

**ASSEMBLY BILL**

**No. 2176**

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**Introduced by Assembly Member Niello**

February 21, 2006

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An act to amend Section 17556 of the Government Code, relating to state mandates.

LEGISLATIVE COUNSEL'S DIGEST

AB 2176, as introduced, Niello. State mandates.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions require the Commission on State Mandates to make that reimbursement according to specified procedures and direct the commission not to provide reimbursement if, after a hearing, it makes specified findings.

This bill would make a technical, nonsubstantive change to these provisions.

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

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

- 1 SECTION 1. Section 17556 of the Government Code is
- 2 amended to read:
- 3 17556. The commission shall not find costs mandated by the
- 4 state, as defined in Section 17514, in any claim submitted by a
- 5 local agency or school district, if, after a hearing, the commission
- 6 finds ~~that~~ *any of the following*:
- 7 (a) The claim is submitted by a local agency or school district
- 8 that requested legislative authority for that local agency or school

1 district to implement the program specified in the statute, and  
2 that statute imposes costs upon that local agency or school  
3 district requesting the legislative authority. A resolution from the  
4 governing body or a letter from a delegated representative of the  
5 governing body of a local agency or school district that requests  
6 authorization for that local agency or school district to implement  
7 a given program shall constitute a request within the meaning of  
8 this paragraph.

9 (b) The statute or executive order affirmed for the state a  
10 mandate that had been declared existing law or regulation by  
11 action of the courts.

12 (c) The statute or executive order imposes a requirement that  
13 is mandated by a federal law or regulation and results in costs  
14 mandated by the federal government, unless the statute or  
15 executive order mandates costs that exceed the mandate in that  
16 federal law or regulation. This subdivision applies regardless of  
17 whether the federal law or regulation was enacted or adopted  
18 prior to or after the date on which the state statute or executive  
19 order was enacted or issued.

20 (d) The local agency or school district has the authority to levy  
21 service charges, fees, or assessments sufficient to pay for the  
22 mandated program or increased level of service.

23 (e) The statute, executive order, or an appropriation in a  
24 Budget Act or other bill provides for offsetting savings to local  
25 agencies or school districts that result in no net costs to the local  
26 agencies or school districts, or includes additional revenue that  
27 was specifically intended to fund the costs of the state mandate in  
28 an amount sufficient to fund the cost of the state mandate.

29 (f) The statute or executive order imposes duties that are  
30 necessary to implement, reasonably within the scope of, or  
31 expressly included in a ballot measure approved by the voters in  
32 a statewide or local election. This subdivision applies regardless  
33 of whether the statute or executive order was enacted or adopted  
34 before or after the date on which the ballot measure was  
35 approved by the voters.

36 (g) The statute created a new crime or infraction, eliminated a  
37 crime or infraction, or changed the penalty for a crime or

- 1 infraction, but only for that portion of the statute relating directly
- 2 to the enforcement of the crime or infraction.

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