

AGENDA**Part 2 of 2****ASSEMBLY BUDGET SUBCOMMITTEE NO. 4
ON STATE ADMINISTRATION****Assemblymember Juan Arambula, Chair****TUESDAY, MAY 1, 2007
STATE CAPITOL, ROOM 447
1:30 PM**

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CONSENT CALENDAR (VOTE ONLY)

ITEM	DEPARTMENT	SUMMARY
1100	California Science Center	Augmentation for Operations BCP#1: The Science Center is requesting \$399,000 (General Fund) for operating, technology and education collection, program and exhibition costs. The operations costs that seem directly related to seven-day operation are \$100,000 for facility operations and \$25,000 for utilities. The remaining \$274,000 would support external consultants for exhibition support (\$80,000); exhibition installation and supplies (\$85,000); and the remainder for data processing, inter-agency services, and communications.
1100	California Science Center	April 1st DOF Letter: Technical Reimbursement Correction. The Administration requests a decrease in reimbursements of \$12,000 to eliminate lease-revenue reimbursements from the primary support item because they are reflected in the lease revenue item.
1110	Department of Consumer Affairs	Board of Accountancy BCP#1: The Board requests an augmentation of \$149,000 (Special Fund) in 2007-08 and ongoing to fund increased security guard services at their facility. The Department of Rehabilitation is vacating the shared premises leaving the Department's cost of the security guard services unfunded.
1110	Department of Consumer Affairs	Board of Accountancy BCP# 2: The Board requests an augmentation of \$345,000 (Special Fund) in 2007-08 and ongoing and 3.0 positions to establish a Southern California Enforcement Office. There are currently 7.0 investigative CPA's in Sacramento to respond to complaints throughout the State. Since 50 percent of the licensees are in Southern California, the Board feels it is efficient to locate an office in Los Angeles.
1110	Department of Consumer Affairs	Board of Accountancy BCP#3: The Board requests an augmentation of \$399,000 (Special Fund) in 2007-08 and \$357,000 in 2008-09 and 6.0 positions to address the growing number of CPA license applications the Board receives. Due to the workload increase, processing time has increased to 84 days exceeding the 30 day period preferred by the Board.
1110	Department of Consumer Affairs	Board of Accountancy BCP#4: The Board requests 1.0 position to be funded within the existing budget to address the workload related to the Board's web site, IT security, and in-house network needs. The Board currently employs four IT staff.

ITEM	DEPARTMENT	SUMMARY
1110	Department of Consumer Affairs	Board of Accountancy BCP#5: The Board requests an augmentation of \$160,000 (Special Fund) in 2007-08 and \$146,000 in 2008-09 and 2.0 positions to reinstate review and audit of licensees' mandatory continuing education requirement and to shorten the review time for course submission from professional conduct and ethics course providers.
1110	Department of Consumer Affairs	Board of Accountancy BCP#6: The Board requests an augmentation of \$213,000 (Special Fund) in 2007-08 and \$193,000 in 2008-09 and 2009-10 to fund 3.0 three-year limited term positions for their Practice Privilege Unit (PPU). These additional positions are needed to address the influx of Practice Privilege Notifications from out-of-state/country CPA's who wish to practice accountancy in California. Consistent with the Senate Action, this subcommittee is requiring the Board to report to the subcommittee by March 1, 2008, on the actual number of notifications received in 2007, the Board's projection for 2008, and any resulting staffing or budget changes.
1110	Department of Consumer Affairs	Board of Accountancy BCP#7: The Board requests 2.0 positions to be funded within existing resources to address increased workload for its cashiering and mailroom functions.
1110	Department of Consumer Affairs	Board of Barbering and Cosmetology BCP#12: The Board requests the transfer of 1.0 IT position to the Department's centralized Office of Information Support (OIS). The reduction in the Board's position will be offset by a corresponding increase to its OIS distributed cost.
1110	Department of Consumer Affairs	Board of Barbering and Cosmetology BCP# 02L: The Board requests an augmentation of \$188,000 (Special Fund) in 2007-08 and \$128,000 in 2008-09 and ongoing and 1.5 permanent positions to implement new workload requirements generated by AB 861, Chapter 411, Statutes of 2006. This bill authorizes probationary licenses and requires a report.
1110	Department of Consumer Affairs	Board of Behavioral Sciences BCP#13: The Board requests the redirection of \$183,000 (Special Fund) in 2007-08 and \$167,000 in 2008-09 and ongoing and the addition of 2.0 positions for enforcement workload increases.
1110	Department of Consumer Affairs	Board of Behavioral Sciences April 1st DOF Letter: The Board requests an augmentation of \$105,000 (Special Fund) in 2007-08 and \$96,000 in 2008-09 and ongoing to establish a 1.0 Staff Services Manager I to work with the Department of Mental Health on a plan to educate, train, and license the public mental health workforce consistent with the Mental Health Services Act.

ITEM	DEPARTMENT	SUMMARY
1110	Department of Consumer Affairs	Contractors State License Board BCP# 14: The Board requests \$173,000 (Special Fund) in 2007-08 and \$168,000 in 2008-09 and ongoing and 3.0 positions to address the unanticipated workload in the Criminal Background Unit.
1110	Department of Consumer Affairs	Contractors State License Board BCP# 15: The Board requests an augmentation of \$190,000 (Special Fund) in 2007-08 and ongoing (\$284,000 in total funding including a redirection of \$94,000 from existing funds) and 5.0 positions to increase staffing at the four exam centers that currently have only one full-time position.
1110	Department of Consumer Affairs	Contractors State License Board BCP# 16: The Board requests \$736,000 (Special Fund) in 2007-08 and \$714,000 in 2008-09 and ongoing and 13.0 positions to address the increased workload that has resulted from a large increase in the number of applications and license renewals.
1110	Department of Consumer Affairs	Dental Board of California BCP#17: The Board requests \$171,000 (Special Fund) in 2007-08 and \$156,000 in 2008-09 and ongoing to fund an increase in the daily compensation rate from \$125 to \$250 for Dental Examiners (external consultants). The Board uses licensed dentists as expert examiners to evaluate the work of candidates applying for licensure.
1110	Department of Consumer Affairs	Dental Board of California BCP#18: The Board requests an augmentation of \$440,000 (Special Fund) in 2007-08 and \$339,000 in 2008-09 and ongoing and 4.0 Investigator positions to address the Board's Enforcement Investigation caseload and to support sworn personnel for Probation Monitors.
1110	Department of Consumer Affairs	Dental Board of California BCP#04L: The Board requests \$69,000 (Special Fund) in 2007-08 and \$43,000 in 2008-09 and ongoing and 0.5 positions to address increased licensing workload created by the enactment of SB 438, Chapter 909, Statutes of 2006. The bill broadened the scope of practice for oral and maxillofacial surgery permit holders.
1110	Department of Consumer Affairs	Dental Board of California BCP#05L: The Board requests an augmentation of \$63,000 (Special Fund) in 2007-08 and \$56,000 in 2008-09 and ongoing and 1.0 positions to address workload associated with the enactment of SB 683, Chapter 805, Statutes of 2006. The bill created an alternative pathway for licensure.

ITEM	DEPARTMENT	SUMMARY
1110	Department of Consumer Affairs	Dental Board of California BCP#06L: The Board requests an augmentation of \$303,000 (Special Fund) in 2007-08 and \$251,000 in 2008-09 and ongoing and 2.0 positions to address exam development and processing workload created by the enactment of SB 1541, Chapter 908, Statutes of 2006. The bill created a work experience pathway for licensure as a specialty registered dental assistant.
1110	Department of Consumer Affairs	Medical Board of California BCP#01L: The Board requests \$100,000 (one-time Special Fund) to implement AB 2342, Chapter 276, Statutes of 2006. The bill requires the Board, in conjunction with the Health Professions Education Foundation, to study the issue of provision of medical malpractice insurance for physicians and surgeons who provide voluntary unpaid services to indigent patients in medically underserved areas of the State.
1110	Department of Consumer Affairs	Physical Therapy Board of California BCP#20: The Board requests an augmentation of \$22,000 (Special Fund) and 0.4 positions from the Medical Board of California (MBC) to the Physical Therapy Board in addition to an increase in position authority by 0.1 for a total of 0.5 position authority in 2007-08 and ongoing to transfer the Board's licensing cashiering function from the MBC to the Board.
1110	Department of Consumer Affairs	Board of Occupational Therapy BCP#22: The Board requests and augmentation of \$67,000 (Special Fund) in 2007-08 and \$59,000 in 2008-09 and ongoing and 1.0 position to address the increased enforcement workload.
1110	Department of Consumer Affairs	Board of Occupational Therapy BCP#23: The Board requests an augmentation of \$65,000 (Special Fund) in 2007-08 and \$58,000 in 2008-09 and ongoing and 1.0 position to address the administrative and cashiering workload needs.
1110	Department of Consumer Affairs	Board of Registered Nursing BCP#25: The Board requests position authority of 4.0 permanent positions to support increasing customer service workload. The positions will be funded with a \$200,000 redirection from the operating expenses funds.
1110	Department of Consumer Affairs	Board of Registered Nursing BCP#26: The Board requests position authority of 1.0 permanent position to process Public Record Act requests and issue citations and fines. The position will be funded with a \$59,000 redirection from the operating expenses fund.

ITEM	DEPARTMENT	SUMMARY
1110	Department of Consumer Affairs	Speech Language Pathology and Audiology Board BCP#27: The Board requests an augmentation of \$72,000 one-time (Special Fund) in 2007-08 to conduct an examination validation study of the national examination for licensures in the professions of speech-language pathology and audiology.
1110	Department of Consumer Affairs	State Board of Pharmacy BCP#28: The Board requests position authority for 3.0 permanent positions in customer service and would be funded with a \$151,000 redirection from the operating expenses fund.
1110	Department of Consumer Affairs	Board for Professional Engineer and Land Surveyors BCP#29: The Board requests an augmentation of \$96,000 (Special Fund) in 2007-08 and \$92,000 in 2008-09 and ongoing and 1.0 positions to address the anticipated enforcement caseload growth and cost increases for enforcement expert witnesses.
1110	Department of Consumer Affairs	Board for Professional Engineer and Land Surveyors BCP#30: The Board request an augmentation of \$39,000 (Special Fund) in 2007-08 and ongoing to increase the hourly rate for a Subject Matter Expert from \$28 to \$32. Subject Matter Experts assist in licensure exam development and grading.
1110	Department of Consumer Affairs	Board of Vocational Nursing and Psychiatric Technicians Board BCP#31: The Board requests the following augmentations: (1) \$751,000 (Special Fund) in 2007-08 and \$656,000 in 2008-09 and ongoing and 4.0 positions for the Vocational Nursing Program, and (2) \$119,000 (Special Fund) in 2007-08 and \$92,000 in 2008-09 and ongoing and 0.5 positions for the Psychiatric Technician Board. The increased funding and staffing is necessary to implement mandatory reporting requirements established by SB 358, Chapter 640, Statutes of 2003.
1110	Department of Consumer Affairs	Board of Vocational Nursing and Psychiatric Technicians Board BCP#32: The Board requests the following augmentations: (1) \$147,000 (Special Fund) in 2007-08 and \$143,000 in 2008-09 and ongoing and 2.0 positions for the Vocational Nursing Program, and (2) \$158,000 (Special Fund) in 2007-08 and \$154,000 in 2008-09 and ongoing and 2.2 positions for the Psychiatric Technician Program to address the workload in the Board's Enforcement Unit.

ITEM	DEPARTMENT	SUMMARY
1110	Department of Consumer Affairs	Various DCA Programs BCP#34: The Department requests and augmentation of \$1.1 million (Special Fund) in 2007-08 and \$266,000 in 2008-09 and ongoing to support one-time moving costs and ongoing rent increase at the new office building for various DCA programs.
1111	Department of Consumer Affairs	State Athletic Bureau BCP#1: The Bureau requests an augmentation of \$18,000 (Special Fund) in 2007-08 and ongoing to provide mandated training for officials.
1111	Department of Consumer Affairs	State Athletic Bureau BCP#2: The Bureau requests an augmentation of \$270,000 (Special Fund) in 2006-07, \$522,000 in 2007-08 and \$506,000 in 2008-09 and ongoing to hire more temporary-help inspectors and add 2.0 Office Technician positions to address increased workload.
1111	Department of Consumer Affairs	Hearing Aid Dispensers Bureau BCP#4: The Bureau requests an augmentation of \$67,000 (Special Fund) in 2007-08 and \$65,000 in 2008-09 and ongoing and 1.0 position to address increased licensing and examination workload associated with administering an additional examination to accommodate a growing influx of applicants pursuing licensure.
1111	Department of Consumer Affairs	Arbitration Certification Program BCP#5: The Program requests an augmentation of \$26,000 (Certification Fund) in 2007-08 and ongoing and 0.3 positions to address deficiencies in inspection and public outreach workloads.
1111	Department of Consumer Affairs	Bureau of Security and Investigative Services BCP#6: The Bureau requests an augmentation of \$199,000 (Special Fund) in 2007-08 and \$175,000 in 2008-09 and ongoing and 2.5 three-year limited term positions to address increased enforcement workload and unlicensed activities.
1111	Department of Consumer Affairs	Bureaus of Home Furnishings and Thermal Insulation and Electronics and Appliance Repair BCP#11: The Bureaus request an augmentation of \$175,000 (Special Fund) in 2007-08 and ongoing to fund a lease increase associated with a lease extension at their current facility.
1111	Department of Consumer Affairs	Bureau of Home Furnishings and Thermal Insulation BCP#12: The Bureau requests an augmentation of \$63,000 (Special Fund) in 2007-08 and \$60,000 in 2008-09 and ongoing and 1.0 position to perform increased product testing and evaluation.

ITEM	DEPARTMENT	SUMMARY
1111	Department of Consumer Affairs	Office of Examination Resources BCP#14: The Office requests position authority of 2.0 positions to address increased exam related workload. The positions will be funded within existing funds.
1111	Department of Consumer Affairs	Office of Information Services BCP#16: The Office requests a realignment of \$116,000 in current <i>reimbursements to distributed costs</i> for the Office's centralized website services.
1111	Department of Consumer Affairs	Division of Investigation BCP#18: The Department requests an augmentation of \$281,000 (Special Fund) in 2007-08 and \$231,000 in 2008-09 and ongoing and 2.5 positions to address the increased workload in the Special Operations Unit. This unit performs internal investigations of DCA's Boards and Bureaus and currently has a backlog of cases.
1111	Department of Consumer Affairs	Division of Investigation BCP#19: The Department requests an augmentation of \$302,000 (Special Fund) in 2007-08 and \$256,000 in 2008-09 and ongoing and 3.0 positions to create a Case Intake, Assist, and Disposition Unit within the Division. The augmentation would institute preliminary case management and prioritization increase efficiency.
1111	Department of Consumer Affairs	Professional Fiduciaries Bureau BCP#01L: The newly created bureau requests an augmentation of \$1.1 million (Special Fund) in 2007-08 and \$615,000 in 2008-09 and \$672,000 in 2009-10 and ongoing and 5.0 positions to carry out their mandated workload pursuant to SB 1550, Chapter 491, Statutes of 2006. The bill establishes the Bureau as the State's licensing and regulation of persons acting as professional fiduciaries.
1760	Department of General Services	Capital Outlay BCP: Renovation of H and J Buildings—Patton State Hospital. The budget includes \$4.0 million (Earthquake Safety Bond Funds) for preliminary plans and working drawing phases of a project to create intermediate “swing space” and seismically renovate four buildings at the hospital.
1760	Department of General Services	Capital Outlay BCP: Structural Retrofit—Sierra Conservation Center, Department of Corrections Jamestown Facility. The Department of General Services requests \$168,000 (Earthquake Safety Bond Funds) for working drawings for the California Department of Corrections Jamestown Buildings E and F. DGS has determined these structures to be seismically deficient. Total project costs are expected to be \$1.7 million.

ITEM	DEPARTMENT	SUMMARY
1760	Department of General Services	Capital Outlay BCP: Vacaville Correctional Medical Facility, Wings U, T, and V. The Department of General Services requests \$688,000 (Earthquake Safety Bond Funds) for working drawings for the Vacaville Correctional Medical Facility, Wings U, T, and V. DGS has determined these structures to be seismically deficient. Total project costs are expected to be \$3.0 million over four years.
1760	Department of General Services	Capital Outlay BCP: Vocational Building at the California Correctional Center in Susanville. The Department of General Services requests \$331,000 (Earthquake Safety Bond Funds) for preliminary plans and working drawings for the Vocational Building at the California Correctional Center in Susanville. DGS has determined this structure to be seismically deficient. Total project costs are expected to be \$6.5 million over three years.
1760	Department of General Services	Capital Outlay BCP: Department of Mental Health Metropolitan State Hospital – Wards 206 and 208 in Norwalk. The Department of General Services requests \$363,000 (Earthquake Safety Bond Funds) for working drawings for the Department of Mental Health Metropolitan State Hospital – Wards 206 and 208 in Norwalk, California. DGS has determined these structures to be seismically deficient. Total project costs are expected to be \$4.4 million over three years.
1760	Department of General Services	Capital Outlay BCP: CDC Tehachapi Chapels Facility (Building H). The Department of General Services requests \$200,000 (Earthquake Safety Bond Funds) for preliminary plans and working drawings for the Chapels Facility (Building H) at the California Department of Corrections Tehachapi facility. DGS has determined this structure to be seismically deficient. Total project costs are expected to be \$2.1 million over three years.
1760	Department of General Services	Capital Outlay BCP: Structural Retrofit for the Walker Clinic. The Department of General Services requests \$225,000 (Earthquake Safety Bond Funds) for working drawings for the California Institute for Women—Walker Clinic at Corona. DGS has determined this structure to be seismically deficient. Total project costs are expected to be \$3.0 million over three years.
1760	Department of General Services	Capital Outlay BCP: California Institute for Women Infirmaries at Corona-Infirmery Building. The Department of General Services requests \$224,000 (Earthquake Safety Bond Funds) for working drawings for the California Institute for Women Infirmery at Corona. DGS has determined this structure to be seismically deficient. Total project cost is expected to be \$2.7 million over three years.

ITEM	DEPARTMENT	SUMMARY
1760	Department of General Services	Capital Outlay BCP: Sacramento Public Safety Communications Decentralization. The budget includes \$4.8 million (various funds) to commence a design phase for the relocation of two critical public safety communications from the top floor of the Resources Building in Sacramento. The Administration seeks to relocate this type of facility from the downtown area to a more seismically sound structure, at a cost of \$29.5 million General Fund.
1760	Department of General Services	School Facilities Program Staffing BCP# 18: The Program requests \$575,000 (2006 School Facilities Fund) and seven permanent positions to support the implementation of Chapter 35, Statutes of 2006 (AB 127).
1760	Department of General Services	Office of Administrative Hearings BCP# 1: The Office requests to make permanent 73 limited-term attorney and support positions. These positions do not expire until June 2008 so there will be no fiscal impact in the budget year. The cost to make these positions permanent will be \$9.2 million (Service Revolving Fund) ongoing starting in 2008-09. Staff provides services for the Special Education Dispute Resolution Program, which mediates between school districts and parents of developmentally disabled children. Funding for these positions is provided through an interagency agreement with the Department of Education (CDE).
1760	Department of General Services	Central Heating and Cooling Plant BCP# 2: The Department requests an augmentation of \$380,000 (Service Revolving Fund) in the budget year and 2008-09 for private consultant services related to water quality monitoring, regulatory compliance and consultation, and special environmental studies for the waste discharge into the Sacramento River.
1760	Department of General Services	Baseline Funding Adjustment for Natural Gas Services BCP#3: The Department requests an augmentation of \$63.1 million (Service Revolving Fund) to permanently increase the department's baseline natural gas budget up to \$234.3 million, the expenditure level of the current year.
1760	Department of General Services	Building Security Services BCP# 4: The Department requests \$1.1 million (Service Revolving Fund) to fund increased costs contained in the Master Security Services Agreement for 15 state buildings. This agreement and procurement of private security services is overseen by the California Highway Patrol, who had previously provided security services for these buildings.

ITEM	DEPARTMENT	SUMMARY
1760	Department of General Services	Budget Bill Language for Tenant Improvements on DGS Individual Rate Buildings BCP#5: The Department is requesting budget bill language to allow the Director of Finance to augment the DGS budget for purposes of funding tenant improvement projects within DGS individual rate buildings. The current process does not allow for tenant agencies changing programs and facilities needs and to save the cost of leasing unnecessary private sector space. Senate Sub 4 approved the proposed language but revised it to include minor changes. This subcommittee is approving the revised language. (Attachment 1)
1760	Department of General Services	Asset and Enhancement of Current Surplus Properties BCP#6: The Asset, Planning and Enhancement Branch requests a one-time augmentation of \$1.6 million (Property Acquisition Law Money Account) for external consultant services to enhance the valuation of three current surplus properties and remediate soil contamination at a Los Angeles property. The are the Lanterman Developmental Center in Pomona; the Fairview Developmental Center in Costa Mesa; and Los Angeles Civic Center.
1760	Department of General Services	Conversion of Expiring Positions to Permanent in Office of Public School Construction BCP#7: The Office requests expenditure authority of \$1.1 million (\$331,000 General Fund) ongoing to make permanent 13 expiring positions (June 30, 2007) in the Office of Public School Construction (OPSC), Fiscal and Program Services Office.
1760	Department of General Services	Secretary of State Building: Conversion to Individual Rate Building BCP#8: The Building and Property Management Branch requests and augmentation of \$14.1 million (Service Revolving Fund) to: (a) repair the Secretary of State (SOS) headquarters; and (b) transition the costs of debt service and set up a building rental rate for the SOS to include a six-cents special repairs reserve account to fund future repairs to the building.
1760	Department of General Services	Building Maintenance and Operations for Department of Justice Lab Facility, Santa Rosa BCP#9: The Building and Property Management Branch requests \$180,000 (Service Revolving Fund) ongoing to provide custodial, engineering, and grounds keeping services at the Department of Justice's new lab in Santa Rosa.

ITEM	DEPARTMENT	SUMMARY
1760	Department of General Services	California Public Utilities Commission Building: Special Repairs and Maintenance BCP#10: Pursuant to a Memorandum of Understanding between the California Public Utilities Commission and the Department of General Services, the Building and Property Management Branch requests \$3.1 million (Service Revolving Fund) for special repairs and deferred maintenance at the Edmund G. Brown building in San Francisco.
1760	Department of General Services	State Relocatable Classroom Program BCP#13: The Office of Public School Construction requests \$4.5 million ongoing (School Building Aid Fund) to cover operating costs and continue the implementation of the phase-out plan for the State Relocatable Classroom Program (SRPC). The request includes \$44,000 to fund travel expenses for the SRCP inspector.
1760	Department of General Services	CalTrans Building Operations and Maintenance BCP#19: The Building and Property Management Branch requests \$235,000 (Service Revolving Fund) ongoing and three positions to provide building operations and maintenance services at three properties in Sacramento.
1760	Department of General Services	Energy Contract Service Attorney BCP#20: The Department requests one attorney position to provide in-house legal services for energy-related legal issues. DGS believes that their growing involvement in energy purchases and programs necessitates increased staff legal support.
1760	Department of General Services	Infrastructure Studies for DGS Buildings BCP#21: The Asset, Planning and Enhancement Branch request \$230,000 (Service Revolving Fund) for the preparation of two infrastructure studies of DGS buildings.
1760	Department of General Services	CHP Enhanced Radio System BCP#24: The Office of Public Safety Radio Services requests an augmentation of positions and expenditure authority of \$4.9 million (Service Revolving Fund) and 14 Telecommunication Technician positions in 2007-08 and \$9.4 million in 2008-09 to meet the increased workload and service augmentations generated by the CHP Enhanced Radio System BCP approved in 2006-07.
1760	Department of General Services	Earthquake Safety Public Buildings Rehabilitation (ESPBR) Bond Fund BCP#26: The Department requests to eliminate two positions and \$651,000 in expenditure authority for the ESPBR due to the completion of seismic retrofit projects. Retention of a position is requested to address project management activities for eight proposed earthquake safety projects. This position would be funded from the Architectural Revolving Fund.

ITEMS TO BE HEARD

ITEM 0510 SECRETARY OF STATE AND CONSUMER AFFAIRS AGENCY

The State and Consumer Services Agency (Agency) oversees the departments of Consumer Affairs, Fair Employment and Housing, and General Services. The Agency also oversees the California Science Center, the Franchise Tax Board, the California Building Standards Commission, the State Personnel Board, the California Public Employees' Retirement System, the California State Teachers' Retirement System, the Victims Compensation and Government Claims Board, and the Office of the Insurance Advisor.

The Governor's proposed budget includes expenditures of \$3.2 million (\$2.5 million General Fund) and 23.7 positions for the Agency. This represents an increase of \$1.8 million and 14.9 positions.

ISSUE 1: LEGISLATIVE UNIT STAFFING (BCP#1)

The issue for the subcommittee to consider is the Agency's BCP requesting an augmentation of \$96,000 (reimbursements) in 2007-08 and \$88,000 in 2008-09 and ongoing and 1.0 positions to address the increasing legislative bill analysis and coordination workload.

BACKGROUND:

The Agency indicates that the number of Enrolled Bill Reports (EBR) has increased by over 100 bills from 2005 to 2006 (from 234 to 336). Additionally, the number of direct reporting departments/boards supervised by the Agency has increased by six over the past 10 years.

The BCP request would address workload related to EBRs which are confidential documents. Budget staff asked the Agency if the position would result in more public bill analysis and position letters from the Agency. Legislative policy and appropriations staff have indicated a desire for the Administration to provide more public bill information and letters so the public and the bill authors can be informed of the Administration's concerns along with workload and cost estimates. Public written information from the Administration is also helpful to the budget committee because, when a bill is chaptered and the Administration submits a BCP to implement the legislation, the public letter or bill analysis allows a comparison of the funding request to what the Administration assumed when the policy bill was debated.

COMMENTS:

The Agency should indicate how this request would result in the generation of increased public information related to bills.

**ISSUE 2: CALIFORNIA OFFICE OF INFORMATION SECURITY AND PROTECTION
(BCP#2)**

The issue for the subcommittee to consider is the Agency's BCP requesting \$1.7 million (General Fund) and 14.7 positions to merge and expand certain information technology security and consumer privacy protection functions of the State.

BACKGROUND:

The Office of Privacy Protection, currently within the Department of Consumer Affairs, would move to the Agency and shift \$826,000 (General Fund) and 8.7 positions to the new Office. The Information Security Office, currently within the Department of Finance, would move to the Agency and shift \$354,000 (General Fund) and 3.0 positions to the new Office. Additionally, the Agency would receive a net augmentation of \$521,000 and 3.0 positions for the Office of Information Security and Protection.

The new Office would combine the Office of Privacy Protection, which has a mission of consumer education and advocacy on privacy issues, and the Information Security Office, whose mission is securing and protecting the State's information assets. The Administration believes this merger of existing functions will provide synergy by bringing a consumer privacy perspective to the State information security program, while adding security expertise to the consumer privacy program.

COMMENTS:

The Administration has proposed other information technology reorganization, and this proposal should be considered in the context of the broader proposal. Senate Bill 834 (Chapter 533, Statutes of 2006) created the Office of State Chief Information Officer (State CIO). The Administration proposes to shift the responsibility for review and oversight of projects from the Department of Finance to the State CIO.

Budget staff recommends that the subcommittee reject this BCP. The bigger IT reorganization proposal will be heard in Subcommittee 5 under the Department of Finance's budget. With the rejection of this BCP, the Office of Privacy Security within the Department of Consumer Affairs will incur no changes and it will remain within the Department.

ITEM 1100 CALIFORNIA SCIENCE CENTER

The California Science Center is an educational, scientific, and technological center located in Exposition Park, a 160-acre tract in south Los Angeles. The California African American Museum (CAAM), also included in the park, provides exhibitions and programs on the history, art, and culture of African Americans. In addition, the Office of the Park Manager is responsible for maintenance of the park, public safety, and parking facilities.

The Governor's proposed budget includes expenditures of \$23.2 million (\$17.5 million General Fund) and 179.9 positions for the Science Center. This is an increase of \$2.2 million and a General Fund increase of \$2.3 million.

**ISSUE 1: CALIFORNIA AFRICAN AMERICAN MUSEUM RENOVATION EXPANSION
(CAPITAL OUTLAY BCP#1)**

The issue for the subcommittee to consider is the Science Center's request of \$2.3 million in 2007-08, \$2.1 million in 2008-09, and \$39.2 million in 2009-10 (all General Fund) to renovate and expand the California African American Museum (CAAM). The total General Fund cost is estimated at \$43.6 million, which is 66 percent of the total project cost of \$65.4 million. The CAAM Friends Foundation would contribute the remaining \$21.8 million, or 33 percent.

BACKGROUND:

CAAM began operations in 1981 housed in temporary quarters at the California Museum of Science and Industry (currently the California Science Center). The current facility in Exposition Park was built in 1983 with State and private funds for \$5 million. In November 2001, following years of deterioration and risk to the collection, CAAM temporarily closed its exhibition facilities for major infrastructure renovations. Valued at approximately \$4.1 million, partial improvements included automated remote monitoring HVAC system, CCTV security system, dry-pipe fire suppression system, hardwood floor installation, a new roof and skylights, and electronic doors to comply with the American with Disabilities Act (ADA) and an automated light dimmer system. As these remedial measures were taking place, it was recognized that more extensive upgrades and repairs would be required and that various building space and technical deficiencies would need to be addressed along with planning for long term expansion of public use spaces, storage and production areas.

A long-term Expansion Study has been developed with bond funds made available in previous years. The preliminary concept scope has been reviewed and budget estimates were completed early 2005. The study includes modifying CAAM's orientation in the park in light of the larger master plan begun by the California Science Center, as well as expansion of CAAM to accommodate future and current needs for

education programming space, museum store and café locations, lecture/theater setting presentation space, and permanent galleries for interactive discovery, history and art associated with CAAM's permanent collection. The facility would expand from 46,000 square feet to 126,000 square feet.

CAAM is the only State agency mandated to collect, preserve, maintain, and interpret for public enrichment the art, history and culture of African Americans.

COMMENTS:

For 2007-08, CAAM is requesting \$2.3 million to partially support preliminary planning for this renovation/expansion project. State funds will be matched with \$1.1 million in private funds from the CAAM Friends Foundation. In 2008-09, CAAM will be requesting \$2.1 in State funds to develop working drawings and in 2009-10, \$39.2 million in State funds will be requested for construction. All State funding will be partially matched with private funds from the CAAM Friends Foundation.

Specifically, the additional space would provide for the following: (1) allow for more visitors and groups at a single time; (2) specialty space for school groups; (3) larger library space to improve accessibility and allow the collection to expand; (4) a new 300 seat theatre; (5) new revenue-generating space including a café, a retail store, and meeting space; (6) increased space for collection storage and display; and (7) a new entrance to be in accord with the Exposition Park Master Plan.

Budget staff recommends approval of this item as budgeted. However, staff recommends that a progress report be submitted to the subcommittee when considering future funding requests for the project.

ISSUE 2: SCIENCE CENTER PHASE II FACILITY (BCP# 7)

The issue for the subcommittee to consider is the Science Center's request of \$1.9 million in General Fund and 4.5 positions in 2007-08 for staffing and operations of the expanded facility.

BACKGROUND:

The Phase II project allocations were approved in State budgets in 2000, 2001, and 2003. The State funded \$8.3 million of design and appropriated \$22.9 million for construction for a total State contribution of \$31.3 million.

Construction of the California Science Center Phase II Project will be completed in spring 2009 with the facility opening to the public in late 2009. The 146,000 sq. ft. will almost double the amount of exhibit space at the Center. The major component of the expansion will be the World of Ecology, which will explore the fundamental connections between life and the physical world, combining live plants and animals with interactive science exhibits in both indoor and outdoor spaces. The phase II project represents the continued fulfillment of the California Science Center and Exposition Park Master Plan and vision to promote science learning for school aged children, parents, teachers, community educators and the General public.

The Budget Change Proposal (BCP) contains three components:

1. A request of \$1.9 million and 4.5 full-time positions in 2007-08 for start up costs associated with operating the Center's expansion.
2. A request for budget bill language that will allow the Science Center to contract with its auxiliary non-profit partner, the California Science Center Foundation, for specialized functions such as guest services, animal care and horticulture, exhibit maintenance.
3. A request for one full-time position to serve as Administrator, of Science Programs at the Life Sciences.

The Phase II project is a \$140 million expansion to the existing Science Center facility. Phase II staffing and costs would grow each year for three years, reaching a total of 33.25 positions and \$7.1 million General Fund in 2009-10.

COMMENTS:**Start Up Costs for Staffing and Operations**

The Science Center has both a State budget and a Science Center Foundation budget. Staff and operating expenses are split between the two budgets. For 2007-08, the proposed State support for the Science Center itself, excluding CAAM and Exposition Park Management, is \$16.3 million and the Foundation support is \$11.8 million. The Science Center indicates that the Foundation will share in the operations cost of the new facility, contributing in the range of \$6 million annually when Phase II is open. The new State positions requested are primarily associated with development, construction, maintenance, and operations of a changing set of exhibits, and the overall maintenance and operation of the Phase II facility.

Budget Bill Language for External Contracts

The BCP includes budget bill language that would provide the Science Center the ability to contract with the Science Center Foundation (Foundation) without going through a competitive bidding process. Similar language was included in the Budget Act in 1997 and 1998. The 1997 and 1998 language allowed direct acquisition of specialized services from the Foundation based on the recognition that the specialized functions of the Science Center are not found in State service classifications, and on the unique ability of the Foundation to effectively fill these functions because of its non-profit mission to support the Science Center.

The proposed Provision 1 of Item 1100-001-0001 reads as follows:

The Legislature recognizes that specialized functions, such as exhibit maintenance, educational and guest services programs, and animal care and horticulture require specialized skills that are generally not available in state civil service. It is the intent of the Legislature to allow the California Science Center to directly acquire these services from its auxiliary partner, the California Science Center Foundation. Any such contract shall be subject to approval by the State and Consumer Services Agency and the Department of General Services and be subject to all state audit requirements.

Government Code Section 19130, Public Contract Code 10340, and other code sections define the requirements for contracting. One of the requirements is a competitive bidding process.

Based on the information included in the BCP, Budget staff would like to note that with the Phase II expansion, the Foundation will play a vital role in particular in the area of animal care. Currently, the State does not have civil service classifications that reflect the specialized nature of work needed to care for animals and horticulture. In addition, the civil service process does not allow for immediate disciplinary action or dismissal should any situation arise that would pose a life-safety risk to animals, staff or guests. If the proposed language is approved, the Foundation would be responsible for employee insurance, workers' compensation and liability issues for these specialized employees thus minimizing financial exposure to the State.

The proposed language was revised when the issue came before Senate Budget Subcommittee #4 in order to make the language more explicit:

The operation of the California Science Center may require individual skills not generally available in state civil service to support specialized functions, such as exhibit maintenance, and educational and guest services programs including animal care and horticulture. Notwithstanding any other provisions of law, the Science Center may enter into a personnel service contract or contracts with the California Science Center Foundation without a competitive bidding process. Any such contract shall be subject to approval by the State and Consumer Services Agency and the Department of General Services and be subject to all state audit requirements.

Science Programs Administrator for Life Sciences

The 1.0 full-time position (World of Life Curator) is needed since this Administrator would be responsible for the policy development, implementation, and management of life science exhibits in the World of Life Gallery.

Budget staff recommends the approval of the funds and positions requested for the start up costs, the Senate's revised budget bill language for external contracts and the Administrator position.

ITEM 1110-1111 DEPARTMENT OF CONSUMER AFFAIRS (DCA)

The Department of Consumer Affairs (DCA) Boards and Bureaus provide exams and licensing, enforcement, complaint mediation, education for consumers, and information on privacy concerns.

The Boards are budgeted under organizational code 1110, and the total proposed budget is \$242.1 million (no General Fund) and 1,350.4 positions – an increase of \$15.0 million and 73.7 positions. The Bureaus are budgeted under organizational code 1111, and the total proposed budget is \$204.9 million (no General Fund) and 1,407.4 positions – an increase of \$16.7 million and 39.1 positions.

ISSUE 1: APRIL 1ST DOF LETTER: ILICENSING PROJECT

The issue for the subcommittee to consider is DOF's April 1st letter requesting that various items be decreased by a total of \$1.7 million to be spread across many boards and bureaus to reflect delays in procurement for the iLicensing Information Technology (IT) project.

BACKGROUND:

Last year, the Legislature approved total projected funding of \$11.2 million over four years for an IT project with a total cost of \$14.3 million (including redirected funds of \$3.1). The project replaces the existing on-line Professional Licensing system with a new iLicensing system. The existing system serves seven DCA licensing entities, but cannot be expanded to include the remaining 31 programs. The Feasibility Study Report (FSR) lists benefits including processing efficiencies that reduce staff hours by about 26,500 hours, which would translate into a staff reduction of about 15 clerical positions.

According to project documents from DCA, only one bid was received for the Project Management Consultant, and the bid was deemed insufficient in meeting the requirements. The DCA and the Department of General Services intend to reinstate the procurement process and hope to have a contract in April 2007. The implementation date for full implementation has been moved from April 2009 to January 2010.

The proposed budget bill includes language requiring \$500,000 in efficiency savings in 2009-10, and a related report. The Finance Letter proposes to amend the language to push these savings to 2010-11, and delay the report by one year – again due to delayed procurement.

**ISSUE 2: STATE BOARD OF PHARMACY: INSPECTOR DIFFERENTIAL PAY
(BCP#33)**

The issue for the subcommittee to consider is the Board's BCP requesting an augmentation of \$576,000 (Special Fund) in 2007-08 and ongoing to fund a pay differential for the department-specific Inspector classifications.

BACKGROUND:

The Administration requests \$576,000 to fund a \$2,000/month pay differential for the Board's 24.0 Inspector positions. The Board indicates incumbents are licensed pharmacists and the Department of Health Services has a similar classification, which pays a \$2,000/month differential. The Board indicates the disparity with the Department of Health Services and the private sector has caused a recruitment and retention problem. Currently, 5 of 24 authorized positions are vacant.

COMMENTS:

The BCP indicates that the maximum salary for a Board pharmacist in the Inspector position is about \$76,000, versus \$104,000 at the Department of Health Services (including their differential) and the mean annual salary for public and private pharmacists in California is \$100,000 (Bureau of Labor Statistics May 2005 data).

According to the Board, the Inspector positions are represented by Bargaining Unit 19, which recently negotiated a two-year contract with an effective date of July 1, 2006. Since these differentials and other employee compensation enhancements are generally negotiated in the collective bargaining process, it is unclear why this differential was not included in last year's contract or why it is not held for inclusion in the next contract (which would begin July 1, 2008).

Budget staff recommends that the subcommittee further explores the allocation of funding for differential pay outside of the collective bargaining process to address recruitment and retention issues such as this one.

ISSUE 3: BUREAU OF AUTOMOTIVE REPAIR (BAR) (BCP#8, 10 AND 02L)

The issues for the subcommittee to consider are three BCPs that address workload issues and implement the new visible smoke test.

BACKGROUND:

The Bureau of Automotive Repair (Bureau) administers the Automotive Repair Program and the Smog Check Program. Both Programs are designed to protect consumers and discipline unethical service dealers and technicians. The Bureau also administers the Consumer Assistance Program, which provides financial assistance to eligible consumers whose vehicles fail a biennial Smog Check inspection.

The Governor proposes expenditures of \$167.0 million (no General Fund) and 598.5 positions for the Bureau – an increase of \$14.6 million and 12.4 positions.

Smog Check Program – Contract Management Positions (BCP #1111-08). The Bureau requests the addition of 3.0 Associate Info System Analyst positions and 1.0 Information Systems Technician Specialist position to provide contract oversight of the vendor that runs the Next Generation Electronic Transmission (NGET) system. These positions would be funded within existing resources. The NGET system is the central database and communications network for the Smog Check system. This system became operational in 2006 and replaced a 1996 system run by another vendor. Both the new and old system provide for transmitting and processing Smog Check inspection data on a real-time basis and allowing the paperless transfer of Smog Check certificates of compliance. The request is based on a recommendation from the NGET Independent Project Oversight Consultant to improve Bureau staffing and business practices to mitigate risk in the operation and maintenance phase of the project.

Interagency Agreement with the DMV (BCP #1111-10). The Bureau requests a budget reduction of \$383,000 to reflect a recalculation in the interagency payment to the Department of Motor Vehicles (DMV). The DMV performs services related to the Smog Check Program, such as receiving smog check certifications, responding to telephone and mail inquires, and collecting Smog Abatement Fees. The recalculated cost of these services is \$5.0 million – down from \$5.4 million.

Implementation of AB 1870 (BCP#1111-02L). The Bureau requests an augmentation of \$12.3 million (Vehicle Inspection and Repair Fund) and 9.1 positions in 2007-08 to implement AB 1870 (Ch. 761, Statutes of 2006, Lieber), which requires the Bureau to incorporate a visible smoke test into the Smog Check Program and authorizes the Bureau to pay consumers \$1,500 or more (if the Department determines a higher amount is cost effective) to retire a vehicle that fails its biennial Smog Check inspection. The cost of AB 1870 implementation in 2008-09 and ongoing would be \$22.9 million and 13.0 positions.

Background: AB 1870 requires the Bureau to implement a visual smoke inspection procedure as a component of the Smog Check inspection. The new test, which starts January 1, 2008, will rely on the technician's observations instead of new equipment. A visual test is needed because the equipment does not test for particulate matter or tail pipe smoke and therefore a vehicle burning excessive amounts of motor oil and causing harmful emissions can pass the test. Existing law provides for "referee" inspections when drivers dispute the results of a smog test, and 36 referee locations currently exist. The Bureau estimates that 800 car owners will annually dispute negative results from the AB 1870 visual test.

The Bureau indicates it will use the AB 1870 authority to increase the payment for retirement of high-polluting vehicles from the current \$1,000 to \$1,500. The Administration estimates the higher payment will result in an additional 7,854 vehicle retirements annually at an additional cost of \$21.7 million (which comprises the majority of the \$22.9 million in ongoing costs).

Staff Comment: The Vehicle Inspection and Repair Fund has a current year fund balance of over \$50 million and an outstanding loan to the General Fund of over \$100 million. Funds appear sufficient to fund higher vehicle retirement payments without increasing fees.

COMMENTS:

Budget staff has no concerns with these BCPs and recommends that they be approved as budgeted. Staff would like to note that BAR has a new chief, Sherry Mehl, and began her new role in October of last year. She will be presenting these items before the subcommittee.

ISSUE 4: BUREAU OF PRIVATE POSTSECONDARY EDUCATION (BPPVE)

The issue for the subcommittee to consider is the Bureau's BCP requesting an augmentation of \$3.4 million and 20.3 positions to address additional workload at the Bureau. The request is contingent on policy legislation being enacted in 2007 to recreate the Bureau in statute after its July 1, 2007, sunset.

BACKGROUND:

Efforts to reform the Bureau and/or extend the sunset for the Bureau were unsuccessful in 2006. The Governor vetoed AB 2810, which would have extended the sunset to July 1, 2008, indicating that that measure did not include any reforms. The veto message indicated that the Governor would support reform legislation in 2007. Because the Bureau sunsets on July 1, 2007, and the Constitution prohibits the creation of a new office with urgency legislation (Article 4, Section 8), the Bureau cannot be extended, or recreated, until January 1, 2008.

Budget staff understands that two policy bills, SB 823 (Perata) and AB 1525 (Cook) would respectively recreate the Bureau on January 1, 2008, and provide for some student protections in the interim period of July 1, 2007, through December 31, 2007.

SB 823 will be heard in Senate Appropriations on May 5, 2007. AB 1525 will be heard in Assembly Appropriations on May 2, 2007.

COMMENTS:

The proposed Bureau budget is a placeholder. The Administration indicates it will update the proposed budget through a spring Finance Letter as policy bills are amended and move through the legislative process.

The subcommittee may want to ask the Administration how the July 1, 2007, sunset and a possible January 1, 2008, recreation will affect the Bureau's staff and budget for 2007-08.

The Bureau will provide the subcommittee members with an update on the current status of the Bureau including funding, staffing and services in preparation of the foreseeable sunset date.

ITEM 1760 DEPARTMENT OF GENERAL SERVICES (DGS)

The Department of General Services (DGS) provides management review and support services to state departments. The DGS is responsible for the planning, acquisition, design, construction, maintenance, and operation of the state's office space and properties. It is also responsible for the procurement of materials, data processing services, communication, transportation, printing, and security.

The Governor's budget funds 3,703 positions (including 67.5 new positions) and \$1.2 billion in expenditures, of which \$9.2 million is from the General Fund.

ISSUE 1: BUDGET BILL LANGUAGE (BBL): RE-APPROPRIATION FOR CITY OF RICHMOND HALL OF JUSTICE AND CITY HALL

The issue for the subcommittee to consider is the proposed new budget bill language for re-appropriation of funds that have yet to be spent.

BACKGROUND:

The *2005-06 Budget Act* included the following re-appropriation language:

1760-492-Re-appropriation, Department of General Services. As of June 30, 2005, the balance of the funds appropriated pursuant to Item 1760-101-0768 Budget Act of 1994 (Ch. 139, Stats. 1994), as re-appropriated by Item 1760-492, Budget Act of 2003 and 2004 (Ch. 157, Stats. 2003 and Ch. 208, Stats. 2004), is re-appropriated and shall be available for expenditure until June 30, 2007:

Schedule:

- | | | |
|-----|--|------------------|
| (1) | <i>3116-Richmond, Contra Costa-City Hall.....</i> | <i>1,149,975</i> |
| (2) | <i>3117-Richmond, Contra Costa-Hall of Justice.....</i> | <i>683,613</i> |
| (3) | <i>4029-Alameda, Oakland Police Administration Retrofit-Oakland.....</i> | <i>500,000</i> |

Provisions:

1. *After June 30, 2007, these funds will no longer be available for expenditure and shall not be re-appropriated.*

Unspent funds have been carried over into the current year. However, the proposed 2007-08 budget assumes that the funds will be fully spent in the current year. Given that these funds will not be spent prior to June 30, 2007, the following language is needed for the re-appropriation to be carried into the budget year:

1760-492—Re-appropriation, Department of General Services.

As of June 30, 2007, the balance of the funds appropriated pursuant to Item 1760-101-0768, Budget Act of 1994 (Ch. 139, Stats. 1994), as re-appropriated by Item 1760-492, Budget Act of 2003 (Ch. 157, Stats. 2003), Budget Act of 2004 (Ch. 208, Stats. 2004), and Budget Act of 2005 (Ch. 38, Stats. 2005), is re-appropriated and shall be available for expenditure until June 30, 2008:

Schedule:

- (1) 3116-Richmond, Contra Costa--City Hall . . . 1,149,975*
- (2) 3117-Richmond, Contra Costa--Hall of Justice . . . 683,613*

Provisions:

1. After June 30, 2008, these funds will no longer be available for expenditure and shall not be re-appropriated.

COMMENTS:

Budget staff recommends approval of proposed language.

ISSUE 2: GREEN BUILDING INITIATIVE IMPLEMENTATION (BCP#11 AND 25)

The issues for the subcommittee to consider are two BCP's related to the implementation of the Green Building Initiative.

BACKGROUND:**SUSTAINABLE BUILDINGS**

Buildings can be designed, constructed, renovated, operated, and maintained in a cost-effective, resource efficient, and environmentally responsible manner. Sustainable buildings generally integrate technologies, practices, and systems that are:

- *Environmentally Sound.* Sustainable buildings optimize energy, water, and materials efficiency; improve indoor environmental quality and comfort; use environmentally preferable products and processes; and are sited to ensure access to public transportation and affordable housing, take advantage of proper building orientation, and preserve community and historic integrity
- *The Result of an Integrated Design and Construction Approach.* Sustainable buildings apply life cycle costing to evaluate all relevant design and construction costs; use a whole building integrated design approach; and incorporate commissioning and post-occupancy evaluation programs to ensure proper building performance

Executive Order D-16-00 signed in August 2000, directs the Secretary for State and Consumer Services to submit a report to the Governor, recommending strategies to incorporate cost-effective sustainable building practices into the development of state facilities, including leased property.

Executive Order D-46-01 signed in October 2001, provides guidance on the process the DGS will use to locate and lease space, including such considerations as proximity to public transit and affordable housing; preserving structures of historic, cultural, and architectural significance; opportunities for economic renewal; and sensitivity to neighborhood and community concerns.

The report, *Building Better Buildings: A Blueprint for Sustainable State Facilities* was released on December 2001. Prepared by the Sustainable Building Task Force and the State and Consumer Services Agency, the report recommended a ten-point plan that included the following:

1. Modify the State's capital outlay process to ensure that the Governor's sustainable building goals are met and that appropriate projects are reviewed by the Sustainable Building Task Force

2. Incorporate life cycle costing, integrated design, commissioning, and post-occupancy evaluation into the state's capital outlay program
3. Develop cost-effective building performance, operation, and maintenance standards
4. Invest additional resources for full-scale implementation of sustainable building practices
5. Develop comprehensive annual reporting requirements to measure progress in implementing the state's sustainable building goals
6. Develop "leadership buildings" to showcase sustainable building practices
7. Develop sustainable building technical assistance and outreach tools, including a training program for state departments, as well as local government and private sector partners
8. Create programmatic, fiscal, and administrative incentives to facilitate the implementation of successful sustainable building approaches, including a Governor's Sustainable Building Award
9. Implement guidelines to acquire leased space with cost-effective sustainable building features
10. Provide Task Force assistance to federal, state, and local agencies in key infrastructure areas

The Task Force recommendations were to be implemented to comply with the Executive Order. Annual reports were required to provide information on the progress of these implementations.

In October 2003, the report *Building Better Buildings: An Update on State Sustainable Building Initiatives* was released as the first progress report on the State's sustainable building efforts. Specifically, the report highlighted the following accomplishments since 2001:

- Over \$2 billion of current state contracts for capital outlay design and construction projects now include energy efficiency and sustainable building performance criteria
- The Education Headquarters Building (Block 225) of the Capitol Area East End Complex became the first state government owned building in the nation to receive the distinguished Leadership in Energy and Environmental Design (LEED) Gold Award from the US Green Building Council in January 2003

- In 2002, the average energy use in state buildings was reduced by 20%. In particular, energy efficiency at the five building Capitol Area East End Complex exceeds Title 24 energy requirements by over 30% (42% at the Block 225 Education Building), resulting in nearly \$500,000 in energy savings annually. Other operations and maintenance best practices in state facilities focus on environmentally friendly cleaning product standards, building material emissions testing, and integrated pest management
- The University of California Board of Regents, with significant input from the Task Force, adopted a landmark, system-wide Green Building Policy and Clean Energy Standard to guide new construction and major renovation projects on the 10 UC campuses. This policy will impact over 20 million square feet of space slated for construction over the next ten years
- Thirteen high performance demonstration schools under construction throughout the state serve as models for the integration of high performance features into \$15 billion of bond funded school construction projects statewide
- The Division of the State Architect launched the Sustainable Schools Website to provide a comprehensive clearinghouse on sustainable school construction issues
- A Sustainable Facilities category was added to the 2003 Governor's Environment and Economic Leadership Awards, the most prestigious environmental award given by the State

In addition to including major accomplishments, the report also included policy considerations and program issues that still needed to be addressed such as:

- Obtaining a cost-effective LEED Silver level or higher for major state projects
- Encouraging all school construction projects to use the Collaborative for High Performance Schools criteria to ensure that bond funds are spent wisely on schools that will stand the test of time
- Publishing and implementing recommendations developed in the economic analysis report, The Costs and Financial Benefits of Green Buildings
- Working to incorporate in statute the sustainable building policies and programs implemented through Executive Order D-16-00
- Developing recommendations to establish renewable energy and green power standards for state projects

- Integrating “total building” commissioning and facility performance evaluations as standard DGS policy for all new construction, infrastructure, and rehabilitation projects to ensure that state buildings continue to operate as designed over time
- Adopting performance guidelines to incorporate environmentally friendly practices into facility operations and maintenance

Executive Order S-12-04 (Energy Conservation) signed on July 2004, directs the DGS to institute energy conservation measures that will reduce energy consumption during stage II electrical emergencies in advance of private actions that occur in stage II and stage III electrical emergencies. Additionally, State agencies are required to pursue energy consumption reduction measures at all facilities where conservation can be achieved cost effectively.

Executive Order S-20-04 (Green Building Initiative), signed on December 2004, commits the State to reducing state-building electricity usage by retrofitting, building and operating the most energy- and resource-efficient buildings by taking all cost-effective measures described in the Green Building Action Plan (GBAP) for state-owned buildings. The Executive Order also directs agencies to undertake measures to reduce grid-based energy purchases for state-owned buildings by 20 percent by 2015. Included in these measures are designing, constructing, and operating all new and renovated state-owned facilities paid for with state funds as “LEED Silver” or higher certified buildings (based on the Leadership in Energy and Environmental Design rating system for existing buildings—LEED-EB).

California Global Warming Solutions Act of 2006 (AB 32) directs that the State commit to aggressive action to reduce State building electricity usage by retrofitting, building and operating the most energy and resource efficient buildings by taking all cost-effective measure described in the Green Building Action Plan. It further directs that State agencies, departments, and other entities under the direct executive authority of the Governor cooperate in taking measures to reduce grid-based energy purchases for State-owned buildings by 20 percent by 2015, through cost-effective efficiency measures and distributed generation technologies.

Sustainability Program Staffing (BCP#11)

The Department requests 5.0 positions and \$428,000 (Service Revolving Fund) to support the Bureau of Property Management’s (BPM) implementation of Executive Orders S-12-04 and S-20-04, which requires DGS to reduce energy purchases for State-owned buildings and to design, build, and operate “greener” buildings.

Green Building Initiative (BCP#25)

The Department requests \$3.0 million (Service Revolving Fund) to secure private consultants to pursue Leadership in Energy and Environmental Design rating system for existing buildings (LEED-EB) goals for eleven state office buildings. This energy

efficiency goal ties to Executive Order (EO) S-20-04. Consultants will conduct in-depth evaluations of building operations and train building managers on how to operate a more energy efficient building. The cost for this consulting service will be shared by the departments occupying the eleven affected buildings.

COMMENTS:

Both BCPs are part of a \$13.8 million, six-year project to meet the energy conservation and efficiency goals articulated in Executive Orders S-12-04 and S-20-04. According to DGS, existing staffing levels are insufficient to support the additional workload created by the executive orders.

Budget staff notes that the goals of the executive orders above are substantially in line with the broader aims of Chapter 488, Statutes of 2006 (AB 32, Nunez)—the Global Warming Solutions Act of 2006, which requires the Air Resources Board to adopt regulations to reduce statewide greenhouse gas emissions (GGEs) to 1990 levels by 2020. However, it is not entirely clear how or whether the energy efficiency efforts being pursued in this request fit into a comprehensive State policy to implement AB 32.

The request for private consultants to assist in implementing the Green Building is highly technical and requires engineering expertise specific to the performance factors considered for LEED-EB accreditation. However, it is not clear to Budget staff that, if sustainable building efforts were initiated in 2001, why is it necessary to hire private consultants when it would be expected to have a considerable number of State employees to have already developed an expertise in the design and implementation of green building practices. Additionally, given the State's long-term goal to reduce energy use in State-owned building by 20 percent by 2015, the subcommittee may wish to inquire why DGS plans to use the \$150/hour private consultants through 2013, which is when the LEED-EB certification for 11 DGS building is to be completed, instead of training State employees over time to replace the consultants at a more moderate rate of compensation.

At the pre-hearing, DGS was provided with the following concerns/questions:

- Reconciliation between the Climate Action Team report and the DGS Sustainability and Green Building Consultant BCPs
- How many buildings are in the State portfolio with a LEED rating of silver or better?
- How is the “Life-Cycle Costing Method”, which has been endorsed by the Department of Finance (DOF), being applied?

- 1) Is there an identified cost or percent increment applied for attaining LEED-EB Silver certification? The LEED cost or percent increment should apply to LEED-EB as well as LEED-NC.
 - 2) Is there an additional increment that can be applied to attain LEED-EB Gold certification?
- Provide information about DGS benchmarking achieved to date
 - How many staff in DGS is currently LEED certified?
 - What will the five sustainability positions be used for?
 - What is DGS' plan to bring the LEED certification specialty in-house? Specifically, what is DGS' plan to gain in-house expertise and eliminate reliance on consultants?
 - What effort will DGS be making to encourage/promote LEED status in State leased properties?
 - What is the DGS schedule for retro-commissioning buildings? How can the schedule be accelerated?
 - How can the energy efficiency savings be quantified and scored? Has DGS been successful in partnering with local utility companies for retro-commissioning?
 - What kind of funding alternatives for continuous life-cycle refresh efforts have been considered?
 - Given that DGS has joined the Climate Change Registry, has the Department begun the process of tracking and base-lining their carbon footprint and does this effort extend to the buildings DGS owns and operates?
 - On the in-house LEED certification issue, has DGS considered contacting the United State Green Building Council to find out if there is a possibility they assist the Department in training staff?

ISSUE 3: FLEET ANALYSIS AND REPORTING SYSTEM (BCP#12)

The issue for the subcommittee to consider is the Office of Fleet Administration (OFA) and the Office of Technology Resources (OTR) request of 2.0 positions and \$614,000 in 2007-08 (Service Revolving Fund) and 4.0 positions and \$1.3 million (Service Revolving Fund) in 2008-09 to continue the development of a Fleet Analysis and Reporting System (FARS) to improve tracking State vehicles. Once fully implemented, the department expects revenues in excess of \$2 million from surplus vehicle sales.

BACKGROUND:

The OFA sets and administers statewide policy governing the purchase; operation, maintenance, and disposition of the State's decentralized vehicle fleet-119 agencies own approximately 52,000 vehicles. In addition, OFA provides a number of other fleet-related services such as garage and motor pool operations, inspection services, employee parking, and travel management.

With the passage of SB 552, Chapter 737, Statutes of 2003, OFA was mandated to assume a role as the statewide authority and asset manager of all State vehicles. The statute requires OFA to do the following:

- Requires the DGS, on or before January 1, 2005 and in consultation with other agencies, to develop and adopt specifications and standards related to fuel efficiency for passenger vehicles or light trucks purchased or leased by the State
- Requires, on or before December 31, 2005, each State office, agency, and department to review its vehicle fleet and, if fiscally prudent and in the public interest, dispose of nonessential SUVs and 4WDs and replace those vehicles with more fuel-efficient front-wheel drive cars and trucks
- Requires each State office, agency, and department that has bi-fuel natural gas or bi-fuel propane vehicles to use those alternative fuels to the maximum extent practicable
- Requires DGS to begin compiling and maintaining information on owned and leased vehicles in the State fleet, including all of the following:
 - 1) The number of passenger vehicles purchased or leased during the year, as well as the total number owned or leased as of December 31
 - 2) The number of SUVs and 4WDs purchased or leased during the year, as well as the total number owned or leased as of December 31

- 3) The number of alternatively fueled or hybrid cars purchased or leased during the year, as well as the total number owned or leased as of December 31
 - 4) The justification provided for all SUVs and 4WDs purchased or leased and the agency responsible for the purchase or lease
 - 5) The number of SUVs and 4WDs purchased or leased during the year, as well as the total number owned or leased as of December 31 that are hybrid or alternatively fueled
 - 6) The number of light trucks disposed of under the requirements of this bill (see #2 above)
 - 7) The total dollars spent by the state on passenger vehicle purchases and leases, categorized by fuel source and whether or not the vehicle is a SUV
- Requires each State office, agency, and department to cooperate with DGS in compiling and maintaining its vehicle fleet data
 - Requires DGS to make available, as soon as practicable, its compiled data and the list of State offices, agencies and departments that are not in compliance with the data reporting requirement of this bill
 - Make findings and declarations related to the importance of increasing fuel efficiency in the State vehicle fleet, promoting the use of alternative fuels and high efficiency/hybrid vehicles, discouraging the unnecessary use of SUVs and 4WDs, and the collection of data on the State vehicle fleet

In 2004, SB 1757, Chapter 926, Statutes of 2004, increased OFA's responsibility to review and approve vehicle purchases and expanding authority over the California State University fleet.

COMMENTS:

DGS claims that, even though both measures above require additional personnel and new technology to be implemented, no new resources have been provided to the Department.

Currently, OFA manually collects and compiles data from departments in Excel spreadsheets. The process is very labor intensive and unreliable. To address the need for additional personnel, DGS has closed two garages and reduced services to redirect these positions to work on the implementation of the new mandates.

As required by SB 552, the first passenger vehicle inventory was released in 2005. The report uncovered a discrepancy between the assets reported by State agencies and Department of Motor Vehicle (DMV) records. This discrepancy amounted to 30,000 unaccounted State-owned vehicles.

OFA's inventory reconciliation with DMV reduced the number of unaccounted vehicles to 8,134. However, these vehicles remained unaccounted.

According to DGS, as of December 2005, the State owned 51,628 vehicles, including approximately 37,000 passenger vehicles (or nearly 72 percent of the fleet), of which 31,766 were gasoline-powered sedans, SUV's, and light duty trucks, 4,892 were alternative fuel vehicles, and 357 were hybrid vehicles. Although nine agencies own 82 percent of the passenger fleet and 119 agencies own at least one vehicle, only DGS, the California Highway Patrol (CHP), Caltrans, the Department of Parks and Recreation, and the Department of Water Resources have a fleet management system in place. Altogether, only 60 percent of the State fleet is covered by an asset management system.

The system under DGS development, FARS, is a data warehouse that will extract information from existing fleet management systems and provide statewide reporting and analysis capabilities. Given immediate access to current and accurate fleet data, OFA will be able to perform analyses to estimate green house gas emissions, identify underutilized vehicles, and produce reports that may be used to right-size the statewide fleet – simultaneously reducing taxpayer costs and carbon footprint.

The acquisition cost of the State fleet, approximately to 52,000 vehicles, is estimated to be up to \$2 billion. According to information provided in the BCP, under normal circumstances the State acquires 5,000 vehicles per year. At \$15,000 per vehicle, this represents \$75 million annually. The average operating expense for a passenger vehicle including insurance, fuel, and maintenance is \$2,500 per year for a total of approximately \$130 million per year.

Budget staff notes that the Senate Subcommittee 4 Chair directed DGS and the Legislative Analyst's Office (LAO) to develop performance measures including budget bill language requiring DGS to report on the project outcomes.

The following was submitted by DGS and the LAO:

OBJECTIVE	MEASURE
1. Improve Vehicle Utilization for the Statewide Fleet	98 percent of Statewide fleet meets current utilization targets within 2 years of system implementation.
2. Dispose of Vehicles not Meeting Minimum Utilization Standards	Dispose of at least 75 percent of vehicles not meeting minimum utilization standards.
3. Lower Total Cost of Ownership for the Statewide Light Duty/ Passenger vehicles	Reduce the Statewide Light Duty/Passenger Fleet size by eliminating 4.6 percent excess of obsolete vehicles.
4. Improve Fleet Fuel Efficiency	Improve the average miles per gallon (MPG) for the Statewide fleet from the initial baseline for five consecutive years.
5. Reduce Time Required to Prepare Standard / Ad Hoc Statewide Reports	Reduce the time necessary to prepare/respond to statewide reports from an average of 2-4 months to two business days for standard reports and five business days for ad hoc reports.
6. Meet State and Federal Reporting Mandates	DGS will meet 100 percent of State and Federal Reporting mandates.
7. Create one-time savings through the sale/repurposing of underutilized vehicles	\$2.4 million achieved in one-time net savings.

The objectives and measures proposed by DGS above generally provide a useful basis for identifying and quantifying progress toward successful implementation of the Fleet Asset Management System. However, Budget staff had concerns with the proposed fuel efficiency measure because it lacks specificity, and DGS has not identified the baseline MPG. Since the proposed goal of improving the average MPG for the fleet over five consecutive years could be achieved by posting only meager gains (e.g. 0.01 MPG per year), the subcommittee may want to request DGS to commit to a specific MPG target or a national annual bench mark.

DGS also worked with Senate budget staff and the LAO to develop the following budget bill language requiring DGS to report on progress toward the above objectives:

Item 1760-001-0666, Provision X

The Department of General Services shall report to the Department of Finance and the appropriate fiscal committees of the Legislature on April 1, 2009 to provide an implementation progress report and on April 1, 2010 to provide the status of the following areas: (1) Progress on meeting statewide fleet utilization targets; (2) Disposal of vehicles not meeting minimum utilization standards; (3) Trend of statewide fleet size; (4) Trend of statewide fleet average fuel efficiency; (5) Timeframes associated with producing standard and ad hoc reports; and (6) Savings and cost avoidances achieved to date and potential for additional savings and cost avoidances.

Budget staff recommends that the subcommittee consider the project outcomes and budget bill language requested by the Senate Budget Subcommittee 4 Chair. Also, DGS has been requested to provide the subcommittee with answers to the following questions:

- What is the status of staffing needs for the fleet? The fleet seems understaffed.
- Are the 6.0 positions (2.0 in 2007-08 and 4.0 in 2008-09) requested in the BCP enough to implement the new system?
- Has DGS completed reconciliation with DMV to account for the 8,134 vehicles, which remain unaccounted for?
- How does DMV track State-owned vehicles?
- Has DGS considered what other states are doing to manage their fleets? And, what areas of government are included?
- Does DGS keep track of the overall fuel efficiency of the State fleet?

ISSUE 4: STATE CAPITOL AND GROUNDS MAINTENANCE AND REPAIRS (BCP#27)
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The issue for the subcommittee to consider is the Department's request of an augmentation of \$947,000 (General Fund) to fund maintenance, special repairs, and utilities for the State Capitol and \$267,000 (General Fund) and 4.5 positions to maintain and service the security barrier system within Capitol Park.

BACKGROUND:

The Building and Property Management Branch within DGS is responsible for the maintenance and operations of the State Capitol including the Annex building and Capitol Park.

The General Fund augmentation request would cover the following increases:

Personnel Services	\$267,000
Recurring Maintenance	\$200,000
Utilities	\$394,000
Special Repairs	\$353,000
Total	\$1,214,000

The maintenance and operation expenditures of the State Capitol are recovered thru the annual statewide surcharge. Services to the State Capitol include custodial, trades, and engineering services, as well as special repair projects. Capitol Park services include maintenance and replacement of all sod and plants such as trees, shrubs and flowers, irrigation systems, fountains, sidewalks, and public art pieces and associated structures.

The DGS budget includes a General Fund baseline of \$7.7 million for the maintenance of the State Capitol. This amount includes an augmentation to the baseline of \$1.2 million, which was include in the *2006-07 Budget Act* to support the Capitol infrastructure and security maintenance.

COMMENTS:

The BCP request was not clear as to the need for additional staff. Is the additional staff being requested for security or maintenance? Also, Budget staff has requested copies of the various Capitol Master Plan documents for review.

ITEM 8500 BOARD OF CHIROPRACTIC EXAMINERS

The Board of Chiropractic Examiners (Board) licenses and regulates the chiropractic industry. The Board also sets educational standards for recognized chiropractic colleges, reviews complaints, and investigates possible violations of the Chiropractic Act and regulations.

ISSUE 1: SUPPORT BUDGET

The issue for the subcommittee to consider is the Governor's proposed budget of \$3.1 million (Special Fund) and 14.9 positions for the Board – an increase of \$66,000 and no change in positions.

BACKGROUND:

On March 28, 2007, the Senate and Assembly Business and Professions Committees held a joint hearing concerning alleged improprieties at the Board. The alleged improprieties include violations of open-meeting laws and personnel procedures. A new Interim Executive Director, Mr. Brian Stiger, has been appointed to help address the problems at the Board. Staff understands the scope of the new Executive Director's assignment includes a review of staffing and expenditures.

COMMENTS:

Budget staff has requested DCA to have the Board provide the subcommittee members with information on the nature and number of corrective actions underway to address the concerns raised by members of the joint Business and Professions committees.

ISSUE 2: APRIL 1ST DOF LETTER: SHARED COST FOR PARTICIPATION IN THE I LICENSING PROJECT

The issue for the subcommittee to consider is DOF's April 1st Letter requesting that the Board's budget be augmented so that the Board pays its share of the cost for participating in the iLicensing Project.

BACKGROUND:

In 2006, the Legislature approved total projected funding of \$11.2 million over four years for an IT project with a total cost of \$14.3 million (including redirected funds of \$3.1). The project replaces the existing on-line Professional Licensing system with a new iLicensing system. The existing system serves seven DCA licensing entities, but cannot be expanded to include the remaining 31 programs.

DOF requests an augmentation of \$14,000 (special fund) for the Board of Chiropractic Examiners to participate in the DCA's iLicensing Information Technology Project. A related iLicensing issue is in the DCA section of this agenda. This proposal would add the Board of Chiropractic Examiners to the DCA boards and bureaus who will fund the development of the system and then benefit from the completed on-line licensing system.

COMMENTS:

Budget staff has no concerns with the April 1st letter and recommends its approval.

ITEM 8530 BOARD OF PILOT COMMISSIONERS FOR THE BAYS OF SAN FRANCISCO, SAN PABLO AND SUISUN

The Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun licenses and regulates maritime pilots who guide vessels entering or leaving those bays.

The Governor's budget proposed expenditures of \$1.6 million (Special Fund) and 2.0 positions – an increase of \$48,000 and no change in positions.

ISSUE 1: APRIL 1ST DOF LETTER: FUNDING FOR ADDITIONAL TRAINING

The issue for the subcommittee to consider is DOF's April 1st Letter requesting a three-year augmentation of \$438,000 (Special Fund) in 2007-08, 2008-09, 2009-10 and \$160,000 ongoing to increase the Board's training capacity from 9 to 13 pilots to address the anticipated increase in pilot retirements.

BACKGROUND:

The Board is required by law to determine and maintain the proper number of marine pilots to provide safe maneuvering of vessels arriving and departing from the San Francisco Bay and its tributaries.

One of the Board's responsibilities includes operation of the Pilot Trainee Program. By statute, the training lasts a minimum of one year and a maximum of three years. Recent experience has allowed the Board to streamline the process to less than one year. However, with the expected number of pilots to retire, the Board needs additional funding to train and license pilots that would fill the upcoming vacancies.

The Board believes it is critical that the number of trainees in the program be increased from seven to thirteen. Even with this increase, the Board expects a short fall in the number of pilots. Any delays in the selection, contracting and training including any unanticipated losses of pilots due to injuries or the increase in the number of retirees will exacerbate the problem.

COMMENTS:

Budget staff has no concerns with the April 1st letter and recommends its approval.

Attachment 1: Consent Calendar Item

1760-Budget Bill Language for Tenant Improvements on DGS Individual Rate Buildings BCP#5: The Department is requesting budget bill language to allow the Director of Finance to augment the DGS budget for purposes of funding tenant improvement projects within DGS individual rate buildings. The current process does not allow for tenant agencies changing programs and facilities needs and to save the cost of leasing unnecessary private sector space. Senate Sub 4 approved the proposed language but revised it to include minor changes.

9. The Director of the Department of Finance is authorized to increase this item for purposes of funding tenant improvement projects to facilitate the backfill of vacant space within stand-alone DGS bond funded office buildings. This provision shall only be used to augment expenditure authority for DGS stand-alone individual rate office buildings where a \$0.03 tenant improvement surcharge has been approved by the Department of Finance and is included in the monthly rental rate. Department of Finance approval is contingent upon justification for the proposed tenant improvement projects to be provided by the Department of General Services including an analysis of cost impacts and how the tenant improvements will improve the state's utilization of the facility. Any augmentation made in accordance with this provision shall not result in an increase in any rate charged to other departments for services without the prior written consent of the Department of Finance. Any augmentation made pursuant to this provision may be authorized not sooner than 30 days after notification in writing of the necessity therefore is provided ~~shall be reported in writing~~ to the chairpersons of the fiscal committees of each house and the Chairperson of the Joint Legislative Budget Committee ~~within 30 days of the date the augmentation is approved.~~