

June 11, 2009

# Non-Education Mandates

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L E G I S L A T I V E   A N A L Y S T ' S   O F F I C E

Presented to:  
Budget Conference Committee



## Non-Education Mandates

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### Similarities With Education Mandates

- Large backlog of unpaid claims—over \$1 billion. Most of these claims are for costs incurred before 2004-05. The State Constitution allows the state to pay pre 2004-05 claims over time.
- May Revision proposes many changes to mandates, including “suspending” 29 additional mandates in 2009-10. When a mandate is suspended, local governments are not required to implement the mandate.
- In some cases, the Legislature can modify a mandate’s requirement so that it no longer meets the legal definition of a state-reimbursable mandate, but local agencies continue to implement it.



### Key Difference From Education Mandates

- Constitution establishes a clear funding requirement for non-education mandates. Every year, the Legislature must appropriate funds in the budget act to pay a mandate’s 2004-05 and later bills—or suspend or repeal the mandate. (Employee relations mandates are excluded from this annual funding requirement.)

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### Notes About Auditing

- The State Controller's Office (SCO) receives about 15,000 mandate claims each year. The SCO checks each claim for errors, but does not audit every one.
- Each year, the SCO identifies local governments to audit. Typically, when auditing a mandate, the SCO audits multiple years of claims. Overall, the SCO audits about 12 percent of mandate costs.
- If the SCO finds that the state has overpaid a claim, the SCO orders the local agency to reimburse the state or deducts the overpaid amount from an outstanding local agency claim.



### Mandate Totals (General Fund)

- *2009-10 Budget Bill, excluding AB 3632:*
  - \$58.11 million (May Revision).
  - \$59.21 million (LAO proposal).

## Funded Non-Education Mandates in the 2009-10 May Revision

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*(In Thousands)*

Mandate	May Revision	LAO Proposal (Where Different)
Allocation of Property Tax Revenue (Chapter 697, Statutes of 1992)	\$580	
Crime Victim Rights (Chapter 411, Statutes of 1995)	580	Delete funding. Redraft law to link to Proposition 9 (Marsy's Law).
Crime Victim's Domestic Violence Incident Reports (Chapter 1022, Statutes of 1999)	160	
Domestic Violence Arrests and Victims Assistance	2,400	Fund, but require DOJ and DOF report on viability of consolidating mandate with Marsy's rights cards.
Domestic Violence Arrest Policies (Chapter 246, Statutes of 1995)	7,300	
Domestic Violence Treatment Services (Chapter 183, Statutes of 1992)	2,500	
Firefighter's Cancer Presumption (Chapter 1568, Statutes of 1982)	7,000	Delete funding (mandate ended).
Health Benefits for Survivors of Peace Officers and Firefighters (Chapter 1120, Statutes of 1996)	1,000	
Peace Officer Personnel Records: Unfounded Complaints and Discovery (Chapter 630, Statutes of 1978)	700	
Police Officer's Cancer Presumption (Chapter 1171, Statutes of 1989)	5,400	Delete funding (mandate ended).
Racial Profiling: Law Enforcement	9,500	Delete funding (requirements completed).
Rape Victim Counseling (Chapter 999, Statutes of 1991)	370	
Senior Citizens Property Tax Deferral (Chapter 1242, Statutes of 1977)	250	Delete funding (program no longer operative).
Sexually Violent Predators (Chapters 762 and 763, Statutes of 1995)	17,200	Delete funding. Redraft law to link to Proposition 83 of 2006 (Jessica's Law).
Threats Against Peace Officers (Chapter 1249, Statutes of 1992 and Chapter 666, Statutes of 1995)	60	
Unitary Countywide Tax Rates (Chapter 921, Statutes of 1987)	210	
Peace Officer Procedural Bill of Rights	2,900	Delete funding (annual reimbursements not required).
Administrative License Suspension (Motor Vehicle Account)	2,600	
Pesticide Use Reports (Pesticide Regulation Fund)	75	

## Suspended Non-Education Mandates in the 2009-10 May Revision

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*(In Thousands)*

Mandate	Claims	LAO Proposal (Where Different)
Absentee Ballots (Chapter 77, Statutes of 1978)	\$22,500	Fund, but require report from counties and DOF prior to disbursement. Report to propose simpler reimbursement methodology.
Absentee Ballots-Tabulation by Precinct (Chapter 697, Statutes of 1999)	30	Fund, but require report from counties and DOF prior to disbursement. Report to propose simpler reimbursement methodology.
AIDS/Search Warrant (Chapter 1088, Statutes of 1988)	780	
Animal Adoption (Chapter 752, Statutes of 1998)	24,600	Repeal mandate and reestablish local requirements in effect before the mandate was established.
Binding Arbitration	200	
Brendon Maguire Act (Chapter 391, Statutes of 1988)	—	Continue Mandate. Mandate serves statewide funding and could be continued at no cost.
Conservatorship: Developmentally Disabled Adults (Chapter 1304, Statutes of 1980)	160	
Coroners Costs (Chapter 498, Statutes of 1977)	100	
Custody of Minors-Child Abduction and Recovery (Chapter 1399, Statutes of 1976; Chapter 162, Statutes of 1992; and Chapter 988, Statutes of 1996)	14,000	Fund. Mandate suspension may conflict with inter-state agreements.
Developmentally Disabled Attorneys' Services (Chapter 694, Statutes of 1975)	550	
DNA Database & Amendment to Postmortem Examinations (Chapter 822, Statutes of 2000)	160	
False Reports of Police Misconduct (Chapter 590, Statutes of 1995)	6	
Firearm Hearings for Discharged Inpatients	10	
Fire Safety Inspections of Care Facilities	700	Modify law to allow local governments to charge fee to offset cost of mandate.

*Continued*

# Suspended Non-Education Mandates in the 2009-10 May Revision

*(Continued)*

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*(In Thousands)*

Mandate	Claims	LAO Proposal (Where Different)
Judicial Proceedings (Chapter 644, Statutes of 1980)	\$100	
Medi-Cal Beneficiary Death Notices (Chapters 102 and 1163, Statutes of 1981)	10	Fund. Mandate suspension could conflict with state efforts to recoup Medi-Cal costs.
Mentally Disordered Offenders' Extended Commitments Proceedings (Chapter 435, Statutes of 1991)	3,000	
Mentally Disordered Sex Offenders' Recommitments (Chapter 1036, Statutes of 1978)	250	
Mentally Disordered Offenders: Treatment as a Condition of Parole	4,000	
Mentally Retarded Defendants Representation (Chapter 1253, Statutes of 1980)	10	
Not Guilty by Reason of Insanity (Chapter 1114, Statutes of 1979)	2,000	
Pacific Beach Safety (Chapter 961, Statutes of 1992)	200	
Perinatal Services (Chapter 1603, Statutes of 1990)	1,200	
Permanent Absent Voters (Chapter 1422, Statutes of 1982)	5,800	Fund, but require report from counties and DOF prior to disbursement. Report to propose simpler reimbursement methodology.
Photographic Record of Evidence (Chapter 875, Statutes of 1985)	160	
Post Conviction: DNA Court Proceedings	190	
Postmortem Examinations (Chapter 284, Statutes of 2000)	500	
Stolen Vehicle Notification (Chapter 337, Statutes of 1990)	530	
Voter Registration Procedures (Chapter 704, Statutes of 1975)	1,600	Fund, but require report from counties and DOF prior to disbursement. Report to propose simpler reimbursement methodology.

## Other Non-Education Mandates Operative in 2009-10

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*(In Thousands)*

Mandate	May Revision	LAO Proposal (Where Different)
Open Meeting Act. Court decision reinstates requirement as a reimbursable mandate. Annual costs of about \$15 million (non-education) and \$7 million (education) local agencies.	No proposal	Modify law to make provisions "best practices" for compliance with Proposition 59 (2004).
Mandate Reimbursement Process. Court decision reinstates requirement as a reimbursable mandate. Annual costs of about \$10 million (non-education) and \$15 million (education) local agencies.	No proposal	Request report from DOF as to how to simplify mandate and reduce costs.
AB 3632 (funded under Department of Mental Health, Department of Social Services, and California Department of Education).	\$176,100	Conform with action taken under Department of Mental Health.