



STATE OF CONNECTICUT
JUDICIAL BRANCH

CHAMBERS OF
BARBARA M. QUINN
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**Testimony of Barbara M. Quinn
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Judiciary Committee Public Hearing
February 26, 2010**

House Bill 5148, An Act Concerning Funding for the Judicial Branch

Good morning, Senator McDonald, Representative Lawlor, Senator Kissel, Representative O'Neill and members of the Judiciary Committee. My name is Barbara M. Quinn, and I am the Chief Court Administrator. I appear before you today to testify in strong support of **House Bill 5148, *An Act Concerning Funding for the Judicial Branch***. Thank you for raising this bill.

When I testified before this Committee in January, I concluded my remarks by posing a series of questions. I would like to begin my testimony this morning by reiterating those questions, because they speak directly to the importance of enacting this proposal.

The ultimate question for you as a Legislature is this: What kind of Judicial Branch do you want to have in Connecticut? Is it a Branch that provides services to citizens in reasonable proximity to where they live? Is it a Branch that has an adequate number of judges and support staff to serve the public and ensure that people have timely access to justice? Is it a Branch that is in the forefront of new and innovative programming that actually reduces crime and costs to the State and its communities? Is it a Branch that can continue to work effectively and cooperatively with its Legislative and Executive partners? Or, is it a Branch that struggles to meet its traditional statutory and constitutional responsibilities because of incessant budgetary conflict and uncertainty?

As you know, the Judicial Branch is facing an enormous and unexpected budget shortfall for the current fiscal year. This shortfall is the result of a series of unprecedented and unworkable allotment reductions that have been imposed on the Branch's *Other Expense* account. These reductions have forced unwanted cuts to programs and services that are in direct opposition to Legislative intent, and, most importantly, they underscore a profound and critical structural problem in the manner in

which the Judicial Branch budget is proposed and managed. Whether or not this problem is addressed will have long term effects on the Judicial Branch and the public we serve.

The proposal before you would provide a remedy for the structural problems that exist in our budget process for FY2011 and beyond, and additionally will address the more immediate program cuts that have been made in FY2010. With your indulgence, I would like to address the broader, long-term issues first.

Long-Term Structural Issues:

To ensure that the Judicial Branch can continue to function as an independent, third branch of government, certain fundamental structural issues must be addressed. These issues include the manner in which the legislature receives the Branch's budget proposals, and the need to place appropriate limits on the ability of the Executive Branch to make unilateral allotment reductions and rescissions to the Branch's budget after a budget is adopted.

Under the current system the Judicial Branch's budget is handled in the same manner as Executive Branch agencies. The Branch's budget request is submitted to OPM, which is then free to reduce or modify the request without limitation before sending it on to the Legislature. The Legislature is not directly shown what the Branch originally requested. This is the identical process used for Executive Branch agencies, and it is not appropriate for a co-equal branch of government. It is also not the case in the majority of other states. According to the Bureau of Justice Statistics, in thirty-one states the Executive Branch does not have the authority to amend the Judicial Branch's budget.

Even more importantly, once adopted, the budget for the Judicial Branch is subject to unilateral allotment reductions and rescissions by the Executive Branch that regularly total tens of millions of dollars. These post-budget adoption reductions dramatically alter the intent of the Legislature and undermine the Branch's ability to meet its constitutional and legislative mandates.

The present budget system for the Judicial Branch is broken and needs to be replaced by one in which the Branch is treated as a co-equal partner in state government. This proposal would accomplish this by making changes at two important stages of the process. They are:

1) Budget Submitted to Legislature as Proposed by the Judicial Branch:

We believe that the Legislature should see what the Branch has requested and make its budget decisions based on that proposal, not on one that has already been cut and reshaped by the Executive Branch.

2) Concurrence in Allotment Reductions and Rescissions:

The most critical budget reform that we seek is one that would curb the unilateral and increasingly untenable budget reductions that are imposed upon the Branch after the legislature has adopted the budget. Virtually all of our budgetary problems over the past 2 years, and in particular this year, are the result of allotment reductions and rescissions about which neither the Branch nor the Legislature were consulted. The proposal before you today would require the concurrence of the Legislature's Appropriations Committee before any such reductions could occur.

These two changes, taken together, will increase the Legislature's role in the formulation and implementation of our budget. The changes will also provide the Branch with a level of budget certainty and consistency that is needed in order to implement legislative directives. This is particularly true in starting up and continuing new programs that have been statutorily mandated. At the same time, we want to emphasize that we do understand the present dire fiscal realities. Budget certainty is not the same as budget immunity, and we fully recognize that it is our obligation to always do our share, in good times and most particularly in the bad times in which the state now finds itself.

Short-Term FY 2010 Issues:

Turning to the problems we face in the present fiscal year, as I stated in my testimony before this Committee in January, actions taken over the past six months by the Executive and Legislative Branches have placed the Judicial Branch in an increasingly untenable budgetary position. New mandates given to the Branch by the Legislature, such as "Raise the Age" and other initiatives, are now in direct conflict with the disproportionate budget reductions imposed on us. The plain fact is that we do not have sufficient funding to institute new programs or expand existing ones. We are now taking a series of actions to narrow the gap as much as possible between available funding and expenses.

I have testified before both this Committee and the Appropriations Committee about the actions we are taking, so I will not detail again all specifics of those actions. None of the actions that I have previously outlined are ones we would otherwise choose to take, but they are among the few areas where some spending discretion can be exercised. They include not filling positions we believe need to be filled to recover from a prolonged hiring freeze and ERIP, closing three courthouses, closing six law libraries, putting off indefinitely the start-up of new programs associated with Raise the Age and the expansion of Family Support Centers, and not contracting for 60 new treatment beds that were originally funded under PA 08-01. In addition, funding for a variety of non-budgeted organizations that is passed through the Branch's *OE* line item will be being reduced from present levels or eliminated. These include the Connecticut Bar Foundation, for legal services to the poor, *Children in Placement* and *The Paul and Lisa Program*.

If some of the OE funding that has been lost is restored, then virtually all of these cuts can still be reversed in the months remaining in FY2010. We estimate that \$6.1 million would be required to resume these programs by April 1. The chart I have attached with my testimony outlines the specifics of this proposal. If fewer dollars are available, we would need to prioritize among them.

However, I cannot emphasize strongly enough money in the short term will not remedy our difficulties. **Only if** the structural changes in the present bill are enacted could the Judicial Branch in good conscience restore these programs in the last quarter of FY2010 and continue them in FY2011. As it stands presently, we expect that Judicial Branch funding will be reduced in FY2011 by at least as much as has been the case in FY2010. We cannot start new programs in April, only to notify the providers two months later that there is no money to continue them next fiscal year. This makes the passage of this bill even more critical, because it would, in those instances where the Appropriations Committee acts, protect the Branch from the OE reductions that caused this problem in the first place, and it would put in place additional safeguards for the future.

From the Branch's perspective, what happens going forward is even more important than what happens to resolve the present budget problems. Adequate funding is essential to carry out the will of the Legislature and to provide the services expected of a statewide court system. It is disheartening and frustrating to see an ever-widening gap between the programmatic responsibilities and mandates given to the Judicial Branch by the Legislature and the funds that are ultimately available to meet those critical and central duties. Responsibilities and mandates only seem to grow and expand while resources continue to shrink. This cannot continue.

In conclusion, for all these reasons I urge you to act favorably on this proposal. I will be happy to answer any questions that you may have.

FY 10 - \$6.1m Needed to Restore Programmatic Cuts and Eliminate Remaining OE Deficiency

I. OE deficit projection as of 1/31/10

\$725,000

II. Relief to providers funded from OE :

Paul and Lisa Program	32,000	- restart contract 4/1/10
Children in Placement	50,000	- restart original contract terms 4/1/10
Conn Bar Foundation	375,000	- 1/4 yr of FY 10 appropriation
	457,000	

III. Law Libraries in Bridgeport, Hartford, Litchfield to remain open

452,500 avoid closings on 7/1/10

IV. Resumption of cancelled OCE contract expansions and return to prior level funding:

Juvenile:

Family Support Center expansion	500,000	- 1/2 of 1/2 yr appropriation
Conn Jr Republic Funding	300,000	-annualized cost = 1,000,000
Flex funding	500,000	- was 835,000 in FY 09
RTA expansion	750,000	- approx 1/2 of 1/2 yr appropriation
IICAP	2,000,000	- transfer funds to DSS for FY 10 costs
	4,050,000	

Adult:

diversionary beds	420,000	- re-establish bed expansion from PA 08-01
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SUMMARY:	725,000	OE deficit as of 1/31/10
	457,000	partial yr payments to providers
	452,500	Libraries otherwise sched. for 7/1 closing
	4,050,000	resumption of Juvenile contracts
	420,000	resumption of Adult contracts
TOTAL	6,104,500	