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STATE MANDATES - CALIFORNIA

County of San Diego v. Commission on State Mandates

Supreme Court of California - November 19, 2018 - P.3d - 2018 WL 6037872 - 18 Cal. Daily Op. Serv. 10, 887

Counties filed a petition for writ of administrative mandamus and complaint for declaratory relief challenging Commission on State Mandates decision that costs associated with eight activities required of local governments by the Sexually Violent Predator Act (SVPA) under the Proposition 83, The Sexual Predator Punishment and Control Act: Jessica's Law were not eligible for reimbursement.

The Superior Court denied petition. Counties appealed, and the Court of Appeal reversed and remanded with directions. The Supreme Court granted review.

The Supreme Court of California held that:

- Where a statutory provision was only technically reenacted as part of other changes made by a voter initiative and the Legislature has retained the power to amend the provision through the ordinary legislative process, the provision cannot fairly be considered "expressly included in a ballot measure" within the meaning of statute exempting state from reimbursing local governments for costs incurred in connection with duties included in such a ballot measure; disapproving *Shaw v. People ex rel. Chiang*, 175 Cal.App.4th 577, 96 Cal.Rptr.3d 379;
- SVPA provisions technically restated as part enactment of Proposition 83 were not expressly included in a ballot measure approved by the voters within the meaning of statute exempting state from reimbursing local governments for costs; and
- Commission was required to consider whether the expanded sexually violent predator definition in Proposition 83 transformed the subject statutes as a whole into a voter-imposed mandate or, alternatively, did so to the extent the expanded definition incrementally imposed new, additional duties on counties.