

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

**A. GENERAL INFORMATION**

1. Date

2024-02-08

2. Department

Department of Justice

3. Organizational Placement (Division/Branch/Office Name)

Directorate Division, Office of Legislative Affairs (OLA)

4. CEA Position Title

Deputy Director of Legislative Fiscal Policy

5. Summary of proposed position description and how it relates to the program's mission or purpose.  
(2-3 sentences)

As a member of the Department's Legislative Affairs Executive Team, the CEA will serve as the senior level legislative fiscal policy advisor to the Legislative Director and Attorney General, as well as other senior executive management staff, on legislative bills of highest priority to the Department of Justice (DOJ). This position will be responsible for formulating and implementing fiscal policy reporting strategies and advocating department fiscal priorities to the Legislature to further the mission of the Department and ensure adequate funding for new mandates.

6. Reports to: (Class Title/Level)

Legislative Director, CEA B

7. Relationship with Department Director (*Select one*)

- ☒ Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- ☐ Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(*Explain*): CEA will have daily contact with the Legislative Director, and frequent contact with the Chief Deputy Attorney General, Chief of Staff and Attorney General

8. Organizational Level (*Select one*)

☐ 1st ☐ 2nd ☒ 3rd ☐ 4th ☐ 5th (mega departments only - 17,001+ allocated positions)

## **B. SUMMARY OF REQUEST**

### **9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.**

Manages and oversees significant legislative fiscal reporting and fiscal policy-making and implementation for the Office of Legislative Affairs and Executive team.

**FISCAL DIRECTOR:** Collaborate with department's senior management, subject matter experts, and fiscal and Executive staff to develop overarching fiscal strategies for the Attorney General's priority sponsored legislation and all passed and pending legislation that impacts the department. Direct OLA Fiscal staff on the development and establishment of legislative fiscal research methods. Serve as liaison to consult with legislative staff and stakeholders to address fiscal policy matters to ensure department compliance with proposed legislative mandates. Consult and provide technical fiscal policy guidance on legislation/amendments and department legislative concepts and proposals. Draft testimony and testify in fiscal committees based on department impact and priority. Draft letters/memos to the Legislature on fiscal policy issues.

**LEGISLATIVE BCP OVERSIGHT:** Work closely with department's senior management, subject matter experts, and fiscal and Executive staff in the development of legislative budget change proposals to align with legislative intent and department priorities and to ensure the department is sufficiently funded for the mandate. Responsible for (with collaboration from OLA Legislative Advocates, Directorate/Executive staff) developing strategies to advocate before the Legislature to pursue the department's fiscal priorities, both immediate and long-term.

**DEPARTMENT CLAIMS BILL DEVELOPMENT/ADVOCACY:** DOJ sponsors legislation each year to secure appropriation for the payment of claims, settlements, or judgments against the state arising from an action in which the state department establishes the lack of funds. OLA assists the Government Claims Unit within the Torts section in tracking potential claims that may require payment via the claims process.

Advise Deputy Attorneys General (DAG) and the Directorate/Executive staff on the claims process and the precise steps that must be taken for a claim to be included in an annual appropriations bill. Work closely with the Assembly and Senate Appropriations Committees and Republican counterparts to timely share information and provide them with the required documentation and background necessary to draft the claim and associated analyses; consults with and advises program staff to ensure timely processing of the claim for inclusion in the legislative vehicle; represents and testifies on behalf of the department at committee hearings alongside the subject matter expert; drafts talking points for the author and floor manager; answers questions of legislative staff about the claims and coordinates meetings with the subject matter experts, as needed; and keeps relevant DOJ staff, including the Executive team, apprised of the status of the claims bill.

**ADVOCACY ON LEGISLATION WITH SIGNIFICANT FISCAL IMPACT TO THE DEPARTMENT:** Maintain a high level of understanding of actions within assigned policy areas and on all priority, sponsored legislation with a significant fiscal impact on the department through deliberations with authors, legislative leaders and the Governor's Office. Analyze complex legislative proposals; assess and communicate the fiscal implications; make policy amendments based on the overarching immediate and long-term impact to the department; revise fiscal approaches on legislation in accordance with changing policies, state and federal legislation and regulations.

This position will maintain a high level of understanding of actions as it pertains to all bills determined to have a fiscal policy impact to the department during the legislative process through deliberations with legislative authors, legislative leaders, external stakeholders, the Governor's Office, and Department of Finance.

Responsible for executing the Attorney General's policy initiatives made through the budget process and directly advising the senior executive management team regarding the same. Develops strategies and negotiates potential amendments or pathways to ameliorate the immediate or future potential significant fiscal impacts of legislation, pending or passed. Researches and consults with executive staff and other department personnel regarding the department's position on legislation, technical questions and policy issues as they relate to significant fiscal matters.

**MANAGER FISCAL / SUPPORT STAFF IN OLA:** Provide guidance, direction and support to OLA fiscal staff, legislative coordinator and legislative constituent liaison.

**B. SUMMARY OF REQUEST (continued)**

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- ☒ Program is directly related to department's primary mission and is critical to achieving the department's goals.
- ☐ Program is indirectly related to department's primary mission.
- ☐ Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The Attorney General (AG) is the chief law officer of the state and has the responsibility to see that the laws of California are uniformly and adequately enforced. The Governor's Office has proposed an overall 3% increase in the DOJ's budget — bringing the total operating budget to \$1.2 billion with 5,587 authorized personnel.

Most of this funding is directly related to recent and upcoming legislative directives. The CEA will serve as the point of contact for fiscal policy for the DOJ in the legislative arena to ensure that all aspects related to the determination, reporting and advocating of proposed legislative mandates is successful. This includes local, state, and federal agencies and entities, advocacy groups, and members of the public. The incumbent will facilitate all aspects of the legislative process by ensuring that the Attorney General, legislative authors, committee consultants and staff are working together to provide the best outcome for all involved. These initiatives are directly related to the Attorney General's mission to protect the safety, health, and well-being of all Californians.

The CEA will collaborate with both internal and external stakeholders as it pertains to fiscal policy, on both proposed and enacted legislation and resulting DOJ mandates. The CEA will play an integral part in the facilitating of conversations with the Legislature on current and ongoing budgetary needs; lobbying legislators and relevant fiscal committees to ensure DOJ is able to successfully fulfill the many mandates required of DOJ or request new funding and resources for additional needs that arise in carrying out its mission.

## **B. SUMMARY OF REQUEST (continued)**

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

The Attorney General is the top law enforcement officer for the state of California. In order to facilitate the implementation of current and upcoming legislative initiatives on behalf of the Attorney General, OLA is focusing on establishing this CEA position (Deputy Director of Legislative Fiscal Policy) that will serve as a legislative fiscal policy strategist in the Legislative arena to determine related policy and advocate on behalf of the Attorney General and the department.

This CEA will oversee all legislation in which a fiscal policy impact has been determined through the department's legislative review process, formulating and implementing fiscal policy strategies for those legislative proposals determined to be of highest priority to both the Attorney General and the department. This position will maintain a high level of understanding of actions as it pertains to all bills determined to have a fiscal policy impact, to the department, during the legislative process through deliberations with legislative authors, legislative leaders, external stakeholders, the Governor's Office and Department of Finance. The CEA will advise and analyze complex legislative concepts, develop strategies and negotiate solutions for fiscal policy issues.

The role of the department and of OLA has significantly evolved and expanded in recent years. This expansion was necessitated by the significant increase in additional proposed and passed legislative mandates, resulting in subsequent evaluation, funding, and implementation requirements, that have also been placed on the department.

Each year, OLA carefully analyzes and evaluates every bill introduced in the Legislature to determine their potential impact on the department. Upon that initial evaluation, if a likely impact to the department is discovered, OLA collaborates with the subject matter experts and fiscal staff to calculate the specific impact to every program within the department and ultimately calculate the total fiscal costs to the department. OLA then further evaluates that category to determine which bills should be fully costed out and a fiscal analysis officially reported. Taking the last two years as an example, the department assessed every one of the thousands of bills that were introduced in the Legislature; of those thousands, approximately 900 were determined to have a potential impact to the department. For 2022, the department reported legislative fiscal impact on 90 bills, with a total of approximately \$49,493,100 in projected current year fiscal impact alone. In 2023, the department reported legislative fiscal impact on 55 bills, with a total of approximately \$17,863,000 in projected current year fiscal impact to the department.

A few examples of recent legislatively-mandated efforts with significant fiscal policy impact to the department or that require a major shift of resources and significant effort to implement include, but are not limited to:

Senate Bill (SB) 2 (Portantino): Removed the good cause requirement for obtaining a concealed carry weapons (CCW) license and created new standards for issuing CCW licenses following the United States Supreme Court's decision in *New York State Rifle and Pistol Association v. Bruen*. DOJ reported costs (General Fund, Fingerprint Fees Account) in the tens of millions of dollars annually; \$9.8 million in fiscal year (FY) 2023-24, \$17.2 million in FY 2024-25, \$16.8 million in FY 2025-26, and \$13.9 million annually ongoing. These funds would support staffing for legal challenges to the new CCW standards, updating firearms database systems, promulgating regulations, performing background checks, processing fingerprint scans, and other workload created by this bill.

Assembly Bill (AB) 33 (Bains): Established, upon appropriation, the Fentanyl Addiction and Overdose Prevention Task Force which would be managed by the DOJ. DOJ reported costs of \$3.7 million in 2023-24, \$4.6 million in 2024-25 and \$2.5 million in 2025-26, for additional staffing to establish, support, and manage the Task Force (General Fund).

AB 2273 (Wicks): Established the California Age-Appropriate Design Code Act which generally requires businesses that provide online services, products, or features likely to be accessed by children to comply with specified standards; follow-up trailer bill language specified that DOJ would administer the working group created by the Act. DOJ reported costs of \$2.4 million in Fiscal Year (FY) 2024-25 and \$2.3 million in FY 2025-26 and annually thereafter (General Fund).

Lastly, in addition to currently acting as the main point of contact on fiscal policy for proposed legislative mandates, the CEA will act as a strategist on the state budget and needed appropriations to further the overall mission of the department. For example, the CEA will facilitate conversations pertaining to legislative mandates for which funding was not previously received or where additional appropriations are needed. The CEA will also be responsible for handling the annual claims bill, a legislative payment process for claims and judgments against the State of California. The CEA will be required to report the claims, settlements, and judgments to the chairperson of either the Senate Committee on Appropriations or the Assembly Committee on Appropriations.

### C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

Establishes and maintains effective relationships in the Legislature and Governor's office to promote the Attorney General's initiatives and legislative agenda to protect the safety, health, and well-being of all Californians.

As the Attorney General oversees a broad array of subject matters and issues, it is critical that OLA have a position focused on legislative fiscal policy in order to provide advice and recommend strategies to Executive staff, the Legislative Director and the Attorney General. In addition, the Legislative cycle moves quickly and ideas are rapidly evolving based on current events and political climates. By establishing this CEA position the department will be able to address new areas of legislative fiscal policy issues/concerns, and create strategies to establish department policies and practices to ensure timely engagement with the Legislature and the department's success in working with the Legislature and Department of Finance.

The CEA will, outside of fiscal policy related matters, be the principle point of contact and strategist on certain priority policy areas and projects within OLA as needed and as directed by the Legislative Director, including, but not limited to, special areas or projects of interest to the AG; subject areas with significant legislative interest resulting in many competing legislative proposals that require the department to provide extensive technical assistance; matters pertaining to the implementation of pending or passed legislation or current litigation that may necessitate review of specific statutory schemes or office policies and approaches regarding the same. A few specific examples of topics that would fall within this purview include Police Use of Force; Criminal Justice; Reparations; Immigration; and Claims Settlements.

Police Use of Force (AB 1506): Pursuant to recently enacted legislation, DOJ is required to review local law enforcement use of force incidents. This bill continues to significantly impact the Department, both from a policy and fiscal perspective. and it's critical that we are overseeing its proper implementation and ensuring the department has the fiscal means to implement these important new responsibilities while, at the same time, working closely with the Legislature to ensure any follow-up legislation doesn't interfere with or harm their foundational goals.

Immigration: The department is engaged in many confidential matters related to immigration; it's critically important that the CEA have a keen eye on these matters and their interplay with pending legislation that has a significant impact on large populations in California. Toward that end, the CEA would develop policies and approaches for the department to take on immigration-related legislation taking into consideration pending litigation, state and federal law, and priorities of the Attorney General.

Reparations: DOJ has been closely involved in the current efforts to ameliorate the harms experienced by African Americans as a result of slavery and its lingering effects on American society. Pursuant to a recently passed state law, AB 3121 of 2020, the department was responsible for providing assistance for and overseeing the hearings of the Task Force to Study and Develop Reparation Proposals for African Americans and the drafting of the final report which was issued to the California State Legislature on June 29, 2023. These newly developing policies are important to the AG who has committed to providing ongoing assistance to the Legislature as they pursue the comprehensive reparations plan set forth in the report. The CEA will work closely with the Legislature and our team to determine the best policy paths forward to effectuate the recommendations or find alternatives.

State Settlements/Claims Bills: The CEA will make strategic decisions regarding the annual claims bills to ensure the state is able to pay its settled claims to litigants via the annual appropriations bill.

With respect to all of the areas the CEA is assigned, they are expected to do all of the following: maintain a high level of understanding of actions within their portfolio during the legislative process through deliberations with legislative authors, legislative leaders and the Governor's Office; advises and analyzes complex legislative concepts and proposals and communicates the policy and fiscal implications; develops strategies and negotiates solutions; advocates on behalf of DOJ, working with appropriate legislative staff and members to ensure any legislation does not negatively impact the department, and assists with the development of bills sponsored by the Attorney General; researches and consults with executive staff and other department personnel regarding the department's position on legislation, technical questions and policy issues; drafts testimony and position papers on public policy issues; works with legislative authors and stakeholders to identify and resolve policy issues; advises and assists legislative staff and committee consultants on the technical aspects of legislation.

### **C. ROLE IN POLICY INFLUENCE (continued)**

#### **13. What is the CEA position's scope and nature of decision-making authority?**

Independently acts as the legislative fiscal policy advisor on subject areas of the utmost priority to the department's mission to protect the safety, health, and well-being of all Californians. Will advise and analyze complex legislative and budgetary proposals during the legislative and budget process through deliberations with legislative authors, legislative leaders and the Governor's Office.

In addition, the CEA will provide advice on complex legislative proposals, actively lobby to address fiscal policy matters, coordinate development of bills sponsored by the Attorney General, provide fiscal policy strategy and advice to the Legislative Director and Attorney General to align department policy with the Attorney General's vision. The CEA will frequently testify before legislative committees. The CEA will also serve as a liaison between the Department, legislative entities, law enforcement agencies, the Governor's Office and other state agencies on matters sensitive fiscal policy issues.

Assists and contributes to the overarching legislative fiscal strategy for proposals that would impact DOJ. The CEA will assist in legislative fiscal policy recommendations, strategies, internal and external communications and consultations, and developing and monitoring key legislation.

#### **14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?**

The CEA will be highly involved in the strategy and advocacy of proposed and existing legislative fiscal policy on behalf of the Attorney General as it pertains to matters of the utmost priority to the department. In addition, the CEA will interpret and communicate the Department's position on various fiscal policy issues within all OLA legislative advocate policy portfolios to department staff, legislative entities, law enforcement agencies, the Governor's Office, members of Congress, and other state agencies.