

**ITEM 15**  
**LEGISLATIVE UPDATE**  
**2013 LEGISLATION**

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The following two bills related to the mandates process were introduced this year:

**AB 392 (Jones-Sawyer).** Existing law requires the Controller to prorate claims if the amount appropriated for reimbursement is not sufficient to pay all of the claims approved by the Controller. Existing law also requires the Controller to report to the Department of Finance and various legislative entities when it is necessary to prorate claims.

This bill would delete that reporting requirement and would require the Controller to determine the most cost-effective allocation method if \$1,000 or less is appropriated for a program. On July 1, 2013, the bill passed the Senate. On July 3, 2013, the Senate amendments were concurred in the Assembly and the bill was enrolled and sent to the Governor on July 10, 2013.

**AB 1292 (Linder).** Existing law authorizes a local agency or school district to file an annual reimbursement claim detailing state-mandated costs, as specified.

This bill would make a technical, non-substantive change to Government Code section 17560(b). This is a spot bill. Staff has contacted the Author's office and was told that they have no plans to propose changes to the mandates process. The bill was read for the first time on February 25, 2013 and, as of July 10, 2013, has not been referred to a committee nor has it been amended. Staff will continue to monitor this legislation.

**Budget Act of 2013 (AB 110)**

The Budget Act of 2013 (AB 110) was signed on June 27, 2013. The Commission's budget, as adopted, includes a baseline augmentation over prior year to fund two additional positions; an Attorney III and a Senior Legal Analyst. These two new positions will hasten the reduction of the Commission's backlog and facilitate timely hearing of current and future matters.

Newly Suspended Mandates and the California Public Records Act

Mandates originally proposed for suspension in the Governor's Budget included nine new programs. At the time, five of those did not yet have a Statewide Cost Estimate (SCE):

1. *California Public Records Act*, 02-TC 10 and 02-TC-51  
SOD adopted 5/26/2011  
Ps&Gs adopted 4/19/2013  
Reconsideration on Ps&Gs set for hearing 7/26/2013
2. *Local Agency Ethics (AB 1234)*, 07-TC-04  
Ps&Gs adopted 9/28/2012  
SCE set for hearing 7/26/2013
3. *Tuberculosis Control*, 03-TC-14  
Ps&Gs adopted 12/7/2012  
SCE tentatively set for hearing 9/27/2013

4. *Interagency Child Abuse and Neglect Investigation Reports*, 00-TC-22  
SOD adopted 12/6/2007  
Ps&Gs with RRM set for hearing 9/27/2013
5. *Voter Identification Procedures*, 03-TC-23  
SCE adopted 1/25/2013

The SCE for the fifth program listed above, *Voter Identification Procedures*, was adopted at the Commission's January hearing. In the adopted budget, all five new mandates with SCEs,<sup>1</sup> including *Voter Identification Procedures*, were suspended. However, the Legislature did not, in the end, suspend any of the mandates that did not yet have an SCE.

There was considerable public and media interest in the proposed suspension of the *California Public Records Act* reimbursable mandate. It is important to note that the suspension would have applied only to those specific activities deemed to be a reimbursable mandate, not the preexisting requirements of the law. Ultimately, the Legislature passed a budget that did not suspend this mandate. On July 3, 2013 the Senate unanimously approved a constitutional amendment (SCA 3) intended to include the reimbursable mandated activities associated with the *California Public Records Act* in the State Constitution. If passed by a two-thirds majority in the Assembly, the amendment will be included in the June 2014 election.

### **Budget Trailer Bill SB 71**

Signed on June 27, 2013, this trailer bill amended code sections with the stated intent as follows:

It is the intent of the Legislature in enacting the amendments made by this act to Section 23025 of the Government Code, Sections 1203, 13518.1, 13701, 13710, and 13730 of the Penal Code, and Section 656.2 of the Welfare and Institutions Code to relieve local entities of the duty to perform reimbursable activities, as determined by the Commission on State Mandates or other authorized entity, included in the following state-mandated local programs:

- (a) Deaf Teletype Equipment (04-LM-11).
- (b) Adult Felony Restitution (04-LM-08).
- (c) Pocket Masks (CSM-4291).
- (d) Domestic Violence Information (CSM-4442).
- (e) Victims' Statements-Minors (04-LM-14).

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<sup>1</sup> *Modified Primary Election*, 01-TC-13; *Domestic Violence Background Checks*, 01-TC-29; *Permanent Absentee Voters II*, 03-TC-11; and *Identity Theft*, 03-TC-08.