

AGENDA

ASSEMBLY BUDGET SUBCOMMITTEE NO. 4 ON STATE ADMINISTRATION

ASSEMBLYMEMBER WENDY CARRILLO, CHAIR

TUESDAY, APRIL 25, 2023
1:30 PM, STATE CAPITOL – ROOM 447

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We encourage the public to provide written testimony before the hearing. Please send your written testimony to: BudgetSub4@asm.ca.gov. Please note that any written testimony submitted to the committee is considered public comment and may be read into the record or reprinted.

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VOTE-ONLY CALENDAR

0820 DEPARTMENT OF JUSTICE

VOTE-ONLY ISSUE 1: VARIOUS BUDGET PROPOSALS TO IMPLEMENT LEGISLATION

1. Crimes: Race-Blind Charging (AB 2778). The Governor's Budget proposes \$817,000 General Fund and 4.0 positions in 2023-24, \$2,442,000 and 12.0 positions in 2024-25, and \$2,373,000 and 12.0 positions in 2025-26 and ongoing to implement the mandates of Chapter 806, Statutes of 2022 (AB 2778). Beginning January 1, 2024, AB 2778 will require the DOJ to develop and publish guidelines for a process called "Race-Blind Charging", which must be adhered to by agencies prosecuting misdemeanors or felonies.

2. Domestic Violence: Death Review Teams (SB 863). The Governor's Budget proposes \$1,462,000 General Fund and 5.0 positions in 2023-24 and \$1,118,000 and 5.0 positions in 2024-25 and ongoing to support the workload requirements of Chapter 986, Statutes of 2022 (SB 863). SB 863 sets forth numerous new mandates on the DOJ with regard to the convening and operation of local domestic violence review committees and coordination across a variety of state and local agencies to study, redress, and prevent domestic violence from occurring across the state.

3. Government to Government Consultation Act: State Tribal Consultation: Training (AB 923). The Governor's Budget proposes \$609,000 General Fund and 3.0 positions in 2023-24 and \$585,000 in 2024-25 and ongoing to implement Chapter 475, Statutes of 2022 (AB 923). AB 923 encourages the "State of California and its agencies to consult on a government-to-government basis with federally recognized tribes, and to organizations, as appropriate, in order to allow tribal officials the opportunity to provide meaningful and timely input in the development of policies, processes, programs, and projects that have tribal implications."

4. Information Security (AB 2135). The Governor's Budget proposes \$241,000 General Fund and 1.0 position in 2023-24 and \$231,000 in 2024-25 and ongoing to meet the mandates outlined in Chapter 773, Statutes of 2022 (AB 2135). AB 2135, requires certain state agencies, including the DOJ, to adopt and implement information security standards and procedures and perform an independent security assessment every two years

5. Juveniles: Electronic Monitoring (AB 2658). The Governor's Budget proposes \$253,000 General Fund and 1.0 position in 2023-24 and \$213,000 in 2024-25 and ongoing to make necessary information technology upgrades pursuant to Chapter 796, Statutes of 2022 (AB 2658). Beginning July 1, 2026, AB 2658 will require the DOJ to include data regarding the annual number of minors placed on electronic monitoring with specific information related to each minor in their annual reporting requirements that are made available to the public through the DOJ's OpenJustice Web portal.

6. Marketplaces: Online Marketplaces (SB 301). The Governor's Budget proposes \$779,000 General Fund and 3.0 positions in 2023-24 and \$755,000 in 2024-25 and ongoing to support the workload requirements of Chapter 857, Statutes of 2022 (SB 301). SB 301 requires online marketplaces, including eBay and Amazon, to collect information from high volume sellers, verify the accuracy of that information, suspend sellers that fail to comply, require certain high volume sellers to provide specified information to buyers, and to suspend sellers that fail to comply.

7. Online Content: Cyberbullying (AB 2879). The Governor's Budget proposes \$340,000 General Fund and 2.0 positions in 2023-24 and \$389,000 in 2024-25 and ongoing to support the workload requirements of Chapter 700, Statutes of 2022 (AB 2879). AB 2879 requires a social media platform to disclose all cyberbullying reporting procedures in its terms of service, and would require a social media platform to establish a mechanism within its internet-based service that allows an individual, whether or not that individual has a profile on the internet-based service, to report cyberbullying or any content that violates the existing terms of service, as specified.

8. Price Discrimination: Gender (AB 1287). The Governor's Budget proposes \$325,000 General Fund and 1.0 position in 2023-24 and \$317,000 and 1.0 position in 2024-25 and ongoing to support the implementation of Chapter 555, Statutes of 2022 (AB 1287). AB 1287 expands on the Unruh Civil Rights Act by prohibiting persons and entities doing business in California from charging different prices for any two goods that are substantially similar but priced differently due to the gender of the person for whom the goods are marketed and intended.

9. Residential Real Property: Foreclosure (AB 1837). The Governor's Budget proposes \$163,000 General Fund and 1.0 position in 2023-24 and \$154,000 in 2024-25 and ongoing to support the workload requirements pursuant to Chapter 642, Statutes of 2022 (AB 1837). AB 1837 expands DOJ's consumer protection work by requiring trustees or their authorized agent to send specified information to the Attorney General if the winning bidder at a trustee's sale of property pursuant to a power of sale under a mortgage or deed of trust is an eligible tenant buyer, prospective owner-occupant, or other eligible bidder, as defined.

10. Social Media Companies: Terms of Service (AB 587). The Governor's Budget proposes \$673,000 General Fund and 3.0 positions in 2023-24, and \$646,000 and 3.0 positions in 2024-25 and ongoing to support the workload requirements of Chapter 269, Statutes of 2022 (AB 587). AB 587 requires a social media company, as defined, to post its terms of service, as defined, with additional specified information regarding the user behavior and activities and are permitted on the site, as well as quantitative information concerning the platform's content moderation efforts regarding hate speech, extremism and radicalization, disinformation and misinformation, harassment, and efforts by foreign actors to exert political influence.

STAFF COMMENT

These items were on the agenda for the Subcommittee 4 hearing on March 14, 2023

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 2: AB 655 AND AB 1084

1. CA Law Enforcement Accountability Reform Act (AB 655). The Governor's Budget proposes \$325,000 General Fund and 1.0 position in 2023-24 and \$317,000 and 1.0 position in 2024-25 and ongoing to support the workload requirements of Chapter 854, Statutes of 2022 (AB 655). AB 655 mandates that the Attorney General's Office "adopt and promulgate guidelines for the investigation and adjudication of complaints" that "a peace officer employed by that agency has in the previous seven years and since 18 years of age, engaged in membership in a hate group, participation in any hate group activity or advocacy of any public expressions of hate."

2. Gender Neutral Retail Departments (AB 1084). The Governor's Budget proposes \$272,000 General Fund and 2.0 positions in 2023-24 and \$478,000 in 2024-25 and ongoing to support the implementation of Chapter 750, Statutes of 2021 (AB 1084), which mandates the maintenance of a gender-neutral area for childcare items or toys for sale in retail stores in California that employ a total of 500 or more employees across all of its California establishments, and which sells childcare items or toys. Enforcement under this act can be brought by the Attorney General or any public prosecutor.

STAFF COMMENT

This item was on the agenda for the Subcommittee 4 hearing on March 14, 2023.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 3: CRIMINAL PROCEDURE: DISCRIMINATION (AB 256)

Criminal Procedure: Discrimination (AB 256). The Governor's Budget proposes \$2,178,000 General Fund in 2023-24, \$2,114,000 in 2024-25, and \$848,000 in 2025-26 and 2026-27 to support the workload requirements of Assembly Bill 256 (Chapter 739, Statutes of 2022). The DOJ is involved in approximately 5,000 appeals and writs arising from criminal cases annually. In addition, the DOJ responds to appellate and writ challenges raised by approximately 700 incarcerated individuals. AB 256 applies retroactively the prohibition on the state from seeking or obtaining a conviction or sentence based on race, ethnicity, or national origin.

STAFF COMMENT

This item was on the agenda for the Subcommittee 4 hearing on March 14, 2023.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 4: GENDER IDENTITY: FEMALE, MALE, OR NONBINARY (SB 179)

Gender Identity: Female, Male or Nonbinary (SB 179). The Governor's Budget proposes \$1,783,000 General Fund in 2023-24 to implement the necessary system modifications to meet the mandates of Chapter 853, Statutes of 2017 (Senate Bill 179). Senate Bill (SB) 179 requires an applicant for a driver's license or renewal to choose a gender identity of female, male, or nonbinary, and requires the Department of Motor Vehicles (DMV) to provide for the amendment of an existing gender designation.

STAFF COMMENT

This item was on the agenda for the Subcommittee 4 hearing on March 14, 2023.

Staff Recommendation: Approve as Budgeted.

8620 FAIR POLITICAL PRACTICE COMMISSION

VOTE-ONLY ISSUE 5: POLITICAL REFORM EDUCATION PROGRAM

The Fair Political Practices Commission (FPPC) requests \$455,000 General Fund in 2023-24, and \$421,000 in 2024-25 and ongoing, and 3.0 positions to continue to develop, administer and expand the new Political Reform Education Program.

Existing law directs the Commission to develop a program as soon as feasible, to allow for the education of a person who commits a minor violation of the Political Reform Act of 1974, as specifies. The Political Reform Education Program (“PREP”) is the new pilot educational program created by the FPPC in response to this mandate. The purpose of the PREP is to allow for education of respondents who have little or no experience with the Political Reform Act of 1974 and commit minor violations, in lieu of monetary penalties. Eligibility for the program include committing violations that resulting in minimal public harm, or that the respondent has not paid a penalty to the FPPC for the same violation occurring within the last five years.

Similar to traffic school, PREP allows participants to learn how to comply with the law while avoiding both a monetary penalty and a mark on their record. Participants who successfully complete PREP will have their enforcement case closed with a No Action Closure Letter.

Funding would be used by the FPPC to expand the program from its limited launch of one topic – Statements of Economic Interest. The following are some courses that have been identified for PREP to develop, offer and administer:

- Campaign Course for Candidates and Candidate-Controlled Committees (Local)
- Campaign Course for General Purpose and Primarily Formed Committees (Local)
- Campaign Course for Independent Expenditure and Major Donor Committees (Local)
- Campaign Course for Candidates and Candidate-Controlled Committees (State)
- Campaign Course for General Purpose and Primarily Formed Committees (State)
- Campaign Course for Independent Expenditure and Major Donor Committees (State)
- Behested Payment Reports Course
- Lobbying Reports Course
- Advertising and Mass Mailing Disclosures Course

STAFF COMMENTS

This item was heard on March 28, 2023. Staff has no concerns with the proposal.

Staff Recommendation: Approve as Budgeted

1703 CALIFORNIA PRIVACY PROTECTION AGENCY

VOTE-ONLY ISSUE 6: CONSUMER PRIVACY IMPLEMENTATION**California Privacy Rights Act**

In November of 2020, voters approved Proposition 24, the California Privacy Rights Act (CPRA). Among other items, CPRA made changes to data privacy laws, which businesses will be required to meet to comply with state consumer data privacy requirements. CPRA also provides new consumer privacy rights, such as limitation on sharing personal data, correction of personal data, and limitation on the use of sensitive personal data. CPRA also created a new state agency, the California Privacy Protection Agency (CPPA), tasked with overseeing and enforcing the state's consumer privacy laws. The CPPA is governed by a five-member board, which was inaugurated in March 2021, and overseen by an Executive Director. The CPPA's responsibilities include engaging in rulemaking, investigating violations, assessing penalties, cooperating with other jurisdictions, and promoting public awareness including providing guidance to consumers and businesses on complex matters relating to online privacy, cybersecurity, and automated decision making.

Establishment of the CPPA

To implement the law, Proposition 24 directly appropriated from the General Fund \$5 million for 2020-21 and \$10 million per fiscal year thereafter, for expenditure to support the operations of the CPPA. To startup the new agency, CPPA had entered in interagency agreements with the Department of General Services and the Department of Consumer Affairs to provide temporary services for human resources, finance and budget, and information technology services. The Business, Consumer Services and Housing Agency also provided extensive logistical support. In September of 2021, the Office of the Attorney General began providing legal services and limited administrative services on a fee-for-service basis.

2023 Budget Change Proposal: Consumer Privacy Implementation

The CPPA is requesting 7.0 positions in 2023-24 and ongoing to allow the Agency to start enforcement activities and continue to fulfill its statutory responsibilities. This proposal will provide the positions to continue developing the Agency and will use its existing ongoing \$10 million General Fund appropriation. Requested resources include enforcement attorney positions, and IT related positions.

STAFF COMMENTS

This item was heard on April 11, 2023. Staff has no concerns with the proposal.

Staff Recommendation: Approve as Budgeted.

ITEMS TO BE HEARD

0820 DEPARTMENT OF JUSTICE

ISSUE 1: NEW YORK STATE RIFLE ASSOCIATION V. BRUEN CARRY CONCEALED WEAPON LICENSES (SPRING PROPOSAL)

The Department of Justice will provide an overview of the recent U.S. Supreme Court decision in the NY State Rifle Assn. v. Bruen Carry Concealed Weapon Licenses and their Spring Proposal for the associated workload.

PANELISTS

- Chris Ryan, Chief of Operations, DOJ
- Allison Mendoza, Director, Bureau of Firearms, DOJ (available for Q&A)
- Dolores Haste, Assistant Director, Justice Data and Investigative Services Bureau, DOJ (available for Q&A)
- Marc St. Pierre, Assistant Director, Bureau of Criminal Information and Analysis, DOJ (available for Q&A)
- Anita Lee, Legislative Analyst's Office
- Kevin Clark, Department of Finance
- Mark Jimenez, Department of Finance

BACKGROUND

Carry Concealed Weapon Licenses (CCW). Under California Penal Code section 25850, it is unlawful for a person to carry a loaded firearm in a public place, whether the firearm is exposed or concealed, unless the person meets certain exemptions under Sections 26000-26060 or has been issued a license to carry a concealed weapon. CCW licenses in California are issued by county and municipal law enforcement agencies, such as a sheriff's or police department (licensing authorities), pursuant to Penal Code sections 26150, 26155 and 26170.

Under California law, licensing authorities have discretion to issue a CCW license to any person who is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm. In addition to not being prohibited, an applicant must also provide proof to the licensing authority that they meet the provisions under subdivisions (a) and (b) of Section 26150 and 26155, which enumerate specific criteria of the applicant that must be met prior to the issuance of a license. These requirements are as follows:

- The applicant is of good moral character;
- Good cause exists for the issuance of the license;

- The applicant is a resident of the city or county or the applicant's principal place of employment or business is within the city or county; and
- The applicant has completed the training requirements under Penal Code section 26165.

Although Penal Code sections 26150 and 26155 set unilateral requirements applicable to all CCW applicants, each licensing authority is responsible for governing and administering its own local CCW program (unless delegated to the city or the county). Accordingly, the issuance of a CCW license within a particular county or city may vary depending on each licensing authority's interpretation of the provisions listed under subdivisions (a) and (b) of Sections 26150 and 26155.

Each agency's policy, which must be published and made available to the public, may range in restrictiveness based on what qualifies an applicant to have a "good cause" and what substantiation the applicant must demonstrate to satisfy this requirement. Although some licensing authorities have less stringent standards than others, cities and counties with large populations have traditionally utilized this discretion to implement arbitrary restrictions to reduce issuance. These discretionary practices are in part why California is considered a "may-issue" state and has led to California becoming one of the most restrictive states in the country for prospective CCW license applicants, with CCW license holders comprising less than .05% of the total population.

U.S. Supreme Court decision. On June 23, 2022, the United States Supreme Court delivered a landmark decision in the case of *New York State Rifle & Pistol Association, Incorporated v. Bruen*, ruling that laws requiring a person to provide "good cause" to carry a concealed weapon in public is unconstitutional. This decision rendered discretionary licensing standards for issuing CCW licenses, such as those adopted by state and local governments like California, unconstitutional. This licensing format provided licensing authorities in may-issue states, such as New York, New Jersey, Hawaii, California, Connecticut, Massachusetts and Delaware broad authority to define "good cause" standards that was effective at restricting the amount of licenses issued nationwide.

Following the United States Supreme Court ruling, the DOJ released a legal alert to all California District Attorneys, Police Chiefs, Sheriffs, County Counsels, and City Attorneys, acknowledging the court decision on July 22, 2022. The DOJ advised licensing agencies that they could no longer require prospective applicants to provide proof of good cause because "the Court's decision renders California's "good cause" standard to secure a permit to carry a concealed weapon in most public places unconstitutional."

Anticipated Workload. Since California has one of the lowest issuance rates among adult populations within the nation at .39% , the DOJ anticipates a significant uptick in the issuance of licenses as local authorities adopt "shall-issue" guidelines concordant with the ruling and DOJ's guidance, which will make it less restrictive for residents to acquire

a CCW in California. The DOJ expects active licenses to increase from 187,582 to 655,232 over the next 5 years.

Proposed Funding

The Governor's Spring Budget proposal requests \$4,978,000 (\$2,943,000 General Fund and \$2,035,000 Fingerprint Fees Account) in 2023-24 and \$3,210,000 (\$2,691,000 General Fund and \$519,000 Fingerprint Fees Account) in 2024-25 for the DOJ to address process an increase in carry concealed weapon permit applications resulting from the recent federal Supreme Court ruling. This request also includes provisional language to specify that funding may only be used for the purposes of processing and addressing carry concealed weapon permit licenses.

The DOJ states that the tasks and responsibilities associated with processing new CCW licenses are not absorbable with the current resources allocated to the DOJ and will require the expansion of the CCW program and appropriation of additional personnel to accommodate the increased workload.

Staff Recommendation: Hold Open.

ISSUE 2: AMMUNITION AUTHORIZATION PROGRAM FEE INCREASE (SPRING PROPOSAL)

The DOJ will provide an overview of their Spring budget proposal related to the Ammunition Authorization Program

PANELISTS

- Chris Ryan, Chief of Operations, DOJ
- Allison Mendoza, Director, Bureau of Firearms, DOJ (available for Q&A)
- Rodney Smith, Director, CJIS Application Bureau, DOJ (available for Q&A)
- Anita Lee, Legislative Analyst's Office
- Kevin Clark, Department of Finance
- Mark Jimenez, Department of Finance

BACKGROUND

Proposition 63 and Chapter 55, Statutes of 2016 (SB 1235). Proposition 63 – The Safety for All Act of 2016 (as amended by Chapter 55, Statutes of 2016 (SB 1235)) was approved by voters on November 8, 2016. It requires the Department of Justice (DOJ) to regulate the sale and transfer of ammunition, including the following:

- License ammunition vendors and maintain a corresponding registry;
- Process Certificate of Eligibility applications for ammunition and firearm vendor employees or agents;
- Conduct ammunition eligibility checks and electronically approve the purchase or transfer of ammunition within California; and
- Establish the Ammunition Purchase Records File (APRF) which records ammunition purchases conducted by non-exempt individuals.

Proposition 63 (California Penal Code section 30371) appropriated \$25 million from the General Fund as a loan in Fiscal Year 2016-17 for the start-up costs of implementing, operating, and enforcing the provisions of the Ammunition Authorization Program provided for in California Penal Code sections 30352 and 30370. The funds were used to support the necessary resources to process ammunition transactions and enhance, develop, and implement system changes allowing the DOJ to meet legislative requirements.

Proposition 63 also authorized DOJ to charge a fee up to \$50.00 per person for a four-year ammunition purchase license. The fee could not exceed DOJ's actual costs to operate the program and could be adjusted for inflation. Provisions of Prop 62 could be changed with a 55 percent vote as long as amendments were consistent with or furthered the intention of the original language ("The Act shall be broadly construed to accomplish its purposes").

After the initiative qualified for the ballot, the Legislature enacted SB 1235 to preemptively amend Prop 63 by inserting a legislative finding that the changes were consistent with and furthered the intention of Prop 63 and would only go into effect if it was approved by the voters. The pertinent change was related to the fee which was amended to charge ammunition purchasers and transferees a per transaction fee not to exceed \$1 but allowed for increases at a rate not to exceed any increases to the California Consumer Price Index.

Ammunition Safety and Enforcement Fund (ASEF). As noted above, in 2016-17, the ASEF was provided a \$25 million General Fund loan to support the program's initial costs. Funding from this loan is projected to be depleted by 2023-24. Ongoing revenue from the program is currently projected to be \$1.5 million annually, while ongoing DOJ costs are projected to be \$5.1 million plus a projected pro rata of \$111,000, resulting in an accumulating annual deficit beginning 2023-24 and every year thereafter. The lack of sufficient revenue also prevents the fund from maintaining a reserve balance, which would allow for economic uncertainties and repayment of the loans.

Types of Background Checks	Cost per Transaction	Estimated Annual Transactions	Estimated Annual Revenue
Certificate of Eligibility (COE)	\$ 1.00	3,479	\$ 3,479.00
Standard Ammunition Eligibility Check (SAEC)	\$ 1.00	1,278,616	\$1,278,616.00
Basic Ammunition eligibility Check (BAEC)	\$ 19.00	8,187	\$ 155,553.00
Ammunition Vendor Licenses	\$198.00	173	\$ 34,254.00
Total Revenue	\$1,471,902		

Proposed Funding

The Governor's Spring Budget proposal requests a General Fund loan in the amount of \$4,300,000 in 2023-24 and 2024-25, as well as trailer bill language to authorize the DOJ to adjust fees associated with the Ammunition Authorization Program via the regulatory process. The DOJ states that current transaction levels, and subsequent revenues, are insufficient to support the DOJ's ongoing resource needs as mandated by Proposition 63. To adequately staff and administer this mandated program, a General Fund loan is required to maintain a sufficient level of funding to support personnel and operating expenses, as well as give the DOJ sufficient time to develop and implement a fee increase through the regulatory process. Such a fee increase will support a 10-year repayment

schedule to reimburse the General Fund for the loan incurred during the program's inception in 2016, the additional \$8,600,000 General Fund loan (\$4,300,000 in 2023-24 and \$4,300,000 in 2024-25), to retain a six month reserve of \$2,709,000, and to support the fund's pro-rata expenses.

The proposed trailer bill is as follows:

Amend Penal Code Section 30370(e):

(e) The department shall recover the reasonable cost of regulatory and enforcement activities related to this article by charging ammunition purchasers and transferees a per transaction fee not to exceed one dollar (\$1) provided, however, that the ***Attorney General may adjust the fee as needed pursuant to this section, not to exceed the reasonable regulatory and enforcement costs for operating the program related to this article.*** ~~fee may be increased at a rate not to exceed any increases in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations, not to exceed the reasonable regulatory and enforcement costs.~~

Staff Recommendation: Hold Open.

0511 GOVERNMENT OPERATIONS AGENCY

ISSUE 3: LANGUAGE ACCESS PILOT PROGRAM UPDATE

The Government Operations Agency is the state agency responsible for coordinating state operations, including procurement, information technology, and human resources. The agency oversees and supports 13 departments, boards, and offices, including the Department of General Services, the California Department of Technology, the California Department of Human Resources, and more. The Agency also plays a coordinating role across all state agencies to accelerate government innovation and best practices.

The subcommittee will receive an update on the implementation of the Language Access Pilot program that was established in the Budget Act of 2022.

PANEL

- Pam Chueh, State Chief Equity Officer, Government Operations Agency
- Maureen Keffer, Language Access Manager, Government Operations Agency
- Justyn Howard, Deputy Secretary, Fiscal Policy and Administration, Government Operations Agency
- Danielle Brandon, Principal Program Budget Analyst, Department of Finance
- Natalie Griswold, Budget Analyst, California Department of Finance
- Ross Brown, Principal Fiscal & Policy Analyst, Legislative Analyst's Office

BACKGROUND**Dymally-Alatorre Bilingual Services Act**

The Dymally-Alatorre Bilingual Services Act was enacted in 1973 and outlines various requirements to ensure equal access to government services for non-English speaking or limited-English proficient individuals in California. The Act requires state and local agencies to provide translation and interpretation services in languages spoken by a significant number of the public they serve. Among other provisions, the Act requires that departments and agencies assess the language needs of their constituents, hire bilingual staff or contract with interpreters and translators to provide services in languages spoken, and translate vital documents and materials.

Language Access Challenges in Public Hearings

While California law establishes a framework for language access, challenges persist in providing equitable language access during public hearings or meetings conducted by state agencies, departments, boards, and commissions. Currently, the majority of government meetings open to the public are conducted in English. Likewise, the process

of offering and responding to public comments is facilitated in English, without standardized guidelines on how government bodies should employ interpreters and translators to ensure public participation from non-English or limited-English proficient individuals in government proceedings.

Budget Act of 2022: Language Access Pilot

Acknowledging the insufficient language access in public hearings and meetings, as well as the importance of facilitating public engagement in government meetings regardless of English language proficiency, the Budget Act of 2022 allocated \$5 million to establish a Language Access Pilot program. The Government Operations Agency is responsible for creating and implementing this pilot.

In developing and implementing this pilot program, the Government Operations Agency is tasked with determining the feasibility and scalability of using various methods and technologies to translate or interpret public hearings and meetings in various languages.

This includes:

- 1) Translation or interpretation of public hearings and meetings in various languages for live non-English or limited-English audience members.
- 2) Translation or interpretation of public comment provided in languages other than English for public officials and other hearing or meeting participants.
- 3) Translation of public hearing or meeting agendas, transcripts, and video recordings.
- 4) Use of culturally competent translation and interpretation methods, including consideration of cultural backgrounds, source language awareness and sensitivity, non-verbal and contextual cues, and real time communication with interpreters to deliver effective communication with the target audience.
- 5) Outreach that is culturally and demographically appropriate to increase public participation of non-English or limited-English speakers in California's hearings and meetings.
- 6) Identification and development of a pool of trained and qualified interpreters that can serve the largest number of languages.
- 7) Training to public officials and department staff to improve the logistics of providing culturally competent translation or interpretation services during hearings and meetings.

After conducting initial research and assessment, the Government Operations Agency must be ready to deploy by January 1, 2024 a language access pilot program at a minimum of four public hearings and meetings, and subsequently provide implementation updates to the Legislature and recommendations to expand the pilot program statewide.

Existing Translation Methods and Techniques

Broadly, there are four types of translation techniques used in the context of meetings and events:

- 1) **Simultaneous Interpretation.** Using specialized headphones, a person or an audience hears the feed of a trained interpreter that is live-translating the content of the meeting. This is the current system mainly by the United Nations and the tourism industry. Interpreters working in those settings are highly trained: they must be familiar with the specific vocabulary and terminology that is anticipated to be used, adjust to various speaking speeds and styles, and find proper cultural equivalents and take cultural context into account. For long meetings, multiple interpreters are sometimes needed to alternate shifts and accommodate breaks.
- 2) **Consecutive Interpretation.** This method also uses live interpreters. Generally, a person speaks a few sentences, pauses, and the interpreter translates. This method is primarily used for one-on-one or small-scale events, and is generally not recommended for large hearings or meetings.
- 3) **Machine or Automated Translation.** Machine or automated translation is provided through specialized devices that record sound and translate a language either via on-screen text or automated voice. These are still considered emerging technologies, and have a relatively high rate of translation errors. In addition, these platforms do not take into account factors such as cultural competency and contextual-based translation.
- 4) **Written Translation.** This method focuses on translating recorded materials, including documents, videos or transcripts. Similar to verbal interpretation, written translation must be able to accurately convey technical terms and concepts and take into account cultural context. In many instances, English terms may not have direct equivalents in other languages, and special attention must be given to ensure appropriate translation of the source content.

STAFF COMMENTS

The Government Operations Agency is in the beginning stages of implementing the Language Access pilot program. The Agency has recently hired a Language Access Manager, who, under the direction of the State Chief Equity Officer, will be responsible for overseeing development, implementation, and evaluation of the pilot. In addition to receiving an update on the pilot program, the subcommittee may wish to ask the following questions:

- 1) What is the Agency's timeline to begin implementing the pilot program?
- 2) How will the Agency find and select state departments to participate in the pilot?
- 3) Does the Agency have a plan to partner with non-governmental organizations that have expertise in language access?
- 4) What will be the metrics used to evaluate the effectiveness of the pilot program?

Staff Recommendation: This item is presented for information only.
