# AGENDA ASSEMBLY BUDGET SUBCOMMITTE NO. 4 ON STATE ADMINISTRATION

# Assemblymember Rudy Bermudez, Chair

TUESDAY APRIL 8, 2003 STATE CAPITOL, ROOM 447 1:30 p.m.

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# 0520 SECRETARY FOR BUSINESS TRANSPORTATION AND HOUSING

The Secretary for Business Transportation and Housing (BTH) is a member of the Governor's cabinet and oversees the activities of the following 14 departments: Department of Alcoholic Beverage Control, Department of Financial Institutions; Department of Corporations; Department of Real Estate; Office of Real Estate Appraisers; Department of Housing and Community Development; California Housing Finance Agency; Department of Managed Health Care; Office of Patient Advocate; Department of the California Highway Patrol; Department of Motor Vehicles; Department of Transportation; Office of Traffic Safety, and Stephen P. Teale Data Center.

	2001-02	2002-03	2003-04
All Funds	\$2,567	\$2,718	\$87,715
General Fund	-	-	-
Motor Vehicle Account State Transportation Fund	\$887	\$994	\$1,337
Federal Trust Fund	-	-	84,306
Reimbursements	1,680	1,724	1,728

# ISSUE 1: LAO RECOMMENDATION – MINIMAL EFFICIENCIES FROM CONSOLIDATION

The Budget is proposing to consolidate the Office of Traffic and Safety (OTS) with the Secretary of Business Transportation and Housing (BTH). The OTS: administers the California Traffic Safety program, which develops the California Highway Safety Plan; administers funds to state and local governments in the form of project grants; and coordinates statewide traffic safety programs and activities.

It is the opinion of the LAO that greater efficiencies in terms of staff savings could have been attained through the consolidation of OTS into the Business, Transportation and Housing (BTH) Agency.

Since the release of the Governor's budget, BTH has identified the following savings related to the consolidation:

	Total Savings	MVA Impact	Savings Redirected to
			Grants
CHP Contract	\$76,823	\$76,823	0
Reclassification of SSM I	\$86,376	\$24,773	\$61,603
positions			
Accountant I	\$-39,840	\$-39,840	0
Interagency Agreement	\$10,000	\$2,868	\$7,132
Caltrans			
Totals	\$133,359	\$64,624	\$68,735

# 0520 SECRETARY FOR BUSINESS TRANSPORTATION AND HOUSING

(Continued)

The Agency has also responded that the following benefits are also associated with the consolidation:

- The ability to highlight the visibility of the traffic safety program that is designed to reduce deaths, injuries and property damage that result from traffic accidents.
- Promote collaborative efforts of the Departments of Transportation, Motor Vehicles and California Highway Patrol, Alcoholic Beverage Control, and Housing and Community Development such as pedestrian and bicycle safety, motorcycle safety, driving under the influence, student binge drinking etc.

While the historical role of the BTH is that of departmental oversight and policy direction, the consolidation of OTS gives the agency direct programmatic control, thus altering the fundamental scope of their duties. The Subcommittee should consider whether the proposed savings justify this fundamental shift in the role of the Secretary of Business Transportation and Housing.

# 0520 SECRETARY FOR BUSINESS TRANSPORTATION AND HOUSING

# ISSUE 2: LAO RECOMMENDATION: WORKLOAD JUSTIFICATION FOR BORROWED STAFF

The LAO has identified that the agency has expanded it's staffing by "borrowing" 16 positions from other agencies. The agency is authorized 22 staff positions, however, the actual staffing level is much greater at 35.

Current law allows departments to loan positions to each other on a short-term basis under special circumstances. However, the LAO has cited BTH has consistently borrowed these positions (increasing their staffing by almost 60 percent) for several years. These increases in staffing were not authorized by the Legislature.

COMMENTS:	
COMMENTS:	

The Agency has reported that of the 16 positions identified in the LAO recommendation, it has returned eight to their budgeted departments. Of those eight positions that remain "borrowed" from other state entities, six are exempt and two are civil service. The agency has also reported that none of the non-exempt positions that are being returned will be eliminated by their budgeted department.

The California Technology, Trade and Commerce Agency offers a variety of programs and services designed to encourage and promote economic development and investment within the state. Through its state funded programs and services, as well as its numerous public/private partnerships, the agency acts as a catalyst to help California firms succeed, whether in international trade, high technology, tourism, entertainment, or small business.

# PROPOSED BUDGET YEAR REDUCTIONS:

The Administration has proposed to substantially reduce General Fund (GF) support for the Technology Trade and Commerce Agency, eliminating (GF) support for technology grants for small businesses, small business development centers, the California Main Street Program, defense retention programs, state tourism promotion, economic research, and marketing and communications.

The Governor's proposed budget results in a 31 percent reduction from total current year spending – 53 percent reduction of (GF) expenditures.

The following table displays the Governor's Proposed Budget for the agency:

Technology, Trade, and Commerce Agency Expenditures All Funds Including Federal Funds (In Thousands)			
Program	2002-03	2003-04	
Infrastructure Bank	\$77,680	\$76,182	
Science, Technology, and Innovation Programs	763	131	
Film Commission and Film California First	10,972	11,212	
Tourism	8,141		
Manufacturing Technology Program	2,739		
California Technology Investment Partnership and Regional Technology Alliances	3,000		
Foreign Trade Offices	3,873	3,841	
Small Business Loan Guarantee Program	4,662	4,662	
Small Business Development Centers	\$2.4		
Office of Military Base Reuse and Retention	923		
Economic Research	883	188	
Contract, Grants and Loans Office	1,400	364	
Marketing and Communications	453		
Commission of the Californias	278	280	
Office of California-Mexico Affairs	241	242	
Other	40,402	11,966	
Totals	\$156,409	\$109,068	

#### REMAINING GENERAL FUND SUPPORT

The reductions proposed by the administration leave (GF) support for the programs shown below. The budget proposes \$21.9 million for these purposes in 2003-04. This request preserves small business loan guarantees, film permit subsidies, and foreign trade offices at or near current-year levels.

2003-04 Proposed General Fund Expenditures			
(In Thousands)			
Film California First Program (transfer from General Fund)	\$8,200		
Small business loan guarantee program			
(Transfer from General Fund)	4,662		
Foreign trade offices	3,841		
Film Commission	2,992		
Commission of the Californias	280		
Office of California-Mexico Affairs	242		
Other	1,706		
Total General Fund Support \$21			

# ISSUE 1: LAO RECOMMENDATION: ELIMINATION OF FILM CALIFORNIA FIRST AND THE FILM COMMISSION

Started in 2000-01, The Film California First program was created to promote the retention of film production within the state of California by offering reimbursements to film production companies for costs accrued while filming on public property. These reimbursements, which are capped at \$300,000, can be applied to costs for activities such as obtaining permits from local or state entities, the use of California Highway Patrol, State Firefighters, etc.

# COMMENTS:

The LAO analyzed 2001 program data on reimbursements and total reported filming costs. The LAO found that reimbursements covered about 0.2 percent of total production costs. For feature films, reimbursements covered 2.7 percent of total production costs for productions costing less than \$100,000 and 0.1 percent of production costs for \$50 million-plus blockbusters. The LAO states that reimbursing this small share of production costs would unlikely have a significant impact on retaining film productions in California. Other cost differences, such as labor costs, would likely have greater impacts on film location decisions.

#### The LAO is recommending:

The elimination of the Film California First program for a savings of \$8.2 million; The elimination of funding for three related positions in the film commission for a savings of \$300,000; and the reversion of \$2 million from unused current year funds to the (GF).

# ISSUE 2: LAO RECOMMENDATION: ELIMINATION OF FOREIGN TRADE OFFICES

The state operates trade offices in 12 locations around the world to promote California businesses within the global market. Seven foreign trade offices are staffed by state employees, while five other offices are staffed by contracted consultants. The budget proposes continued operation of all trade offices. Total funding was \$ 6.0 million in 2001-02, \$3.9 million in 2002-03 and \$3.8 million in the budget year. There was an unallocated reduction of \$2.0 million in the current year budget.

The LAO states that these offices have not demonstrated a clear impact on state exports or foreign investment in California. The LAO further cites that in past assessments, the agency has included the entire value of export and foreign investment agreements in which they played even a minor role. In some cases, the office may have merely provided a list of foreign companies potentially interested in a product developed by a California business. The agency counted the total value of a subsequent export agreement as attributable to the assistance of the trade office. The federal government and local trade organizations frequently provide opportunities and assistance.

# **Contract Foreign Trade Offices**.

The Governor's budget is proposing the closure of the five contract offices, however, the Department of Finance (DOF) submitted a Finance Letter on January 10 requesting \$480,000 for funding in 2003-04.

The following table displays current-year and proposed budget-year funding for these offices.

Contract Foreign Trade Offices (In thousands)				
2001-02 2002-03 2003-04				
Argentina	\$265	\$ 19	\$ 25	
Shanghai	270	85	140	
Singapore	200	56	100	
South Korea	261	87	150	
Israel	200	38	65	
Totals	\$1,196	\$285	\$480	

COMMENTS:
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The Agency should respond to:

- The effectiveness of the Contract Foreign Trade offices in promoting California businesses.
- How the functions of Contract Trade Offices differ from "State-Run" offices
- The state's ability to re-open contract trade offices once they have been closed.

The LAO recommends eliminating all funding for the contract foreign trade offices.

(Continued)

# "State-Run" Foreign Trade Offices.

Seven foreign trade offices are staffed by state employees. The table below shows funding by trade office from 2001-02 through 2003-04:

Foreign Trade Offices (In Thousands)			
	2001-02	2002-03	2003-04
Mexico	\$1,150	\$727	\$696
Hong Kong	829	587	538
Japan	1,009	684	636
United Kingdom	571	522	488
Germany	546	476	449
Taiwan	355	331	308
South Africa	355	261	246
Total	\$4,815	\$3,588	\$3,361

# COMMENTS:

The LAO recommends that the Legislature eliminate the seven state-staffed foreign trade offices for savings of up to \$3.4 million (GF).

The Agency should respond to:

 The effectiveness of State Run Trade offices versus Contract offices in promoting California businesses abroad.

# **ISSUE 3: TOURISM**

The Tourism Division promotes the state as a prime travel destination, supporting job development within the industry, working closely with the private, non-profit California Travel and Tourism Commission, with local, state and federal agencies. The state contributes \$7.5 million (GF) and the industry contributes \$6.8 million to develops marketing and promotional activities and campaigns to increase interest and visits to California destinations. Its activities include advertising, travel publicity development, visitor information production, trade development, and various types of industry research.

California is the number one travel destination in the United States. The tourism industry is California's fourth largest employer, employing more than one million Californians. The industry contends that it generates more than \$75 billion in direct spending in California and generates more than \$5 billion in state and local revenue.

The budget proposes to eliminate funding of \$7.5 million (GF) for the Agency's Tourism Division.

COMMENTS:	
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Upon the elimination of the state's funding of the tourism program, statute allows the tourism industry to reassess its involvement in the program. If the state eliminates support, the tourism industry has indicated that it is doubtful that the industry will continue its current financial commitment.

# ISSUE 4: LAO RECOMMENDATION:

CAL TIP GRANT PROGRAM NOT COST EFFECTIVE

#### **California Technology Investment Partnership (CalTIP)**

Established in 1993-94, the California Technology Investment Partnership (CalTIP) program provides state funds to increase the speed of high technology product development by small businesses. The grant program was designed to serve the primary purposes of: promoting defense conversion by creating new jobs for defense workers affected by cutbacks in the early 1990's; and helping secure federal research and development grants by providing state matching funds.

From 1997-98 through 2001-02, \$ 26 million (GF) has supported 145 CalTIP projects. The typical CalTIP award is about \$200,000. Businesses awarded state funding have also received \$108 million in federal grants and \$100 million from private sources (including the businesses themselves) to support their projects. This equals \$233 million in total project funding. The state has provided 11 percent of funds, compared to 46 percent from the federal government and 43 percent from private funds.

# Regional Technology Alliances

The State created nonprofit regional technology alliances (RTAs) to administer the CalTIP grants and to support technology development and commercialization. Current law requires RTAs to raise funds from many sources, assist in the formation of new businesses, provide industry-networking forums, and identify emerging industries. There are currently six RTAs serving San Diego, Los Angeles, the Bay Area, the Inland Empire, the San Joaquin Valley, and the Sacramento region.

The LAO has cited that from 1997-98 through 2001-02, RTAs received \$7.0 million in state support and \$16 million from private sponsors. Thus, the State has provided 32 percent of RTA funding on average, with private sources providing the remaining 68 percent. In the Governor's proposed budget, funding for both RTAs and grants is eliminated.

# COMMENTS:

The LAO has recommended that the Legislature adopt the Governor's proposal to eliminate funding for the Cal TIP program citing the following rational:

- Reported job creation is small and costly.
- Some, if not most, of these jobs would have been created even in the absence of state funds
- Increased tax revenue from new product development and sales is minimal compared to prior state funding levels.

The LAO is also recommending that the Legislature approve the proposed elimination of RTA funding and enacts legislation to eliminate the grant program and RTAs as state-created entities.

ISSUE 5: LAO RECOMMENDATION:

**AGENCY SIZE WARRANTS DEPARTMENT STATUS** 

Before 1992, TTCA was the Department of Commerce in the Business, Transportation, and Housing Agency. The Agency does not perform the same functions as other agencies, such as providing policy guidance or oversight of other departments. The Agency's primary function is to generate revenue for the state. The agency's proposed budget for 2003-04 is \$109 million and 104 Personnel Years. The new Labor and Workforce Development Agency with 2,600 employees has the fewest number of employees of the state's other agencies.

The LAO recommends that the Legislature adopt trailer bill legislation that moves the agency back into the Business, Transportation, and Housing Agency as a department. This should result in some minor cost savings of \$1.5 million (GF) and 15.6 personnel years from program support staff.

# 8260 ARTS COUNCIL

The California Arts Council was established by Chapter 1192, Statutes of 1975. Major statutory mandates to the Council are: (1) To encourage artistic awareness, participation, and expression among the citizens of California; (2) To help independent local groups develop their own arts programs; (3) To promote the employment of artists and those skilled in crafts in both the public and private sectors; (4) To provide for the exhibition of art works in public buildings throughout California; (5) To enlist the aid of all state agencies in the task of ensuring the fullest expression of our artistic potential.

The Council consists of 11 members, nine appointed by the Governor and one each by the President pro Tempore of the Senate and the Speaker of the Assembly. The Council establishes general policy and approves program allocations. Panels of experts, independent of the Council, advise the Council in each grant program.

The Council stresses the development of community-based cultural activities in rural areas as well as in major metropolitan cultural centers. Almost all Arts Council grant programs require that the grantee provide, at a minimum, a match equal to the amount of the grant.

The table below outlines the Arts Council Budget for 2001-02, 2002-03 and the proposed budget for 2003-04.

ARTS COUNCIL GENERAL FUND BUDGET				
2001-02 2002-03 2003-04				
General Fund	\$47,929	\$19,577	\$12,026	
Other Funds	\$ 1,731	\$ 1,925	\$ 1,540	
TOTALS \$49,660 \$21,502 \$13,566				

#### ISSUE 1: GOVERNOR'S PROPOSED CUTS

The Governor is proposing cuts to nearly every division of the Arts Council. These cuts are listed in the table below:

Program	Mid Year Reductions	2003-04 Proposed Cuts
Arts in Education	\$329	\$2,700
Artists in Residence	101	831
Organizational Support Grants	303	2,700
Performing Arts Presenting	18	152
Program		
Special Initiatives Program	13	114
Statewide Projects	93	839
Administration	109	0
Cultural Institutions Program	100	100

# 8260 ARTS COUNCIL

(continued)

The agency should respond to the following issues:

- How will the proposed reductions effect arts programs for K-12 schools?
- How will the proposed reductions effect multicultural arts programs?

# ISSUE 2: LAO OPTION: ELIMINATE GENERAL FUND SUPPORT

The LAO has provided the Legislature with the GF savings option of eliminating general fund support for the Arts Council. The Governor's budget proposes \$12 million in GF support.

# 8885 COMMISSION ON STATE MANDATES

# Commission on State Mandates Spending and Staffing Trends

(dollars in thousands)

				Change from 2002-03		
	<u>2001-02</u>	<u>2002-03</u>	<u>2003-04</u>	<u>Amount</u>	<u>Percent</u>	
General Fund	\$1,550	\$1,515	\$1,302	-\$213	-14.1%	
Staffing (PYs)	15.0	14.7	11.7	-3.0	-20.4%	

The Commission on State Mandates is a quasi-judicial body that makes the initial determination of state mandated costs. The Commission consists of the Director of Finance, the Controller, the Treasurer, the Director of the Office of Planning and Research, a public member with experience in public finance, and two additional members from the categories of city council member, county or city and county supervisor, or school district governing board member, appointed by the Governor and approved by the Senate. With few exceptions, the cost for reimbursement of state-mandated local programs ultimately is borne by the General Fund, either directly or from the State Mandates Claims Fund, which is replenished by the General Fund. Actual payments for mandated costs are budgeted within the budgets of the individual departments that have program responsibility for each mandate.

# ISSUE 1: LAO RECOMMENDS ACTION RATHER THAN DEFERRAL OF MANDATE COSTS

The budget proposes to continue deferring all general government mandate reimbursements in 2003-04. Given the requirements of the California Constitution and state law, these mandate deferrals essentially are a "loan" from local governments that the state eventually must repay with interest. The Legislative Analyst's Office (LAO) estimates that, by the end of the budget year, the state will owe California non-educational local agencies over \$1.2 billion for mandate claims.

LAO recommends that the Legislature adopt the general policy of either funding the state's mandate obligations or eliminating the state's liability for mandates. Specifically, LAO recommends that some mandates be consolidated with the state-county realignment proposal and that all other mandates be repealed, modified, or suspended for the budget year.

The Governor's Budget displays all mandate costs for information purposes under the Commission on State Mandates. However, appropriations for individual mandate costs are included in the budget of the department or program related to each mandate.

# BACKGROUND:

The California Constitution requires the state to reimburse local agencies if it "mandates" a new program or higher level of service. Traditionally, the Legislature has funded ongoing mandates

in the budget and "new" mandates (those recently identified by the Commission on State Mandates) in the annual claims bill. In addition, because funding in the budget act seldom has been sufficient to pay all local mandate claims, the Legislature usually appropriates funding for mandate deficiencies in the annual claims bill.

Currently, the state has fiscal responsibility for 59 ongoing general government mandates costing approximately \$300 million annually, plus another 26 mandates that the state has suspended annually for a decade.

# COMMENTS:

- Fold some into realignment. According to the LAO, at least 13 of the ongoing mandates (seven mental health, three voting procedure, and three property tax administration mandates) could be revised to make them more flexible and then consolidated and funded within the proposed state-county program realignment. Such an action would provide counties with ongoing resources and eliminate the extensive paperwork associated with mandate claiming.
- Repeal or suspend others. With regard to the 46 other ongoing general government mandates, LAO recommends that they be suspended or repealed in light of the state's fiscal difficulties. In addition, LAO recommends that the Legislature modify the Regional Housing Needs Mandate (acted on by the subcommittee on April 1) and request the Bureau of State Audits review Animal Control mandate claims. With respect to the 26 mandates that have been suspended annually for a decade, LAO recommends repeal. Most of these long-suspended measures impose relatively minor local government requirements, and their repeal would eliminate any potential confusion regarding local government obligations.
- Local coalition position. Cities, counties and special districts request that any deferral of mandate payments include a date certain for payment, preferably by the end of 2004-05. In the absence of a specific repayment date in the near future, the preference would be for repeal.

# 9210 LOCAL GOVERNMENT FINANCING

#### Local Government Financing General Fund

(Excludes Public Safety and Juvenile Justice Funding)

(dollars in thousands)

				Change fro	m 2002-03
	<u>2001-02</u>	2002-03	2003-04	<u>Amount</u>	<u>Percent</u>
Property tax administration	\$52,093	\$51,500	\$60,000	\$8,500	16.5%
Booking fee subventions	38,220	38,220	0	-38,220	-100%
State mandated costs	15,843	3	3		
Local projects (one-time)	7,105				
Supplemental subventions to					
redevelopment agencies	1,200	1,400		-1,400	-100%
Supplemental subventions to					
counties with no cities	147	147	147		
Totals	\$114,608	\$91,270	\$60,150	-\$31,120	-34.1%

This item includes the following local government funding:

- 1. Property tax administration grants. The budget proposes \$60 million in 2003-04 to continue the property tax administration grant program. This program previously was a loan program for counties in which the state forgave loans to counties that used the funds to generate additional property tax revenue to their public schools (resulting in state savings in education funding) that exceeded the loan amount. AB 589 (Wesson) of 2001 extended the program through 2006-07 and changed it to a grant program. Counties must apply for the grants, use them to augment their property tax assessment and administration functions, and provide reports to the state.
- 2. **Booking fee subventions.** The budget proposes to eliminate these subventions in 2003-04. Current law continuously appropriates \$38.2 million annually for these subventions (discussed in Issue 1 below).
- 3. **State mandated costs.** The budget proposes to continue deferral of mandated cost payments for three local mandates funded in this item, and to continue suspension of six mandates. Token appropriations of \$1,000 are provided to continue the three unsuspended mandates (discussed in Issue 2 below).
- 4. **Supplemental subventions to redevelopment agencies.** The budget proposes to end these subventions (\$1.4 million in the current year) that are allocated to a few redevelopment agencies that historically relied disproportionately on state supplemental subventions.
- 5. **Supplemental subventions to counties without cities.** These subventions are provided on a population basis to several small counties that have no incorporated cities. Local government as a whole receives a lower level of Vehicle License Fee revenue in these counties because they receive no city allocations. These supplemental subventions partially compensate for this disparity.

Local law enforcement and juvenile justice grants also are funded in this item, but will be addressed at a separate hearing.

# 9210 LOCAL GOVERNMENT FINANCING

#### ISSUE 1: ELIMINATE BOOKING FEE SUBVENTIONS

The Governor's Budget proposes trailer bill language to eliminate reimbursements to 373 cities and special districts for jail booking fees they paid to counties in 1997-98. Resulting General Fund savings would be \$38.2 million.

#### **BACKGROUND:**

Chapter 466, Statutes of 1990 (SB 2557, Maddy) gave counties the ability to charge cities and special districts a booking fee each time an individual was booked into the county jail. While giving counties a new revenue source, the payment of booking fees also provides a fiscal incentive for police departments to avoid unnecessary bookings. Beginning with the 1999-00 budget, local governments have been annually reimbursed for the booking fees they paid in 1997-98. Eliminating the booking fee reimbursements, therefore, would affect those cities and special districts, which paid booking fees in 1997-98.

#### **COMMENTS:**

- The subvention amounts and recipients are frozen based on the situation in 1997-98. The subventions do not necessarily relate to any current booking fee costs, and they are general revenue to the recipient cities.
- The following cities receiving the largest subventions:

•	San Diego	\$5.2 million
•	Sacramento	\$2.1 million
•	Fresno	\$1.1 million
•	Stockton	\$1 million
•	Bakersfield	\$0.7 million
•	San Bernardino	\$0.7 million
•	Santa Rosa	\$0.7 million
•	Riverside	\$0.6 million
•	Oceanside	\$0.5 million

#### 9210 LOCAL GOVERNMENT FINANCING

# **ISSUE 2: MANDATE FUNDING**

The budget proposes to continue *suspension* of the following six local mandates:

- Filipino Employee Surveys (Chapter 486, Statutes of 1978)
- Lis Pendens (Chapter 889, Statutes of 1981)
- Proration of Fines and Court Audits (Chapter 980, Statutes of 1984)
- Involuntary Lien Notices (Chapter 1281, Statutes of 1980)
- Domestic Violence Information (Chapter 1609, Statutes of 1984)
- CPR Pocket Masks (Chapter 1334, Statutes of 1987)

The suspension is accomplished by including a \$0 appropriation for these mandates in the Budget Bill.

The budget proposes to continue the following three mandates in effect, but defer payments of mandate claims (each mandate has a token appropriation of \$1,000):

- Test Claims and Reimbursement Claims (Chapter 486, Statutes of 1975)
- Open Meetings Act Notices (Chapter 641, Statutes of 1986)
- Rape Victim Counseling Center Notices (Chapter 999, Statutes of 1991)

# BACKGROUND:

The 2003-04 proposal is identical to action taken in the 2002-03 Budget.

With the exception of 1998-99, all six mandates proposed for suspension have been suspended since 1996-97.

# **COMMENTS:**

- Repeal the continuously suspended mandates? The suspension of the six mandates has become a permanent feature of the budget. The department of Finance and the LAO should comment as to whether there is any reason not to repeal these mandates, rather than continue annual suspensions.
- How much will be owed? The Department of Finance should inform the subcommittee how much the state will owe local governments for deferred payments for each of the three mandates that will remain effective.