



**STATE OF CONNECTICUT**  
**OFFICE OF POLICY AND MANAGEMENT**

*TESTIMONY PRESENTED TO THE JUDICIARY COMMITTEE*  
*February 26, 2010*

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Testimony Opposing House Bill No. 5148

AN ACT CONCERNING FUNDING FOR THE JUDICIAL BRANCH

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Senator McDonald, Representative Lawlor and distinguished members of the Judiciary Committee, thank you for the opportunity to offer testimony on House Bill No. 5148, An Act Concerning Funding for the Judicial Branch.

While I appreciate the sentiments and frustrations that no doubt gave rise to this legislation, I must strongly oppose it.

Like virtually every other state, we have had to manage our state budget in the midst of the worst economic downturn in many years. Difficult choices have had to be made and expenditures have had to be curtailed as a result of the budget enacted last year. Due to the continued deterioration in revenue and the unanticipated increases in requirements for expenditures, the Governor has this year made recommendations for adjustments to that budget that will require even more in the way of sacrifice. The Governor and General Assembly elected this fall will grapple next year with a budget situation that will likely be little improved from the one we are dealing with today.

Put simply, House Bill 5148 will not do anything to make any of that any better. On the contrary, I firmly believe it will only make these difficult matters even worse.

The Governor has the responsibility for recommending to the General Assembly a balanced budget for the state. The General Assembly has the responsibility for enacting a balanced budget for the State. The current process reflects a constitutional procedure of checks and balances. A proposal is made by the Judicial Branch. It is reviewed and revised by the Governor, and after Executive Branch, Judicial Branch and public input, a budget is adopted by the Legislative Branch. What public purpose is served by denying the Governor the opportunity to give her considered opinion as to what constitutes an appropriate budget for the Judicial Branch?

Section 2 of the bill would require that the Governor recommend a budget for the Judicial Branch that she may not believe is warranted or affordable. It furthermore complicates the Governor's job of recommending a balanced budget since she must find revenue to support the Judicial Branch budget with no control over the

recommended amount of that budget. It makes the Judicial Branch portion of the Governor's recommended budget the work product of the Judicial Branch and not the Governor.

It is important to note that the Governor does not determine the Judicial Branch's budget. She merely makes a recommendation to this General Assembly which can then adopt a budget for the Judiciary without regard to the Governor's recommendation....or the Judicial branch's request. The only thing that this proposed change would accomplish would be to deprive the Governor of the ability to make a recommendation concerning an important part of the state budget.

OPM has the responsibility for recommending to the Governor a number of methods for administering the state budget. This includes the administrative "holdback" of quarterly allotments which is necessitated by the "below the line" administrative savings that are routinely required in every state budget. As for these holdbacks, the budget enacted last year provided for an unprecedented level of administrative savings that required an unprecedented level of holdbacks. Every executive, legislative and judicial agency of the state was affected.

For fiscal year 2010, the Governor held back 5.39% of the branch's Personal Services (PS) appropriation and 17.22% of the branch's Other Expenses (OE) appropriation, leaving the branch with 94.61% of its PS appropriation and about 83.7% of its OE appropriation.

By way of comparison, after PS and OE holdbacks, the Department of Social Services was left with 92.22% of PS and 78.23% of OE. For the Department of Developmental Services, the figures were 94.4% and 81.85%. For the Department of Mental Health and Addiction Services, the figures were 91.99% and 65.56%. For the Department of Public Health, it was 90.08% and 68.04%. In other words, in both PS and OE categories, Judicial was cut less than the 4 main health and human services agencies of our state that provide services to our most vulnerable citizens. For what it's worth, the branch also fared better than OPM in both categories (OPM was left with 89.95% PS and 65.63% OE). (See attached charts)

Another method for the Governor to control spending in cases of emerging budget deficits is the rescission authority. It should be noted that the Governor has already ordered \$51 million in General Fund rescissions for fiscal year 2010 but no rescissions have been made in FY '10 that impact the Judicial Branch.

Since the evidence is that the Judicial Branch was not treated any differently than other important state agencies in the Executive Branch, and, in fact, has fared better than some of the most important and critical state agencies, what, exactly, is the purpose of this bill?

While it is not exactly clear what the new language in section 3 is attempting to provide for, it appears to restrict the ability of the Governor to administer the enacted state budget by requiring that allotments to the Judicial Branch be identical to the

appropriated line item, without regard to any other part of the budget that requires administrative savings in order to balance the overall budget. It requires that for any reduction in allotments to the branch to be made, there must be a proposal made to the Appropriations Committee, a hearing held and action by that committee in order for a reduction in an allotment to occur. This will place the Judicial Branch, not on a level playing field with the Executive and Legislative Branches, but on an enhanced playing field.

Even if one were to concur with the merits of this allotment review proposal, it must be noted that it will oddly single out the Judicial Branch allotments for special scrutiny while ignoring the rest of the state government. While I certainly recognize that the judicial function is an important governmental function, it is not the only important governmental function. Given the savings requirements enacted last year this would force even deeper cuts in other agencies.

No agency or branch should be exempt from the difficult sacrifices that have to be made to carry out the enacted state budget. The judicial function is important, but it is not more important than providing for education or health and human services to our most disadvantaged citizens. The agencies involved in those critical functions had to make adjustments in this difficult budget. The Judicial Branch can and should make its share of adjustments. They have not been asked to make more.

The cuts to the Judicial Branch are simply a result of the budget that the General Assembly enacted last summer. If the General Assembly is not happy with the results of the enacted budget, I am happy to work on any revisions to that budget so long as the budget is balanced.

I thank you for the opportunity to offer this testimony and would be happy to answer any questions that you may have.

# FY 2010 PS Holdback Comparison

AGENCY_CODE	AGENCY_TITLE	FUND_CODE	CODE_SID	CODE_SID_TITLE	APPROPRIATION	gen_ps_adj_amt	ps_reduction_savings	mgmt_lapse	total
LPR11700	Latino and Puerto Rican Affairs	11000	10010	Personal Services	273,390	0	6,808	1,268	265,314
LGO13000	Lieutenant Governor's Office	11000	10010	Personal Services	448,000	3,197	5,893	5,071	433,839
CAA11900	African-American Affairs Comm	11000	10010	Personal Services	181,856	0	5,938		175,918
APA11000	Auditors of Public Accounts	11000	10010	Personal Services	12,017,107	0	271,429	148,327	11,597,351
SOS12500	Secretary of the State	11000	10010	Personal Services	1,650,000	11,776	42,415	3,803	1,592,006
COA11400	Commission on Aging	11000	10010	Personal Services	210,401	0	6,339	1,268	202,794
OLM10000	Legislative Management	11000	10010	Personal Services	43,709,641	311,952	813,274	565,416	42,018,999
DOC88000	Department of Correction	11000	10010	Personal Services	435,292,324	3,106,645	12,874,004	963,489	418,348,186
OSC15000	State Comptroller	11000	10010	Personal Services	22,405,656	159,907	823,017	60,852	21,361,880
DCF91000	Department of Children and Far	11000	10010	Personal Services	288,602,268	2,059,730	11,375,649	0	275,166,889
JUD95500	Judicial Department	11000	10010	Personal Services	32,017,316	2,291,074	14,113,255	888,692	303,724,295
APC11950	Asian Pacific American Affairs C	11000	10010	Personal Services	24,905	0	0	1,268	23,637
DSS50000	Department of Developmental S	11000	10010	Personal Services	305,242,900	2,178,493	14,771,617	152,130	288,140,660
GOV12000	Governor's Office	11000	10010	Personal Services	2,780,000	19,841	113,189	44,371	2,602,619
OAG29000	Attorney General	11000	10010	Personal Services	31,317,674	223,512	1,635,164	252,282	29,206,716
DCJ30000	Division of Criminal Justice	11000	10010	Personal Services	48,884,236	-348,883	-2,469,322	-627,535	45,438,496
DPS32000	Department of Public Safety	11000	10010	Personal Services	129,709,605	925,727	8,358,636	115,365	120,309,877
OTT14000	State Treasurer	11000	10010	Personal Services	4,105,709	29,302	253,627	17,748	3,805,032
DSS60000	Department of Social Services	11000	10010	Personal Services	120,822,641	862,301	8,436,543	102,688	111,421,109
MHA53000	Department of Mental Health ar	11000	10010	Personal Services	210,530,850	2,038,095	14,492,392	335,953	193,664,410
CSW11500	Commission on the Status of W	11000	10010	Personal Services	375,777	0	32,511	1,268	341,998
DPH46500	Department of Public Health	11000	10010	Personal Services	33,734,745	240,762	3,033,507	70,994	30,369,482
OPM20000	Office of Policy and Managemen	11000	10010	Personal Services	15,388,813	109,829	1,323,825	112,830	13,842,329
CCY11600	Commission on Children	11000	10010	Personal Services	443,264	0	108,949		334,315

# FY 2010 General Fund OE Holdbacks

	Appropriation	General OE Adjustment	Reduce OE 2007 Level	Contracts Savings	Total Available After Lapses	Percentage Available After Lapses
Legislative Management	16,890,317	415,440	2,004,033	428,061	14,042,783	83.1%
Department of Public Works	26,785,784	658,832	668,639	3,183,500	22,274,813	83.2%
Department of Public Safety	29,997,894	737,839	0	5,317,303	23,942,752	79.8%
Department of Environmental Protection	3,456,277	85,012	0	612,688	2,758,577	79.8%
Commission on Culture and Tourism	857,658	21,095	0	383,783	452,780	52.8%
Department of Economic and Community Development	1,505,188	37,022	0	239,131	1,229,035	81.7%
Department of Public Health	5,549,136	136,488	0	1,636,931	3,775,717	68.0%
Department of Developmental Services	27,093,834	666,409	566,199	3,685,463	22,175,763	81.8%
Department of Mental Health and Addiction Services	34,667,107	916,635	2,707,056	8,317,188	22,726,228	65.6%
Department of Social Services	88,148,799	2,168,139	474,194	16,545,408	68,961,058	78.2%
Department of Education	16,689,076	410,490	0	3,058,921	13,219,665	79.2%
Department of Correction	84,791,809	2,085,569	9,506,572	6,268,886	66,930,782	78.9%
Department of Children and Families	46,185,390	1,135,992	613,092	7,089,543	37,346,763	80.9%
Judicial Department	74,956,525	1,843,657	7,818,118	2,558,880	62,735,870	83.7%
All Other Agencies	68,358,930	1,661,875	2,170,715	11,368,178	53,158,162	77.8%

