

SUBCOMMITTEE NO. 5

Agenda

Senator Nancy Skinner, Chair
Senator John M.W. Moorlach
Senator Jim Beall



Thursday, May 9, 2019
9:30 a.m. or upon adjournment of Session
State Capitol - Room 113

PART B

Consultant: Christopher A. Francis, Ph.D.

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ITEMS FOR VOTE-ONLY

0250 JUDICIAL BRANCH

1. **Deferred Maintenance BCP.** The budget proposes a one-time General Fund augmentation of \$40 million to address the most vital deferred maintenance in trial courts and appellate courts. These funds will support fire alarm systems repair and replacement. A General Fund augmentation of \$40 million allows for repairs and replacement of fire alarm systems, a small subset of the current deferred maintenance in the Judicial Branch portfolio. Fire alarm systems provide the essential first alarm on a fire/life/safety event to the building occupants and first responders, so that evacuation can be completed in an appropriate amount of time. System failures create a higher cost due to the urgent nature of the work, and the lack of time to plan the effort. This issue was heard by the subcommittee on March 14, 2019.

Staff Recommendation. Approve the requested funding for deferred maintenance, and adopt supplemental reporting language (SRL) requiring the Department of Finance to notify the chair of the JLBC prior to allocating deferred maintenance funding to the departments. Adopt additional SRL requiring DOF to report, no later than January 1, 2023, on which deferred maintenance projects all departments undertook with 2019-20 funds. Finally, adopt Supplemental Report Language (SRL) requiring that, no later than January 1, 2023, the judicial branch identifies how their deferred maintenance backlog has changed since 2019.

2. **Various Capital Outlay.** Through three spring proposals, the budget includes funding for capital outlay projects for the Judicial Branch. These projects are as follows:

Project Title	Purpose of Request and Funding History
Riverside County- New Indio Juvenile and Family Courthouse	<p>The Judicial Council requests an additional appropriation of \$21,130,000 (\$1,366,000 million Immediate and Critical Needs Account, \$19,764,000 Public Building Construction Fund) for working drawings (\$1,366,000) and construction (\$19,764,000) for the New Indio Juvenile and Family Courthouse project located in Riverside County. This request addresses increased project costs. Total appropriated project costs are \$54,024,000 and they are now projected to be \$75,154,000 million, a 28 percent increase. This project will consolidate court operations from two facilities.</p> <p>The subcontractor bids received were substantially over the appropriated budget. Several contributors to the funding increase include the remoteness of the project site, increases in material costs due to volatilities in the commodities market and lapses in time that have necessitated an update and re-review of the working drawings phase.</p>
Various Capital Outlay Project Reappropriations	The Judicial Council requests a reappropriation to extend the liquidation period for the construction phase for the New San Diego Courthouse in San Diego County and for the New Yuba City

	<p>Courthouse in Sutter County. This reappropriation will allow the Judicial Branch to make the final payments for these projects from the Public Buildings Construction Fund Subaccount. Construction of these projects have been completed. However, the New San Diego Courthouse has design and construction issues with the electrical system that requires engineering analysis and correction actions.</p> <p>For the New Yuba City Courthouse project, the construction vendor was very late in submitting one large invoice, and since JC has entered into a settlement agreement with this vendor there is a legal obligation to pay this last invoice. The reappropriations will allow the Judicial Council sufficient time to research and resolve final expenditures for these projects.</p>
<p>Imperial County- New El Centro Courthouse</p>	<p>The Judicial Council requests an additional appropriation of \$17,152,000 million Public Building Construction Fund for the construction phase of the New El Centro Courthouse project located in Imperial County. Total appropriated project costs are \$49,944,000, and they are now projected to be \$67,096,000. This request addresses increased project costs due to bids that were received higher than anticipated. This project will consolidate court operations from two facilities.</p> <p>Several contributors to the funding increase include the remoteness of the project site that led to fewer subcontractor bids package than anticipated, increases in material costs due to volatilities in the commodities market.</p>

Staff Recommendation: Approve as budgeted.

3. ***Court Appointed Counsel in Juvenile Dependency Proceedings Proposal.*** The budget includes \$20.0 million General Fund in 2019-20 and ongoing to support court-appointed dependency counsel workload. This augmentation increases the total funding for this workload to \$156.7 million, which represents 76 percent of the funding need determined by the Judicial Council. This issue was heard by the subcommittee on March 14, 2019.

Staff Recommendation: Approve as budgeted.

4. ***Cannabis Convictions: Resentencing.*** The budget includes an augmentation of \$13,901,000 General Fund in 2019-20 and \$2,929,000 in 2020-21 to support costs associated with increased workload for the trial courts as a result of the enactment of AB 1793 (Bonta), Chapter 993, Statutes of 2018 which requires sentence modification of past cannabis conviction cases pursuant to current law. The Control, Regulate, and Tax Adult Use of Marijuana Act. The proposal is based on costs estimates of challenged and unchallenged petitions—each which have unique time and financial costs. For clerks this time is comprised of acceptance, processing and preparation of the resentencing petition for review by a judicial officer. Courts indicated a judge

would spend time reviewing the petition, any relevant information pertaining to the individual that may be in the courts record as well as potential communication with prosecutors. Additionally, for petitions challenged by the prosecution, the courts' time includes assessing the merits of the prosecutor's objection(s) and discussing the case with the prosecutor and public defender.

Staff Recommendation: Approve as budgeted.

5. ***Case Management System Replacement.*** The budget includes a General Fund augmentation in the amount of \$23.1 million in 2019-20, \$6.7 million in 2020-21, \$3.1 million in 2021-22, \$413,000 in 2022-23, and \$347,000 in 2023-24 to replace various outdated legacy case management systems used by ten trial courts (Amador, Colusa, Contra Costa, Lassen, Marin, Mariposa, Mono, Nevada, Shasta and Solano) with a new, commercial, off-the-shelf case management system. This request includes ongoing funding of \$347,000 to support 2.0 positions (Senior Business Systems Analyst) to provide support administering the multiple statewide master service agreements with case management system vendors as well as providing technical guidance and support for the various trial courts using multiple CMS vendors. Most courts across the state have begun the process of migrating to a new technology platform for their case management systems but the ten courts in this request have not been able to do so.

Staff Recommendation: Approve as budgeted.

6. ***Data Analytics and Futures Commission IT Directives.*** The budget includes a General Fund augmentation of \$7.8 million one-time in 2019-20, to be spent over two years, to provide funding for evaluating and implementing a pilot program for new technology solutions, including intelligent chat, video remote hearings, natural language voice-to-text translation services, and business Intelligence/data analytics using identity management, with the plan of expanding these programs for availability to all judicial branch entities. This program directly supports delivery of three of the Futures Commission recommendations, as directed by the Chief Justice, as well as Judicial Council Technology Committee workstream on data analytics and business intelligence. Funding includes \$4.23 million for software, equipment and consulting services, and \$3.57 million for maintenance and seven positions to enable Judicial Council information Technology (JCIT) to implement, support and maintain the solutions.

Staff Recommendation: Approve as budgeted.

7. ***Litigation Management Program.*** The Governor's budget includes an ongoing augmentation of \$5.6 million General Fund, beginning in 2019-20, to support the defense and indemnity of all judicial branch entities. The proposed amount consists of \$5.2 million to offset existing IMF support for the program and \$449,000 related to increased litigation costs. The Judicial Council manages litigation management services and provides for the defense and indemnification of all judicial branch entities, their bench officers, and employees.

Staff Recommendation: Approve as budgeted.

8. ***Implementation of Phoenix Roadmap.*** The Governor's budget includes \$7.7 million General Fund and four positions in 2019-20, \$4.4 million in 2020-21, and \$3.9 million in 2021-22 and ongoing to maintain/upgrade the Phoenix enterprise resource management system. This

proposal shifts \$3.2 million from Improvement and Modernization Fund to the General Fund. The Phoenix Program manages the financial and procurement system and processes for the 58 trial courts and the payroll system and processes for 13 trial courts. A significant benefit to the courts that use the Phoenix payroll system is the inherent integration of the Phoenix Financial System, which allows for payroll results to be automatically posted to financial ledgers with internal references to the payroll system and makes reconciliation analysis more efficient and accurate. Although a technical upgrade was performed in 2008-09, the current Phoenix user interface is based on 1997 technology which is not considered efficient due to the need for scrolling and extra keystrokes required in the older design, nor does it provide a satisfactory user experience by today's standards.

Staff Recommendation: Approve as budgeted.

9. ***FI\$Cal Staffing.*** The budget includes six positions and \$952,000 General Fund in 2019-20 and \$887,000 General Fund in 2020-21 and ongoing to support the use and administration of the Financial Information System for California (FI\$Cal). These resources are essential for the Judicial Council to effectively manage the use of the FI\$Cal system, ensuring accuracy, integrity, and transparency of financial information. Previously, the Judicial Council used the Oracle financial system (Oracle) to perform accounting, budgeting, and procurement functions. Upon hearing the JCC Oracle system was in need of significant upgrades, the Executive Branch encouraged the Judicial Council to transition to FI\$Cal beginning in 2018-19. The JCC implemented the FI\$Cal on July 1, 2018. Since the implementation of the FI\$Cal system, the JCC has discovered that many tasks require more time to perform than in the Oracle system. The JCCs Procurement Unit requires dedicated staff who are familiar with the judicial branch and its procurement business practices and have highly functional technical expertise with FI\$Cal to determine how JCC procurements function in a system that was designed to fit executive branch procurement functions and often different legal requirements for procurements.

Staff Recommendation: Approve as budgeted.

10. ***Digitizing Court Records.*** The budget includes one-time General Fund augmentation of \$5.6 million in 2019-20 and an ongoing augmentation of \$176,000 for a Senior Business Systems Analyst to conduct phase one of a multi-phase program (of between six and eight courts) for digitizing mandatory court records, including paper and/or filmed case files for the Superior and Appellate Courts. The goal for phase one is to digitize the equivalent of 28,000 linear feet of paper case files. After this phase, the data, including digitization costs, timelines and business re-engineering effort, will be analyzed to refine the cost estimates, processes and techniques so that funding needed for remaining courts can be requested in the future, as appropriate for the remaining non-digitized courts.

Staff Recommendation: Approve as budgeted.

11. ***Trial Court Security Systems and Equipment.*** The budget proposes an ongoing augmentation of \$6.0 million General Fund beginning in 2019-20, to refresh, maintain and replace security equipment and systems totaling 580 statewide in court facilities. \$4.8 million of the requested augmentation will be used each year to replace approximately 30 systems (surveillance, access, duress, and detention control). The average cost for a system replacement is \$159,000.

Maintenance costs are based on actual expenditures, (an average of \$2,000 per service call x 600 calls per year) and pricing identified in current master agreements with equipment and service vendors.

Staff Recommendation: Approve as budgeted.

12. Trial Court Facility Maintenance and Operations. The budget includes \$20.1 million General Fund ongoing for maintenance and operation of trial court facilities constructed since 2007. This gap resulted from a growth in portfolio square footage from court facility construction authorized by SB 1732 (Escutia) the Trial Court Facilities Act of 2002 and SB 1407 (Perata), Chapter 311, Statutes of 2008. The State Court Facilities Trust Fund was created to provide a source of funding for the ongoing operations, repair, and maintenance of court facilities by requiring each county to pay to the state the amount that county historically expended for operation and maintenance (O&M) of court facilities. SB 1407 created a revenue stream from court fees, penalties, and assessments to finance courthouse construction and renovations, ensuring that these projects would be paid for from within the judicial branch rather than drawing on the state's General Fund. Since passage of SB 1407, the Judicial Council of California has constructed 26 new trial court facilities, totaling over 3.6 million square feet of space. Ten more courthouses are underway that will add an additional 1.6 million square feet of space. There is currently no mechanism by which operations and maintenance is funded for these new facilities. The funding would assist the Judicial Branch in their preventative maintenance funding as well as address utilities costs associated with the increase in responsible square footage.

Staff Recommendation: Approve as budgeted.

5225 DEPARTMENT OF CORRECTIONS AND REHABILITATION (CDCR)

13. Various Spring Capital Outlay, Part I. In addition to 16 capital outlay proposals introduced in January and heard in the March 7th, 2019 subcommittee hearing, the budget proposes five spring capital outlay proposals. Three of these proposals are documented below:

Project Title	Purpose of Request and Funding History
Pelican Bay State Prison, Crescent City: Classroom Space	<p>This proposal requests funding to modify an existing 2,500 square foot storage room in Facility D at Pelican Bay State Prison into three separate classrooms to support education and Cognitive Behavioral Treatment (CBT) programming. Education courses will include Career Technical Education, Adult Basic Education, and college courses.</p> <p>Funding for this project was received in the 2018 Budget Act. Design documents have been completed and submitted to the State Fire Marshal for approval. However, the CDCR cannot ensure that State Fire Marshal approval of working drawings will be obtained by June 30, 2019. Therefore, the Department is requesting a reappropriation of working drawings and construction in the 2019 Budget Act to ensure funding for this project remains available. The preliminary plans began in July 2018 and were completed in February 2019. The</p>

	<p>working drawings phase begin in February 2019 and is expected to be completed in July 2019.</p>
<p>Pelican Bay State Prison, Crescent City: Fire Status: Suppression Upgrade</p>	<p>This proposal requests funding to correct fire suppression system deficiencies at the Pelican Bay State Prison identified during an inspection by the State Fire Marshal. The scope of work includes the installation of an automatic fire suppression system (sprinklers) in the general population housing units.</p> <p>Funding for the working drawings phase of this project was received in the 2018 Budget Act. Due to delays encountered with preliminary plans, working drawings will not begin by June 30, 2019. Therefore, the CDCR is requesting a reappropriation of working drawings in the 2019 Budget Act to ensure funding for this project remains available. The preliminary plans began in July 2017 and will be completed in July 2019.</p>
<p>Pelican Bay State Prison, Crescent City: Facility D Yard</p>	<p>This proposal requests funding to construct a recreation yard for Facility D at Pelican Bay State Prison (PBSP). PBSP Facility D Security Housing Unit has been repurposed to a level II housing unit. This yard will provide the necessary space for participation in recreational and physical education programs.</p> <p>Funding for preliminary plans and working drawings was received in the 2017 Budget Act and reappropriated in the 2018 Budget Act. Due to delays encountered in the preliminary plans phase, working drawings will not begin by June 30, 2019. Therefore, the Department is requesting a reappropriation of working drawings in the 2019 Budget Act to ensure funding for this project remains available.</p>

Staff Recommendation. Approve these three capital outlay proposals as budgeted.

ITEMS TO BE HEARD

5225 DEPARTMENT OF CORRECTIONS AND REHABILITATION (CDCR)

Issue 14: Various Spring Capital Outlay, Part II (Spring BCPs)

Governor’s Budget. In addition to 16 capital outlay proposals introduced in January and heard in the March 7th, 2019 subcommittee hearing, the budget proposes five spring capital outlay proposals. Two of these proposals are documented below (the remaining three were listed in Issue 13):

Project Title	Purpose of Request and Funding History
<p>San Quentin State Prison, San Quentin: New Boiler Facility</p>	<p>This proposal requests funding for the construction phase of a new central high-pressure steam boiler facility at San Quentin State Prison (SQ). Boiler replacement is required for compliance with Bay Area Air Quality Management District regulations for gas-fired boiler emissions standards. The design phase of the project was previously funded.</p> <p>The proposal seeks funding to demolish the existing boiler building and build a new central boiler facility because the current central boiler is noncompliant with emissions standards and CDCR faces potential fines and civil penalties of up to \$12 million. The working drawings phase begin in April 2016 and will be completed in January 2020.</p>
<p>Health Care Facility Improvement Program - Increase Lease Revenue Appropriation</p>	<p>This proposal requests trailer bill language to increase the lease revenue appropriation authorized by Government Code Section 15819.403 by \$49,850,000 to complete construction of the remaining Health Care Facility Improvement Program (HCFIP) projects.</p> <p>The proposed language would increase that maximum amount of costs authorized for those purposes to \$1,139,429,000. The bill would make the additional \$49,850,000 available for allocation to any project established by the board in the Health Care Facility Improvement Program, but would be subject to existing restrictions on the allocations of the additional amount by requiring that each allocation be approved by the board and that not less than 20 days prior to the board's approval, the Department of Finance report specified information regarding the project to the Chairperson of the Joint Legislative Budget Committee and the chairpersons of the respective fiscal committee of each house of the Legislature. By increasing the amount of funds that are continuously appropriated to the board on behalf of the department for these purposes, the bill would make an appropriation.</p> <p>Individual HCFIP projects at 25 prisons have been established by the State Public Works Board (SPWB) utilizing the lease revenue bond financing authority in Government Code Sections 15819.40-15819.404. These projects are required to improve the infrastructure</p>

	for outpatient health care services to inmate-patients. Multiple reasons such as poor architectural and engineering design performance, lack of compliance with fire/life/safety requirements and extended construction duration has led to the CDCR estimating that that their needed funding will exceed beyond the current 20 percent augmentation authority.
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Staff Recommendation. Hold open.

VARIOUS DEPARTMENTS**Issues 15-36: Legislative Requests**

The Subcommittee is in receipt of various proposals for investments in local and statewide public safety, corrections, and the judiciary.

- 15. *Keep Youth Closer to Home Act.*** This proposal includes trailer bill language that would do the following:
- Increase the cost of county confinement to DJJ from \$24,000 to \$125,000 for most youth
 - Maintain a fee of \$24,000 per youth for cases most at risk of transfer to adult court
- 16. *Extension of county age of jurisdiction.*** Accompanying item 15 is a proposal to extend the county age of jurisdiction from 21 to 25 years old, reflecting the DJJ's extension.
- 17. *Supportive Housing for Persons on Parole.*** The proposal would, upon appropriation by the Legislature, redirect funding, \$13 million, from the current Integrated Services for Mentally Ill Parolees program to a Supportive Housing for Parolees program. The program would be administered by the Department of Housing and Community Development and would incorporate similar eligibility criteria for eligible participants and similar criteria for housing funded by the program as the ISMIP program.
- 18. *Ongoing allocation for In-prison Rehabilitative Programs by Community Based Organizations.*** This proposal would augment the current funding for rehabilitative programs offered by community based organizations by \$15 million General Fund ongoing beginning in 2019-20 to continue, expand or replicate rehabilitative programs that have previously demonstrated success with inmates in CDCR facilities, made available annually through the Request for Innovative Ideas (RFI2) process. Accompanying trailer bill language is proposed to shape the disbursement of funds, performance measures and method of selecting organizations.
- 19. *County Law Libraries.*** This proposal would include a \$16.5 million General Fund line item for County Law Libraries as of the 2019-20 budget and ongoing.
- 20. *CalVIP Separate Funding Requests.*** There are two requests for funding of the California Violence Intervention and Prevention (CalVIP) program:
- a) \$39 million per year for three years
 - b) A \$3 million ongoing General Fund augmentation above FY 2018-19 levels of funding to bring the total funding to \$12 million per year and language to set aside 15 percent of total grant funding for rural cities having a population of 40,000 or less.
- 21. *Testing of Sexual Assault Evidence Kits.*** This proposal requests \$854,000 General Fund ongoing allocation to support the DNA ID Fund for testing costs at the Department of Justice and a one-time \$2 million General Fund allocation for local law enforcement grants to ensure the prompt testing of newly collected sexual assault evidence kits.
- 22. *Reentry preparation and services for the transgender, gender non-conforming, and intersex people.*** This request is for a one-time allocation of \$3,000,000 General Fund to help transgender,

gender non-conforming, and intersex (TGI) people prepare and reintegrate themselves into society. Funds are proposed to be distributed across the state to Transgender led organizations and should guide this work to support other TGI individuals both inside and outside of corrections.

23. ***CDCR Programming Access and Credits.*** This proposal would provide the same credit earning and incentives for rehabilitative programming for people who participate in in-prison programming as those who participate in the CDCR's fire camps.
24. ***Health Transitions Hub Pilot.*** This proposal is for a one-time augmentation of \$5 million General Fund over five years to establish a Health Transitions Hub Demonstration Project for the CDCR. This would establish a five year demonstration project to determine the effectiveness of a care coordinator model that would provide pre-release planning and coordination to facilitate the transition of medical fragile inmates to the community.
25. ***Restorative Justice Pilot.*** This proposal requests a \$30 million one-time allocation from the General Fund for a Restorative Justice Pilot Program, which would be a five-year pilot program in three counties to create a pretrial diversion program for people accused of serious and violent crimes. Of that amount \$5 million per year would be for the selected counties to implement the program and \$1 million would be for the BSCC to administer the grant process and contract for independent evaluation.
26. ***Judgeships.*** This proposal supports the ongoing appropriation of \$36.5 million to support 25 new and already authorized judges and staff.
27. ***Trial Court Funding.*** This proposal would make ongoing augmentations of \$75 million General Fund in discretionary funds for all trial courts plus \$45 million General Fund for the most underfunded courts—for a total of \$120 million ongoing.
28. ***Fund renovations of the Challenger Memorial Youth Facility.*** This proposal requests a one-time appropriation of \$10 million General Fund to assist Los Angeles County with the refurbishment of the Challenger Memorial Youth Center into a voluntary, residential educational and career training facility for at-risk young men and women.
29. ***County Reimbursement of Golden State Killer Trial Costs.*** This proposal requests \$20 million General Fund to support counties impacted by the trial of the Golden State Killer. The funding would reimburse the prosecution and defense of the case.
30. ***Claremont Police Station.*** The proposal requests \$2 million General Fund one-time for occupant safety improvements and seismic retrofitting for the Claremont Police Station.
31. ***Body Worn Cameras and Technology.*** The request is for a one-time allocation of \$1.2 million General Fund to the Cities of Baldwin Park, Azusa, West Covina, and South El Monte for body-worn camera, and policy technology upgrades such as GPS tracking systems that include separate forms of advance communication, body armor, and less-lethal projectiles.

32. ***Downey Police Department.*** This proposal includes \$25,000 General Fund one-time to acquire gear for the Downey police's tactical team and \$85,000 General Fund one-time for recruitment vehicles that can be taken to community events and other recruitment events.
33. ***Butte County Jail Project.*** This proposal requests a one-time General Fund allocation of \$7,713,928 to the BSCC for the Butte County Jail Project. In 2015, Butte County received state funding of \$40 million with a local match of \$4.4 million.
34. ***Southern California Public Safety Task Force.*** This proposal would be for \$112 million General Fund over four years to expand the existing North Orange County Public Safety Task Force into most of Southern California.
35. ***Grants for School Resource Officers.*** This proposal requests a \$5 million appropriation for the Department of Justice to administer a competitive grant program for cities, counties, or local law enforcement agencies to provide school resource officers.
36. ***Bureau of Environmental Justice.*** This proposal requests an ongoing General Fund appropriation of \$3.5 million for the California Attorney General's Bureau of Environmental Justice.

Staff Recommendation. Hold all requests open.