

**ITEM 18
 STAFF REPORT
 2009 LEGISLATION**

Commission Positions on Legislation

In 2004, the Governor’s Office requested all boards and commissions to prepare bill analyses and recommend positions on pending legislation. Prior to that time, the Governor’s Office did not make this request, nor did the Commission routinely prepare analyses or recommend positions on pending legislation.

Since there is typically a very short turnaround time to submit a completed bill analysis to the Governor’s Office, and these deadlines may fall outside of scheduled Commission meetings, the Commission authorized the Executive Director to submit bill analyses with positions on bills that impact the Commission’s statutory authority and workload. Each bill position submitted by the Executive Director that is not specifically approved by the Commission contains this statement: “This analysis was prepared by Commission staff. It has not been reviewed by the Commission members, and it is not intended to reflect the position of any individual member or of the Commission itself.” Of course, this process does not preclude the Commission from voting to take positions on bills.

2009 Legislation

Following is a table summarizing legislation introduced in 2009 that proposes to make modifications to the mandates process. Staff will be analyzing the bills as they proceed through the legislative process, and will present analyses to the Commission. The Commission may elect to take positions on the bills.

Bill Number	Author	Sponsor	Status	Spot Bill
AB 349	Silva	CSAC-SB90 Group	Pending Committee Assignment in Assembly	Yes
The author’s staff indicates that the author is interested in using this bill to eliminate unfunded mandates. Preliminary meetings between local agency representatives, state agencies and the author’s staff have been held to discuss possible language. To date, no language has been drafted.				
AB 548	Krekorian	Five-Star Education Coalition & CA Association of School Business Officials	Pending Committee Assignment in Assembly	No
This bill would require that audits the State Controller completes on mandate reimbursement claims be done within three years from the time the claim was filed rather than three years from the time reimbursement for the claim was made by the state. This bill is similar to AB 1170 (2007), which was held on the suspense file.				

AB 594	Harkey	Author	Pending Committee Assignment in Assembly	No
<p>This bill would add a six-year sunset to each bill introduced on or after January 1, 2010 and that contains a declaration that it is a state-mandated program. The bill would require the Legislative Analyst's Office to review these bills and report to the Legislature five years after the bills become operative on costs to local governments and the state, if the bills achieved their stated goals, and a recommendation on whether the bills should be made permanent, repealed, modified, or extended for another fixed period of time.</p>				
AB 661	Torlakson	Department of Finance & CA School Boards Association	Pending Committee Assignment in Assembly	No
<p>The Commission on State Mandates determined that the <i>Behavioral Intervention Plans</i> program was a reimbursable state-mandated program. Department of Finance and school officials negotiated a settlement regarding how much school districts would receive in reimbursement for this program. This bill contains that settlement agreement. Schools would receive \$65 million for 2009, \$85 million per year for 6 years (2011-12 through 2016-17), and a one-time appropriation of \$10 million for payment to county offices of education and special education local plan areas.</p>				
Bill Number	Author	Sponsor	Status	Spot Bill
AB 775	Cook	Author	Pending Committee Assignment in Assembly	Yes
<p>The bill is intended to address changes to the mandates process. To date, no language has been drafted.</p>				
AB 844	Villines	Author	Pending Committee Assignment in Assembly	No
<p>Effective January 1, 2010, this bill would remove school districts from the existing mandates process. Instead, the bill would require the Commission to do the following:</p> <ol style="list-style-type: none"> 1. Review all statutes enacted between January 1, 1975 and December 31, 2010, to determine whether they impose reimbursable state-mandated programs on school districts, and whether there is an annual appropriation for each mandate. If the Commission determines there are mandates and there is no appropriation for those mandates, it would be required to issue orders authorizing school districts to not comply with the unfunded mandates according to the following schedule: <ul style="list-style-type: none"> January 1, 2012 – Issue orders for statutes enacted between 1975 and 1990. January 1, 2014 – Issue orders for statutes enacted between 1991 and 1999. January 1, 2015 – Issue orders for statutes enacted between 2000 and 2009. 2. At the same time, begin reviewing every statute enacted on or after January 1, 2010 to determine whether it imposes a reimbursable state-mandated program on school districts; and whether there is an annual appropriation to fund that mandate, at the amount adopted by the Commission in its statewide cost estimate. If the Commission determines that there is a mandate and there is no appropriation, the Commission would be required to issue an order authorizing school districts not to comply with that unfunded mandate. 3. For any statute enacted after January 1, 1975, if the Commission determines that there is a mandate and there is an annual appropriation for the mandate, the Commission's determination would only be operative for five years. After five years, the Commission 				

would be required to review the statute and determine whether an appropriation for costs has been made, and if it has not been made, the Commission would be required to issue an order authorizing school districts to not comply with the unfunded mandate.

4. Submit a copy of all orders and findings to the Legislature.

SB 540	Romero	Author	Pending Committee Assignment in Senate	No
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This bill would declare legislative intent that because the state has failed to make over 1 billion dollars in mandate payments to school districts, all school mandates will be reviewed for repeal or to make permissive in order to reduce costs.

Local agencies are also owed approximately \$1 billion dollars in back payments for mandates. Under Proposition 1A and Government Code section 17617, cities, counties, and special districts are provided with a plan to repay those dollars over 15 years. SB 540 would also require school districts to be repaid back mandate dollars over an unspecified number of years.

The bill would also make the following existing school mandates permissive: (1) *The Stull Act* (98-TC-25); (2) *Notification of Truancy* (4133); and (3) *Habitual Truant* (4487/4487A).