

**ASSEMBLY BILL**

**No. 2028**

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**Introduced by Assembly Member Knight**

February 23, 2012

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An act to add Section 17582 to the Government Code, relating to state-mandated local costs.

LEGISLATIVE COUNSEL'S DIGEST

AB 2028, as introduced, Knight. State-mandated local costs.

Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on any local government, including a school district and a community college district, the state is required to provide a subvention of funds to reimburse the local government, with specified exceptions. Existing law provides that a local agency, including a school district or community college district, is not required to implement or give effect to any statute or executive order, or portion thereof, that imposes a mandate during any fiscal year and for the period immediately following that fiscal year for which the Budget Act has not been enacted for the subsequent fiscal year if specified conditions are met, including that the statute or executive order, or portion thereof, has been specifically identified by the Legislature in the Budget Act for the fiscal year as being one for which reimbursement is not provided for that fiscal year. Existing law provides that only specified education mandates are subject to that provision.

This bill would provide if the Commission on State Mandates determines that a statute or portion of a statute, enacted on or after January 1, 2012, mandates a new program or higher level of service requiring the reimbursement of school districts or community college districts, school districts or community college districts are not required

to implement or give effect to the statute, or a portion of the statute, unless the Controller certifies to the State Department of Education and the Chancellor of Community Colleges that the Budget Act for that fiscal year includes the amount necessary to reimburse school districts and community college districts, as specified. The bill would require the department and Chancellor to notify school districts and community college districts of the statutes, or portions of statutes, that are not required to be implemented for that fiscal year.

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

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

1 SECTION 1. Section 17582 is added to the Government Code,  
2 to read:  
3 17582. Commencing with the 2013–14 fiscal year, if the  
4 Commission on State Mandates determines that a statute or portion  
5 of a statute, enacted on or after January 1, 2012, mandates a new  
6 program or higher level of service requiring the reimbursement of  
7 school districts or community college districts pursuant to Section  
8 6 of Article XIII B of the California Constitution, a school district  
9 or community college district shall not be required to implement  
10 or give effect to the statute, or a portion of the statute, unless the  
11 Controller certifies to the State Department of Education and the  
12 Chancellor of the California Community Colleges within 15 days  
13 after the Budget Act is enacted that the Budget Act includes the  
14 full amount necessary to reimburse school districts and community  
15 college districts, as determined by the parameters and guidelines  
16 prepared by the commission regarding a particular statute or portion  
17 of a statute. Each fiscal year, within 15 days after notification by  
18 the Controller, the State Department of Education and the  
19 Chancellor of the California Community Colleges shall notify  
20 school districts and community college districts of the statutes, or  
21 portions of statutes, that are not required to be implemented for  
22 that fiscal year because the Budget Act as enacted does not include  
23 reimbursement funding.

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