

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: April 7, 2008
POSITION: Oppose

BILL NUMBER: SB 1322
AUTHOR: A. Lowenthal

BILL SUMMARY: Communism

Under current law, the Civic Center Act designates public school facilities to be considered civic centers where citizens, school-community councils, clubs, and other organizations may meet for recreational, political, and artistic purposes, etc. Additionally, as part of the Civic Center Act, school boards are required to obtain a written statement from any group requesting the use of school property for these purposes and certify that it does not advocate the overthrow of the government and that it is not a Communist action organization. This bill would delete that requirement, and instead provide discretion for a school board to determine whether any information needs to be collected to ensure that an applicant does not intend on furthering any program or movement to overthrow the government while using school property. This bill also would delete various provisions in current law regarding the advocacy of, or membership in, the Communist Party as cause for the suspension or dismissal of school, community college, and public employees.

FISCAL SUMMARY

While this may minimize a school board's review process by eliminating the current certification requirement for applicants seeking to use school property, this bill may drive offsetting local administrative costs for school districts in making determinations as to whether applicants may pose potential safety or security risk. For instance, in the event a political organization favoring communism attempted to utilize school facilities, the school would likely need to consider security issues. It is unknown if these costs would outweigh the savings on a statewide basis. This analysis assumes any necessary security costs would be paid for by the group using the facilities.

COMMENTS

Finance is opposed to this bill for the following reason:

- This bill appears unnecessary. The author's office contends that references to communism are antiquated and inconsistent with constitutional protections of free speech, political affiliation, and the right to remain silent. Additionally, the author's office contends that the intent of the bill is not to support communists, but to move beyond the Cold War and uphold constitutional rights.
- This bill may cause local school districts to incur additional costs in an attempt to determine if a particular group may present a safety or security risk and ensuring the facility agreement ensures proper security.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO	PROP							
	RV	98	FC	2007-2008	FC	2008-2009	FC	2009-2010	
6110/Dept of Educ	LA	Yes		-----	See Fiscal Summary	-----			0001

Analyst/Principal (0352) L. Del Castillo	Date	Program Budget Manager Jeannie Oropeza	Date
---	------	---	------

Department Deputy Director	Date
----------------------------	------

Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

