



APR 01 2010

Honorable Denise Moreno Ducheny, Chair
Senate Budget and Fiscal Review Committee

Attention: Ms. Keely Bosler, Staff Director (2)

Honorable Bob Blumenfield, Chair
Assembly Budget Committee

Attention: Mr. Christian Griffith, Chief Consultant (2)

Amendment to Budget Bill Items 5225-001-0001 and 5225-002-0001 and Addition of Item 5225-490, Support, California Department of Corrections and Rehabilitation

It is requested that Item 5225-001-0001 be increased by \$1,252,000, Budget Bill language be amended in Item 5225-002-0001 and Item 5225-490 be added to reflect the following adjustments:

Reentry Court Diversion Program—A decrease of \$483,000 General Fund resulting from the implementation of a new pilot Reentry Court Diversion Program that targets parolees who are convicted of new crimes.

Health Care Access Unit Transfer—A revision of budget bill language (see Attachment I) that will transfer expenditure authority control of the statewide Health Care Access Units to the California Department of Corrections and Rehabilitation. This transfer is consistent with the Receiver's Turnaround Plan of Action and was recommended in the Receiver's thirteenth tri-annual report.

Consolidated Information Technology Infrastructure Reappropriation—The addition of Item 5225-490 (see Attachment II) to reappropriate \$1,735,000 General Fund from the 2009 Budget Act for the Consolidated Information Technology and Infrastructure Program. This reappropriation is necessary to fund costs which were previously deferred.

The effect of my requested action is reflected on the attachment.

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If you have any questions or need additional information regarding this matter, please call Keith Gmeinder or Jay Sturges, Principal Program Budget Analysts, at (916) 445-8913.

ANA J. MATOSANTOS

Director

By:

/s/ Todd Jerue

TODD JERUE

Chief Deputy Director

Attachment

cc: Honorable Christine Kehoe, Chair, Senate Appropriations Committee
Attention: Mr. Bob Franzoia, Staff Director
Honorable Bob Dutton, Vice Chair, Senate Budget and Fiscal Review Committee
Attention: Mr. Seren Taylor, Staff Director
Honorable Felipe Fuentes, Chair, Assembly Appropriations Committee
Attention: Mr. Geoff Long, Chief Consultant
Honorable Jim Nielsen, Vice Chair, Assembly Budget Committee
Attention: Mr. Peter Schaafsma, Staff Director
Honorable Mark DeSaulnier, Chair, Senate Budget and Fiscal Review Subcommittee No. 4
Honorable Warren Furutani, Chair, Assembly Budget Subcommittee No. 4
Mr. Mac Taylor, Legislative Analyst (4)
Mr. Craig Cornett, Senate President pro Tempore's Office (2)
Mr. Christopher W. Woods, Assembly Speaker's Office (2)
Ms. Christine Robertson, Chief of Staff, Assembly Republican Leader's Office
Honorable Matthew L. Cate, Secretary, California Department of Corrections and Rehabilitation
Mr. Brett Morgan, Chief of Staff, California Department of Corrections and Rehabilitation
Mr. David Lewis, Deputy Director, Fiscal Services, California Department of Corrections and Rehabilitation
Ms. Mitzi Higashidani, Director, Administrative Support Services, California Prison Health Care Services
Mr. J. Clark Kelso, Receiver, California Prison Health Care Services

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Attachment I

**Proposed Budget Bill Language
To be amended in Item 5225-002-0001**

"Provision 4. The amounts appropriated in Schedules (2), (3), and (6) are available for expenditure by the Receiver appointed by the Plata v. Schwarzenegger court to carry out its mission to deliver constitutionally adequate medical care to inmates."

"Provision 5. The amounts appropriated in Schedules (1), (2), (4), (5), and (7) are available for expenditure by the Department of Corrections and Rehabilitation to provide mental health, ~~and dental~~ and access to care services only."

Attachment II

Proposed Budget Bill Language

5225-490—Reappropriation, Department of Corrections and Rehabilitation

The balances of the appropriations provided in the following citation are reappropriated for the purposes provided in those appropriations and shall be available for expenditure or encumbrance until June, 30, 2011.

0001—General Fund

Item 5225-001-0001 Budget Act of 2009 (Ch. 1, Stats. of 2009, Fourth Extraordinary Session). The balance of the funds appropriated for the support, development, and maintenance of the Consolidated Information Technology and Infrastructure Program is reappropriated for that purpose and shall be available for expenditure or encumbrance until June, 30, 2011.



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Honorable Denise Moreno Ducheny, Chair
Senate Budget and Fiscal Review Committee

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Assembly Budget Committee

Attention: Mr. Christian Griffith, Chief Consultant (2)

Proposed Trailer Bill Language, Capital Outlay, Department of Corrections and Rehabilitation

It is requested that Section 7050 of the Penal Code be amended to allow the use of General Fund appropriated in Section 28 of Chapter 7, Statutes of 2007 (AB 900) to fund dental facility improvements and modifications at prisons statewide (see Attachment A). This will enable the Department of Corrections and Rehabilitation to expeditiously complete necessary facility improvements to provide constitutionally adequate dental care consistent with the *Perez vs. Cate* case. It is estimated that approximately \$14.4 million is necessary to complete these improvements by July 2014.

The effect of my requested action is reflected on the attachment.

If you have any questions or need additional information regarding this matter, please call Chris Lief, Principal Program Budget Analyst, at (916) 445-9694.

ANA J. MATOSANTOS

Director

By:

/s/ Todd Jerue

TODD JERUE

Chief Deputy Director

Attachment

cc: On following page

cc: Honorable Christine Kehoe, Chair, Senate Appropriations Committee
Attention: Mr. Bob Franzoia, Staff Director
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Mr. Craig Cornett, Senate President pro Tempore's Office (2)
Mr. Christopher W. Woods, Assembly Speaker's Office (2)
Ms. Christine Robertson, Chief of Staff, Assembly Republican Leader's Office
Mr. Matthew Cate, Secretary, Department of Corrections and Rehabilitation
Mr. Brett Morgan, Chief of Staff, Department of Corrections and Rehabilitation
Mr. Chris Meyer, Senior Chief, Facility Planning, Construction, and Management,
Department of Corrections and Rehabilitation
Ms. Deborah Hysen, Chief Deputy Secretary, Facility Planning, Construction, and Management,
Department of Corrections and Rehabilitation
Mr. Dean Borg, Director, Finance Administration and Support, Facility Planning, Construction
and Management, Department of Corrections and Rehabilitation

7050. (a) (1) Section 28 of Chapter 7 of the Statutes of 2007 contains an appropriation of three hundred million dollars (\$300,000,000) for capital outlay to be allocated to renovate, improve, or expand infrastructure capacity at existing prison facilities. The funds appropriated by that section may be used for land acquisition, environmental services, architectural programming, engineering assessments, schematic design, preliminary plans, working drawings, and construction.

(2) These funds may also be used to address deficiencies related to utility systems owned by local government entities and serving state prison facilities subject to the provisions of Section 54999 of the Government Code. The department shall report on any funds to be expended for this purpose to the Joint Legislative Budget Committee. If the committee fails to take any action with respect to each notification within 20 days after submittal, this inaction shall be deemed to be approval for purposes of this section.

(3) These funds may also be used for the design and construction of dental facility improvements at existing state prisons.

(4) This subsection authorizes the scope and cost of a single capital outlay project for purposes of calculating augmentations pursuant to Section 13332.11 or Section 13332.19.

(b) The scope and costs of the projects described in subdivision (a) of this section shall be subject to approval and administrative oversight by the State Public Works Board, including augmentations, pursuant to Section 13332.11 or Section 13332.19 of the Government Code. The availability of an augmentation for each individual project allocation shall be based on the total applicable capital outlay appropriation contained in Section 28 of Chapter 7 of the Statutes of 2007 and is not limited to 20 percent of the individual project allocation. These requirements shall be applied separately to each institution. All of the necessary infrastructure improvements at each institution may be treated as one project such that there would be one infrastructure improvement project at each institution. The scope and cost of each infrastructure improvement project shall be established by the board individually. The amount of the total appropriation in Section 28 of Chapter 7 of the Statutes of 2007 that is necessary for each infrastructure improvement project shall be allocated by institution. The appropriation may be allocated based on current estimates. These initial allocations may be adjusted commensurate to changes that occur during the progression of the projects. As allocations are made or adjusted, the anticipated deficit or savings shall be continuously tracked and reported. Once the total appropriation has been allocated, any augmentation necessary to fund an anticipated deficit shall be based on the total appropriation and allocated to each project as necessary. The Joint Legislative Budget Committee shall be notified 30 days prior to the establishment of scope, schedule, and cost for each project by the board. The Department of Corrections and Rehabilitation shall notify the Joint Legislative Budget Committee 45 days prior to the submission of preliminary plans to the board for each project. If, after providing these notifications to the Joint Legislative Budget Committee, the committee fails to take any action with respect to the notifications within the specified time periods, this inaction will be deemed to be approval for purposes of this section. The Department of Corrections and Rehabilitation shall report on the allocations from the appropriation in Section 28 of Chapter 7 of the Statutes of 2007 and the anticipated deficit or savings to the Joint Legislative Budget Committee quarterly.

(c) The scope and costs of the projects described in subdivision (a) shall be part of the Department of Corrections and Rehabilitation's Master Plan, as defined in Section 7000.

(d) The reporting requirements set forth in Sections 7000 and 7003.5 shall apply separately to each project constructed or renovated pursuant to this section. For all purposes other than calculating augmentations pursuant to Section 13332.11 or Section 13332.19 each improvement authorized under subdivision (a) is considered a separate project.