Resolution Supporting Assembly Constitutional Amendment 26 (ACA 26) (Aguiar) Relieving Local Governments of Unfunded Mandates

BACKGROUND AND HISTORY OF BOARD ACTIONS:
Assemblyman Fred Aguiar has introduced Assembly Constitutional Amendment 26 which is legislation designed to relieve local governments of all unfunded state mandates, both pre- and post-1975. Assemblyman Aguiar contends that the failure to eliminate the mandates will result in local governments being forced to raise taxes in order to finance the state mandates.

The Board resolved on March 23, 1993 to request the State and federal government to fund mandates. This legislation would continue that support by eliminating the requirement for local governments to respond to mandates that are unfunded through Constitutional amendment.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
1. Adopt this resolution and the County will go on record as supporting legislation to eliminate unfunded mandate requirements;
2. Do not adopt this resolution and the County will not go on record in support.
3. Adopt the resolution with changes to the letter of support.
Assembly Constitutional Amendment No. 26

Introduced by Assembly Member Aguiar
(Principal coauthor: Assembly Member Johnson)
(Coauthors: Assembly Members Andal, Bowler, Conroy, Goldsmith, Haynes, Hoge, Jones, Knowles, Nolan, Rainey, Richter, Seastrand, and Woodruff)
(Coauthors: Senators Lewis and Russell)

May 5, 1993

Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 6 of Article XIII B thereof, relating to state-mandated local programs.

LEGISLATIVE COUNSEL'S DIGEST

ACA 26, as introduced, Aguiar. State-mandated local programs: costs.

Existing provisions of the California Constitution provide 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 to reimburse the local government for the costs of the program or increased level of service, except that the Legislature may, but need not, provide a subvention of funds for certain mandates, as specified.

This measure would instead provide that no local government may be required to implement a new program or higher level of service mandated by the Legislature or any state agency unless and until the state provides a subvention of funds to the local government for the costs of the new program or increased level of service.

The measure would also provide that the requirement that
the state provide a subvention of funds as a condition precedent to the implementation by a local government of a new program or higher level of service mandated by the Legislature or any state agency applies to new programs and higher levels of service mandated both before and after the effective date of this subdivision.


Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1993-94 Regular Session commencing on the seventh day of December 1992, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 6 of Article XIII B as follows:

SEC. 6. Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, (a) No local government may be required to implement a new program or higher level of service mandated by the Legislature or any state agency unless and until the state shall provide State provides a subvention of funds to reimburse such the local government for the costs of such the new program or increased level of service, except that the Legislature may, but need not, provide such this subvention of funds for any of the following mandates:

(c) Legislative mandates requested by the local agency affected;

(b) Legislation defining a new crime or changing an existing definition of a crime; or

(e) Legislative mandates enacted prior to January 1, 1975, or executive orders or regulations initially implementing legislation enacted prior to January 1, 1975.