

S. Joseph Simitian, Chair
Jean Fuller
Alan Lowenthal



OUTCOMES

Wednesday, April 11, 2012
2:30 pm or upon adjournment of Rules Committee
Hearing Room 2040

Consultant: Catherine Freeman

Departments Proposed for Vote-Only

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Resources—Environmental Protection—Energy—Transportation

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ITEMS PROPOSED FOR VOTE-ONLY**3640 Wildlife Conservation Board**

1. **Baseline Funding and Budget Bill Language.** The board requests authority for continued baseline programs including:
 - a. Minor Capital Outlay (\$1.0 million, Wildlife Restoration Fund).
 - b. Wildlife Protection Act of 1990 (\$21 million, Habitat Conservation Fund).
 - c. Reappropriation, Wildlife Protection Act of 1990 (\$5 million, Habitat Conservation Fund).
 - d. Proposition 12 Support Baseline Removal (fund shift from Proposition 12 funds to Wildlife Restoration Fund due to fully expended bond funds).

3340 California Conservation Corps

2. **Vehicle Replacement Plan.** Request for \$2.0 million (one-time augmentation) and reappropriation of the balance from previous years (Collins Dugan Reimbursement Account) to fund replacement of crew-carrying vehicles and vans in order to meet health and safety requirements.
3. **Baseline Proposition 84 Augmentations.** Request for \$475,000 of one-time augmentations for Proposition 84 appropriations. This represents the balance of respective allocations as authorized by Proposition 84 bond funds.

3720 California Coastal Commission

4. **Coastal and Marine Education Whale Tail License Plate Program.** Request for a one-year augmentation to increase the Coastal Commission's local assistance to \$798,000, an increase of \$257,000 over the current year. Expenditures and revenues in this account are subject to sales of the Whale Tail License Plate and fluctuate annually.

3760 State Coastal Conservancy

5. **Reversions and Reappropriations.** Request for various reversions and reappropriations from Propositions 12, 40, 50 and 84. As discussed in previous years, the Conservancy budget will shift in the forthcoming years to utilize remaining bond funds for program activities. These reversions, reappropriations and appropriations anew are consistent with the Conservancy's overall capital and administrative programs.
6. **Public Access.** Request for \$950,000 (\$5,000 from the Coastal Access Account and \$450,000 from the California Beach and Coastal Enhancement Account) to continue implementation of the Conservancy's Public Access, Education and related programs.

3810 Santa Monica Mountains Conservancy

7. **Reversions and Reappropriations.** Request for baseline funding shift (\$65,000) from Proposition 13 to Proposition 84, and a corresponding reversion of up to \$75,670 from these funds.
8. **Baseline Capital Outlay, Local Assistance and Reappropriations.** Request for appropriation of \$1 million (Santa Monica Mountains Conservancy Fund) for continuing capital programs. Funds are the proceeds of donations, settlements, bequests and mitigation fees which are subject to appropriation. Request for reappropriation of bond funds from 2007 to allow for completion of ongoing projects.

3825 San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy

9. **Capital Outlay Baseline Expenditure Plan, Reversions, and Reappropriations.** Request for reversion of \$222,000 from Proposition 40, increase of dedicated \$468,000 from Proposition 50, and reappropriation of Proposition 40 and 84 bond funds to continue the baseline capital outlay expenditure plan at the Conservancy.

3850 Coachella Valley Mountains Conservancy

10. **Proposition 84 Reversion.** Request for two reversions totaling \$239,000 from two years to avoid a negative fund balance and allow oversight on Capital Outlay projects for Proposition 84 that are consistent with the Natural Communities Conservation Plan (NCCP) lands in Coachella Valley through 2015-16.

3855 Sierra Nevada Conservancy

11. **Proposition 84 Grant Program Re-Appropriation.** Request of unencumbered balance of 2009 Proposition 84 bond funds. Funds will be used for award grants and cooperative agreements to government agencies, eligible non-profit organizations, and tribal organizations consistent with the mission of the Conservancy.

7300 Agriculture Labor Relations Board

12. **General Counsel Staff Augmentation for Unfair Labor Practices Workload.** Request for four positions and \$500,000 (Labor and Workforce Development Fund) to improve timeliness in investigating and adjudicating potential unfair labor practice violations. The proposal would add two attorneys and two clerical positions to a current authorized staff of 39.4 position years.

Recommendation: APPROVE Items 1-12

Vote: Approve Items 3, 4, 11: (3-0)

Approve Items (all remaining) 1, 2, 5-9, 10, 12: (2-1, Fuller)

ITEMS PROPOSED FOR DISCUSSION**3600 Department of Fish and Game**

The Department of Fish and Game (DFG) administers programs and enforces laws pertaining to the fish, wildlife, and natural resources of the state. The Fish and Game Commission sets policies to guide the department in its activities and regulates fishing and hunting. The DFG currently manages about 850,000 acres including ecological reserves, wildlife management areas, hatcheries, and public access areas throughout the state.

Governor's Budget. The Governor's Budget includes \$391 million and 2,466 positions for the Department, which represents an overall decrease of \$113 million from the 2011-12 budget. Decreases in funding are largely due to reductions in bond expenditures (\$89 million).

Items Proposed for Vote-Only

- 1. Interoperable Narrowband Radio Infrastructure Modernization.** Request for \$1.5 million (Environmental License Plate Fund) to complete the implementation and maintenance of the Department's in order to adhere to Federal Communications Commission requirements to migrate to Narrowband Radio by January 2013.
- 2. Water Measuring Devices.** Request for \$500,000 from the Fish and Game Preservation Fund (Non-Dedicated) to conduct a one-time assessment to ascertain the number and types of measurement devices that would be needed to comply with the water diversion measurements mandated by Chapter 2, Statutes of 2009 (SBx7 8). This request also refines the cost estimate for funding a subsequent phased plan for the purchase, installation, and maintenance of new infrastructure in a more cost-effective manner.
- 3. Increase in Federal Trust Fund Authority.** Request for an ongoing augmentation of \$6.7 million from the Federal Trust Fund for the Fisheries Restoration Grant and Law Enforcement Hunter Education programs. The funding is consistent with the federal funding authority.
- 4. SB 369: Dungeness Crab.** Request for an ongoing augmentation of \$702,000 and one position from the Dungeness Crab Account to implement Chapter 335, Statutes of 2011 (SB 369, Evans). The request includes funding for staff and equipment, including the purchase of crab tags.

Recommendation: APPROVE Items 1-4

Vote: Approve as budgeted: (3-0)

ITEM PROPOSED FOR DISCUSSION**1. Advisory Group Eliminations—Trailer Bill Language**

Background. The Governor's budget proposes to eliminate various entities within the department including:

- Salton Sea Restoration Council
- California Advisory Committee on Salmon and Steelhead Trout
- Commercial Salmon Review Board
- State Interagency Oil Spill Committee
- State Interagency Oil Spill Review Subcommittee
- Abalone Advisory Committee

These advisory groups provide public input and guidance to the Department in various program areas. In some cases these advisory groups may be duplicative of more recently established entities. According to the administration, the information provided by these entities is either no longer useful or can be provided through other means.

Staff Comments. The Legislature heard these issues in 2011 but did not act on the eliminations. Staff have concerns with the manner in which the trailer bill treats the abolishment of these advisory groups. For example the Commercial Salmon Review Board has a review and appellate function on commercial salmon issues. Abolishing the board may be a prudent action, however the functions of the board should be transferred to the Fish and Game Commission.

Staff Recommendation: HOLD OPEN Trailer Bill Language. Direct the administration to review the proposed eliminations for statutory functions that may be transferred to the Fish and Game Commission and return with a more comprehensive proposal.

Vote: **REJECT Governor's Proposal (2-1, Fuller)**

Clarification—the Governor's proposal included three committees that were already eliminated by the Legislature. However, they were resubmitted without any explanation. The subcommittee's action to reject the Governor's proposal does not impact past legislative actions, but rather rejects this proposal in its entirety as it was not complete or vetted.

2. Oil Spill Prevention and Response

Background. The Governor proposes the addition of 16 permanent positions in 2012-13 and funding of \$2.9 million in the budget year (\$2.0 million ongoing) from the Oil Spill Prevention and Administrative Fund (OSPAF). These positions are requested to implement Chapter 583, Statutes of 2011 (AB 1112, Huffman) that establishes a three-year risk-based monitoring program for inspecting vessels that are loading and unloading fuel in California waters. Currently the main source of revenue for OSPAF is a fee levied on each barrel of oil delivered through marine terminals or through pipelines that are operated through marine waters of the state. Chapter 583 increased the per-barrel fee from \$0.05 to \$0.065 to implement this program.

LAO Analysis: Both the fee increase and the requirement to conduct risk-based monitoring of fuel transfers expire on January 1, 2015, unless extended by statute prior to that date. At that time, there will no longer be a need for the positions to administer the program and the funding source for these positions will no longer exist. The LAO recommends the Legislature approve the positions on a three-year limited-term basis in order to align position authority with the statute's expiration.

Staff Comments. Staff concurs with the LAO Analysis.

Staff Recommendation. APPROVE budget proposal with 3-year limited-term positions.

Vote: Approve budget proposal with 3-year limited term positions. (2-1, Fuller)

3. ABx1 13: Renewable Energy Projects Permitting

Background. The Governor requests authority to establish four positions to complete land transaction for advanced mitigation in support of renewable energy development in the Interim Mitigation Strategy (IMS) program associated with the Desert Conservation Renewable Energy Program. A change in statute expanded the types of mitigation allowable in this program to include not only solar but also wind and geothermal projects as well. This will increase the number of projects participating in the IMS as will the number of new renewable projects. Funding is provided through (1) an appropriation from the non-dedicated Fish and Game preservation fund and (2) fees paid by project applicants.

Staff Comments. Staff have no concerns with the proposal itself but have questions about ongoing funding from the non-dedicated Fish and Game Preservation Fund (FGPF) for this program. Non-dedicated FGPF can be used for multiple statutory priorities at the department of which the Desert Conservation Renewable Energy Program is one. One of the goals of the Governor's proposed Cap and Trade auction revenues is to assist with the development of renewable energy projects. It would seem prudent to approve the proposal as budgeted, and to request the department return next year with a plan to redirect FGPF to other priorities while backfilling any renewable energy activities with Cap and Trade auction revenue funding.

Staff Recommendation. (1) APPROVE as budgeted. (2) APPROVE budget bill language requiring the department on or before January 10, 2012, to present the Legislature with a plan to redirect FGPF to other priorities while backfilling any renewable energy activities with Cap and Trade Funding.

Vote:

(1) Approve as budgeted (2-0, Fuller not voting)

(2) Approve BBL in staff recommendation (due January 10, 2013). (2-1, Fuller)

4. Timber Harvest Plan Review

Background. The Governor's January budget references a request to work with the Legislature to craft a more comprehensive Timber Harvest Plan Review process in statute. This issue has been on the table for more than 5 years and there is some thought that a final solution is close at hand.

Previous administrations have reduced budgets for activities that support healthy fisheries, including Timber Harvest Plan review. This includes the complete removal of permitting review and appropriate environmental review staff for Timber Harvest Plans at the Department for the Central Sierra Nevada.

Previous Budget Actions. In 2011, the Legislature approved the following budget bill language from the Hatcheries and Inland Fisheries Fund (HIFF) which was intended to promote healthy fisheries in the state:

- \$1.5 million for Timber Harvest Planning activities that impact fisheries for 2011-12 and 2012-13 including the following budget bill language:

"Notwithstanding Section 13007 of the Fish and Game Code (AB 7), one million five hundred thousand dollars (\$1,500,000) shall be allocated by the department for Timber Harvest Plan (THP) review required under the California Environmental Quality Act (CEQA) functional equivalent certification to evaluate and mitigate the potential adverse impacts of timber operations on the public trust fish and wildlife resources of the state, including, but not limited to, salmonid fisheries."

The Governor vetoed the language on the advice that this would jeopardize federal funding for fish and game activities. However, upon further review, the federal government has indicated it has no issues with this proposed language nor would withdraw any funding should the Legislature approve this proposal.

Staff Comment. It is important to provide adequate review of Timber Harvest Plans throughout the state, not just in selected watersheds. This proposal will allow the department interim funding while a new Timber Harvest Plan funding proposal moves through the policy and budgeting process in the next 14 months.

Recommendation. Approve \$1.5 million and budget bill language on a one-time basis.

Vote: HOLD OPEN

5. Ocean Data Projects—Statewide Conformity

Background. The Department of Fish and Game (DFG) has developed the Biogeographic Information and Observation System (BIOS) with baseline budget authority. BIOS serves terrestrial biological data to DFG scientists and analysts, other resource managers, and research institutions. Within its existing budget authority, DFG is updating and expanding BIOS to host data gathered for the Marine Life Protection Act (MLPA) initiative and its other marine resource management activities to create “Marine BIOS” data portal.

The Ocean Protection Council (OPC), located in the State Coastal Conservancy, proposes to develop and operate an inter-agency “geoportal” that provides easy, internet based access to California’s coastal and ocean geospatial data in particular for data related to the MLPA.

In discussions between state agencies, DFG has suggested that the Ocean Protection Council scale back or abandon its proposal and invest in the DFG Marine BIOS system. In return, OPC has suggested that the project would not be comprehensive enough for the breadth of data and information OPC is proposing to develop.

Staff Comments. Having reviewed the respective proposals there is merit to both sides of the issue. It is clear the OPC data portal will be more extensive and broad. However, there is a clear duplication of effort here that should be addressed. First and foremost, developing data systems or Geographic Information Systems that compete with other state agency projects is not in the best interest of the state.

Staff recommends the following trailer bill language:

The Ocean Protection Council shall enter into a memorandum of understanding with and between the relevant departments, boards, commissions, and conservancies within the California Natural Resources Agency; the State Water Resources Control Board; and the California Technology Agency for the purposes of establishing a single web-based, publicly accessible portal for viewing, exchanging, and disseminating scientific and geospatial information about California’s ocean and coast. The memorandum shall focus on coordinating the efforts of state agencies, but may provide for the participation of non-state entities including federal agencies, institutions of higher education, and non-governmental organizations with relevant expertise. The memorandum shall not adversely affect any California entity’s authority to conduct independent data management activities or to develop data viewing or exchange tools for specialized applications or internal use.

Recommendation: APPROVE Trailer Bill Language

VOTE: Approve TBL (2-1, Fuller)

3110 Tahoe Regional Planning Agency 3125 California Tahoe Conservancy

Joint Issue—Lake Tahoe Environmental Improvement Program and Land Use Planning in the Tahoe Basin

Background. The Tahoe Environmental Improvement Program (EIP), a collaboration of over 50 state, federal, academic, local, and private interests, is a capital improvement program designed to achieve environmental standards in the Lake Tahoe basin. Program implementation began in 1997. Over a 20-year period, the program is estimated to cost approximately \$1.5 billion.

The Lake Tahoe region has experienced environmental degradation for the past 100 years, most notably in the lake's water clarity and the health of the basin's forest lands. The lake's water clarity—which reflects water quality—has become the primary measure of the basin's environmental health.

To counter this degradation, the Tahoe Environmental Improvement Program (EIP) was established in 1997. The Tahoe EIP is a 20-year capital improvement program involving multiple state, federal, local, academic, and private entities. In 1997, the state signed memoranda of agreement with the federal government, Nevada, the Washoe Tribe, and the Tahoe Regional Planning Agency (TRPA) committing to implement and fund the Tahoe EIP. Over 50 entities are involved in implementing the program including the primary state agencies—the California Tahoe Conservancy and the Tahoe Regional Planning Agency (TRPA), a joint regional planning agency co-funded by the State of Nevada.

State-Level Coordination (Tahoe Conservancy). The California Tahoe Conservancy (CTC) responded to the subcommittee's 2011 request to report on state agency coordination in the basin, updates on the EIP, and development of a Sustainable Communities Strategy. They have raised the following issues as future priorities for the subcommittee's consideration:

1. Establish and maintain a Tahoe Team, an interagency group composed of all California agencies that have significant responsibilities in the Tahoe Basin, to coordinate and prioritize activities;
2. Complete and adopt the draft EIP Implementation Framework, a comprehensive management system and organizational structure for the federal, state, and local agencies involved in the EIP;
3. Develop a collaborative and comprehensive strategy to meet our water quality goals in the Basin including, but not limited to, implementation of the recently adopted Total Maximum Daily Load (TMDL) requirement;
4. Develop a "Complete Streets" funding and implementation strategy to further the development of a transportation system that provides for all users. This requires work

both at the state level and in negotiations with the federal government over funding designations for transportation dollars;

5. Complete a series of land exchanges among the federal, state, and local agencies in the Basin to streamline land management activities and expenses; and,
6. Maintain progress with partners in developing a Sustainability Plan and Sustainable Communities Strategy to provide a framework, together with the forthcoming TRPA Regional Plan, for improving and revitalizing the Tahoe Basin's Environment and economy.

Regional Plan Update (TRPA). The TRPA is currently in the process of finalizing its draft 2012 Regional Plan Update as required by both the interstate compact and state legislation in Nevada and has delayed the release of this document from prior to the budget hearing to after April 11. The agency's efforts come amidst concern about whether or not the Tahoe Compact's environmental thresholds (such as water clarity) will be met by efforts in the basin. This plan update is intended to respond to budget bill language adopted by the Legislature requiring TRPA to adopt a strategy for a Regional Plan Update that, to the maximum extent practicable, provides for attainment of the environmental thresholds.

The TRPA is also required to, in coordination with the California Natural Resource Agency and the Nevada Department of Conservation and Natural Resources, report on its progress in developing and adopting a five-year evaluation report, including peer review coordinated by the Tahoe Science Consortium, on the status of TRPA's environmental threshold carrying capacities.

Interstate Negotiations. In a recently enacted law (SB 271, Lee), the state of Nevada has threatened to withdraw from the Tahoe Compact unless the governing body of the TRPA adopts an updated Regional Plan and certain proposed amendments to the Compact including changes to the voting structure, considerations for the regional plan, and other items. In response to this, the Legislature has appointed a team of six legislators from the Senate and Assembly to provide assistance and oversight as negotiations with Nevada continue. In addition, constructive discussions are ongoing between the two state's respective Resources Agencies. There is a possibility that there will be a meeting set up over the summer or during the annual Tahoe Environmental Summit that brings together state, federal, and local public agencies to discuss matters of the Basin.

Presentations:

Overview of Tahoe Issues	Lia Moore, Legislative Analyst's Office
Update on State Basin Coordination	Patrick Wright, California Tahoe Conservancy
Local and Regional Basin Issues	City of South Lake Tahoe, Tahoe Transportation District, Tahoe Fund, Tahoe Partnership)
TRPA Regional Plan and Threshold Evaluation	Joanne Marchetta, TRPA Maureen McCarthy, Tahoe Science Consortium

Staff Comments. Both the Conservancy and TRPA have met with Senate staff to discuss their accomplishments regarding their efforts to meet the requirements of both budget and trailer bill language enacted in 2011. A great deal of progress has been made since the subcommittee heard these issues last year including in-state coordination issues, communication between states, narrowing down of transportation issues in the basin, and drafting of the Regional Plan and threshold evaluation report.

As the agencies move into the budget year, more can be done to continue the efforts by California in the basin. Specific recommendations coming from the state-level coordinating group merit legislative follow-up including those related to the implementation of the TMDL and pursuit of a land exchange in the basin. In order to preserve the state's interest in the bi-state compact, the subcommittee may wish to consider language to require TRPA to meet various standards of review for the Regional Plan Update and threshold evaluation report. In addition, since California contributes more than half of the TRPA budget, it would be appropriate that the state consider budget actions that would ensure the Regional Plan is consistent with the bi-state compact in order to preserve the integrity of the compact.

Recommendation: Adopt budget bill and trailer bill language to respond to panel issues.

Vote: HOLD OPEN, subcommittee informally directed staff to work on budget bill language and trailer bill language for a future subcommittee hearing.

8885 Commission on State Mandates

The Commission on State Mandates is charged with the duties of examining claims and determining if local agencies and school districts are entitled to reimbursement for increased costs for carrying out activities mandated by the State.

Mandate Overview

Process of Mandate Determination. Since the passage of Proposition 4 in 1979, the California Constitution generally requires the State to reimburse local governments when it mandates that they provide a new program or higher level of service. Activities or services required by the Constitution are not considered reimbursable mandates. State law assigns to COSM the authority to resolve disputes over the existence of state mandates and develop methodologies called parameters and guidelines (Ps&Gs) that local governments follow to calculate the amount they may claim as reimbursement.

Determining whether a particular requirement is a state mandated local program and the process by which the reimbursable cost is determined is an extensive, time-consuming, and multi-stage process. State and local officials have expressed significant concerns about the mandate determination process, especially its length and the complexity of the reimbursement claiming methodologies. Once the determination is made that an activity is a reimbursable mandate, the local government submits a mandate claim to the State Controller's Office.

Time Delays and Issues. According to an LAO review a few years ago, it took the Commission over five years to complete the mandate determination process for a successful local government test claimant. A review of new mandates claims by the LAO found that the Commission took almost three years from the date a test claim was filed to render a decision as to the existence of a state-reimbursable mandate. The Commission took more than another year to adopt the mandate's claiming methodology, or Ps&Gs, and almost another year to estimate its costs and report the mandate to the Legislature. Efforts to streamline the process since this report was conducted may have led to some reduction in the duration of the process.

This lengthy period presents several difficulties, among the most important are:

- Local governments must carry out the mandated requirements without reimbursements for a period of some years, plus any additional time associated with development of the mandate test claim, appropriation of reimbursement funds and the issuance of checks.
- State mandate liabilities accumulate during the determination period and make the amount of state costs reported to the Legislature higher than they would be with an expedited process. Policy review of mandates is hindered because the Legislature receives cost information years after the debate regarding its imposition.

In addition to the delays that characterize the review and determination process, there are other significant issues. On the cost determination side, since most mandates relate to expanding

existing programs (rather than instituting completely new ones), local governments have difficulty in measuring the marginal costs. The complexity of the claiming methodologies means that local governments' claimed costs frequently are not supported by source documents showing the validity of such costs or are not allowable under the mandate's reimbursement methodology. Accordingly, the State Controller's Office has disallowed a significant number of all reimbursement claims over the last few years, leading to appeals and more uncertainty and mounting bills.

The problems identified above are not new and the Legislature has taken steps to address them over the last few years. However, simply because the mandate process is currently unwieldy, results in delays, and can pose unexpected costs for the budget, does not alter the underlying principle of imposing and paying for required activities that serve important public policy purposes. Legislative priorities should continue to inform the process of proposing, evaluating, and taking action regarding requirements imposed on local governments.

Mandate Status and Options. Once a required activity or expanded activity imposed on local governments has been determined to be a mandate, the State still has some options regarding the actual funding of this mandate.

- **Fund the Mandate.** If the State chooses to keep the mandate in force, it must fund the mandate – the State is required to pay for all unpaid bills submitted since 2003 up through the most current year of cost approval.
- **Suspend the Mandate.** Suspension of a mandate through the budget process keeps the mandate on the books, but absolves the local government of responsibility of providing the service in that budget year and relieves the State of paying the cost of the service.
- **Repeal the Mandate.** To permanently end new State costs, statute can be amended to remove the mandate requirements from law or make them permissive.

Proposition 1A, adopted by the voters in 2004, requires the Legislature - in any given year - to either fund mandates and appropriate funds for payment, or suspend or repeal the mandate. Two mandates were exempt from this requirement, allowing them to remain in place even without funding. These two mandates are Peace Officer Procedural Bill of Rights (POBAR) and Local Government Employee Relations mandate. These mandates have continued and reimbursable costs due local governments are continuing to accrue. Proposition 1A also requires the Legislature to pay all pre-2004 mandate claims over a period of time. The State owes local agencies in excess of \$1 billion in unpaid mandate costs. A portion of these costs is scheduled to be paid by 2021, while other costs have no payment schedule in place.

In recent decades, the Legislature has suspended numerous mandates as a form of budget relief. In the current year, some 60 mandates have been suspended. A large number of the suspensions occurred during the current period of budget difficulties, although some suspensions go back to 1990. Some have been suspended immediately after COSM reported their costs to the Legislature. Overall, the Governor's Budget for 2012-13 scores General Fund saving of \$828.3 million from repeal, suspension, or payment deferral for mandates.

1. Mandate Trailer Bill

Mandates Proposed for Elimination (Trailer Bill Language). As part of the January Budget, the Administration proposed statutory change to repeal certain local government mandates. The Administration indicates that consistent with its approach to streamline government and add local discretion and flexibility, mandates were looked at individually to determine the best candidates for repeal. Generally, those slated for repeal are mandates that have been suspended for two years or more and where the required activity might be considered a best practice and might continue even if the mandate is removed. In addition, the cost of the mandate was also a selection factor. Budget savings can be achieved either through permanent repeal or through a one-year suspension in the annual budget act - annual suspension has been the past practice for these mandates.

The following mandates proposed for repeal are under this budget subcommittee's jurisdiction and will be discussed individually.

Mandates Proposed for Repeal *in Statute*

Mandate	Description and DOF Rationale	Initial Year of Suspense	Cost
Airport Land Use Commissions/ Plans	Requires counties with an airport to establish an airport and use commission or designate alternative procedures to accomplish airport land use planning. Repeal because this should be determined by local government priorities.	2005	\$1.5 million (special fund)
SIDS Training for Firefighters	Requires local agencies to provide training and instruction to new and veteran firefighters on Sudden Infant Death Syndrome. Repeal because this should be standard operating procedure.	2003	\$0
Local Coastal Plans	Requires local agencies that have land within the coastal zone to prepare a local coastal plan that outlines how the 1976 California Coastal Act is implemented on a local level. Repeal because most agencies already have prepared plans or must prepare a plan in order to issue permits.	1993	\$0
Animal Adoption	Increases the holding period for stray and abandoned dogs, cats, and other specified animals from three days to four to six days. Repeal because local governments should determine how long to care for certain animals.	2009	\$46 million (General Fund)

Mandates Proposed for Repeal *by Regulation* (no Legislative action requested)

Mandate	Description and DOF Rationale	Initial Year of Suspense	Cost
Personal Safety Alarm Devices for Firefighters	Requires local fire departments to have a personal alarm device for each of its firefighters to be used in conjunction with a self-contained breathing apparatus. Repeal because this should now be standard operating procedure.	1990	\$0

Staff Comments: The question before this budget Subcommittee is whether or not to accept the trailer bill repealing the mandates. The Governor's budget (default) is to suspend these mandates as is now common practice. This action will be taken up by the Budget Subcommittee #4 on May 10.

Repeal of a mandate permanently provides local governments the discretion on the decision of whether to perform the activity. In some cases, locals may continue the activity uninterrupted if the mandate is repealed. In other cases, the function or activity may cease. For each mandate, the Legislature may want to weigh the risk of the activity ceasing versus the budget savings. Additionally, the Legislature may consider if restoring funding for these mandates would be a high priority in better economic times.

For many of these mandates, there is considerable interest in maintaining the mandates in statute, even if they must be suspended to achieve short-term budget savings. In the case of the animal adoption mandate, there are ongoing and active discussions among state legislators, the animal shelter community and other groups regarding steps to address the state concerns but alter the law in a manner that would be more cost effective. In the case of the two planning mandates, there is concern that repeal would degrade planning activity and result in adverse environmental impacts and increased safety risks.

Recommendation. Reject Trailer Bill.

VOTE: REJECT TRAILER BILL (3-0)