



## Judicial Council of California · Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 23, 2013

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Title	Agenda Item Type
Budget: Fiscal Year 2014–2015 Requests for the Supreme Court, Courts of Appeal, Judicial Council/Administrative Office of the Courts, Judicial Branch Facility Program, and Trial Courts	Action Required
	Effective Date
	August 23, 2013
	Date of Report
	August 19, 2013
Rules, Forms, Standards, or Statutes Affected	Contact
None	Zlatko Theodorovic, 415-865-7584
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Recommended by	
Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch	
Hon. Richard D. Huffman, Chair	
Administrative Office of the Courts	
Curt Soderlund, Chief Administrative Officer	
Trial Court Budget Advisory Committee	
Hon. Laurie M. Earl, Co-Chair	
Zlatko Theodorovic, Co-Chair	

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### Executive Summary

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch recommends that the Judicial Council approve the proposed fiscal year (FY) 2014–2015 budget requests for the Judicial Council/Administrative Office of the Courts (AOC) and the Judicial Branch Facility Program. The Trial Court Budget Advisory Committee recommends that the Judicial Council approve the proposed fiscal year (FY) 2014–2015 budget requests for the trial

courts. The Administrative Office of the Courts additionally recommends that the Judicial Council approve the proposed FY 2014–2015 budget requests for the Supreme Court, Courts of Appeal, and trial courts and delegate authority to the Administrative Director of the Courts to make technical changes to any budget proposals, as necessary. Submittal of budget change proposals (BCPs) is the standard process for proposing funding adjustments in the State Budget.

## **Recommendation**

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E), the Trial Court Budget Advisory Committee, and the Administrative Office of the Courts (AOC) recommend that the Judicial Council, effective August 23, 2013, take the following actions:

1. The AOC recommends that the Judicial Council approve the preparation and submission of a branch wide reinvestment BCP.
2. The AOC, on behalf of and as directed by the administrative presiding justices of the Courts of Appeal, recommends that the Judicial Council approve the submission of fiscal year (FY) 2014–2015 BCPs to the state Department of Finance for the appellate courts for the following workload and operations funding needs:
  - a. Third Appellate District of the Court of Appeal Rent—Technical Adjustment;
  - b. Appellate Court Document Management System; and
  - c. Other BCPs, pending further review of existing and projected workload needs.
3. The Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council approve the preparation and submission of FY 2014–2015 BCPs to the state Department of Finance for the trial courts for the following programs:
  - a. Trial court reinvestment;
  - b. Benefit increases;
  - c. Technology;
  - d. Second set of 50 judgeships (AB 159);
  - e. Trial court facility modification projects;
  - f. Increased operating costs for new and renovated courthouses;
  - g. Maintenance of trial court facilities;
  - h. Staff salary increase; and
  - i. Court-appointed dependency counsel.
4. A&E recommends that the Judicial Council:
  - a. Approve the proposed FY 2014–2015 budget requests for the Judicial Council/AOC and the Judicial Branch Facility Program for submission to the state Department of Finance (DOF); and
  - b. Delegate authority to the Administrative Director of the Courts to make technical changes to budget proposals, as necessary.
5. The AOC further recommends that the Judicial Council:
  - a. Approve the submission of budget change proposals (BCPs) to the state Department of Finance for FY 2014–2015, which would communicate funding needs for the Supreme Court, Courts of Appeal, and trial courts, as identified in this report;

- b. Delegate authority to the Administrative Director of the Courts to develop budget submissions to the state Department of Finance; and
- c. Delegate authority to the Administrative Director of the Courts to make technical changes to budget proposals, as necessary.

### **Previous Council Action**

The Judicial Council has statutory authority to approve budget requests on behalf of the Supreme Court, Courts of Appeal, trial courts, and the Judicial Council/AOC. The recommendations in this report are consistent with the council's past practice under this authority.

### **Rationale for Recommendation**

Each year, the AOC presents budget concepts for review by the council. Budget concepts approved by the council will be developed into full budget change proposals (BCPs). The current estimated need is indicated in parentheses after each program title.

### **Judicial branch policy proposals**

After successive years of legislatively approved budget reductions and actions taken by the Judicial Council and the courts to offset those reductions, the overall net reduction in branch operational funding since 2008–2009 now stands at \$472 million.

While the Legislature authorized \$63 million in partial funding augmentation for the branch in this fiscal year's budget, additional resources for the branch budget will be needed in order to reopen courts, eliminate furloughs, and restore the kind of access to justice the public deserves. However, the DOF's FY 2014–2015 Budget Policy Letter #13-14, issued July 31, 2013, states: "Departments must continue to control costs, increase efficiency, and refrain from creating new or expanding existing programs. In furtherance of the Administration's goal to establish a structurally balanced budget, departments' ability to submit BCPs or Enrollment/Caseload/Population policy changes for the 2014–2015 Budget will be limited. These limits will apply regardless of funding source." Notwithstanding the budget policy letter, there are critical funding needs that the branch must address in order to restore access to justice.

Judicial Council approval is requested to proceed with the development of the following FY 2014–2015 policy BCP to address baseline resources for the judicial branch:

***Judicial branch reinvestment.*** Proposed General Fund augmentation for reinvestment in the branch to reestablish services to the public and increase access to justice.

### **Appellate courts**

The Judicial Council's approval is requested to proceed with the development of BCPs for FY 2014–2015 to address workload and operations funding needs for the courts of review.

***Third Appellate District of the Court of Appeal Rent–Technical Adjustment.*** A General Fund augmentation is needed to address Central Plant distribution costs assessed by the Department of General Services to the newly renovated Stanley Mosk Library and Courts Building. These costs were not previously known or anticipated and are not currently budgeted.

***Appellate Court Document Management System.*** General Fund augmentation to fund the acquisition, configuration, deployment, maintenance, and operation of a shared document management system (DMS) to support electronic filing at all of the appellate districts of the Courts of Appeal and at the Supreme Court. To address the business-critical need for electronic filing, a single DMS will be used by the courts of review.

***Other BCPs.*** Pending further review of existing and projected workload needs, additional budget change proposals may be developed to address staffing and funding shortfalls in the courts to meet anticipated workload in FY 2014–2015 and beyond.

### **Trial courts**

From FY 2005–2006 through FY 2007–2008, the trial courts received new funding from the state General Fund based on the percentage change in the state appropriations limit (SAL). As a result, few trial court BCPs were submitted to the DOF during that time. With the worsening of the fiscal situation in FY 2008–2009, the SAL was suspended for the trial courts and, instead, new court funding was approved based on the lower Consumer Price Index. Beginning in FY 2009–2010, the Legislature suspended formula-based funding increases for all state-funded entities. While it appears the economy is beginning to recover, suspension of these indexed increases is expected to continue in FY 2014–2015.

***Statewide BCP priority development.*** In order to generate a discussion of potential FY 2014–2015 statewide BCP priorities, the co-chairs of the Trial Court Budget Advisory Committee (TCBAC) sent a survey to all 58 courts containing a list of programs. Courts were asked to indicate whether they agreed or disagreed with pursuing a statewide BCP in each of the programs. They were also asked to provide their own top three statewide BCP priorities. AOC staff reviewed the responses and sent them to the TCBAC. The TCBAC met on August 14, 2013, and discussed the results of the survey and other priorities suggested by the courts. The results of these discussions are described below.

***BCPs recommended for Judicial Council approval.*** The nine programs listed below in order of priority, from first to last, are recommended for consideration by the Judicial Council for submission of BCPs. Each of the programs was approved unanimously by the TCBAC.

1. ***Trial court reinvestment (\$ TBD).*** Since FY 2008–2009, ongoing funding for trial court operations has been reduced, cumulatively, by \$726.77 million, but offset by \$495.79 million in new revenues and fund transfers, leaving a net reduction to trial courts of \$475.08 million. In order to address their specific budget reductions, courts have taken a variety of actions,

including staff furloughs, layoffs, reduction in clerks' office hours, and closures of courtrooms/courthouses. These actions have resulted in a reduced level of service to the public and, therefore, access to justice. This BCP would request funding to enable courts to reverse many of the actions they have taken and would result in restoration of service levels, including increasing clerks' office hours, elimination of or reduction in furloughs, rehiring of staff, and reopening of closed courtrooms and/or courthouses. The funding included in this request would be in addition to all of the other proposals. This item was not a part of the statewide court priority survey.

2. ***Benefit increases (\$ TBD)***. Since FY 2010–2011, with the suspension of the SAL funding adjustment in FY 2009–2010, the DOF has accepted the submission of trial court benefit cost changes computations related to the employer share of employee retirement (including pension obligation bonds [POB]), employee health benefit, and retiree health benefit contributions under the policy adjustment process (as opposed to a BCP). For FY 2012–2013, only one-time funding for benefit cost changes were provided, with the understanding that the full-year costs would be funded in FY 2013–2014 from the Trial Court Trust Fund. With Judicial Council approval, the AOC will submit a benefits budget package to the DOF including the following components related to retirement, employee health and retiree health: ongoing funding for full-year costs related to FY 2012–2013 cost changes, partial-year FY 2013–2014 cost changes, and the full-year cost in FY 2014–2015 of these prior-year cost changes. While some courts may be able to negotiate lower employer shares of cost increases in these areas, these are still, for the most part, costs that are out of the courts' control. In particular, many courts have indicated that their retirement costs are increasing. This was the top priority of the courts that replied to the priority survey.
3. ***Technology placeholder (\$ TBD)***. If approved by the Judicial Council, a placeholder BCP will be submitted to the state DOF in September for this item. The California Judicial Branch Technology Planning Task Force is developing a technology governance model and a three- to five-year strategic plan for technology along with a 24-month tactical plan. The work is scheduled to be completed by February 2014. These plans are in alignment with the overall judicial branch strategic plan and will establish a common, shared roadmap and common goals identified by judicial officers, court executive officers, and court information technology officers while recognizing the opportunity for individual courts to innovate and leverage solutions as a branch or in a multi-court consortium. The highest priority identified in the strategic plan is establishing the foundation for “digital courts” throughout California. Digital courts provides the services and technology to facilitate public and government agency access to court information to efficiently accomplish their goals when interacting with the courts. The foundation for digital courts includes case management systems, document management systems, and electronic filing systems that meet the diverse needs of individual courts and their constituents while providing common interfaces to ensure interoperability and efficient data exchange. When the 24-month technology tactical plan is complete in February 2014, a Finance Letter will be submitted to the DOF requesting funding to initiate the first phase of the digital courts program. The first phase will be a

managed pilot focused on deploying new case management systems to courts that have the most critical need. This item was the third priority of the TCBAC.

4. ***Second Set of 50 Judgeships (\$ TBD)***. While the second of three sets of 50 judgeships were authorized by the Legislature in Assembly Bill 159 (Stats. 2007, ch. 722), the funding, other than a small amount of ongoing and some one-time facilities funding, was not appropriated, and the judges were never appointed. Some courts disagreed with proceeding on this item, indicating that since a number of courts have reduced their workforce to meet their lowered budgets, they might not have the staff or fiscal resources to support new judgeships. However, in addition to the judgeships, this request would include funding for much-needed court support staff, both inside and outside the courtroom. The most current judicial needs assessment (2012) shows a need for 264 new judges. While statewide filings have been declining, the decline has tended to be in the types of cases that take less judicial time to adjudicate. Some courts state that, with the improvement in the economy, the courts' law and justice partners have begun to hire staff and increases in arrests and filings will result, increasing the need for the judgeships. Having sufficient judgeships is an important part to ensuring access to justice for the citizens of the state.
5. ***Trial court facility modification projects (\$ TBD)***. See discussion in Judicial Branch Facility Program budget proposals section at page 9.
6. ***Increased operating costs for new and renovated courthouses (\$ TBD)***. See discussion in Judicial Branch Facility Program budget proposals section at page 9.
7. ***Maintenance of trial court facilities (\$ TBD)***. See discussion in Judicial Branch Facility Program budget proposals section at page 9. This program was the seventh priority of the TCBAC.
8. ***Staff salary increase (\$ TBD)***. The proposal would be to prepare a branchwide BCP for salary increases for trial court employees, as appropriate, similar to what has been contemplated for state employees.
9. ***Court-appointed dependency counsel (\$32.0 million)***. A General Fund augmentation of \$32 million for FY 2014–2015 for the court-appointed dependency counsel program is proposed. This proposal is based on the chronic statewide shortfall in funding for the legally mandated appointment of dependency counsel relative to need as determined by the Judicial Council's workload-based Caseload Funding Model (CFM), approved in 2007 and 2008. The CFM determines each court's funding need for dependency counsel by measuring the number of dependency clients in each court, calculating the minimum number of full-time equivalent (FTE) attorneys needed in each court to represent those clients at the council's approved caseload standard, and converting the number of FTE attorneys to funding need using a model that averages government-attorney salaries in demographically similar counties. The sum of the funding need of all 58 trial courts yields the aggregate statewide funding need.

The Judicial Council and Trial Court Budget Working Group (TCBWG), which sunset earlier this year and was replaced by the TCBAC, have consistently recognized that, at a statewide annual allocation of \$103.7 million, court-appointed dependency counsel is structurally underfunded relative to need. Based on the most up-to-date figures from April 2013, the CFM estimates current annual need at \$136 million. In conjunction with the TCBWG, the trial courts and the AOC have made successful efforts to reduce program costs in an era of budget reductions, including implementing a partly workload-based model for reducing dependency-counsel expenditures to the county's base allocations. The Dependency Representation, Administration, Funding, and Training (DRAFT) program has improved efficiency by providing direct management of attorney contracts in 20 volunteer courts, resulting in savings of \$10 million over two years. Efforts have also been made to collect reimbursement of the cost of dependency-related legal services from parents able to pay all or part of that cost. These efforts have resulted in an estimated additional \$700,000 a year to augment dependency-counsel funding. Despite these efforts, courts report escalating costs due to factors such as rising dependency caseloads (the estimated number of clients has increased from 116,500 in 2010 to just fewer than 130,000 in 2013), increased costs of representation, and the increasing complexity of juvenile dependency proceedings due to cumulative legislative changes. Numerous court managers have already contacted members of the Judicial Council, the Family and Juvenile Law Advisory Committee, and the TCBAC, as well as AOC staff, to request additional funding to cover shortfalls in FY 2012–2013. The situation in FY 2013–2014 promises to be even more dire.

***Other BCP priorities discussed but not recommended by the TCBAC.*** The TCBAC discussed several other program areas that ultimately were not recommended to be submitted to the Judicial Council for their consideration. They are discussed below.

*Trial court security deficiencies and security funding for new facilities.* While these were listed separately on the statewide survey, the TCBAC discussion addressed them as more or less a single priority. Prior to sending out the statewide priority survey, a separate survey was distributed to the courts asking for actual and estimated security information over a four-year period in areas including position classifications, FTEs, salaries and benefits, and other security costs. The California State Sheriffs Association and California State Association of Counties were informed of the survey and requested to contact the sheriffs and ask that their staff assist in the completion of these surveys. This was necessary because the Criminal Justice Realignment Act transferred most of the security funding to the county in 2011, and the courts can no longer verify sheriff cost information. There was a definite split in opinion on these two related items among the courts that responded to the statewide priority survey. Courts acknowledged that this was an important issue and that there were current and impending deficiencies in security funding that have led or may lead to reductions in service levels. However, they disagreed on whose responsibility it was to submit a request to the DOF to obtain the necessary funding to address the problem. Many courts and TCBAC members expressed a strong opinion that the county/sheriff should be preparing and submitting the request with the support of the judicial

branch. Others stated that the sheriffs were not willing to prepare a BCP, because they could just reduce security staffing levels at the courts if sufficient funding was not available. Some TCBAC members believe that prior to requesting any new funding from the state, a statutory change should be made to the Government Code providing for an audit capability by the courts. Finally, many courts and TCBAC members expressed the opinion that there were more urgent areas that were the responsibility of the courts and that they should be the focus of BCPs.

### **Judicial Council/Administrative Office of the Courts**

The AOC has reviewed workload and cost information related to the provision of services to the courts and the public, as well as that for internal infrastructure needed to support judicial branch operations. The review process included determining whether the costs associated with workload growth and cost increases are justifiable, determining whether the judiciary has sufficient resources that may be redirected to address these workload growth and cost increases, and, finally, submitting AOC-proposed budget concepts to the Advisory Committee on Financial Accountability and Efficiency (A&E) for the Judicial Branch.

A&E was appointed by the Chief Justice to, among other responsibilities, review and make recommendations to the Chief Justice, Judicial Council, and Administrative Director of the Courts on annual budget change proposals for the AOC.

The AOC and the Judicial Branch Facility Program concepts were reviewed by A&E at their August 6, 2013, meeting. A&E recommended that the concepts be submitted for consideration by the Judicial Council (committee recommendation is not an indication of AOC or branch priorities).

#### ***AOC technical workload adjustment:***

Proposed General Fund transfer of \$140,618 from the AOC to the Supreme Court for transfer of budget-related responsibilities previously provided by the AOC Fiscal Services Office in support of the appellate courts.

#### ***Judicial Branch Facility Program budget proposals:***

- Ongoing increase in authority of \$27 million and 7.0 positions to fund trial court facility modification projects based on the industry standard for capital infrastructure reinvestment. This funding will address major repairs, system life-cycle replacements, and renovation projects in existing courthouses to provide safe and secure facilities, with \$15 million and 4.0 positions funded from the State Court Facilities Construction Fund (SCFCF) for a 10-year period, and \$12 million and 3.0 positions funded from the General Fund for transfer to the State Court Facilities Construction Fund. The Trial Court Facility Modification Advisory Committee supports this request.
- Increased appropriation authority from the General Fund (for transfer to the Court Facilities Trust Fund) to address increased operating costs for new and renovated courthouses for Plumas-Sierra, Contra Costa, Fresno-Sisk, Mono, Lassen, San Benito, Tulare, Calaveras,



Riverside Mid-County, San Bernardino, Solano, San Joaquin Juvenile Justice Center, Madera, Butte, Sutter, and Yolo (\$4.181 million). The Trial Court Facility Modification Advisory Committee supports this request.

- Increased appropriation authority from the General Fund (for transfer to the Court Facilities Trust Fund) to maintain trial court facilities at industry standard levels using the Building Owners and Managers Association (BOMA) average (\$27 million). In addition, recommend increased appropriation authority of \$545,000 and 4.0 positions from the State Court Facilities Construction Fund. The Trial Court Facility Modification Advisory Committee supports this request.
- Increased appropriation authority from the General Fund (for transfer to the Court Facilities Trust Fund) for facilities-related insurance premiums for effective risk management of trial court facilities (\$2.187 million).
- General Fund/State Court Facilities Construction Fund restructuring between Programs 30 and 35 to ensure appropriate utilization of special funds and realize organizational efficiencies. This proposal has a net zero cost impact.

***Essential services review:***

Judicial Council Directive #44 states “E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that the leadership team must develop and employ budget review techniques so that the budget of an individual unit is aligned with its program responsibilities.” In response to this directive, the AOC has initiated a review of the organization’s activities, projects, and programs to ensure that our existing resources are focusing on AOC’s core functions and essential activities in our service to the branch and the citizens of California. Pending further review of baseline resources and workload needs, additional budget change proposals may be developed to address workload for new and ongoing initiatives.

We note that this issue was presented to A&E as an informational item. A&E did not take action to approve or deny the potential proposals but requested to be apprised of any BCPs that will increase funding to and positions at the AOC.

**Delegation of authority to make technical changes**

To the extent that the AOC receives additional information that requires technical changes to the funding requests identified in this report, there may be a need to modify the BCPs being submitted to the DOF. For some of the proposals included in this report, the actual amounts may change as updated information is received. Rather than requesting that the AOC return to the council to seek authority to make minor adjustments to these proposals, having the authority to do so delegated to the Administrative Director in advance will facilitate the dynamic budget process. In addition, each year during the course of developing the State Budget, issues arise that may need to be addressed on short notice. This possibility makes it advisable for the

Administrative Director to have the ability to update and add funding proposals in an efficient and flexible manner. If the BCPs that are submitted to the DOF contain changes from the proposals contained in this report, AOC staff will report to the Judicial Council on these revisions.

### **Comments, Alternatives Considered, and Policy Implications**

An alternative to recommendations 5b and 5c is for the AOC to return to the Judicial Council prior to submission of the BCPs at any time technical adjustments need to be made or if unanticipated issues arise. This approach could cause delays in getting proposals updated and submitted in a timely manner, and, for this reason, this alternative is not recommended. AOC staff will report to the Judicial Council on changes made to the proposals in this report.

### **Implementation Requirements, Costs, and Operational Impacts**

Not applicable.

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

The funding proposals requested for the appellate courts, trial courts, Judicial Council/Administrative Office of the Courts, and Judicial Branch Facility Program will address the strategic plan goals of Access, Fairness, and Diversity (Goal I); Modernization of Management and Administration (Goal III); and Quality of Justice and Service to the Public (Goal IV).

### **Attachments**

1. Attachment A: Department of Finance 2014–2015 Budget Policy Letter #13-14, issued July 31, 2013

# BUDGET LETTER

Attachment A

<b>SUBJECT:</b> 2014-15 BUDGET POLICY	<b>NUMBER:</b> 13-14
<b>REFERENCES:</b> BL 13-03	<b>DATE ISSUED:</b> July 31, 2013
	<b>SUPERSEDES:</b> 12-15

TO: Agency Secretaries  
Department Directors  
Department Chief Counsels  
Department Budget Officers  
Department Accounting Officers  
Department of Finance Budget and Accounting Staff

FROM: DEPARTMENT OF FINANCE

This Budget Letter sets forth the Governor's policy direction for his proposed 2014-15 Budget. As a reminder, BL 13-03, issued April 15, 2013, outlines due dates and the technical and procedural requirements for preparation of the 2014-15 Governor's Budget.

## Priorities

The Administration's primary budget focus continues to be maintaining a structurally balanced budget that preserves critical state services and promotes the Governor's priorities. While the 2013 Budget Act maintains structural balance into the future based on current projections, departments must continue to control costs, increase efficiency, and refrain from creating new—or expanding existing—programs to ensure the state's fiscal stability.

## Budget Change Proposals (BCPs) and Enrollment/Caseload/Population (ECP) Policy

To maintain a structurally balanced budget, departments' ability to submit BCPs or ECP policy changes for the 2014-15 Budget remains limited, regardless of the funding source.

Accordingly, departments (including those not under the Governor's direct authority) should submit BCPs or ECP policy changes for the 2014-15 Budget only in the following circumstances:

- **Statutory Changes Necessary for Departments to Manage Within Their Budgets**  
Departments may submit BCPs to propose changes in current law to reduce or reorganize their statutory responsibilities so they can better manage within their authorized spending level and special fund balances. Departments should continue evaluating their responsibilities and propose reductions or eliminations of the least critical functions.
- **ECPs**  
Departments may submit BCPs to reflect expected changes in programs' enrollment, caseload, or population. No new policy components will be accepted for ECP adjustments.
- **Existing or Ongoing Information Technology (IT) Projects**  
Departments may submit BCPs related to an IT project only if the project is currently underway or has been authorized to proceed.

- **Existing or Ongoing Capital Outlay Projects**

Departments may submit BCPs to fund a future phase of an authorized capital outlay project only if the project is underway or has been authorized to proceed. For new projects, only the most critical (such as fire, life, safety, or court ordered) projects will be considered.

- **Cost-Cutting**

Departments may submit BCPs to cut costs or to authorize efficiencies to offset unavoidable costs such as price increases.

- **Improved Budgeting Practices**

Departments may submit BCPs as a result of any efforts to improve budgeting practices conducted as part of Executive Order B-13-11. In addition, any departments wishing to undertake such efforts, such as zero-base budget plans, should discuss options with their Finance counterparts.

In the event there is a critical need that does not meet the criteria outlined above and the agency secretary believes a new BCP is needed to prevent adverse consequences, or to address adverse problems a department is already encountering, contact your Finance Program Budget Manager before the due date.

Departments should assess whether statutory changes (including budget bill language) are necessary to effectuate any BCP that is submitted. If statutory changes are necessary, the department's BCP must include a copy of the proposed legislation. This requirement is necessary for Finance to comply with its obligations under Government Code §13308 to submit proposed statutory changes to the Legislature, through the Legislative Counsel. BCPs, including requests for Budget Bill language changes, must be submitted to Finance no later than **September 13, 2013**.

In submitting BCPs for the 2014-15 Budget, departments must use the latest BCP form. The BCP form and instructions can be found on the Finance public website: <http://www.dof.ca.gov/Budgeting/Forms>.

### **BCP Confidentiality**

Information contained in BCPs is an integral part of the Governor's deliberation process. Accordingly, every BCP must be treated as privileged and confidential until and unless the BCP is released to the Legislature as part of the Governor's Budget, the April 1 Finance Letter process, or the May Revision. Disapproved, unapproved, and draft BCPs (i.e., BCPs not released to the Legislature) remain confidential indefinitely, and may not be released. Final BCPs are those that contain a Finance supervisor's signature attesting that the BCP has been submitted to the Legislature.

Questions about Public Records Act or litigation discovery requests for budget documents should be directed to department legal staff and, if necessary, by department legal staff to Finance legal staff.

If you have any questions about this Budget Letter, please contact your Finance budget analyst.

/s/ Ana Matosantos

ANA J. MATOSANTOS  
Director