

SUBCOMMITTEE NO. 4

Agenda

Senator Richard D. Roth, Chair
Senator Steven M. Glazer
Senator Scott Wilk



Thursday, May 3, 2018
9:30 a.m. or upon adjournment of session
State Capitol - Room 2040

Consultant: Renita Polk

PART B

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ISSUES PROPOSED FOR VOTE-ONLY

0690 GOVERNOR'S OFFICE OF EMERGENCY SERVICES (OES)

Issue 1: Technical Adjustment to Dam Safety Funding - SFL

Budget. OES requests \$931,000 (General Fund) and four positions to allow OES to continue supporting dam safety workload required by SB 92 (Committee on Budget and Fiscal Review), Chapter 26, Statutes of 2017.

Background. This request is a technical adjustment to continue to provide funding to OES to support dam safety workload. SB 92 set forth new requirements focused on dam safety. Funding was included in the 2017 Budget Act for OES workload but was inadvertently captured as a one-time cost, instead of ongoing.

Staff Recommendation. Approve as budgeted.

Issue 2: Child Victims of Human Trafficking Fund - SFL

Budget. The OES requests \$172,000 (Child Victims of Human Trafficking Fund) in 2018-19 to continue the allocation of contributions collected pursuant to AB 764 (Swanson), Chapter 465, Statutes of 2011, and exhaust the balance in the fund.

Background. AB 764 authorizes taxpayers to designate on their tax returns that a specified amount in excess of their tax liability be transferred to the Child Victims of Human Trafficking Fund established in the State Treasury. All monies contributed to the fund pursuant to these provisions, upon appropriation by the Legislature, will be allocated to OES. OES then administers the funds to community-based organizations which serve minor victims of human trafficking. From 2015-16 to 2017-18 OES allocated these funds to projects providing mandated services to minor victims of human trafficking.

Staff Recommendation. Approve as budgeted.

Issue 3: Capital Outlay, Relocation of Red Mountain Communications Site – SFL

Budget. OES requests a re-appropriation of \$1.26 million (General Fund) for the working drawings phase of the Relocation of Red Mountain Communications Site project. In addition, OES requests \$15.4 million (General Fund) for the construction phase of the project.

Background. The Red Mountain communications site hosts five communications vaults and towers needed to support critical radio communications for twelve government public safety agencies and private industry serving the western side of Del Norte and Humboldt counties. These facilities provide public safety communication services supporting a population of approximately 250,000 people and provide vital communication links to state, federal, and local law enforcement, transportation, and resource agencies.

In the 1990s, the United States Forest Service and the California Department of Forestry and Fire Protection entered into a lease agreement with a termination, vacate, and clear date of December 31, 2022. The Public Safety Communications Office of OES had identified three alternative sites at Alder Camp, Big Lagoon, and Rattlesnake Mountain. However, in August 2017, the National Park Service notified OES of its intent to deny a permit for the use of one of the original identified sites. Therefore, an alternate site was identified and a scope change for this project was approved by the Public Works Board. This proposal would provide resources to begin relocation at the alternate site.

Staff Recommendation. Approve as budgeted.

8940 CALIFORNIA MILITARY DEPARTMENT**Issue 1: Capital Outlay Projects - Bakersfield Armory Renovation SFL**

Budget. The department requests \$1.49 million (\$745,000 General Fund and \$745,000 federal matching funds) for the working drawings and construction phases of the Sustainable Armory Renovation Program: Bakersfield project. The project was originally approved in 2015-16 for \$1.8 million. Project costs have been updated to reflect current conditions in the construction services market.

Background. The Bakersfield armory was built in 1953 and is located on 2.96 acres in Kern County. The facility is 15,409 square feet and was chosen for renovation because it is located in an area where a large number of California National Guard members live and work. As part of the project the layout of the armory will be reconfigured to use floor space more efficiently. The working drawings phase of the project was completed in June 2017, but the project has been on hold following an unsuccessful contract bidding process. The lowest responsive bids received exceeded the amount available for construction. Thus, the department determined that the authorized project funds were inadequate and requests an increase. Total updated project costs are approximately \$3.3 million. However, the scope of the project remains unchanged.

Staff Recommendation. Approve as budgeted.

Issue 2: FISCAL Accounting Staff Increase - SFL

Budget. The California Military Department (CMD) requests \$430,000 (General Fund) in 2018-19 and \$426,000 ongoing to establish three positions. The implementation of the Financial Information System for California (FISCAL) and the phasing out of the California State Accounting and Reporting System requires an increase to the permanent staffing of the CMD. The requested positions are:

- One Accounting Administrator II position
- One Accounting Administrator I position
- One Senior Accounting Officer position

Background. FISCAL is a system that consolidates budgeting, procurement, cash management, and more comprehensive accounting functionality. The CMD is currently converting to the system. Transition experts have identified a lack of skill and expertise within the accounting branch of the department to perform the necessary drills, input, and analysis. The addition of these positions would rectify those issues. Having the additional positions will bring required skill sets to the office and ensure the department is reimbursed in a timely manner.

Staff Recommendation. Approve as budgeted.

Issue 3: California Cadet Corps Program Expansion Technical Adjustment – SFL

This issue was discussed at the Subcommittee’s March 8, 2018, hearing.

Budget. The CMD proposes an increase of \$756,000 (General Fund) to reflect an adjustment to the funding proposed for the California Cadet Corps program expansion in the Governor’s January budget.

Background. This is a technical adjustment to increase the requested funding to the levels discussed in the March 8, 2018 hearing.

Staff Recommendation. Approve as budgeted.

Issue 4: State Active Duty Compensation – SFL

This issue was discussed at the Subcommittee’s March 8, 2018, hearing.

Budget. The CMD proposes a net reduction of \$242,000 (General Fund, Federal Trust Fund, reimbursements, and Mental Health Services Fund) to align the pay of the department’s state active duty employees to the pay of service members of similar grade in the United States Army, United States Air Force, and United States Navy.

Background. Compensation for service members of the United States Army, United States Air Force, and United States Navy is set forth annually by the federal government in the National Defense Authorization Act (NDAA). The NDAA is usually signed into law in late December. Military and Veterans Code sections 320 and 321 provide that the CMD must pay its state active duty employees at the same rate as service members of similar grade in the federal armed forces. Due to the timing of the NDAA, CMD had to wait until the spring to request funding to match the service member compensation codified in the NDAA.

Staff Recommendation. Approve as budgeted.

8955 CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS (CALVET)**Issue 1: California State Approving Agency for Veterans Education – SFL**

Budget. The department requests \$260,000 (Federal Trust Fund) and four positions in 2018-19 and ongoing for the California State Approving Agency for Veterans Education (CSAAVE). The positions include:

- Two Private Postsecondary Education Specialists
- Two Office Technicians

Background. The CSAAVE has oversight responsibility for the approval of schools and colleges desiring to enroll veterans, using their earned Government Issue Bill benefits, in education and vocational training programs. On August 1, 2017, the federal Harry W. Colmery Veterans Educational Assistance Act was signed into law, and brought significant changes to veterans' education benefits. The bill authorized the U.S. Department of Veterans Affairs (USDVA) to provide an additional \$3 million to state approving agencies.

Currently, California has the highest number of veterans and approved institutions collecting funds. With a staff of nine, CSAAVE oversees approximately \$3 billion annual in funds that are dispersed by the USDVA to nearly 1,100 institutions and training establishments and 60,000 veterans. The 2018-19 budget proposes \$1.9 million in federal fund authority for the CSAAVE. Beginning in October 2018, the USDVA contract amount will increase to \$2.2 million. This request would increase the 2018-19 proposed budget authority to align with the projected USDVA contract and allow the program to fund four additional positions.

Staff Recommendations. Approve as budgeted.

Issue 2: Funding for the California Central Coast Veterans (CCCVC) Cemetery – SFL

Budget. The department requests an augmentation of \$220,000 (General Fund) in 2018-19 and ongoing to enable the CCCVC to continue operations. The department also requests reductions of \$143,000 (Federal Trust Fund) and \$77,000 (CCCVC Operations Fund). Lastly, the department requests \$77,000 transfer authority from the CCCVC Endowment Fund to the CCCVC Operations Fund.

Background. Unlike the state veteran cemeteries at Igo and Yountville, the ongoing operations of the CCCVC are not supported by the General Fund. The operating budget was established based on projections for burial reimbursements. However, there was difficulty in calculating projections prior to the cemetery opening because assumptions had to be made regarding the number of burials and operations costs. In this case, projections made in 2012 were much higher than the actual number of burials once the cemetery opened. Funding from burial fees and federal burial allowances are insufficient to fully fund cemetery operations. In 2016-17, the CCCVC performed 392 veteran burials and 78 spouse and dependent burials. While 2017-18 began at the same rate, the number of burials decreased significantly beginning in September 2017. The cemetery is expected to experience a shortfall of \$220,000 annually and will not have enough funds to continue operations.

Staff Recommendation. Approve as budgeted.

Issue 3: VHC Yountville Private Domiciliary Rooms

This issue was discussed at the Subcommittee's March 8, 2018, hearing.

Budget. The department is requesting a reduction of \$732,000 General Fund and two and a half positions to convert double occupancy rooms to single rooms in the domiciliary level of care at the Veterans Home of California (VHC) Yountville.

Staff Comment. Note that cost savings associated with this proposal (with the exception of the position reductions) are already being realized in the budget of the home since the domiciliary level of care is not at its full budgeted capacity.

Staff Recommendation. Approve as budgeted.

ISSUES PROPOSED FOR DISCUSSION AND VOTE

VARIOUS DEPARTMENTS

Issue 1: Legislative Proposals

The subcommittee has received the following legislative proposals for inclusion in the 2018-19 budget.

0690 – Governor’s Office of Emergency Services

Issue 1A. Nonprofit Security Grant Program. The subcommittee has received a proposal requesting a \$5 million appropriation to the Office of Emergency Services for the Nonprofit Security Grant Program, administered by OES. The grants are available to any organization targeted by hate-motivated violence. The funds are to be used for a variety of security measures, including physical security enhancements and security training to help prevent, mitigate, and respond to acts of terrorism and hate-motivated violence.

Miscellaneous

Issue 1B. California Humanities. The subcommittee has received a proposal requesting a \$750,000 appropriation for the nonprofit organization, California Humanities. The California Humanities was founded in 1975 as a granting and programmatic organization that promotes the humanities as relevant, meaningful ways to connect Californians in order to become a better California. The organization produces, funds, creates, and supports accessible humanities-based projects and programs across the state.

Issue 1C. Payment in Lieu of Taxes. The subcommittee has received a proposal requesting to undo an action included in the 2015 budget act to make Payment in Lieu of Taxes (PILT) optional instead of mandatory. PILT offsets loss of county property tax revenue when the state acquires private property for state controlled wildlife management areas. The cost of this proposal is estimated at \$644,000 annually.

0890 – Secretary of State

Issue 1D. Open-Source Voting Systems. The subcommittee has received a proposal requesting \$8 million in matching funds for counties to develop and certify publicly owned, open-source paper ballot voting systems. Open-source voting systems can significantly reduce costs associated with replacement and maintenance, and will provide counties with a more transparent, secure, and fair election process. This additional funding would allow the Secretary of State’s office to administer a matching program, where interested counties would receive resources needed to develop, certify, and implement open-source platforms.

Issue 1E. Office of Elections Cybersecurity. The subcommittee has received a proposal requesting a \$2 million ongoing augmentation to the Secretary of State's budget to support elections cybersecurity efforts. In a recent joint informational hearing on cybersecurity and elections a theme that emerged was that securing voting systems is a good first step to combat cybersecurity threats. This proposal would provide the necessary tools to support efforts to coordinate activities and information sharing between federal, state, and local officials, including county registrars of voters.

1111 – Department of Consumer Affairs, Contractors State License Board

Issue 1F. Combatting Contractor Fraud. The subcommittee has received a proposal requesting a one-time allocation of \$1 million to the Contractors State License Board (CSLB) to conduct a targeted public outreach campaign to give homeowners instructions on how they can look up a contractor's license number; how to identify a possible scam; and where to report suspected fraud. The request also asks the CSLB be given authority to expedite the hiring of an advertising agency to help develop the most effective way to communicate about the dangers of unlicensed contracting.

7730 – Franchise Tax Board

Issue 1G. Tribal Taxes. The subcommittee has received a proposal requesting to exempt the earned income derived from tribal land of an individual who is a member of a federally recognized tribe, who resides within any tribal land in California. Members must currently reside on their tribe's land to be exempt from state income tax on income they receive from that specific Native American tribe. However, they are not exempt from state income tax on income they earn within any other tribal lands in California. The Governor vetoed SB 289 (McGuire) last year noting that it should be considered during budget deliberations. Costs are estimated at \$1.1 million annually.

Staff Recommendation. Hold open all legislative proposals.

0515 BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY

Overview. The Business, Consumer Services and Housing Agency is responsible for overseeing departments, boards, commissions and agencies that provide the following services to the people of California: protection of the public through the licensing and regulation of more than 100 businesses and 200 professional categories; regulation of financial services and state-licensed financial institutions; enforcement of the sale of alcoholic beverages; regulation of the cannabis industry; regulation of the horse racing industry; the investigation and prosecution of civil rights; safe and affordable housing opportunities; and earthquake safety. The Agency is comprised of the following entities: Department of Consumer Affairs; Department of Business Oversight; Department of Fair Employment and Housing; Department of Housing and Community Development; Department of Real Estate; California Housing and Finance Agency; Department of Alcoholic Beverage Control; Alcoholic Beverage Control Appeals Board; California Horse Racing Board; and Alfred E. Alquist Seismic Safety Commission and the Cannabis Control Appeals Panel.

Budget. The Governor's budget includes \$1.9 billion of expenditures within this agency area. However, that amount does not include federal funds, certain non-governmental cost funds, or reimbursements. The agency's budget includes \$3.2 million (\$2.2 million reimbursements; \$265,000 Alcohol Beverage Control Fund; \$240,000 Real Estate Fund; \$219,000 State Corporations Fund; \$132,000 General Fund; \$108,000 Financial Institutions Fund; \$39,000 Horse Racing Fund; \$29,000 Credit Union Fund; and \$1,000 Local Agency Deposit Security Fund) and 14.3 positions to support the agency.

Issue 1: Increased Legal and Programmatic Workload - SFL

Budget. The agency requests four positions and \$524,000 (General Fund, reimbursements, and various special funds) in 2018-19 and ongoing to accommodate an increase in agency workload relating to the addition of two departments, housing initiatives, and involvement with special projects. The requested positions are:

- An Assistant General Counsel position
- A Special Assistant of Planning and Policy position
- A Legislative Assistant position
- A Fiscal Assistant position

Background. The Business, Consumer Services and Housing Agency was created in 2013 as part of the Governor's Reorganization Plan No. 2. The agency is responsible for overseeing departments, boards, commissions, and agencies that license and regulate more than 100 businesses and 200 professional categories. The agency also regulates financial services and state-licensed financial institutions, licenses and enforces the sale of alcoholic beverages,

regulates the horse racing industry, protects civil rights, provides safe and affordable housing opportunities, and promotes earthquake safety.

Currently, the agency has fifteen permanent positions and oversees nine departments. In recent years, the agency has added oversight for the Bureau of Cannabis Control (BCC), the Cannabis Control Appeals Panel, and the Home Movers Program. Although the BCC is also under the oversight of the Department of Consumer Affairs (DCA), the agency has been more involved in its work than usual due to the sensitive subject matter. In addition, major housing initiatives are underway which have required additional oversight and administration, including the No Place Like Home Program. The agency is also involved with statewide emergency issues, such as the recent wildfires in the state.

Beginning July 1, 2018, the agency will also have increased oversight responsibility for the newly formed Department of Real Estate (DRE). The agency previously provided oversight for the Bureau of Real Estate when it was under the DCA but the formation of the DRE increases workload for the agency. Work that was previously done by DCA will now be the responsibility of the agency. For instance, the department will now need to move to doing its own accounting and budgeting work, so the agency will need to work with the department on personnel and budget requests. This proposal would add four additional permanent positions to address the increased workload relating to these new programs.

Staff Recommendation. Approve as budgeted.

0890 SECRETARY OF STATE**Issue 1: California Business Connect (CBC) Project - SFL**

Budget. The Secretary of State (SOS) requests \$18.51 million (\$15 million Business Fees Fund and \$3.51 million Business Programs Modernization Fund) for 2018-19 to continue implementation of the California Business Connect project.

Background. The SOS has the responsibility for processing and filing important commerce and trade documents including business formations, changes, and terminations. Most business entity documents and information requests are submitted to the SOS via mail or in-person in Sacramento and Los Angeles. The office currently relies on several antiquated electronic and paper database (including 3" x 5" index cards) systems in order to process more than two million business filings and requests for information submitted on an annual basis.

The CBC project is envisioned to automate paper-based processes, allowing businesses to file and request copies of records online and to process fee payments within one business day. In February 2018 the SOS submitted a CBC Special Project Report #3 (SPR) to the California Department of Technology. The report details total 2018-19 project costs at \$20.3 million. \$3.6 million will be funded through existing resources, resulting in a project funding need of \$16.7 million. An additional \$1.81 million is also needed for temporary staff to backfill staff positions redirected to the project. The requested spending authority will allow the SOS to enter into contracts for systems integration vendors, project management services, independent project oversight, independent verification and validation, temporary help to backfill for redirected staff, and other operating expenses related to the project.

Project Implementation. SPR#3 will continue the plan to focus on the largest annual volume of paper filings with development and implementation in modules, while also replacing outdated legacy systems. This approach reduces the project risks, allows for more off ramps and smaller wins for customers sooner, while still meeting the objectives of the project. Functionality will focus on the largest volume of paper filings/documents to obtain the maximum possible benefit to the public and cost avoidances to the state.

A module approach will enable the deployment of functionality based on legislative mandate, dynamic security considerations and business value. Business entities, including Limited Liability Companies, Limited Partnerships, and Corporations filing online forms are addressed in the first module, the second module will be Trademarks. Uniform Commercial Code will be the third module and the remaining Business Entities business services and infrastructure will be the fourth module. Each module will have a Maintenance and Operation (M&O) component. Legacy system retirements are also aligned with the modular implementation. A modular approach reduces the project risk by allowing the project team to focus on the development, testing, training, and rollout to support a reduced scope of specific business needs.

Staff Recommendation. Approve as budgeted.

8940 CALIFORNIA MILITARY DEPARTMENT**Issue 1: Capital Outlay - Los Alamitos Readiness Center**

Budget. The California Military Department (CMD) requests \$24.7 million (General Fund) for the construction phase of the continuing Los Alamitos: National Guard Readiness Center project. The construction phase of this project was originally approved in 2017-18 at a cost of \$24.7 million (lease revenue bonds). This request will result in the following: (1) a reversion of the unencumbered balance of the 2017-18 lease revenue bond appropriation, and (2) a shift in the fund source of the construction phase of the project from lease revenue bond financing to General Fund.

Background. This project was originally approved in the Budget Act of 2015 to replace the current Southern Region Emergency Operation Center (REOC), located on federally-owned real property used by the CMD. The existing facility is undersized and cannot accommodate required staff. It was originally designed to be temporary, until a permanent building was constructed. The new 30,000 square foot, joint-use Southern REOC will house the Governor's Office of Emergency Services and serve as the California National Guard Command and Control Headquarters. The facility will allow for coordinated response efforts between federal agencies, state agencies, and local partners in the Southern California region.

Construction funding for the Los Alamitos Readiness Center project was approved in 2017-18 in the amount of \$24.7 million lease revenue bond financing. However, it has been determined that this project is not a good candidate for lease revenue bond funding, and General Fund is a more appropriate fund source for the following reasons:

- The project site is a portion of a larger property, owned by the U.S. Department of the Army. The CMD's current use of the project site is from a license which is terminable at the will of the U.S. Department of the Army, and only provides a personal property right and not a real estate right (which is a requirement of lease revenue bond financing).
- Additionally, the proposed project is to include joint use with the U.S. Department of the Army, such joint use with the federal government is considered private use under the limitations of tax-exempt bonds and highly problematic for lease revenue bond financing.
- Lastly, the current license agreement (and possible other land-use grants) restrict the usage of the project site by the CMD, which is also problematic for lease revenue bond financing.

Staff Recommendation. Approve as budgeted.

8955 CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS (CALVET)**Issue 1: Capital Outlay - Yountville Veterans Home Skilled Nursing Facility SFL**

Budget. This request decreases the original January proposal for preliminary plans (discussed at the March 8, 2018 hearing) by \$8.6 million, instead requesting \$7.1 million (General Fund) for the performance criteria phase of the skilled nursing facility project. The department also requests a shift in project delivery method from design-bid-build to design-build.

Background. Funding for the preliminary phase of this project was included in the Governor's budget in the amount of \$15.7 million. Since then, Department of General Services has completed additional work on the site resulting in updated project costs. In addition, it has been determined that using the design-build project delivery method will provide additional cost and schedule efficiencies. This request will update project costs as follows: approximately \$7.1 million (General Fund) for performance criteria and \$286.4 million (\$96 million Lease Revenue bonds and \$190.4 million federal funds) for design-build, for a total project cost of approximately \$293.5 million. Original project costs were estimated at \$317.1 million.

Legislative Analyst's Office (LAO). The LAO states that the proposal, in concept, has merit but is premature given the absence of the master plan. The forthcoming master plan is intended to help the Legislature identify necessary changes to the entire veterans home system in order to meet current and future demand. In addition, the master plan is intended to provide the Legislature with guidance on how to prioritize and think about the trade-offs associated with prioritizing certain proposed changes to the system over others. In the absence of the master plan, it is unclear how the need, scope, costs, and trade-offs of the proposals compare to other potentially necessary changes to the veterans home system that will be discussed in the master plan.

Staff Comment. While staff understands that there is a critical need to replace the aging and inefficient Holderman building, concerns expressed in the March 8, 2018, hearing agenda remain. The timing of this proposal seems premature, as the department is not set to release its master plan for the future of the California Veterans Homes system until 2019. The subcommittee may wish to consider adopting language clarifying the intent of the master plan, requiring periodic updates to the plan, and requiring the department to form a workgroup of stakeholders to contribute to those updates. One example of an issue the workgroup could provide input on is an implementation plan for all system-wide facility changes needed to align the veterans homes to meet current and future demand, as recommended by the LAO. Note that the Legislature may need to consider providing additional resources to the department if it decides to require periodic updates to the master plan.

Staff Recommendation. Hold open.