

Workmen's Compensation Benefits for Subsequent Injuries—Continued

The purpose of the program is to provide an incentive for employers to hire persons who have been involved in a prior industrial accident which resulted in an award for partial disability or physical impairment by the appeals board. Under this program, the liability of the employer for any subsequent injury which aggravates the original injury is limited to that portion of the combined disability which is directly attributable to the latter injury. The difference between the employer's portion of the award and the total award, as determined by the appeals board, is funded through this appropriation.

ANALYSIS AND RECOMMENDATIONS

We recommend approval.

Table 1 shows the growth of the appropriation and the outstanding liabilities of the state for the years indicated.

Alternate Source of Funding

We again recommend that consideration be given to funding this program from a source other than the General Fund.

Implementation of this recommendation would require a constitutional amendment, similar to ACA 72 of the 1961 session, followed by appropriate legislation to permit the program to be funded by no-dependency death benefit claims paid to the state. Twenty-six states now fund their subsequent injury programs totally or partially in this manner.

Under current law, the statutory death benefits which normally are paid to legal heirs are paid to no one if legal heirs cannot be found. Only a burial expense of not to exceed \$600 is paid under these circumstances. It does not seem reasonable, however, that when an employee who has no legal heirs dies as a result of an industrial accident the employer should be relieved of an insurable liability which he must assume if heirs exist.

ACA 72 provided that in cases of an accidental industrial death of an employee who had no legal heirs to whom the statutory death benefit could be paid, legislation could require that the death benefit be paid to the state and used for the payment of subsequent injury claims. It is estimated that such a provision would eliminate or substantially reduce General Fund expenditures for this program.

STATE FIRE MARSHAL

**Items 135 and 136 from the General Fund
and the Dry Cleaners Fund**

Budget page 778

Requested 1970-71	-----	\$984,620
Estimated 1969-70	-----	1,141,680
Actual 1968-69	-----	1,012,271
Requested decrease \$157,060 (13.8 percent)		
Total recommended reduction	-----	None

State Fire Marshal—Continued**GENERAL PROGRAM STATEMENT**

The objectives of the Office of the State Fire Marshal are to foster, promote and develop ways and means of protecting life and property against fire and panic. The basic program of the State Fire Marshal therefor is public fire safety. This program is achieved through the implementation of two elements, (1) enforcement and (2) analysis and development.

The enforcement element is accomplished by a combination of construction plans review and onsite inspection of schools, hospitals, city and county facilities, nursing homes, homes for children and aged, mental hospitals, sanitariums, places of public assembly, cargo tanks for flammable liquids, portable fire extinguisher servicing concerns and dry cleaning establishments.

The purpose of the element analysis and development is to develop appropriate regulations and to disseminate public fire safety information. Within the element of analysis and development, eight basic functions are performed.

1. Construction materials and equipment—evaluate and test construction materials and equipment to determine conformance with adopted test methods and standards. A list of the approved materials is published annually.
2. Flame retardants—all concerns engaged in the manufacture, sale or application of flame retardants, chemicals, fabrics, and materials are required to be registered by the State Fire Marshal following examination and approval.
3. Fireworks—the State Fire Marshal classifies all types of fireworks and licenses all manufacturers, importers, wholesalers and retailers of fireworks. Further it licenses all pyrotechnic operators and public displays of fireworks.
4. Explosives—safe highway routes and stopping places are designated by the State Fire Marshal for the transportation of explosive materials.
5. Portable fire extinguishers—every firm in the business of servicing fire extinguishers is required to be licensed annually by the State Fire Marshal.
6. Flammable liquids—to insure safety in the bulk transportation of inflammable liquids, the State Fire Marshal inspects the design and construction of proposed cargo tanks.
7. Public information—a newsletter is published on a quarterly basis to report information regarding public fire safety material.
8. Out-service training—the State Fire Marshal has a program of fire prevention training for local authorities and state and private institutional personnel.

ANALYSIS AND RECOMMENDATIONS

We recommend approval.

The amount requested for the 1970-71 fiscal year is \$984,620, which consists of \$861,500 from the General Fund and \$123,120 from the Dry Cleaners Fund. This is a reduction of \$158,500 in the General

State Fire Marshal—Continued

Fund amount of \$1,020,000, expected to be expended in the current year. The decrease can be attributed to a proposed deletion of 13.1 positions and will reduce the total number of positions from 90.1 authorized in the current year to 77. A savings in salaries and wages of \$124,092 is anticipated as a result. The following is a list of the program elements in which the deletions were made.

Summary of Position Reductions by Program and Element		
Program	Number	Position
Enforcement -----	4.0	Deputy State Fire Marshal I
	2.0	Clerk-typist I
	0.5	Clerk-typist II
Subtotal -----	6.5	
Analysis and Development		
Flame retardants -----	1.0	Deputy State Fire Marshal III
Fireworks -----	0.5	Deputy State Fire Marshal III
	0.5	Clerk-typist II
Explosives -----	0.5	Deputy State Fire Marshal III
Flammable liquids -----	1.0	Temporary
Out-service training -----	1.0	Fire Prevention Engineer and
	1.0	Deputy State Fire Marshal III
Subtotal -----	5.5	
Administration -----	1.0	Clerk-typist I
	0.1	Overtime
Subtotal -----	1.1	
Total -----	13.1	

It should be noted that the temporary position in the flammable liquids program element was required only in the current year.

The Fire Marshal has indicated that personnel reductions in the enforcement and out-service training programs have been made in an attempt to compel local fire officials to assume a greater share of the responsibility for training and for fire safety inspections of facilities within the local jurisdictions. Further, federal legislation has superseded state regulations regarding the flammability of wearing apparel, thereby permitting the deletion of one position in the flame retardants program element.

The Fire Marshal has responsibility for the approval and adoption of highway routes designated for the safe transportation of explosives. As part of this responsibility, he publishes documents indicating the location of such routes and stopping places at a nonreimbursed cost of \$14,400. Distribution of the documents and enforcement of the use of the designated routes is a responsibility vested in the California Highway Patrol. The Fire Marshal has indicated that legislation will be proposed during the 1970 session of the Legislature to shift the responsibility for this program to the California Highway Patrol and has deleted one-half a deputy state fire marshal III position in anticipation of the proposal's successful passage. However, if the legislation is not approved, an augmentation will be required to fund the reduction.

State Fire Marshal—Continued

An increase of \$3,000 is anticipated in reimbursements as the result of Chapter 798, Statutes of 1969 (AB 307) which raised the fees required to be paid by firms requesting to list construction materials and equipment in a listing published by the State Fire Marshal. Total reimbursements are estimated to be \$169,900 in the 1970-71 fiscal year.

DEPARTMENT OF JUSTICE

**Items 137 and 138 from the Motor Vehicle Fund and
the General Fund**

Budget page 784

Requested 1970-71 -----	\$24,017,055
Estimated 1969-70 -----	22,490,088
Actual 1968-69 -----	18,292,428
Requested increase \$1,526,967 (6.8 percent)	
Total recommended reduction -----	\$132,444

SUMMARY OF MAJOR ISSUES AND RECOMMENDATIONS

1. We recommend the deletion of the following positions:

2 Deputy Attorneys General II -----	\$24,168
1 Senior clerk -----	6,264
1 Senior legal stenographer -----	6,852
6 Drug abuse chemists -----	68,400
5 Clerks II -----	26,760

2. We recommend approval of the payment of overtime to state narcotic agents under the following conditions:

(a) That narcotic agents not be placed in Work Week Group I.

(b) That the Department of Justice, the Department of Finance and the Personnel Board formulate and submit to the Legislature a plan for overtime compensation utilizing a sliding scale based on the average number of overtime hours worked per month over a three-month period and placing a monthly ceiling of 20 percent of an agent's base pay on overtime compensation.

3. Policy question on the establishment of 10 new narcotic agent positions.

4. We recommend that the California Highway Patrol and the Department of Motor Vehicles utilize the CLETS network for their own enforcement and administrative traffic.

5. We recommend that the Department of Justice continue its efforts to achieve maximum utilization of the CLETS backup computers for internal records processing requirements and for the implementation of the Criminal Justice Information System.

GENERAL PROGRAM STATEMENT

The Department of Justice, through the constitutional office of the Attorney General, provides legal and law enforcement services. As the chief law officer of the state, the Attorney General renders opinions and