12 amount requested by the agency and the Governor's recommendations
13 for appropriations for each fiscal year of the ensuing biennium; and (2)
14 a summary of permanent full-time positions by fund, setting forth the

15 number filled and the number vacant as of the end of the last-
16 completed fiscal year, the total number intended to be funded by
17 appropriations without reduction for turnover for the fiscal year in
18 progress, the total number requested and the total number
19 recommended for each fiscal year of the biennium to which the budget
20 relates.

21 (b) In addition, programs shall be supported by: (1) The statutory
22 authorization for the program; (2) a statement of program objectives;
23 (3) a description of the program, including a statement of need,
24 eligibility requirements and any intergovernmental participation in the
25 program; (4) a statement of performance measures by which the
26 accomplishments toward the program objectives can be assessed,
27 which shall include, but not be limited to, an analysis of the workload,
28 quality or level of service and effectiveness of the program; (5)
29 program budget data broken down by major object of expenditure,
30 showing additional federal and private funds; (6) a summary of
31 permanent full-time positions by fund, setting forth the number filled
32 and the number vacant as of the end of the last-completed fiscal year,
33 the total number intended to be funded by appropriations without
34 reduction for turnover for the fiscal year in progress, the total number
35 requested and the total number recommended for each fiscal year of
36 the biennium to which the budget relates; (7) a statement of
37 expenditures for the last-completed and current fiscal years, the
38 agency request and the Governor's recommendation for each fiscal
39 year of the ensuing biennium and, for any new or expanded program,
40 estimated expenditure requirements for the fiscal year next succeeding
41 the biennium to which the budget relates; and (8) an explanation of
42 any significant program changes requested by the agency or
43 recommended by the Governor.

44 (c) (1) There shall be a supporting schedule of total agency
45 expenditures including a line-item, minor object breakdown of
46 personal services, energy costs, contractual services and commodities
47 and a total of state aid grants and equipment, showing the actual
48 expenditures for the last-completed fiscal year, estimated expenditures

49 for the current fiscal year and requested and recommended
50 appropriations for each fiscal year of the ensuing biennium, classified
51 by objects according to a standard plan of classification.

52 (2) In addition, the supporting schedule of agency energy costs shall
53 be supported by a statement of the agency's plans for energy
54 conservation in each fiscal year of the ensuing biennium, and a
55 statement of the progress the agency has made in the last-completed
56 fiscal year concerning energy conservation.

57 (d) All federal funds expended or anticipated for any purpose shall
58 be accounted for in the budget. The document shall set forth a listing
59 of federal programs, showing the actual expenditures for the last-
60 completed fiscal year, estimated expenditures for the current fiscal
61 year and anticipated funds available for expenditure for each fiscal
62 year of the ensuing biennium. Such federal funds shall be classified by
63 program in each budgeted agency but shall not include research grants
64 made to educational institutions.

65 (e) Part II of the budget document shall also set forth the budget
66 recommendations for the capital program, to be supported by
67 statements listing the agency's requests and the Governor's
68 recommendations with the statements required by section 4-78.

69 (f) The appropriations recommended for the legislative branch of
70 the state government shall be the estimates of expenditure
71 requirements transmitted to the Secretary of the Office of Policy and
72 Management by the Joint Committee on Legislative Management
73 pursuant to section 4-77 and the recommended adjustments and
74 revisions of such estimates shall be the recommended adjustments and
75 revisions, if any, transmitted by said committee pursuant to said
76 section 4-77.

77 (g) The appropriations recommended for the judicial branch of the
78 state government shall be the estimates of expenditure requirements
79 transmitted to the Secretary of the Office of Policy and Management by
80 the Chief Court Administrator pursuant to section 4-77 and the

81 recommended adjustments and revisions of such estimates shall be the
82 recommended adjustments and revisions, if any, transmitted by said
83 administrator pursuant to said section 4-77.

84 Sec. 2. Section 4-85 of the 2010 supplement to the general statutes is
85 repealed and the following is substituted in lieu thereof (*Effective July*
86 *1, 2010*):

87 (a) Before an appropriation becomes available for expenditure, each
88 budgeted agency shall submit to the Governor through the Secretary of
89 the Office of Policy and Management, not less than twenty days before
90 the beginning of the fiscal year for which such appropriation was
91 made, a requisition for the allotment of the amount estimated to be
92 necessary to carry out the purposes of such appropriation during each
93 quarter of such fiscal year. The initial allotment requisition for each
94 line item appropriated to the Judicial Branch for any fiscal year shall be
95 equal to the amount appropriated to such line item for the fiscal year.
96 Appropriations for capital outlays may be allotted in any manner the
97 Governor deems advisable. Such requisition shall contain any further
98 information required by the Secretary of the Office of Policy and
99 Management. The Governor shall approve such requisitions, subject to
100 the provisions of subsection (b) of this section.

101 (b) Any allotment requisition and any allotment in force shall be
102 subject to the following: (1) If the Governor determines that due to a
103 change in circumstances since the budget was adopted certain
104 reductions should be made in allotment requisitions or allotments in
105 force or that estimated budget resources during the fiscal year will be
106 insufficient to finance all appropriations in full, the Governor may
107 modify such allotment requisitions or allotments in force to the extent
108 the Governor deems necessary. Before such modifications are effected
109 the Governor shall file a report with the joint standing committee
110 having cognizance of matters relating to appropriations and the
111 budgets of state agencies and the joint standing committee having
112 cognizance of matters relating to state finance, revenue and bonding
113 describing the change in circumstances which makes it necessary that

114 certain reductions should be made or the basis for his determination
115 that estimated budget resources will be insufficient to finance all
116 appropriations in full. (2) If the cumulative monthly financial
117 statement issued by the Comptroller pursuant to section 3-115 includes
118 a projected General Fund deficit greater than one per cent of the total
119 of General Fund appropriations, the Governor, within thirty days
120 following the issuance of such statement, shall file a report with such
121 joint standing committees, including a plan which he shall implement
122 to modify such allotments to the extent necessary to prevent a deficit.
123 No reduction of an allotment requisition by the Judicial Branch or an
124 allotment in force for the Judicial Branch shall be made by the
125 Governor pursuant to this subsection unless such proposed reduction
126 has first been submitted to the joint standing committee of the General
127 Assembly having cognizance of matters relating to appropriations and
128 the budgets of state agencies and said committee has, after a public
129 hearing, approved such reduction. If said committee fails to act on
130 such submission within thirty days of receipt thereof, the allotment
131 reduction shall be deemed approved. No modification of an allotment
132 requisition or an allotment in force made by the Governor pursuant to
133 this subsection shall result in a reduction of more than three per cent of
134 the total appropriation from any fund or more than five per cent of any
135 appropriation, except such limitations shall not apply in time of war,
136 invasion or emergency caused by natural disaster.

137 (c) If a plan submitted in accordance with subsection (b) of this
138 section indicates that a reduction of more than three per cent of the
139 total appropriation from any fund or more than five per cent of any
140 appropriation is required to prevent a deficit, the Governor may
141 request that the Finance Advisory Committee approve any such
142 reduction, provided any modification which would result in a
143 reduction of more than five per cent of total appropriations shall
144 require the approval of the General Assembly.

145 (d) The secretary shall submit copies of allotment requisitions thus
146 approved or modified or allotments in force thus modified, with the
147 reasons for any modifications, to the administrative heads of the

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes procedural changes to the Judicial Department's budgeting process, which would have no fiscal impact. Specifically, the bill prohibits the Office of Policy and Management from revising the Judicial Department's budget request prior to transmittal to the Legislature. It also requires that any proposed reduction by the Governor to the Judicial Department's budget be submitted to and approved by the Appropriations Committee.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5148*****AN ACT CONCERNING FUNDING FOR THE JUDICIAL BRANCH.*****SUMMARY:**

This bill requires the governor's recommended budget to incorporate, without change, the Judicial Branch's estimated budget appropriation, adjustments, and revisions as transmitted by the chief court administrator to the Office of Policy and Management (OPM) secretary. The law already applies these provisions to submissions from the Legislative Management Committee for the Legislative Branch.

The bill also requires the initial allotment requisition for each line item appropriated to the Judicial Branch for a fiscal year to be equal to the amount appropriated for the line item for the fiscal year.

The law allows the governor to reduce allotment requisitions or allotments in force up to certain amounts under certain circumstances (see BACKGROUND). The bill prohibits her from reducing a Judicial Branch allotment requisition or allotment in force unless it is submitted to the Appropriations Committee and the committee (1) approves it after a public hearing or (2) takes no action within 30 days of receiving it. As under current law, the governor cannot reduce allotments for a budgeted agency of the Judicial Branch but can require an aggregate allotment reduction of a specified amount, which the chief court administrator must achieve.

EFFECTIVE DATE: July 1, 2010

BACKGROUND***Governor's Authority to Reduce Allotment Requisition or Allotments in Force***

By law, the governor can reduce an allotment requisition or allotment in force due to changed circumstances since the budget's adoption, after reporting to the Appropriations and Finance, Revenue and Bonding committees. If the comptroller's cumulative monthly financial statement shows a General Fund deficit of more than 1% of total General Fund appropriations, the governor must file a report with these two committees within 30 days and implement the plan modifying allotments to prevent the deficit.

Modifications cannot reduce the total appropriation from any fund by more than 3% or any appropriation by more than 5%, unless it is a time of war, invasion, or natural disaster emergency. If the governor's plan calls for higher reductions, she can request approval by the Finance Advisory Committee, but any modification of more than 5% of total appropriations requires the General Assembly's approval.

The law prohibits the governor from reducing allotments for any budgeted agency of the Judicial Branch but she can require an aggregate allotment reduction of a specified amount according to these provisions which the chief court administrator must achieve. Identical provisions apply to reductions by the Legislative Management Committee for the Legislative Branch (CGS § 4-85).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Change of Reference
 Yea 28 Nay 6 (03/03/2010)

Appropriations Committee

Joint Favorable Substitute
 Yea 33 Nay 18 (03/25/2010)