

**AGENDA
SUBCOMMITTEE No. 4
ON STATE ADMINISTRATION**

ASSEMBLYMEMBER JUAN ARAMBULA, CHAIR

PART II

**TUESDAY, MAY 22, 2007
STATE CAPITOL, ROOM 447
10:00 A.M.**

PROPOSED CONSENT

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8120 COMMISSION ON PEACE OFFICER STANDARDS & TRAINING

ISSUE 1: TOLERANCE TRAINING

The Museum of Tolerance in Los Angeles has created the Tools for Tolerance professional development program. This program aims to assist law enforcement professionals in exploring the evolving role of law enforcement in an increasingly diverse and complex society. These courses examine the process of building trust and respect and attempt to enhance critical thinking skills in the areas of diversity, ethics, and values. The courses range from a daylong to four-day sessions and utilize the exhibits at the Museum of Tolerance in the training.

The Governor's budget proposes \$2 million in special funds to support Tools for Tolerance training for local law enforcement agencies authorized to receive training reimbursements from the Peace Officers' Training Fund.

COMMENTS

The Museum of Tolerance has developed, in conjunction with POST, a unique professional development program that could be useful for other professionals in state law enforcement. However, currently, the budget bill language limits the law enforcement professionals that can participate in this program to those that receive training reimbursements from the Peace Officers' Training Fund.

Additionally it has been indicated that sometimes the Tools for Tolerance training sessions have empty slots that cannot be funded by POST personnel. Therefore, it would be reasonable to fill these empty slots with other state law enforcement, including staff of the California Department of Corrections and Rehabilitation and the California Highway Patrol.

8550 CALIFORNIA HORSE RACING BOARD

ISSUE 1: SPRING FINANCE LETTER – IN HOUSE COUNSEL – CONSENT
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The California Horse Racing Board proposes to establish one in-house counsel position to replace a portion of the services currently provided by the California State Attorney General's Office. The establishment of in-house counsel will provide CHRB with legal staff familiar with the industry and horse racing law, allowing the CHRB to achieve more time-efficient resolutions and settlements.

CHRB seeks to establish this position by redirecting unallocated operating expenses and equipment funding; therefore, funding for this position result in no additional costs.

8940 MILITARY DEPARTMENT

**ISSUE 1: REAPPROPRIATION – CONSOLIDATED HEADQUARTERS COMPLEX –
CONSENT**

The May Revision includes a reappropriation request for the Military Department's Consolidated Headquarters Complex. The reappropriation is necessary to provide adequate time to survey the desired parcel of land, complete the formal appraisal and negotiate the cost of purchase option with the current owners of the land.

ISSUE 2: REAPPROPRIATION – MINOR PROJECTS – CONSENT

The May Revision includes a reappropriation request for minor project within the Military Department. The reappropriation is necessary to allow the Army Corps of Engineers to design and manage minor capital outlay project. However, due to the high demand for the Army Corps of Engineers services, the Military Department has been unable to begin these projects as quickly as originally planned.

0855 GAMBLING CONTROL COMMISSION

ISSUE 1: SUPPLEMENT REPORT LANGUAGE -- CONSENT

The Legislative Analyst's Office recommends approving the following Supplement Report Language:

Supplemental Report Language (Item 0855-001-0367): Audit Staffing, Workload, Productivity, and Results. No later than March 1, 2008, the California Gambling Control Commission shall submit to the Legislature updated workload information regarding its audit plan. The information shall include an update of the audit plan including the status of backlogged audits and how that affects the implementation of a three-year audit cycle, the updated number of hours to complete an audit, the outcomes of audits completed, the number of audit positions that have been filled and the number of vacancies, and an updated calculation of audit staff needs based on the most recent workload information. Should the administration submit a budget change proposal (BCP) for audit-related programs at CGCC on January 10, 2008, the BCP may be designated as the submission fulfilling this reporting requirement, provided that it includes all of the information described above and is distributed to all persons who receive responses to this supplemental report.

Supplemental Report Language (Item 0855-001-0367): Field Inspection and Technical Services (Gaming Device Testing) Programs. No later than March 1, 2008, the California Gambling Control Commission shall submit to the Legislature a report describing the activities of its field inspection and technical services programs, including: (1) an updated list of ratified and proposed tribal-state compacts that authorize state testing of gaming devices, (2) relevant measures of productivity by both of the programs (including, but not limited to, the number of devices tested and at how many facilities), (3) descriptions of significant problems discovered with gaming devices as a result of these programs' activities and measures taken to resolve the problems, (4) a measure of state revenues, if any, collected as a result of the programs' activities (including identification of any such revenues that overlap with those listed in the commission's report to the Legislature on audit program results), (5) an evaluation of the programs' workload and whether currently authorized staffing levels are sufficient for the commission to fulfill its responsibilities, and (6) any recommendations to the Legislature on budgetary, statutory, or other changes necessary to allow the commission to operate these programs in a more effective and productive manner. Should the administration submit a budget change proposal (BCP) related to these programs at CGCC on January 10, 2008, the BCP may be designated as the submission fulfilling this reporting requirement, provided that it includes all of the information described above and is distributed to all persons who receive responses to this supplemental report.

0552 OFFICE OF THE INSPECTOR GENERAL

ISSUE 1: LAWSUIT COMPLIANCE – CONSENT

The California Department of Corrections and Rehabilitation (CDCR) is currently under numerous court orders to change operations as a result of class action lawsuits in the federal courts. As a result, the Office of the Inspector General has been given new responsibilities by the federal courts in two lawsuits:

1. *Armstrong v. Schwarzenegger*, which found CDCR institutions and programs out of compliance with the Americans with Disabilities Act. The OIG is required to collaborate with CDCR to ensure accountability.
2. *Plata v. Schwarzenegger*, which found CDCR medical care was in violation of the U.S. Constitution. In this case the federal court has appointed a Receiver that is directing the operations of medical care at CDCR. The OIG has been order to ensure transparency and accountability of the Receiver's budget operations.

The May Revision includes \$191,000 in General Fund monies to support one new position to support the new workload associated with ensuring lawsuit compliance.

ISSUE 2: CALIFORNIA REHABILITATION OVERSIGHT BOARD

The recently enacted Assembly Bill 900 established the California Rehabilitation Oversight Board to evaluate CDCR rehabilitation and treatment programs. Furthermore, the Board is required to recommend changes to the Legislature and the governor through two semi-annual reports.

AB 900 also requires the Inspector General to be part of a three-member panel that will be responsible for verifying that certain conditions have been met before funds are distributed for the second phase of prison bed construction and jail bed construction.

The May Revision includes a proposal to provide \$810,000 and three permanent positions to support new workload associated with AB 900.

COMMENTS

The duties and responsibilities of the California Rehabilitation Oversight Board (C-ROB) are vastly different than the established investigative and auditing functions currently performed by the Office of the Inspector General. Therefore, there is a need to develop staff level program expertise.

However, as outlined in AB 900, the membership of the Rehabilitation Oversight Board will bring a high level of program expertise. According to statute, the eleven member board will have representative for academia, practitioners, and local law agencies. Therefore, it may not be necessary to establish all the positions requested by the OIG.

0690 OFFICE OF EMERGENCY SERVICES & OFFICE OF HOMELAND SECURITY

ISSUE 1: CRIME PREVENTION

Gang Violence: The persistence of gang culture within the state of California represents a tremendous challenge for urban and non-urban communities. No longer a mere inner city problem, gangs now operate in cities of all sizes throughout California. In fact, in 2005 the counties Los Angeles, Yolo, Ventura, Fresno, San Diego, Santa Clara, Sacramento and Santa Barbara were successful in obtain gang injunctions, signaling the geographic spread of gang violence. In 2003, the Department of Justice reported that 27.9 percent of homicides in California were gang related, in addition to numerous other illegal activities, including assault, theft and drug trafficking.

Currently, law enforcement has a number of tools to combat gang violence, most notably the usage of injunctions and sentence enhancements. Gang injunctions are a civil action identifying the gang behavior as a public nuisance, prohibiting the continuance of specific behaviors. Violators of the injunction face up to six months in jail and a \$1,000 fine. Sentence enhancements allow for an increased period of incarceration for gang related activity as a deterrent.

May Revision: The May Revision includes two proposals to curb gang violence: 1) establishing a Statewide Anti-Gang Coordination program and 2) the implementation of the Federal Anti-Gang Initiative Program.

The Statewide Anti-Gang Coordination program includes \$7.4 million (General Fund) and four positions to establish a State Anti-Gang Coordinator and support staff. The Anti-Gang Coordinator would be responsible for the coordination of anti-gang and gang prevention efforts and would serve as the lead for the development of a comprehensive statewide strategy to address the state's high intensity gang activity. In addition, the proposal includes \$7 million in local assistance funding to provide grants to local agencies.

In addition, the May Revision includes trailer bill language to increase the state penalty assessment from 20% to 40% to offset General Fund cost.

Domestic Violence: Prior to 2004, California provided three different categories of funding for victims of domestic violence: (1) shelter-based programs, (2) prevention programs, and (3) un-served and under-represented populations. However, due to the state's fiscal condition, the administration reprioritized the entirety of available funding for domestic violence to shelter-based programs. As a result, organizations that provide non-shelter based programming for under-served communities, no longer receive state assistance. Most notably left out are programs that sought to curb domestic violence within same-sex couples.

The majority of domestic violence shelters only provide services for women and children; thereby, excluding all men regardless of their sexuality. Additionally, research has demonstrated that within same-sex couples shelter programs are not effective solution for support victims of domestic violence.

Unfortunately, domestic violence remains a serious problem throughout communities across the state. In 2004, there were 186,439 domestic violence calls in California, which equates to 51.9 calls per 10,000 persons. Of those call, 97,736 involved weapons. According to Community United Against Violence, within the greater metropolitan area of Los Angeles and surrounding Southern California counties, one out of every three individuals within same-sex couple are experiencing domestic violence. Approximately 60% of all clients accessing Mental Health Services at the L.A. Gay & Lesbian Center have also been experiencing domestic violence.

Existing Law: Assembly Bill 2051 (Chapter 856, Statutes of 2006) requires a \$23 fee to be imposed upon registering domestic partnership for the development of a training curriculum to support domestic violence service providers of the LGBT community. The \$23 fee is to be deposited into the newly established Equality in Prevention and Services for Domestic Abuse Fund (EPSDA). In addition, the Office of Emergency Services is required to administer a grant program designed to provide resources to provide of the under-represented community. According to OES, the grant program has yet to commence due to a lack of funding.

COMMENTS

Through the legislative and budgetary process, the Legislature has committed itself and state resources to efforts seeking to reduce the quantity of violence within local communities and mitigate the impacts to victims.

The administration is proposal relating to gang appears to focus most of it efforts and resources at suppression activities. However, according to the Violence Prevention Coalition of Greater Los Angeles, gang violence is not purely a law enforcement problem, but community problem that must be dealt with in a variety of approaches implemented by law enforcement, community-based organizations, schools, public health professionals and others in an interactive and cooperative approach to gang prevention and intervention. Moreover, the state already provides approximately \$150 million for gang suppression related activities.

Additionally, with the enactment of AB 2051, the Legislature intended to broaden the availability of domestic violence services to California residents. Currently, the intent of Legislature is not being carried out due to a lack of resources with the EPSDA fund. However, the Restitution Fund, which derives a portion of its resources from domestic violence penalties, possess a health reserve, which could be allocated for this purpose.

ISSUE 2: LOCAL LAW ENFORCEMENT

Within the May Revision, the administration seeks to provide state resources (\$4 million from the Restitution Fund) to support four local law enforcement Internet Crimes Against Children (ICAC) Task Forces in San Diego, Los Angeles, San Jose and Sacramento. The purpose of these task forces is to investigate computer crimes against children by offenders using the Internet, on-line communication systems, and other technologies. According to OES, the proposal seeks to expand the effort of current task forces by allowing local agencies to add detectives.

LAO

Currently, federal funds provide \$1.07 million annually for this purpose. Whether additional funding for the program is appropriate remains unclear. Given the time constraints associated with May Revise, the LAO has unanswered questions as to the program's demonstrated ability to deter Internet predation of children, provide investigative resources that result in consistent arrests and convictions, and the program's workload. Additionally, a policy bill, SB 590 (Battin) that is currently on suspense in Senate Appropriations mirrors this budget request. That bill would allow state funding to augment federal funds for this purpose, as well as further define the activities and parameters of this program. As such, the LAO recommends that the Legislature reject the May Revision request without prejudice and instead allow the policy committees to first define this program and purpose.

COMMENTS

The state already provides tremendous amount of support to local law enforcement activities. In fact, the current year budget provided approximately \$407 million in new and existing programs for local law enforcement. Therefore, committee staff is concerned about place additional state resources into functions at already receive local and federal funding.

ISSUE 3: CALIFORNIA PORT SECURITY GRANT PROGRAM

The May Revision includes \$75 million (Transportation Security Account in the Highway Safety, Traffic Reduction, Air Quality, and Port Security Fund) to establish the California Port Security Grant Program.

California ports are essential to maintaining the viability of the state's economy and the economic health of the United States. In 2004, the ports of Los Angeles and Long Beach processed approximately \$243 billion worth of goods, equal to 10% of all U.S. trade. It is estimated that \$4.5 billion in cargo moves through the Port of San Diego every year. In addition, the 4th largest container port in the U.S., the Port of Oakland generates an annual economic impact of about \$7 billion annually and supports some 44,000 jobs in the region.

The Port Security Grant Program would provide grants to assist ports in preparing for, responding to, and protecting against acts of terrorism. Specifically, the resources will allow ports to implement security strategies developed the three Area Maritime Security Committee and the California Maritime Security Council.

LAO

While LAO would recommend approval of the proposal in general, associated trailer bill language (TBL), which provides guidelines as to the appropriate allocation and use of appropriated funds, should be amended to provide more effective oversight. Specifically, the LAO recommends adjustments to the local match requirements and the allocation process outlined in the proposed TBL.

As currently written, the local match requirement is very open-ended by allowing the counting of operating costs. The LAO recommends amending the TBL to specify that the match be tied to project costs. This will help provide an incentive for the grant recipients to have a vested interest in keeping the project costs contained. In addition, rather than guaranteeing grant amounts through a formula, applications should be reviewed on a competitive basis to ensure that projects chosen improve the state's overall security to the greatest extent possible. This would also help the Legislature better hold the administration accountable for its funding decisions.

COMMENTS

Staff is concerned about the rate of expenditure of available bonds. The requested amount reflects 75 percent of total bond funding. Moreover, the accompany trailer bill possess numerous drafting errors.

0820 DEPARTMENT OF JUSTICE

ISSUE 1: CALIFORNIA WITNESS PROTECTION PROGRAM AUGMENTATION

The Department of Justice is requesting \$223,000 of Restitution Fund authority and 2.0 positions to meet the California Witness Protection Program. DOJ is also requesting \$500,000 increase in local assistance funds and trailer bill language eliminating the five percent cap on administrative costs.

The May Revision included an additional local assistance augmentation of \$3 million for the Restitution Fund. The net result is a revised request of \$3.7 million.

The California Witness Protection Program (CWPP) is a key resource for local law enforcement agencies. Local district attorneys depend on the program to help finance the relocation of witnesses whom criminals or criminal organizations have threatened and who are willing to testify against them. Without CWPP service, threatened witnesses would not be willing to testify and prosecutors could not try some cases. CWPP is responsible for responding to all 58 county District Attorneys and historically at least 42 of counties submit cases each year.

Currently, DOJ has one full-time Associate Governmental Program Analyst and one part-time retired annuitant administering the current program. Since its inception in 1998 to 2005-06, workload for the program has grown 70 percent, with anticipated growth in the current year.

COMMENTS

During previous hearings, the subcommittee expressed sincere reservation about removing the statutory five percent cap on administrative services. However, if the subcommittee adopts the May Revision augmentation, the requested increase for administrative would fall below the five percent threshold.

**ISSUE 2: AUTOMATED SYSTEMS/ DATABASE REDESIGN AND RENOVATION
SUPPORT**

The Department of Justice is currently reconfiguring a variety of information databases to ensure and increase local law enforcement efforts. The department's actions are contained within two information technology projects: the Criminal Justice Information Systems Redesign and the Violent Crime Information Network Renovation Project.

The Criminal Justice Information System (CJIS) Redesign project is taking the existing databases functions of the Domestic Violence Restraining Order System, Stolen Vehicle/Automated Boat System and Wanted Persons System and migrating them into an open flexible environment.

The Violent Crime Information Network (VCIN) serves as the primary mechanism for local law enforcement agencies and the public to monitor the whereabouts of registered sex offenders. The renovation project seeks to reduce the network's limitation of the network to handle new responsibilities such as data entry processes for sex offender information and to address an unpredictably large Megan's Law Internet Website workload.

The Governor's budget includes \$538,000 (General Fund) and six three-year limited term positions to assist DOJ in the completion of the two projects.

On March 29, 2007, the Department of Finance submitted a Spring Finance letter requesting a reduction of \$76,000 to reflect the elimination of the Independent Project Oversight Consultant, the reappropriation of \$405,000 for VCIN.

COMMENTS

Previous, the Subcommittee expressed reservation about approval because the project lacked an approved feasibility study report. On May 21, 2007, the Department of Finance notified committee staff that the project has been technically approved.

ISSUE 3: MEGAN LAW WEBSITE

The Governor's budget proposes \$250,000 from the General Fund in the budget year for consultants to implement the changes to the Megan's Law website as required by AB 1849 (Statutes of 2006). The budget proposes that \$211,000 is for one-time costs and \$39,000 will cover an ongoing maintenance contract for the added components.

Additionally, the Governor's budget proposes \$517,000 from the General Fund in the budget for additional changes to the Megan's Law Website and to implement other requirements of SB 1128. The budget proposes that \$186,000 is for one-time costs and \$331,000 is for ongoing support for implementing provisions of SB 1128.

LAO

The LAO recommends reducing the DOJ BCP titled by \$221,000 and 2.1 positions. The LAO previously withheld a recommendation on this issue because part of the request was based on the assumption that there would be a 25% increase in Sexually Violent Predators, which would create workload for DOJ in representing Department Mental Health at hearings. However, the May revise states that the Department of Mental Health was reduced its estimates of Sexually Violent Predators by 50%. The LAO therefore recommends that this BCP be reduced by \$221,000 and 2.1 positions, as these positions should no longer be needed. The DOF finds that the LAO's adjustment should actually save only \$156,000.

ISSUE 4: DNA LIVE SCAN & APPLICANT EXPEDITE SERVICE— CONSENT

The Governor's budget includes \$2 million from the DNA Identification fund to eliminate the current manual DNA submission, collection and identification process that requires redundant key entry of DNA sample submission, which will increase efficiency, reduce errors and enhance the identification process.

Currently when DNA collection is needed, a local agency captures the offender's information on a handwritten card, a buccal swab is taken and thumbprints are captured. Once complete, the local agency mailed the information and sample to the DNA in Richmond to be added to the state's DNA Data Bank. This proposal will allow a local agency to capture everything electronically utilizing the existing Live Scan fingerprint technology located at local agencies.

The May Revision includes a reduction of \$1 million in spending authority for the Fingerprint Fees Account. Due to the increase number of fingerprints processed through Live Scan, the number of requests for Applicant Expedite Services has decreased.

**ISSUE 5: SPRING FINANCE LETTER – G.O. BONDS AND PUBLIC FINANCE
WORKLOAD— CONSENT**

The May Revision includes \$1.14 million from the Legal Service Revolving Funds and 6.6 positions to provide state bond counsel and other public finance work for five new General Obligation bond acts totaling \$42.7 billion.

8950 DEPARTMENT OF VETERANS AFFAIRS

ISSUE 1: VETERANS OUTREACH

California is home to 2.3 million Veterans, representing almost 10% of the nation's total veteran population. Yet, California ranks 38th nationally with a participation rate of fewer than 11%, relative to the percentage of eligible California veterans that receive federal disability compensation and pension benefits.

On a per capita basis, Texas and Florida collect 44% and 31% more respectively, in disability benefits than California. This is primarily due to Texas and Florida having more veterans' services representatives available to assist veterans in pursuing benefit claims.

California Department of Veterans Affairs (CDVA) provides assistance to veterans and their dependents through claims development and representation. CDVA has less than 30 Veterans Claims Representatives (including supervisors) located at headquarters, the three CDVA district offices, and at two Veterans Homes.

In the current year, the Legislature sought to increase the state's participation rate by allocating \$50,000 to increase recruitment efforts of local veterans' service organization by requiring the Department of Veterans Affairs to provide federal benefits eligibility training and outreach material.

Legislative staff is concerned that the department has not adequately supplemented the current year allocated by securing available federal resources. Likewise, legislative staff is concerned that the department could be doing additional low-cost outreach activities within existing resources.

Accordingly, staff recommends the following:

1. Establish a veteran data exchange system and, if necessary, enter into memorandums of understanding or interagency agreements with all state agencies and departments that come into regular contact with veterans, including but not limited to the Military Department (National Guard) and EDD. The purpose of this would be to provide the CDVA with the names and contact information of resident veterans so that they will be notified by the CDVA of their potential eligibility for federal and state benefits.
2. Require the CDVA to maintain and operate a 1-800 phone number and update its website in order to allow resident veterans and the public to obtain more information about federal and state benefits and to initiate the filing of federal benefit claims. Also require the department to provide staffing necessary to initiate veterans benefit claims at all CDVA district offices and other department locations.

3. Adopt Supplemental Report Language that requires the department to identify whether any federal funding has been identified pursuant to Military and Veterans Code section 699.5 for statewide recruitment activities, county recruitment activities and/or veterans service organization benefit enrollment activities.
4. Adopt Budget bill language requiring the department to report on possible strategies for increasing the number of California veterans receiving federal benefits.

ISSUE 2: VETERANS QUALITY OF LIFE FUND – CONSENT

The Department of Finance submitted a Spring Finance Letter requesting that Item 8955-001-8037 be established and \$110,000 be appropriated from the Veteran's Quality of Life Fund to the Morale, Welfare, and Recreation Fund of the Home for distribution pursuant to Chapter 143, statutes of 2005.

Resources within the Veteran's Quality of Life Fund are derived for taxpayer contribution amounts in excess of their tax liability.

ISSUE 3: FEDERAL PER DIEM COLA – CONSENT

The Department of Finance submitted a Spring Finance Letter requesting a \$4,000 increase in Federal Funds and a \$4,000 reduction in General Fund support, in order to reflect the cost of living increase in federal per diem payments.

ISSUE 4: DEFERRED INFRASTRUCTURE REPAIRS AND MAINTENANCE – CONSENT

The Department of Finance submitted a Spring Finance Letter requesting \$1.9 million and eight positions for one-year only, for infrastructure repair and deferred maintenance projects. The resources will help the department meet immediate facilities needs that ensure the safety and health of residents at the Veterans Homes. The request will also lead to a credible planned program of maintenance and repair to maintain infrastructure function and meet regulatory, clinical and safety requirements.