

ITEM 13
STAFF REPORT
MANDATE REFORM LEGISLATION

Executive Summary

Background

The Governor's Office requests that all boards and commissions prepare bill analyses and recommend positions on pending legislation. During previous administrations, the Governor's Office did not make this request nor did the Commission staff routinely prepare analyses and recommend positions on pending legislation. When the Governor's Office requests a bill analysis, staff may have a short turn around time of three to five days to submit a completed bill analysis. Because of these short timelines, 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 analysis includes the following statement: "This analysis was prepared by Commission staff. It has not been reviewed by the Commission members and is not intended to reflect the position of any individual member or the Commission itself." This does not preclude the Commission from voting to take positions on legislation.

For each hearing, Commission staff will report on the status of pending legislation. Also, from the Commission's website, "Other Bills" links directly to the www.leginfo.ca.gov files of sponsored legislation, and other bills that are on a "Watch" status.

2007 Legislation

To date, the Legislature has introduced three bills to reform the mandates process. Following is information on each bill:

- A. AB 281 (Silva).** According to the author's staff, this measure is currently a spot bill. The author is interested in eliminating unfunded mandates, and may use this bill to revise the mandates process. AB 281 is pending committee assignment in the Assembly. See Exhibit A.

- B. AB 1222 (Laird).** This bill would require claimants, when pleading executive orders or regulations in test claims, to include the effective date and reference numbers of those executive orders or regulations in the test claim filing. The author is committed to continuing his work on mandate reform, and may use this bill as a vehicle for further reform to the mandates process. AB 1222 is pending committee assignment in the Assembly. See Exhibit B.

C. AB 1576 (Silva). In February 2007, the Legislative Analyst's Office (LAO) issued its annual analysis of the Governor's proposed 2007-2008 State Budget. In this report, the LAO stated that the current mandate process is cumbersome and delays reimbursement of mandate claims of local agencies and school districts, and delays notification to the Legislature regarding the costs of mandated programs. The LAO is proposing an alternative process that will shorten the time it takes to complete test claims and parameters and guidelines. AB 1576 includes the LAO's proposal. The bill is pending committee assignment in the Assembly. See Exhibit C.

Department of Finance Reform Proposal

The Department of Finance is also proposing alternatives to the existing mandates process. Finance's proposal is similar to the LAO proposal. However, Finance's proposal has not yet been introduced in legislation. See Exhibit D.

Discussion

AB 281. It is premature to take a position on this bill because it is still in spot form and includes no substantive language.

AB 1222. Staff supports this bill because it would assist Commission staff in determining which regulations are being pled in test claims.

AB 1576. It is premature to take a position on the LAO mandate reform proposal because affected parties, including staff, continue to work on finalizing this proposal.

DOF Proposal. Like AB 1576, it is premature to take a position on Finance's proposal as affected parties continue to work on the draft.