

Chapter Twelve

State Mandate Legislation

The state is constitutionally required through Proposition 4 (1979) and Proposition 1A (2004) to pay for new or higher levels of service it mandates counties and other local agencies provide. . However, the issue of mandate reimbursement remains contentious, since mandates reside at the intersection of local control and the reality that counties are providers of state services.

Section 1: Mandate Suspension

The ongoing suspension of established mandated programs or services is problematic. The state should either fund a mandate annually or repeal it completely. Continually suspending mandates merely burdens counties with either funding the service out of its own general funds or absorbing the cost of repeatedly resetting service levels.

Section 2: Need for Mandates

Mandates are particularly burdensome for counties because of the severe restrictions on raising county revenues to pay for new requirements. State mandates should only be imposed when there is a compelling need for statewide uniformity.

Section 3: Timing of Mandate Payments All state mandates should be funded prior to delivery of the new or higher level of service. The current policy of reimbursing established mandates following a Commission on State Mandates determination constitutes a loan from counties to the state. The state should not require counties to provide a service for which it is unwilling to timely pay. Bills mandating new or increased levels of service should include a direct appropriation.

Section 4: Mandate Alternatives

Local agencies and the state should endeavor to take advantage of Reasonable Reimbursement Methodology and Legislatively Determined Mandates. These processes will provide budgetary certainty to the state and counties, and help to decrease the extraordinary time and cost involved with determining reimbursement levels through the traditional Commission on State Mandates process.

Section 5: Mandate Reforms

The current mandate determination and processes must be reformed. The reforms must make the determination process more efficient, in terms of both time and cost, and less biased against local agencies. State audits of local claims must be timely, consistent, reasonable, and predictable.

It should not take several years to determine whether the state has required a new or higher level of service. State Controller audits should not be able to cut reasonable claims by half or more based on technicalities or unreasonable records requirements.

Constitutional amendments should not exempt additional categories of state mandates from cost reimbursement. Also, voter approval of requirements or programs similar to those already established as reimbursable mandates should not be cause for the state to cease reimbursements.