

**OFFICE OF ADMINISTRATIVE LAW**

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DEBRA M. CORNEZ  
Director

To: Stuart Drown, Executive Director  
Little Hoover Commission

From: Debra M. Cornez, Director *Debra M Cornez*  
Office of Administrative Law

Re: Written testimony concerning  
Governor's Reorganization Plan

Date: April 16, 2012

As part of the Governor's Reorganization Plan, the Governor proposes to move the Office of Administrative Law (OAL) into the new Government Operations Agency. As requested by the Commission, this written testimony responds to the following questions as they apply to the reorganization proposal:

- DOES YOUR ORGANIZATION SUPPORT THE PORTION OF THE REORGANIZATION PLAN THAT PERTAINS TO OAL?

Yes, OAL supports the Governor's Reorganization Plan.

- WHAT ADVANTAGES AND RISKS WOULD NEED TO BE CONSIDERED?

#### Advantages

Oversight by the new Government Operations Agency will provide the opportunity for feedback on ways to improve operations, communication with other state agencies as well as the public, and information sharing, which can lead to implementing procedures for a more effective and efficient operation of the office and state agency compliance with the Administrative Procedure Act.

For example, since 2003, OAL has not had any IT staff. In 2004, OAL entered into an agreement with the Teale Data Center (now Office of Technology Services (O-Tech)) for O-Tech to host and maintain OAL's servers and provide tech support. However, over the years since 2004, O-Tech has systematically informed OAL that it no longer provides the same services that it did the previous year or that it now will charge for certain services. Additionally, in recent years the requirements for security measures, disaster recovery, etc., that involve IT knowledge have increased thereby increasing the burden on OAL's staff. Thus, OAL welcomes the opportunity to possibly share IT

services, IT staff or IT information with other state agencies under the Government Operations Agency or with the Agency itself. Currently, a couple OAL attorneys now wear the hats of Chief Information Officer, Information Security Officer and Disaster Recovery Officer to the best of their ability; however, they are not schooled in nor have the skills of an IT person.

This sharing of information or staff could also be extended to personnel and budget matters. OAL currently contracts with the Department of General Services Office of Human Resources and Contracted Fiscal Services. Being housed under the Government Operations Agency with other agencies may provide the opportunity for OAL to share ideas and information in these areas.

Finally, OAL sees the Agency Secretary as a potential advocate for OAL while OAL fulfills its duties and responsibilities under the Administrative Procedure Act.

### Risks

Since the beginning of its operation on July 1, 1980, OAL has never been placed under an Agency Secretary; however, I don't see anything that will compromise OAL's mission as provided in the Administrative Procedure Act to ensure regulations proposed by other state agencies are clearly written, are authorized by statute, are consistent with law, and are supported by an adequate record. OAL's mission is also to ensure that the public has a meaningful opportunity to comment and that an agency considers those comments when it develops the regulations. Furthermore, OAL ensures public access to current and proposed regulations by publishing the California Code of Regulations (CCR) and the California Regulatory Notice Register (Notice Register) and making them both available online without any charge to the user. Thus, OAL does not see any risks involved to being located within the Government Operations Agency.

- DOES THIS REORGANIZATION PLAN POSITION THE STATE TO OPERATE MORE EFFECTIVELY AND EFFICIENTLY? IF NOT, WHAT ADDITIONAL ACTION IS NEEDED?

For the reasons stated above, OAL believes the Governor's Reorganization Plan positions the state to operate more effectively and efficiently. No additional action will be needed for OAL to implement its relocation to within the Government Operations Agency.