

AMENDED IN ASSEMBLY MARCH 30, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2856

Introduced by Assembly Members ~~Nunez~~ and Member Laird

February 20, 2004

An act to amend Section ~~17551~~ 17556 of the Government Code, relating to state mandates.

LEGISLATIVE COUNSEL'S DIGEST

AB 2856, as amended, Nunez. State mandates: Commission on State Mandates.

Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on any local government, including school districts, the state is required to provide a subvention of funds to reimburse the local government, with specified exceptions. Existing law establishes a procedure for local governmental agencies to file claims for reimbursement of these costs with the Commission on State Mandates. The procedure requires the commission to hear and decide upon each claim for reimbursement *and provides that the commission may not find costs to be mandated by the state if, after a hearing, the commission makes specified findings, including, among others, that the statute or executive order imposing the mandate provides for offsetting savings to local agencies or school districts or includes additional revenue specifically intended to sufficiently fund the cost of the state mandate.*

This bill would provide that an appropriation in a Budget Act or other bill, in addition to the executive order or statute imposing the mandate, may provide these offsetting savings or additional revenue. The bill also

would delete the requirement that the additional revenue is required to be in an amount sufficient to fund the cost of the mandate.

~~This bill would make a technical, nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 17551 of the Government Code is~~
2 *SECTION 1. Section 17556 of the Government Code is*
3 *amended to read:*

4 17556. The commission ~~shall~~ *may* not find costs mandated by
5 the state, as defined in Section 17514, in any claim submitted by
6 a local agency or school district, if, after a hearing, the commission
7 finds that:

8 (a) The claim is submitted by a local agency or school district
9 ~~which~~ *that* requested legislative authority for that local agency or
10 school district to implement the program specified in the statute,
11 and that statute imposes costs upon that local agency or school
12 district requesting the legislative authority. A resolution from the
13 governing body or a letter from a delegated representative of the
14 governing body of a local agency or school district ~~which~~ *that*
15 requests authorization for that local agency or school district to
16 implement a given program shall constitute a request within the
17 meaning of this paragraph.

18 (b) The statute or executive order affirmed for the state that
19 which had been declared existing law or regulation by action of the
20 courts.

21 (c) The statute or executive order implemented a federal law or
22 regulation and resulted in costs mandated by the federal
23 government, unless the statute or executive order mandates costs
24 ~~which~~ *that* exceed the mandate in that federal law or regulation.

25 (d) The local agency or school district has the authority to levy
26 service charges, fees, or assessments sufficient to pay for the
27 mandated program or increased level of service.

28 (e) The statute ~~or~~, executive order, *or appropriation in a*
29 *Budget Act or other bill* provides for offsetting savings to local
30 agencies or school districts ~~which~~ *that* result in no net costs to the
31 local agencies or school districts, or includes additional revenue



1 that was specifically intended to fund the costs of the state mandate
2 ~~in an amount sufficient to fund the cost of the state mandate.~~

3 (f) The statute or executive order imposed duties ~~which~~ *that*
4 were expressly included in a ballot measure approved by the voters
5 in a statewide election.

6 (g) The statute created a new crime or infraction, eliminated a
7 crime or infraction, or changed the penalty for a crime or
8 infraction, but only for that portion of the statute relating directly
9 to the enforcement of the crime or infraction.

10 ~~amended to read:~~

11 ~~17551. (a) The commission, pursuant to the provisions of~~
12 ~~this chapter, shall hear, decide, and report upon a claim by a local~~
13 ~~agency or school district that the local agency or school district is~~
14 ~~entitled to be reimbursed by the state for costs mandated by the~~
15 ~~state as required by Section 6 of Article XIII B of the California~~
16 ~~Constitution.~~

17 ~~(b) Commission review of claims may be had pursuant to~~
18 ~~subdivision (a) only if the test claim is filed within the time limits~~
19 ~~specified in this section.~~

20 ~~(c) Local agency and school district test claims shall be filed~~
21 ~~not later than three years following the date the mandate became~~
22 ~~effective, or in the case of mandates that became effective before~~
23 ~~January 1, 2002, the time limit shall be one year from the effective~~
24 ~~date of this subdivision.~~

25 ~~(d) The commission, pursuant to the provisions of this chapter,~~
26 ~~shall hear and decide upon a claim by a local agency or school~~
27 ~~district filed on or after January 1, 1985, that the Controller has~~
28 ~~incorrectly reduced payments to the local agency or school district~~
29 ~~pursuant to paragraph (2) of subdivision (d) of Section 17561.~~

