

## ITEM 18

### PROPOSED ORDER TO SET ASIDE PARAMETERS AND GUIDELINES

*Short-Doyle Case Management*  
04-PGA-14 (CSM-4246)

Statutes 1979, Chapter 875  
Statutes 1984, Chapter 1327  
Statutes 1985, Chapter 757

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### EXECUTIVE SUMMARY

#### Background

In 1987, the Commission on State Mandates determined that Statutes 1979, chapter 875, Statutes 1984, chapter 1327, and Statutes 1985, chapter 757, contained reimbursable state-mandated costs. Specifically, Welfare and Institutions Code sections 5651, subdivision (e), 5675, and 5678, as implemented by various letters issued by the Department of Mental Health and Welfare and Institutions Code section 5651, subdivision (e) established the requirements for a case management system as part of a county's Short-Doyle plan. In 1988, the Commission adopted parameters and guidelines.

The test claim statutes, Welfare and Institutions Code sections 5651, subdivision (e), 5675, and 5678, were repealed by Statutes 1991, chapter 89, effective June 30, 1991.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6 of Article XIII B of the California Constitution because provisions containing the reimbursable mandate have been repealed: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1979, Chapter 1327 of the Statutes of 1984, and Chapter 1352 of the Statutes of 1985, which enacted statutes that were repealed by Chapter 89 of the Statutes of 1991).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.<sup>1</sup>

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<sup>1</sup> 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.<sup>2</sup> 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 statutes were 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 *Short-Doyle Case Management* 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 *Short-Doyle Case Management* program.

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<sup>2</sup> *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 1979, Chapter 875, as amended by  
Statutes 1984, Chapter 1327 and Statutes 1985,  
Chapter 757; and,

Filed on November 25, 1986;

By the County of Fresno, Claimant

Nos. 04-PGA-14 (4246)

*Short-Doyle Case Management*

PROPOSED ORDER TO SET ASIDE  
PARAMETERS AND GUIDELINES

*(Proposed on July 28, 2005)*

**ORDER TO SET-ASIDE PARAMETERS AND GUIDELINES**

In 1987, the Commission on State Mandates determined that Statutes 1979, chapter 875, Statutes 1984, chapter 1327, and Statutes 1985, chapter 757, contained reimbursable state-mandated costs. Specifically, Welfare and Institutions Code sections 5651, subdivision (e), 5675, and 5678, as implemented by various letters issued by the Department of Mental Health and Welfare and Institutions Code section 5651, subdivision (e) established the requirements for a case management system as part of a county's Short-Doyle plan.

In 1988, the Commission 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.<sup>3</sup> 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 the test claim statutes, Welfare and Institutions Code sections 5651, subdivision (e), 5675, 5678, were repealed by Statutes 1991, chapter 89, effective June 30, 1991.

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<sup>3</sup> *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.

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 *Short-Doyle Case Management* program.

In accordance with the repeal of the test claim statutes, the Commission sets aside the attached parameters and guidelines for the *Short-Doyle Case Management* program.

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Paula Higashi, Executive Director

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Date

Attachment: Parameters and Guidelines