



Answers to Questions Navigating the Mandates Process Workshop, October 17, 2024

Question 1: Are local governments required to perform mandated activities for mandates that CSM determines are reimbursable but for which the State does not provide appropriations?

No. Local agencies are not required to perform mandated activities in any fiscal year that the Legislature provides no appropriation and suspends the mandate pursuant to Government Code section [17581](#).

Question 2: If a bill does not specify an effective date, how is the effective date determined?

Pursuant to Government Code section [9600](#):

(a) Except as provided in subdivision (b), a statute enacted at a regular session shall go into effect on January 1 next following a 90-day period from the date of enactment of the statute and a statute enacted at a special session shall go into effect on the 91st day after adjournment of the special session at which the bill was passed.

(b) Statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the state, and urgency statutes shall go into effect immediately upon their enactment.

The example we looked at during the workshop was AB 216 (Statutes 2018, chapter 120) which was the subject statute of [Vote by Mail Ballots: Prepaid Postage, 19-TC-01](#).

https://leginfo.legislature.ca.gov/faces/billNav_Client.xhtml?bill_id=201720180AB216

If you review the bill, you will see that it was enacted during a regular session on July 18, 2018, was not an urgency measure, and there is no other effective date indicated in the bill. Therefore, it is effective January 1, 2019.

Question 3: What if our county doesn't have enough money to implement a state mandate? Are we required to borrow money and implement the program anyway? If Parameters and Guidelines are ultimately approved, would our borrowing costs be reimbursable?

With respect to the first two questions, we recommend local governments seek advice of their legal counsel. With respect to the third question, only increased costs mandated by the state to implement or necessary to implement the state-mandated program are reimbursable. (See Gov. Code §§ [17561](#), [17514](#), and [17573](#)).

The following two questions accompanied Question 3 above but were sent following the presentation via email:

Question 4: Do I understand correctly that once Parameters and Guidelines are approved the only way to get reimbursement is to file a claim with the Controller? Isn't that adding an additional monitoring and filing burden for jurisdictions who have to proactively review the outcome of claims and submit paperwork?

Yes. This is the process established in law. (See Gov. Code §§ 17560 - 17568.) Here is a link to the Controller's website for more information on filing a reimbursement claim on an existing, active program: https://www.sco.ca.gov/ard_mancost.html

Question 5: County staff has told me that we're too small and too poor to undertake the legal costs of filing test claims and that we should get larger counties to do it. Is our staff time for filing test claims reimbursable?

The following mandated programs have been suspended by the legislature for over a decade and are therefore not reimbursable:

Mandate Reimbursement Process (Ch. 486, Stats. 1975 and Ch. 1459, Stats. 1984) (CSM 4204 and CSM 4485) and *Mandate Reimbursement Process II* (Ch. 890, Stats. 2004) (05-TC-05) (Suspension of Mandate Reimbursement Process and Mandate Reimbursement Process II includes suspension of the Consolidation of Mandate Reimbursement Processes I and II).¹

To save costs, agencies may choose to work together to file a joint claim or to have one representative agency file a claim.

¹ The Decisions for these two programs are available on the Commission's website on the Decisions page, <https://www.csm.ca.gov/commission-decisions.shtml> (accessed October 21, 2024).