

ITEM 17

PROPOSED ORDER TO SET ASIDE PARAMETERS AND GUIDELINES

Annual Short Doyle Audits
04-PGA-13 (CSM-4238)

Statutes 1984, Chapter 1327
Statutes 1985, Chapter 1232

EXECUTIVE SUMMARY

Background

In 1988, the Commission on State Mandates determined that Welfare and Institutions Code section 5712.1, as enacted by Statutes 1984, chapter 1327 imposed a reimbursable state mandate upon counties to obtain annual audits of their Short-Doyle program expenditures. The Commission also determined that Statutes 1985, chapter 1232 did not impose any reimbursable costs mandated by the state as defined by Government Code section 17514 and and section 6 of article XIII B of the California Constitution. In 1988, the Commission on State Mandates adopted parameters and guidelines.

The test claim statute (Welf. & Inst. Code, §5712.1) was repealed by Statutes 1991, chapter 89, effective June 30, 1991.

Last year, the Legislature enacted the following findings and declarations regarding this program in Statutes 2004, chapter 316 (Assem. Bill No. 2851, § 4):

The Legislature hereby finds and declares that the following statutes no longer constitute a reimbursable mandate under Section 6 of Article XIII B of the California Constitution because provisions containing the reimbursable mandate have been repealed:

... (b) *Short-Doyle case management*, Short-Doyle audits, and residential care services (CSM-4238; and Chapter 815 of the Statutes of 1979, Chapter 1327 of the Statutes of 1984, and Chapter 1352 of the Statutes of 1985, which enacted statutes that were repealed by Chapter 89 of the Statutes of 1991). [Emphasis added.]

On November 8, 2004, the State Controller's Office requested that the parameters and guidelines for this program be amended to repeal the mandate program.¹

¹ Exhibit A

Discussion

Article XIII B, section 6 of the California Constitution states that “whenever the Legislature or any state agency *mandates* a new program or higher level of service on any local government, the state shall provide a subvention of funds.” (Emphasis added.) This constitutional provision was specifically intended to prevent the state from forcing programs on local government that *require* expenditure by local governments of their tax revenues.² To implement article XIII B, section 6, the Legislature enacted Government Code section 17500 et seq. Government Code section 17514 defines “costs mandated by the state” as “any increased costs which a local agency or school district is *required* to incur . . . as a result of any statute. . . which *mandates* a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.” (Emphasis added.)

Staff finds that the test claim statute, Welfare and Institutions Code section 5712.1, as enacted by Statutes 1984, chapter 1327, was repealed by Statutes 1991, chapter 89. Without the test claim statutes, no reimbursement is required pursuant to article XIII B, section 6 of the Constitution and Government Code section 17514 because there is no *Annual Short-Doyle Audits* program.

Conclusion

Therefore, staff concludes that the parameters and guidelines for this program should be set aside.

Staff Recommendation

Staff recommends the Commission adopt the proposed Order to Set Aside the Parameters and Guidelines for the *Annual Short-Doyle Audits* program.

² *County of Fresno v. State of California* (1991) 53 Cal.3d 482, 487; *County of Los Angeles, supra*, 43 Cal.3d 46, 56; *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1264, 1283-1284.

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Statutes 1984, Chapter 1327 and Statutes 1985,
Chapter 1232

Filed on November 28, 1986;

By the County of Ventura, Claimant

Nos. 04-PGA-13 (CSM-4238)

Annual Short-Doyle Audits

PROPOSED ORDER TO SET ASIDE
PARAMETERS AND GUIDELINES

(Proposed on July 28, 2005)

ORDER TO SET-ASIDE PARAMETERS AND GUIDELINES

In 1988, the Commission on State Mandates determined that Welfare and Institutions Code section 5712.1, as enacted by Statutes 1984, chapter 1327 imposed a reimbursable state mandate upon counties to obtain annual audits of their Short-Doyle program expenditures. The Commission also determined that Statutes 1985, chapter 1232 did not impose any reimbursable costs mandated by the state as defined by Government Code section 17514 and section 6 of article XIII B of the California Constitution. In 1988, the Commission on State Mandates adopted parameters and guidelines. On November 8, 2004, the State Controller's Office requested that the parameters and guidelines for this program be amended to repeal the mandate in accordance with Statutes 2004, chapter 316.

Article XIII B, section 6 of the California Constitution states that "whenever the Legislature or any state agency *mandates* a new program or higher level of service on any local government, the state shall provide a subvention of funds." (Emphasis added.) This constitutional provision was specifically intended to prevent the state from forcing programs on local government that *require* expenditure by local governments of their tax revenues.³ To implement article XIII B, section 6, the Legislature enacted Government Code section 17500 et seq. Government Code section 17514 defines "costs mandated by the state" as "any increased costs which a local agency or school district is *required* to incur . . . as a result of any statute. . . which *mandates* a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution." (Emphasis added.)

The Commission finds that the test claim statute, Welfare and Institutions Code section 5712.1, as enacted by Statutes 1984, chapter 1327, was repealed by Statutes 1991, chapter 89. Without the test claim statutes, no reimbursement is required pursuant to article XIII B, section 6 of the

³ *County of Fresno v. State of California* (1991) 53 Cal.3d 482, 487; *County of Los Angeles, supra*, 43 Cal.3d 46, 56; *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1264, 1283-1284.

Constitution and Government Code section 17514 because there is no *Annual Short-Doyle Audits* program.

In accordance with the repeal of the test claim statute, the Commission sets aside the attached parameters and guidelines for the *Annual Short-Doyle Audits* program.

Paula Higashi, Executive Director

Date

Attachment: Parameters and Guidelines