

AMENDED IN ASSEMBLY MAY 10, 2004
AMENDED IN ASSEMBLY MARCH 30, 2004
CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2856

Introduced by Assembly Member Laird

February 20, 2004

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2856, as amended, ~~Nunez~~ *Laird*. 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.~~

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

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

1 SECTION 1. Section 17556 of the Government Code is
 2 amended to read:
 3 17556. The commission may not find costs mandated by the
 4 state, as defined in Section 17514, in any claim submitted by a
 5 local agency or school district, if, after a hearing, the commission
 6 finds that:
 7 (a) The claim is submitted by a local agency or school district
 8 that requested legislative authority for that local agency or school
 9 district to implement the program specified in the statute, and that
 10 statute imposes costs upon that local agency or school district
 11 requesting the legislative authority. A resolution from the
 12 governing body or a letter from a delegated representative of the
 13 governing body of a local agency or school district that requests
 14 authorization for that local agency or school district to implement
 15 a given program shall constitute a request within the meaning of
 16 this paragraph.
 17 (b) The statute or executive order affirmed for the state that
 18 which had been declared existing law or regulation by action of the
 19 courts.
 20 (c) The statute or executive order implemented a federal law or
 21 regulation and resulted in costs mandated by the federal
 22 government, unless the statute or executive order mandates costs
 23 that exceed the mandate in that federal law or regulation.
 24 (d) The local agency or school district has the authority to levy
 25 service charges, fees, or assessments sufficient to pay for the
 26 mandated program or increased level of service.
 27 (e) The statute, executive order, or appropriation in a Budget
 28 Act or other bill provides for offsetting savings to local agencies
 29 or school districts that result in no net costs to the local agencies
 30 or school districts, or includes additional revenue that was



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

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

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