BILL REFERRAL

DATE:_____2/9/94_____   COMMITTEE ACTION:_____

TO:_____   DATE:_____

FROM: KENNETH EMANUELS, LEGISLATIVE ADVOCATE

REPLY NO LATER THAN:_____

A.B._____ As Amended_____* Author:_____

S.B.____1254____, As Amended_____* Author:____Ayala_____
*Date of introduction or latest amendment.

Please review the attached measure to determine its effect upon the City of Sacramento and complete the following questions as appropriate. During your analysis of this measure, if questions arise, please feel free to contact Ken Emanuels at 444-6789, FAX 444-0303 (1400 K Street, Suite 306, Sacramento, CA 95814). This questionnaire should be returned to the City Attorney's office for presentation to the Council Committee on Law and Legislation. PLEASE LEAVE THE BILL ATTACHED TO THIS FORM.

NO RECOMMENDATION. If you think no Committee action on this bill should be taken, either because the bill is not of sufficient importance to the City or for any other reason, please mark here, do not fill out the rest of the form, and return this form to the City Attorney's Office. _____

PLEASE TYPE YOUR RESPONSE

1.   Briefly describe the provisions of the bill (attach additional sheets if necessary).

      Would relieve local governments of post-1975 state mandates which are not fully funded by the State.

2.   This measure should be: (Please circle desired position.)

      (Supported)   Opposed   Supported if amended

            Placed on Watch List   Other (explain)

3.   Please explain your reasons for the above determination, including how this measure affects your Department and the fiscal impact of this measure on the City. Please make your comments in a format that can be used in a letter to State officials. (Continue on next page or attach additional sheets if necessary.)

      The State Constitution requires the State to fund mandates imposed on local government.

(Continue answer to Question No. 3 here)

This bill implements the constitutional provision by making "inoperative" mandates which are not fully funded. This has potential for relieving some general fund obligations.

4. Specify the City's legislative policy guideline(s) applicable to this measure (if any).

Oppose legislation which will mandate local governments to incur costs and which do not include an appropriation to reimburse local agencies for such costs.

Support legislation which will expand the authority, options, and flexibility of the City to act to meet the needs and problems of local government.

5. If this measure could be amended to either improve its favorable aspects or to minimize its adverse aspects, which amendments would you propose?

N/A

6. List known support or opposition to this measure by groups with which you are familiar and include addresses and phone numbers, if known. League of California Cities position:

Support: League of California Cities

7. Does this bill involve a State-mandated local program? If so, does the bill contain a State-mandated waiver, or an appropriation for allocation and disbursement to local agencies pursuant to Revenue and Taxation Code Section 2231?

This bill relieves cities and counties of unfunded state mandates.

8. Using a rating scale of 1 to 10 (with 10 as the most important), how important do you think this bill is to the City of Sacramento? 9

FORM COMPLETED BY: Diane B. Balter, Deputy City Attorney DATE: 2/9/94

RECOMMENDATION APPROVED:
DAVID MARTINEZ, Deputy City Manager

AMENDED IN ASSEMBLY SEPTEMBER 8, 1993

AMENDED IN SENATE JULY 13, 1993

AMENDED IN SENATE JUNE 28, 1993

AMENDED IN SENATE JUNE 14, 1993

SENATE BILL No. 1254

Introduced by Senator Ayala
(Principal coauthor: Assembly Member Aguiar)
(Coauthor: Senators Leonard, Leslie, Maddy, Presley, Russell, and Wyman)
(Coauthor: Assembly Members Andal, Boland, Bowler, Ferguson, Goldsmith, Harvey, Haynes, Johnson, Knowles, and Rainey)

May 26, 1993

An act relating to state-mandated local programs, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1254, as amended, Ayala. State-mandated local programs.

Existing law requires the state to reimburse local agencies and school districts for the costs of state-mandated local programs.

This bill would provide that all state-mandated local programs, with specified exceptions, enacted after January 1, 1975, are inoperative unless fully funded by the state. It would authorize local governments to implement those programs with their own resources.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ⅔. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1   SECTION 1. Notwithstanding any other provision of
2 law, unless fully funded by the state, all state-mandated
3 local programs enacted after January 1, 1975, are
4 inoperative.
5   This section does not apply to:
6   (a) Legislative mandates requested by the local
7 agency affected.
8   (b) Legislation defining a new crime or changing an
9 existing definition of a crime.
10   (c) Legislative mandates enacted on or after January
11 1, 1975, or executive orders or regulations initially
12 implementing legislation enacted on or after January 1,
13 1975, that affect legislative mandates, executive orders, or
14 regulations implementing legislation that were enacted
15 or issued prior to January 1, 1975.
16   (d) Mandates imposed by the federal government.
17   *(e) Section 54954.6 of the Government Code.*
18   SEC. 2. Notwithstanding Section 1 of this act, local
19 governments may implement those programs with their
20 own resources should full state funding not be provided.
21   SEC. 3. This act is an urgency statute necessary for
22 the immediate preservation of the public peace, health,
23 or safety within the meaning of Article IV of the
24 Constitution and shall go into immediate effect. The facts
25 constituting the necessity are:
26   In order to resolve the state's financial emergency as
27 soon as possible, it is necessary that this act take effect
28 immediately.

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