



mation by January 31, 1995, and each January 31 thereafter, until the performance reviews of all state agencies have been completed; and require reviewed state agencies to file supplementary reports with the legislature containing prescribed information. [A. Floor]

COMMISSION ON CALIFORNIA STATE GOVERNMENT ORGANIZATION AND ECONOMY (LITTLE HOOVER COMMISSION)

Executive Director:
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Chair: Richard Terzian
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The Little Hoover Commission (LHC) was created by the legislature in 1961 and became operational in the spring of 1962. (Government Code sections 8501 *et seq.*) Although considered to be within the executive branch of state government for budgetary purposes, the law states that "the Commission shall not be subject to the control or direction of any officer or employee of the executive branch except in connection with the appropriation of funds approved by the Legislature." (Government Code section 8502.)

Statute provides that no more than seven of the thirteen members of the Commission may be from the same political party. The Governor appoints five citizen members, and the legislature appoints four citizen members. The balance of the membership is comprised of two Senators and two Assemblymembers.

This unique formulation enables the Commission to be California's only truly independent watchdog agency. However, in spite of its statutory independence, the Commission remains a purely advisory entity only empowered to make recommendations.

The purpose and duties of the Commission are set forth in Government Code section 8521. The Code states: "It is the purpose of the Legislature in creating the Commission, to secure assistance for the Governor and itself in promoting economy, efficiency and improved service in the transaction of the public business in the various departments, agencies, and instrumentalities of the executive branch of the state government, and in making the operation of all state departments, agencies, and instrumentalities and all expenditures of public funds, more directly re-

sponsive to the wishes of the people as expressed by their elected representatives...."

The Commission seeks to achieve these ends by conducting studies and making recommendations as to the adoption of methods and procedures to reduce government expenditures, the elimination of functional and service duplication, the abolition of unnecessary services, programs and functions, the definition or redefinition of public officials' duties and responsibilities, and the reorganization and or restructuring of state entities and programs. The Commission holds hearings about once a month on topics that come to its attention from citizens, legislators, and other sources.

In early March, Nathan Shapell announced that he was stepping down as Chair of the Little Hoover Commission; Shapell, who will serve out his current term on the Commission, has been a member of the Commission for 25 years, 18 of which he has served as Chair. Richard Terzian, who served as Vice-Chair under Shapell, replaced Shapell as the Commission Chair.

MAJOR PROJECTS

Putting Violence Behind Bars: Redefining the Role of California's Prisons (January 1994) is but one of several studies of various aspects of crime recently released by California research and oversight agencies, and reflects the importance of crime as an issue in the 1994 election year. (See reports on SENATE OFFICE OF RESEARCH and OFFICE OF THE LEGISLATIVE ANALYST for summaries of related studies.)

The Little Hoover Commission's study focuses on "the tail-end of the anti-crime machine"—the state prison system. In its study, LHC focused on three elements: (1) the sentencing structure, which determines who will be placed in prison and for how long; (2) prisons programs, "the single best chance the system has to affect the 90% of prisoners who are released back to the streets"; and (3) operational problems in the Department of Corrections, the agency that runs the second-largest prison system in the world. The Commission made seven major findings:

- The sentencing system is complex and inequitable, frustrating the public's desire for consistency and certainty.
- The degree to which the present criminal justice system distinguishes between violent and non-violent offenders is not sufficient to protect the public and maintain the credibility of the system.
- The present parole system is not structured as an effective deterrent to criminal behavior.

- The effectiveness of prison work programs is hampered by the absence of statutory direction and lack of a unified management structure.

- The Department of Corrections' education program is neglected, unfocused, and poorly structured.

- The Department's longstanding practice of allowing each prison to operate independently has hindered accountability for performance and hampered standardization of policies, leaving the state open to charges of mistreating prisoners.

- The Department is prevented in some instances from operating effectively, efficiently, and safely.

LHC also advanced over thirty recommendations to address these findings, including the following:

- The Governor and legislature should create a sentencing commission and charge it with developing a new sentencing structure which meets the philosophical goals of the criminal justice system: protecting the public safety, tailoring the punishment to the crime, addressing the needs of victims, fostering responsibility in inmates, and balancing costs with benefits. The new system should be insulated from politically motivated, piecemeal tampering, and should be monitored regularly by the commission.

- The Governor and legislature should shift the demarcation between indeterminate and determinate sentencing so that all or most violent crimes fall under a sentencing structure that ensures inmates are regularly evaluated, with the severity of their crime, their behavior in prison, and their future prospects linked to their release date.

- The Governor and legislature should enact parole reform that will provide a greater deterrent to continued criminal activity by parolees, including (a) structuring the work-credit system so that the time earned off a sentence is suspended rather than eliminated, and then is re-imposed if parole is violated; and (b) lengthening the maximum parole violation sentence to longer than one year for violent crimes.

- The Governor and legislature should reinstate rehabilitation as a goal of the corrections system, and specifically target populations most likely to benefit; and enact legislation that establishes a single, unified structure within the Department of Corrections for all work programs, including the Prison Industry Authority.

- The Department of Corrections should restructure its education program, either by creating a correctional school district or by creating a superintendent of correctional education and placing that person in a top policymaking role.



INTERNAL GOVERNMENT REVIEW AGENCIES

• The Governor and legislature should establish a separate inspector general function outside the Department of Corrections to improve credibility of oversight of prison practices.

• The Governor and legislature should modify the Inmate Bill of Rights so that it reflects the federal standard of protection for prisoners; enact a carefully crafted medical parole program to allow the release of seriously ill prisoners who no longer constitute a threat to the public; enact legislation allowing mandatory AIDS testing for all prisoners; and "take every opportunity to remind the federal government of its obligation to pay the costs attached to illegal immigration."

Beyond Bottles and Cans: Reorganizing California's Recycling Efforts (March 1994) seeks to provide a framework for the reorganization of the state's efforts to regulate and encourage recycling under the California Beverage Container Recycling and Litter Reduction Act established by AB 2020 (Margolin) (Chapter 1290, Statutes of 1986). According to the Commission, although the so-called "AB 2020 program" has been a success in meeting recycling goals, its limited coverage of only some beverage containers has resulted in a small overall impact on the state's solid waste stream. Further, the Commission found that major streamlining and simplification of the AB 2020 program is needed, as is a reorganization of the state's fragmented approach to resource reuse and recycling.

Among other things, the Commission found that the placement of overlapping recycling mandates in three separate agencies—the California Integrated Waste Management and Recycling Board (CIWMB), the Department of Conservation (DOC), and the Department of Toxic Substances Control (DTSC)—has resulted in duplication of work, public confusion, and lost opportunities for maximum effectiveness in implementing state policies. In response, the Commission recommended that the Governor and the legislature enact legislation establishing a consolidated and comprehensive waste reduction, resource reuse, and recycling program within the California Environmental Protection Agency (Cal-EPA). Until the consolidation and reorganization occurs, the Commission recommended that the Governor and legislature enact legislation clarifying that CIWMB is the lead agency for all recycling issues outside of toxic substances and beverage containers; CIWMB and DOC should execute a memorandum of understanding to resolve areas of overlap and duplication; and CIWMB, DOC, and DTSC should establish an ongoing task force to coordinate all market and

technology development activities of the three agencies, with the immediate task of integrating specific CIWMB, DOC, and DTSC recycling programs into a single computerized format.

The Commission also found that the complexity of the AB 2020 beverage container recycling program hinders its expansion, undermines cost-effective implementation, and increases opportunities for fraud. In response, the Commission recommended that the Governor and legislature enact legislation to abolish the convenience zones mandate and super-market-site handling fee payments, and to establish an alternative system; establish a new simplified and predictable fee arrangement for subsidizing the AB 2020 collection system; expand the coverage of the AB 2020 program to include all beverage containers that can be accommodated by the recycled materials market; require out-of-state aluminum container and beverage bottling industries to ensure that all California redemption value (CRV)-imprinted cans are shipped to California and not to other states; and allow DOC to establish rewards for information leading to the discovery of fraudulent practices by participants in the AB 2020 program.

The Commission concluded that these changes would create the necessary structure for a comprehensive recycling program that can stimulate market development and increase reuse of a wide range of materials that must be diverted from the solid waste stream to meet state-mandated goals.

Many of the Commission's recommendations are contained in SB 2026 (Bergeson), which would abolish CIWMB and DOC's Division of Recycling, create the Department of Waste Management within Cal-EPA, and transfer the powers and duties of CIWMB and the Division of Recycling to the Department of Waste Management. (See agency report on CIWMB for more information on SB 2026.)

DEPARTMENT OF CONSUMER AFFAIRS

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The Department of Consumer Affairs (DCA) oversees the activities of 37

administrative agencies which regulate 180 diverse professions, occupations, and industries. The primary function of DCA and its constituent agencies is to protect consumers from incompetent, dishonest, or impaired practitioners.

Most of the multi-member boards under DCA's jurisdiction are relatively autonomous of DCA control. However, the DCA Director is authorized to review and reject regulatory changes proposed by all DCA agencies; only a unanimous vote of the agency's board will override the Director's rejection. Additionally, the Department may intervene in matters regarding its boards if probable cause exists to believe that the conduct or activity of a board, its members, or its employees constitutes a violation of criminal law.

DCA maintains several divisions and units which provide support services to its constituent agencies, including a Legal Unit whose attorneys advise DCA boards at meetings and regulatory hearings; a Division of Investigation whose investigators gather evidence in complaint cases filed against the licensees of some DCA agencies; a Legislative Unit which assists agencies in drafting language for legislation and regulations affecting DCA agencies and their licensees; an Office of Examination Resources (formerly the Central Testing Unit) whose psychometricians analyze and assist in validating licensure examinations used by DCA agencies; and a Budget Office whose technicians assist DCA agencies in assessing their fiscal status and preparing budget change proposals for legislative review.

In addition to its functions relating to its various boards, bureaus, and examining committees, DCA is also charged with administering the Consumer Affairs Act of 1970. In this regard, the Department educates consumers, assists them in complaint mediation, and advocates their interests before the legislature, the courts, and its own constituent agencies.

The DCA Director also maintains direct oversight and control over the activities of several DCA bureaus and programs, including the following:

• **Bureau of Automotive Repair**—*Chief: James Schoning; (916) 255-4300; Toll-Free Complaint Number: (800) 952-5210.* Established in 1971 by the Automotive Repair Act (Business and Professions Code section 9880 *et seq.*), DCA's Bureau of Automotive Repair (BAR) registers automotive repair facilities; official smog, brake and lamp stations; and official installers/inspectors at those stations. BAR's regulations are located in Division 33, Title 16 of the California Code of Regulations (CCR). BAR's other duties include