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MEASURES ADOPTED IN 1977**

1977-78 Regular Session

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GOVERNOR'S REORGANIZATION
PLAN NO. 1 OF 1977

**REORGANIZATION OF THE EXECUTIVE
BRANCH OF CALIFORNIA STATE
GOVERNMENT**

Reorganization Plan No. 1 of 1977

May 2, 1977

HON. MERVYN M. DYMALLY, *President,*
and Members of the Senate

HON. LEO T. McCARTHY, *Speaker,*
and Members of the Assembly

Pursuant to Section 12080.2 of the Government Code, I hereby transmit Reorganization Plan No. 1 of 1977.

Respectfully,

A handwritten signature in black ink, appearing to read "Edmund G. Brown Jr.", with a large, stylized flourish at the end.

EDMUND G. BROWN JR.
Governor

REORGANIZATION PLAN NO. 1 of 1977

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GOVERNOR'S MESSAGE

Reorganization Plan No. 1 of 1977 proposes the abolishment of the State Office of Narcotics and Drug Abuse and the transfer of its staff and functions to the Health Department's Division of Substance Abuse. In addition, the plan proposes to create an Advisory Council on Narcotics and Drug Abuse to better coordinate the efforts of those state agencies with drug-related responsibilities.

Currently, both the State Office of Narcotics and Drug Abuse and the Division of Substance Abuse in the Department of Health share certain closely related responsibilities relating to community-based drug abuse treatment programs. The State Office of Narcotics and Drug Abuse, located in the Health and Welfare Agency, subvents federal funds for such programs, contracts with the counties and local organizations for the provision of drug services, provides technical assistance and training, disseminates drug information and plans and coordinates state and local programs. The statutes creating the Office of Narcotics and Drug Abuse and setting forth its responsibilities are contained in Chapter 12 (commencing with Section 11640) of Division 10 of the Health and Safety Code.

The Department of Health, also in the Health and Welfare Agency, conducts drug-treatment-related functions through its Division of Substance Abuse. Under the mandates contained in Chapter 3 (commencing with Section 4330) of Division 4 of the Welfare and Institutions Code, the Department of Health assists community organizations in initiating effective programs to prevent and treat narcotics and drug abusers, act as a central information resource on drug abuse prevention and treatment programs, evaluate state-supported drug treatment programs, approve and regulate methadone programs and collect and disseminate specified drug abuse research and treatment information.

By abolishing the State Office of Narcotics and Drug Abuse

and merging its functions with those of the Department of Health, the present duplication of effort and role confusion between the two offices will be eliminated, line responsibility and accountability for community drug treatment services will be pinpointed and more effective treatment services will be provided by the state.

The joining of these two organizations will consolidate state drug program administration and promote the eventual merger of state drug and alcohol functions into a Department of Alcohol and Drug Abuse. This reorganization plan will facilitate the reorganization provision of Senate Bill No. 363 (Gregorio), pertaining to alcohol and drug abuse. I have found the reorganization action included in this plan to be in the public interest.

The Legislature expresses its intent in Section 11640 of the Health and Safety Code that the state's programs to prevent drug abuse be integrated and coordinated. By establishing an Advisory Council on Narcotics and Drug Abuse, the level of program coordination will be considerably enhanced.

The Advisory Council on Narcotics and Drug Abuse shall consist of the Attorney General, the Superintendent of Public Instruction, the Secretary of the Health and Welfare Agency, the Director of Finance and three public members appointed by the Governor. The Governor shall designate the chairman of the Advisory Council. The Advisory Council shall remain in existence for a period of two years from the effective date of this plan.

The Advisory Council on Narcotics and Drug Abuse will have the following advisory responsibilities:

1. Review and evaluate the effectiveness of state drug abuse enforcement, prevention, and treatment policies.
2. Encourage the development of integrated and cooperative state drug abuse policies involving drug abuse law enforcement and drug abuse prevention and treatment.

3. Review the priorities and allocation of funds and other resources of state agencies with responsibilities for drug abuse enforcement, prevention, and treatment.
4. Report annually to the Governor and the Legislature concerning its activities during the previous year, its assessment and the effectiveness of state policies and programs and any recommendations it deems necessary to promote the development of a more effective statewide drug abuse enforcement, prevention and treatment strategy.

Improved coordination between state agencies with drug-related responsibilities is a serious problem which must be addressed. A recent report of the Senate Judiciary Subcommittee on Narcotics Trafficking pointed specifically to the need to increase the level of cooperation and coordination between the drug law enforcement and drug treatment communities in California. I believe the state can better perform the drug-related duties mandated by the Legislature by abolishing the State Office of Narcotics and Drug Abuse and merging its functions with those of the Department of Health and by establishing the Advisory Council on Narcotics and Drug Abuse.

The merging of the functions of the State Office of Narcotics and Drug Abuse into the Department of Health has been recommended by the Commission on California State Government Organization and Economy in its 1975 review of the Department of Health and by the Legislative Analyst in his review of the 1975-76 and 1976-77 State Budgets. An organization such as the Advisory Council on Narcotics and Drug Abuse was recommended by the Senate Judiciary Subcommittee on Narcotics Trafficking in its report of July 1976.

The budget which I have submitted to the Legislature reflects the abolishment of the State Office of Narcotics and

Drug Abuse and the transfer of its functions to the Department of Health in Fiscal Year 1977-78.

In accordance with Section 8523 of the Government Code, I have submitted this plan first to the Legislative Counsel and to the Commission on California State Government Organization and Economy.

REORGANIZATION ACTIONS

The State Office of Narcotics and Drug Abuse is abolished and its authorities, responsibilities and functions are transferred to the Department of Health and the Director of the Department of Health.

The Advisory Council on Narcotics and Drug Abuse is created. Its advisory functions are transferred from the State Office of Narcotics and Drug Abuse and the Department of Health.

STATUTES SUSPENDED

Section 11643(h) of the Health and Safety Code is repealed. This section has never been fully implemented and would not add to the effectiveness of the state drug program if it were.

Sections 11641 and 11642 of the Health and Safety Code.

GENERAL PROVISIONS

In accordance with Government Code Section 12080.5, the effective date of the plan is July 1, 1977.

TRANSFER OF EMPLOYEES

Pursuant to the Government Code Sections 12080.3 and 19370, all employees and officers serving in the State Civil Service, other than temporary employees, who are engaged in the performance of functions in the State Office of Narcotics and Drug Abuse are transferred to the Department of Health by this reorganization plan. The status, positions and rights of such persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position exempt from civil service. If any doubt arises as to where such employees are transferred, the State Personnel Board shall determine where an employee is transferred. The personnel records of all transferred employees shall be transferred to the agency or department to which the employee is transferred.

TRANSFER OF PROPERTY

The property of the State Office of Narcotics and Drug Abuse is transferred to the Department of Health.

TRANSFER OF FUNDS

All unexpended balances of appropriation and other funds available for use in connection with any function or the administration of any law transferred by this reorganization plan shall be transferred to the Department of Health for use for the purpose for which the appropriation was originally made or the funds were originally available. If there is any doubt as to where such balances and funds are transferred, the Department of Finance shall determine where such balances and funds are transferred.