

**AGENDA**  
**ASSEMBLY BUDGET SUBCOMMITTEE NO. 4**  
**ON STATE ADMINISTRATION**

**Assemblymember George Nakano, Chair**

**WEDNESDAY, MAY 8, 2002**  
**STATE CAPITOL, ROOM 437**  
**1:30 P.M.**

**CONSENT CALENDAR**

<b>ITEM</b>	<b>DESCRIPTION</b>
0552	OFFICE OF INSPECTOR GENERAL

**ITEMS TO BE HEARD**

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**ITEM 8350 DEPARTMENT OF INDUSTRIAL RELATIONS**

The objective of the Department of Industrial Relations (DIR) is to protect the workforce in California, improve working conditions, and advance opportunities for profitable employment. The Department works toward this objective by enforcing workers' compensation insurance laws and adjudicating workers' compensation insurance claims, working to prevent industrial injuries and deaths, promulgating and enforcing laws relating to wages, hours, and conditions of employment, promoting apprenticeship and other on-the-job training, assisting in negotiations with parties in dispute when a work stoppage is threatened, and by analyzing and disseminating statistics which measure the conditions of labor in the State.

CURRENT YEAR	PROPOSED CHANGE	PROPOSED BUDGET EXPENDITURES
\$174.69	-\$19.19	\$155.50

*(Reflects General Fund Amounts)*

**ISSUE 1: TRAILER BILL LANGUAGE**

The Administration has proposed trailer bill language that accompanies the General Fund reduction proposed and approved by the Sub-Committee on April 10<sup>th</sup>. Specifically, it correlates to the \$75,000 reduction in the Occupational Safety and Health Standards Board. DOF states that without this funding the Board would not be able submit adopted or proposed regulations to the Building Standards Commission for approval or adoption. This reduction eliminates the Boards ability to pay the fee to the Commission for review of its regulations.

The trailer bill would exempt the Occupational Safety and Health Standards Board from having to submit regulations to the Building Standards Commission for approval.

**COMMENTS:**

The DOF should comment on the following:

- What is the purpose of the dual review of these regulations?
- How frequently has the Building Standards Commission denied approval of regulations submitted by the Occupational Safety and Health Board?
- What was the fee for submittal of regulations to the Commission?

**ITEM 8350            DEPARTMENT OF INDUSTRIAL RELATIONS**

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**ISSUE 2: ELEVATOR INSPECTION POSITIONS**

This proposal would set aside \$500,000 (Elevator Inspection Fund) to fund a total of 7.0 positions (1 Senior Safety Engineer, 1 Associate Safety Engineer, 1 Associate Governmental Program Analyst, 1 Staff Service Analyst, 1 Office Technician, and 2 Office Assistants). These positions would support an expanded elevator Inspection Program. SB 1886 (Torlakson) proposes to strengthen this Program by including previously unregulated conveyances and establishing a certification program for contractors who install and repair conveyances as well as inspectors.

**ITEM 8350 DEPARTMENT OF INDUSTRIAL RELATIONS****ISSUE 3: CASE MANAGEMENT SYSTEM REVISED LANGUAGE**

The Governor's Budget proposes and the Sub-Committee approved \$960,000 for an automated Case Management System, which would replace the existing manual processes. According to the DIR, this new automated system would better suit the business needs of the Division of Labor Standards Enforcement (DLSE) and support DLSE's needs to provide public information to other regulatory and enforcement agencies, the public, the legislature and other stakeholders.

Additionally, the Sub-Committee approved Budget Bill Language ensuring the accessibility of this information to the public.

**COMMENTS:**

The Sub-committee should consider revised Budget Bill Language that still ensures the public has access to the information with the new Case Management System, but that maintains the privacy of people and witnesses involved in a variety of labor disputes.

*The Case Management System adopted in budget item 8350-001-0001 will be made accessible as follows: The Department shall procure a Case Management System that will have the capability to ultimately provide the public with free, web-based access to a searchable database containing information on the status of all complaints, citations and administrative proceedings, including the name of the investigator and/or attorney assigned to the matter and the final disposition of the matter; provided that the Department shall take appropriate steps to ensure that legal requirements are followed regarding the privacy rights of employees and witnesses. The intent of the Legislature is that when the database is operational, it will provide the public with similar information to the information offered by the federal courts through their PACER system, <https://pacer.uspci.uscourts.gov/index.html> and offered by the Establishment Search of the Occupational Safety and Health Administration at <http://155.103.6.10/cgi-bin/est/est1>.*

**ITEM 1760 DEPARTMENT OF GENERAL SERVICES**

The objectives of the Department of General Services (DGS) are to: (a) Meet the varied responsibilities for management review, control and support of state agencies as assigned by the Governor and specified in statute; (b) Provide support services to operating departments with greater efficiency and economy than they can individually provide for themselves; and (c) Increase effectiveness and economy in the administration of state government by establishing and improving statewide policies and guidelines.

(in millions)

<b>CURRENT YEAR</b>	<b>PROPOSED CHANGE</b>	<b>PROPOSED BUDGET EXPENDITURES</b>
<b>\$113.29</b>	<b>-\$2.51</b>	<b>\$22.97</b>

**ISSUE 1: ZIGGURAT BUILDING**

The Governor's proposed budget includes a permanent augmentation request for \$5.43 million (\$56,000 General Fund) to fund increased costs for the fiscal year 2002-03 resulting from the consolidation of the majority of its operations from the Sacramento downtown area to the Ziggurat Building at 707 3<sup>rd</sup> Street in West Sacramento effective 2001-02.

**BACKGROUND:**

Under provisions of SB 1270 (Government Code Section 8169.5, Chapter 761, Statutes of 1997), DGS and the Departments of Health Services and Education were to substantially consolidate their headquarters operations into the new East End Office Complex that is currently under construction. However, according to DGS, due to the growth in the number of employees in these three agencies it was not possible to completely consolidate in the future East End Complex. DGS, in turn, identified the Ziggurat building to be the best fit for its space needs and respectively entered into an 18-year lease agreement to consolidate the majority of its operations beginning in November 2001.

**ITEM 1760 DEPARTMENT OF GENERAL SERVICES****ISSUE 2: PRINTING SERVICES**

In November 2001, DGS released a Management Memo 01-20 requiring all printing projects to be submitted to the Office of State Publishing (OSP). OSP will offer to produce all printing that conforms to the OSP's facility equipment capacity and ability. Printing projects that do not conform to the OSP's equipment capacity and ability may be procured through the OSP procurement unit.

In a follow-up Management Memo (MM) in December 2001, DGS stated that Government Code 19130 is the basis for printing being classified as a "personal service" and for civil servants taking priority over private vendors. The MM also states that according to Government Code 14612(g), a \$5,000 exemption limit remains in place – meaning that orders for less than \$5,000 may be contracted out without soliciting a bid from, or getting permission from OSP.

**COMMENTS:**

The Sub-Committee heard this issue at its April 24<sup>th</sup> hearing and directed the Department to work with staff and the Publishing Industries to work on language to mend this problem. Accordingly, trailer bill language has been drafted that seems to satisfy all interests:

*Government Code Section 14612*

*(g) Notwithstanding Chapter 7 (commencing with Section 14850) or Section 14901, no agency is required to use the Office of State Publishing for its printing needs and the Office of State Publishing may offer printing services to both state and other public agencies, including cities, counties, special districts, community college districts, the Californian State University, the University of California, and agencies of the United States government. When soliciting bids for printing services from the private sector, all state agencies shall also solicit a bid from the Office of State Publishing when the project is anticipated to cost more than five thousand dollars (\$5,000). For the purposes of this section, such printing shall not be deemed to be a personal service.*

The Department and DOF should comment on this trailer bill language, as well as the status of rescinding the Management Memo that was released this last fall of 2001.

**ITEM 1760 DEPARTMENT OF GENERAL SERVICES****ISSUE 3: CAPITAL OUTLAY**

1. \$20.9 million (Lease Revenue Bonds) - Renovation of the Food and Agriculture Building at 1220 N St. – Construction Phase
2. \$107.3 million (Lease Revenue Bonds) – Renovation of Office Building #8 and #9 located at 714 and 744 P St. respectively. – Working Drawing and Construction Phases
3. \$24.8 million (Lease Revenue Bonds) – Renovation of Office Building #10 located at 721 Capitol Mall - Working Drawing and Construction Phases
4. \$21.09 million – Seismic Bond Projects
  - The LAO analysis points out that by approving these seismic bond projects, the Legislature will effectively be committing itself to \$47 million (general fund) in 2003-04.

**COMMENTS:**

The LAO has recommended consideration of Supplemental Report Language that would prioritize future seismic retrofit projects using actual occupancy rather than code occupancy as detailed in our analysis. They believe that this will more accurately reflect the risk to life posed by the seismically deficient buildings.

Supplemental Report Language:

*The Department shall use risk level and then actual building occupancy to prioritize future seismic retrofit projects rather than code occupancy.*

**ITEM 1760            DEPARTMENT OF GENERAL SERVICES****ISSUE 4: ORACLE CONTRACT**

On May 31, 2001, the State entered into a six-year enterprise licensing agreement (ELA), a contract worth almost \$95 million, to authorize up to 270,000 state employees to use Oracle Enterprise Edition 8I database software and to provide maintenance support.

According the BSA report, DGS (one of three state departments responsible for oversight of large information technology projects),

*"... negotiating team was inexperienced and unprepared, with no expertise in software contracts and no in-depth knowledge of Oracle's business and contracting practices. Moreover, General Services limited the involvement of its legal counsel in the ELA contract to a few hours of review just before it was signed, and in general, limits its legal counsel's role in all IT contracts."*

The BSA report makes the following recommendations for the DGS:

- *General Services should further study the ELA contract's validity in light of the wide disparities we identified in Logicon's projections of costs and savings, and consult with the attorney general on how to protect the State's best interests.*
- *General Services should work closely with the attorney general in further analyzing the ELA contract; all amendments, including any and all documents pertaining to the side agreements between Oracle and Logicon; and the laws and policies relating to the ELA, including the potential legal issues that this audit has identified.*

**C.S. 14.00            SPECIAL FUND LOANS BETWEEN BOARDS OF THE  
DEPARTMENT OF CONSUMER AFFAIR**

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This control section allows for 18-month loans between the Department of Consumer Affairs special funds.

**ITEM 1111 DEPARTMENT OF CONSUMER AFFAIRS – BUREAUS AND BOARDS**

The Department of Consumer Affairs (DCA) serves as an umbrella for 26 semi-autonomous boards, commissions, and committees that regulate over 180 professions. DCA is responsible for providing consumer protection while promoting a fair and competitive marketplace.

(in millions)

CURRENT YEAR	PROPOSED CHANGE	PROPOSED BUDGET EXPENDITURES
73.90	71.61	2.29

**ISSUE 1: CONTROLLED SUBSTANCE UTILIZATION REVIEW AND EVALUATION SYSTEM (CURES) FINANCE LETTER**

The Finance Letter requests \$125,000 in reimbursement from DCA from the Medical Board, Pharmacy Board, Dentistry Board and Osteopathic Board. CURES is an electronic monitoring of the prescribing and dispensing of Schedule II controlled substances by all practitioners authorized to prescribe or dispense these substances.

**COMMENTS:**

The Department and DOF should comment to the Sub-Committee about this request.

**ITEM 1111 DEPARTMENT OF CONSUMER AFFAIRS – BUREAUS AND BOARDS****ISSUE 2: GENERAL FUND LOANS**

The Sub-Committee approved the following General Fund Loans at the April 16<sup>th</sup> hearing:

1. (1111) Bureau of Automotive Repair - \$5.0 million loan from the Vehicle Inspection and Repair Fund (VIARF) to the General Fund.
2. (1250) Dental Board - \$5.0 million loan from the State Dentistry Fund (SDF) to the General Fund.
3. (1230) Contractors' State License Board - \$5.0 million from the Contractors' State License Fund (CLF) to the General Fund)
4. (1510) Board of Registered Nursing - \$5.0 million from the Board of Registered Nursing Fund (BRNF) to the General Fund.

**COMMENTS:**

The Senate Sub-Committee #4 increased the loan amounts based on additional reserve in these special funds. The increases were as follows:

1. (1111) Bureau of Automotive Repair – Increased the loan by \$25.0 million.
2. (1250) Dental Board – Increased the loan by \$2.0 million.
3. (1230) Contractors' State License Board – Increased the loan by \$6.0 million.
4. (1510) Board of Registered Nursing – Increased the loan by \$5.0 million.

With regards to increased loan amounts, the DOF should comment on the reserve status of these special funds.

**ITEM 5430 BOARD OF CORRECTIONS****ISSUE 1: JUVENILE HALL SUITABILITY ASSESSMENT PROCESS****BACKGROUND:**

The Board of Corrections works with city and county officials to develop and maintain standards for the construction and operation of local jails and juvenile detention facilities. In addition, the Board regularly assists local agencies to remain in compliance with these standards.

Under current law the Board is required to conduct a biennial inspection of each jail, juvenile hall, lockup or special purpose juvenile hall used to confine a juvenile for more than 24 hours. An inspection is also required for any adult facility that may be used to confine a juvenile. The Board is required to provide prompt notification to the operator of the facility of any noncompliance of minimum standards. Should the Board determine that the minimum standards of juvenile confinement are not being met, it is required to provide notice to the facility in question that it could no longer be used by juveniles 60 days from such notice, or until the Board finds, after reinspection that the substandard conditions have been remedied and the facility is again suitable for the confinement. Upon notice of the deficiency, the facility is required to submit a plan of corrective action to the Board that identifies a plan to correct the issues of noncompliance and provide a timetable for resolution not to exceed 90 days. The Board is responsible for approval of such a plan. When the noncompliance is due to overcrowding, the Board shall make a determination of unsuitability based upon the health, safety and welfare of the minors confined to the facility. The Board has the option to develop specific guidelines to address this issue and assist local governments in bringing juvenile facilities into full compliance with the minimum standards.

The Governor's Budget proposes a permanent reduction in the Board's budget of \$176,000 and 2.5 positions for the budget year as part of its contribution to provide General Fund relief.

**COMMENTS:**

The Governor's Budget proposes trailer bill language which would remove the Board's responsibility to: provide notice to juvenile facilities of its failure to meet minimum standards for operation; review the plans for corrective action; make determinations of the impact of overcrowding in juvenile facilities; and assist counties in addressing institutional deficiencies due to overcrowding. This would result in a substantial change in the responsibility of the Board and would leave the responsibility for the monitoring of juvenile facilities with the juvenile courts that have no resources to perform this duty and would be reliant upon county probation departments which may in many cases would have operational authority over the same facilities.

The savings to the General Fund proposed but the Governor's Budget is important and should be adopted, however the Subcommittee may want to determine whether the substantial change in the responsibilities of the Board of Corrections as proposed by the trailer bill language would be more appropriately be addressed through separate policy legislation.

## ITEM 8100 OFFICE OF CRIMINAL JUSTICE PLANNING

### ISSUE 1: VERTICAL PROSECUTION PROGRAMS

#### BACKGROUND:

Vertical prosecution is an approach that allows the same deputy district attorney or deputy city attorney (prosecutor) to follow a criminal case through the entire prosecutorial process. This process is different from an often-used method of dividing the major portions of the prosecutorial process between groups of prosecutors. For example under the non-vertical prosecution model, for the same case, agencies may use one prosecutor present at the arraignment and another that participates in the trial phase.

The Office of Criminal Justice Planning is the granting agency for five vertical prosecution programs funded by the General Fund. For the budget year funding for these program totals \$18.3 million.

Career Criminal Prosecution	\$4.0 million
Major Narcotics Vendor Prosecution	2.6 million
Vertical Prosecution of Statutory Rape	8.4 million
Elder Abuse Vertical Prosecution	2.0 million
Child Sexual Abuse Prosecution	1.3 million

The Department grants funds to local prosecutors to pay for the implementation of vertical prosecution programs for specific crimes such as statutory rape, elder abuse, sale of narcotics and domestic violence. Funding is not mandatory and the total amount of funding to counties for these five programs vary from zero (Sierra and San Benito) to \$1.2 million received by Los Angeles County.

In addition, OCJP has several multi-agency programs that include a vertical prosecution component within them. These programs include the : 1) Gang Violence Suppression Program and 2) Rural Crime Prevention Program. The Gang Violence Suppression Program has is funded by both federal funds (\$1 million in 2002-03) and General Funds (\$5.6 million in 2002-03) with vertical prosecution being one of the five components of the program. The Rural Crime Prevention Program is a General Fund program ( \$3.4 million in 2002-03) with a vertical prosecution component of approximately 30 percent of the total program.

OCJP also administers federally funded programs that include a vertical prosecution component. One of these programs, the Violence Against women Prosecution Program, provides funding for 23 district attorney's offices with grants ranging from \$30,394 to \$46,271 in 2002-03. Funding for this program comes from federal Violence Against Women Act funds.

In the current year OCJP has allocated \$60.5 million to local prosecutors for vertical prosecution programs.

**COMMENTS:**

There seems to be little disagreement about the effectiveness of vertical prosecution programs. In fact, Penal Code Section 273.8 discusses the effectiveness of vertical prosecution for spousal abuse cases. However, the prosecution of criminal cases is a local responsibility and local prosecutors must make decisions that balance the allocation of resources to address its caseload with or without vertical prosecution funding. As a result it is not clear if the State should assume the long-term financial responsibility for financing local prosecutions

**ITEM 0820 DEPARTMENT OF JUSTICE****ISSUE 1: DEALER RECORD OF SALE**

(millions)

CURRENT YEAR	PROPOSED CHANGE	PROPOSED BUDGET EXPENDITURES
\$8.345	\$ .008	\$8.353

**BACKGROUND:**

The Department of Justice operates a number of firearm programs designed to protect the public from the acquisition of guns by persons that are prohibited by law from their ownership. In addition the Department has programs to ensure that gun dealers and manufacturers are operating in compliance with the law. The most used program involves the sale of a firearm to an individual. Under this process a fee of \$14 goes to the Dealers' Record of Sale Account which covers the costs of background checks and the transfer of registry. A \$1 firearms safety fee which goes to the Firearm Safety Account and a \$5 safety and enforcement fee which goes to the Firearms Safety and Enforcement Special Fund is also charged to complete the transaction.

Penal Code Section 12076 (e) states:

*The Department of Justice may require the (firearm) dealer to charge each firearm purchaser a fee not to exceed fourteen dollars (\$14), except that the fee may be increased at a rate not to exceed any increased in the California Consumer Price Index as compiled and reported by the California Department of Industrial Relations. The fee shall be no more than is sufficient to reimburse all of the following and is not to be used to directly fund or as a loan to fund any program....*

*Allowable costs include those incurred: by the Department of Justice for providing information related to the law; by departments for providing information regarding the identification of those determined to be a danger to others from their mental condition and mentally disordered sex offenders; related to protective orders issued in local jurisdictions; by departments in providing notification of the firearms laws in California.*

**COMMENTS:**

In the May 1, 2002 hearing Assemblyman Wright requested the following information from the Department of Justice:

- List the fees by type that are deposited in the Dealers' Record of Sale Account (DROS) by the Department. Identify the number of applications of each type received by the Department. The amount of fees collected by category by the Department.

- Identify the applicable code sections that direct the Department to place these fees in DROS.
- A description of those activities funded from the DROS.
- Identify the applicable code sections that allow the Department to make expenditures for those program purposes from the DROS.
- Provide detail regarding the type of fee, the amount of applications processed by type and the amount of fees deposited into DROS for the past 3 years, in the current year and the budget year.
- The nature and status of any loans made from DROS in the past 10 years. This would include; 1) the recipient of the loan; 2) the statutory directive for the loan; 3) the purpose of the loan; 4) the terms of the loan; 5) repayments of principal and interest made against the loan; 6) the outstanding balance of any loan issued; and 7) future repayment schedules for the loan.
- The circumstances when a future loan from DROS would be possible. (in the context of Penal Code Section 12076 et. seq.)

Assemblyman Wright also asked the Legislative Analyst's Office for the following information:

- How much money went into DROS from the \$14 fee over the past 3 years and projected for the current and budget year.
- What other revenue went into the DROS type and amount.
- What expenditures are made from the DROS fund...what expenditures are related to the registration and background check as specified in PC Section 12076 et seq.
- What expenditures are not related to the registration and background check.

The subcommittee may want to ask:

- What other code sections are relevant to the collection to and expenditures from the DROS Account.
- Whether there are any additional fees deposited in DROS other than the \$14 fee that should be available for registration and background check purposes?
- For a list of all of the firearm programs operated by the Department of Justice, including the purpose of the programs, the fees involved, the total amount received by each program
- All of the resources dedicated to each program. This would include the number of positions and the department's state operations and local assistance budgets for the past three years
- Expenditures for the past three years for each program funded out of the DROS Account.

The subcommittee may want to consider:

- Whether the department can identify those revenues deposited in the DROS and expenditures funded from DROS related to registration functions (pursuant to Penal Code Section 12076(e) et. seq).
- Whether the department can identify those revenues deposited in the DROS and expenditures funded from DROS related to activities
- Whether the department's current practices provide sufficient safeguards to prevent registration fees being used to for non-registration purposes.
- Whether the creation of a separate account for fees that are not related to the registration and background checks specified in Penal Code Section 12076 et. seq. is appropriate. ( trailer bill language would be recommended)
- Whether it would like to explore additional actions to gather information regarding expenditures from the DROS fund.

**ITEM 5460 DEPARTMENT OF YOUTH AUTHORITY****ISSUE 1: REIMBURSEMENT FOR JUVENILE COMMITMENTS****BACKGROUND:**

Under current law, counties are required to pay a portion of the cost to house juvenile offenders in the Department of Youth Authority (YA). The amount of payment is dependent upon the seriousness of the offender. Wards are categorized from level I (most severe) to Level VII (least severe). Under the provisions of Chapter 632, Statutes of 1998 (SB 2055, Costa), County's costs for a YA commitment range from \$2,600 per month for a level VII ward to \$150 per month for level I through Level IV wards. The costs for the commitment of a Level VII ward of \$2,600 per month was reflective of the full per capita institution cost to the state on January 1, 1997.

The intent of a sliding scale of payments by counties for ward commitments is to provide a fiscal incentive for counties to keep lower level offenders at the county level and not to penalize local governments for transferring the highest level offenders to the state.

IN THE APRIL 2, 2002 HEARING, THIS ISSUE WAS PUT OVER IN AN ATTEMPT TO USE THE ADDITIONAL TIME TO ENGAGE IN FURTHER DISCUSSION AMONG THE LOCAL GOVERNMENT PARTIES. TO DATE THERE HAS BEEN NO PROGRESS IN SEEKING SUPPORT AND THE LOCAL GOVERNMENTAL REPRESENTATIVES REMAIN OPPOSED TO THIS PROPOSAL.

**COMMENTS:**

The fees paid by the counties for juvenile commitments have not been adjusted since the enactment of SB 2055. According to the LAO, adjusting the per capita institution costs of \$2,600 per month for the impact of inflation would increase costs to \$3,040 per month. This is less than the actual costs of juvenile confinement of \$3,530 per month. The increase in the county payments to reflect the effects of inflation would maintain fiscal incentives at a similar level as when the SB 2055 was originally enacted.

LAO estimates the proposed indexing of county payments would shift approximately \$9 million in costs from the department to county government. The actual fiscal impact of the shift could be higher or lower depending upon the number of future commitments from the courts. Costs could be further affected by the enactment of SB 1793 (Burton, Karnette ) scheduled to be heard on May 7, 2002, before the Senate Public Safety Committee. SB 1793 would give greater influence to local probation departments in the determination of the term of confinement for a juvenile through the elimination of the State Youthful Offender Parole Board. There is no consensus of the true impact of this legislation upon local governments as it is not clear if the county's recommended terms of commitment would result in shorter sentences to juveniles that would offset increased costs of administration.