

Date of Hearing: April 13, 2015

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 63 (Bonilla) – As Amended April 7, 2015

SUBJECT: School safety programs: funding

SUMMARY: Requires the California Department of Education (CDE) to apply to the Department of Motor Vehicles (DMV) to create a specialized license plate program to generate funds for school violence prevention programs. Specifically, **this bill:**

- 1) Authorizes the Superintendent of Public Instruction to consult with the Board of State and Community Corrections, the State Department of Social Services, and the State Department of Public Health on school violence prevention and intervention in order to carry out one or more of the purposes of the grant program.
- 2) Requires CDE to apply to DMV to create a specialized license plate program.
- 3) Requires that the fees collected from the sale of the specialized license plates to be deposited in the School Violence Prevention Fund, established by this bill in the State Treasury.
- 4) Requires the moneys in that fund to be allocated to the CDE in order to carry out the purposes of the School Safety Violence Protection Act, as specified in the Education Code on January 1, 2004, or as determined by the CDE for school violence prevention.
- 5) Requires the CDE to comply with all the requirements of a state agency sponsoring a specialized license plate program.

EXISTING LAW:

- 1) Allows any state agency to apply to DMV to sponsor a specialized license plate program.
- 2) Requires DMV to issue specialized license plates for that program if the agency complies with all statutory requirements.
- 3) Prohibits DMV from establishing a specialized license plate program for an agency until it receives 7,500 paid applications for the agency's specialized license plates.
- 4) Requires the agency to collect and hold applications for the specialized plates and once the agency has received at least 7,500 applications, it must submit the applications, along with the necessary fees to DMV.

- 5) Prohibits advance payment to DMV of its estimated or actual administrative costs associated with issuing a specialized license plate from constituting compliance with the 7,500 application threshold requirement.
- 6) Requires funds accruing to a sponsoring state agency from the sale of specialized license plates to be expended exclusively for projects and programs that promote that agency's official policy, mission, or work.
- 7) Allows specialized license plates to feature a distinctive design, decal, or distinctive message in a two-inch by three-inch space to the left of the plate's numerical sequence and a space not larger than 5/8-inch in height below the numerical series.

FISCAL EFFECT: Unknown

COMMENTS: Prior to 2007, any new specialized license plate required specific legislative authorization. That practice was held to be unconstitutional by the federal courts in that the Legislature approved some of the plates and rejected others, while using no standardized or objective criteria for those decisions. In response to the court decision, AB 84 (Leslie), Chapter 454, Statutes of 2006, established the current specialized license plate program to provide a forum for government speech that promotes California's state policies. AB 84 excludes private organizations from seeking specialized license plates as a forum for private speech, and thus addresses the court's objection.

Plates now created and the revenue they generate must publicize or promote a state agency, or the official policy, mission, or work of a state agency. Furthermore, the process requires that at least 7,500 paid applications be received by the state agency prior to notifying DMV. The 7,500-application threshold was put into statute for specialized license plates was arrived at in an attempt to assure that DMV's startup costs would be fully covered by the portion of the registration fee surcharge that is directed to DMV and to avoid a proliferation of different types of plates, which can be troublesome from a law enforcement perspective.

Youth violence is a problem that has serious social, emotional, physical, and economic consequences. The Centers for Disease Control and Prevention shows the leading cause of death among youth aged 10-to 24 is the result of homicide or suicide, yet much of this violence is preventable through early intervention and support for communities, families, and those who are exposed to violence or prone to violent behavior. Bullying, which has been linked to youth homicides and suicides, is also on the rise in California. In fact, a recent survey administered by CDE found that one in three middle school and high school students in California report having been harassed or bullied at least once in the previous year.

The author reports that in the past, the state provided funding for grants to help raise awareness about and prevent violence and improve school safety. The author notes that grants (School Safety and Violence Prevention Act and School Safety Consolidated Competitive Grant) were funded through categorical grants, but with the enactment of the local control funding formula, these grants are no longer in existence.

AB 63 attempts to fund these violence prevention programs by creating a new and direct source of funding derived from the sale of youth violence prevention specialized license plates. Specifically, the bill would require CDE to apply to the DMV for sponsorship of the specialized plate and that the fees collected from the sale of the plates be deposited into the School Violence Prevention Fund that is also established by this bill. The author notes that the programs that would be funded by the sale of the specialized plates may include, but are not necessarily limited to, bullying and cyberbullying intervention, school community policing, safe school planning, crisis preparedness and response, gang risk intervention, school personnel training and other programs and services or resources approved by CDE

SB 544 (DeSaulnier), which would have established a similar specialized license plate (as well as directed funds towards both the School Safety Consolidated Competitive Grants and the School Safety and Violence Prevention Strategy Program), passed out of this committee on a 10-3 vote but failed in the Assembly Education Committee due to a lack of a motion and a second to move the bill. The Assembly Education Committee members believed the bill violated SR 28 (Senate Committee on Transportation and Housing), adopted on April 10, 2014, which declared a moratorium on legislation proposing to establish new license plate types until the Legislature could assess the impact of ongoing increase in specialized license plates. According to the Senate Transportation and Housing Committee staff, the moratorium was directed at licensed plates that did not meet existing statutory requirements for specialized license plates and therefore did not apply to SB 544.

Double-referral: This bill passed out the Assembly Education Committee on March 25, 2015, with a 6-0 vote.

Related legislation: AB 270 (Nazarian), which requires the Department of Public Health to apply to the DMV to sponsor a diabetes awareness, education, and research license plate program recently passed out of this committee and is awaiting a hearing in the Assembly Appropriations Committee.

AB 932 (Daly and Thurmond), requires an unspecified state agency to apply to the DMV to sponsor a professional sports franchise license plate program. AB 932 recently passed out of this committee and is awaiting a hearing in the Assembly Arts, Entertainment, Sports, Tourism and Internet Media Committee.

Previous legislation: SB 544 (DeSaulnier) of 2014, was similar to this bill in that it would have directed funds towards both the School Safety Consolidated Competitive Grants and the School Safety and Violence Prevention Strategy Program. SB 544 was held in the Assembly Education Committee.

SR 28 (Senate Committee on Transportation and Housing) of 2014, requested that the DMV create a task force made up of DMV, CHP, and local law enforcement to study and make recommendations by July 1, 2015, on license plate designs appropriate for traffic safety and effective law enforcement in today's environment; declares a moratorium on legislation to increase the number of license plate types that DMV may issue until the Legislature can assess the full and long-term impact of the ongoing increase in license plate types. The bill applied only to specialized license plates that did not conform to existing statutory requirements for the specialized license plate program.

AB 49 (Buchanan), Chapter 351, Statutes of 2014, required the Department of Health Care Services to apply to the DMV to sponsor a breast cancer awareness license plate program.

AB 84 (Leslie), Chapter 454, Statutes of 2006, established a specialized license plate program for plates that promote state agencies.

REGISTERED SUPPORT / OPPOSITION:

Support

American Federation of State, County and Municipal Employees
California Council of Community Mental Health Agencies
Concord Police Department
Contra Costa County Office of Education
Mental Health America of California
Stanislaus County Office of Education
Stanislaus County Sheriffs' Department
STAND! For Families Free of Violence

Opposition

None on file

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