

THE SACRAMENTO BEE sacbee.com

Jerry Brown's budget plan would strip demands, payments from local governments

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Published Saturday, Jan. 14, 2012

When former Gov. Arnold Schwarzenegger tried to repeal a state law requiring animal shelters to keep dogs and cats longer before euthanizing them, outrage from animal lovers was so overwhelming he was forced to drop the idea.

Eight years later, Gov. Jerry Brown is proposing to repeal provisions of the same law. But this time – owing to improved shelter conditions and to years of tough budget conditioning – hardly anyone has complained.

The shelter requirement, temporarily suspended in 2009, is one of about 30 local government mandates Brown is proposing to repeal in state budget legislation, greatly reducing the number of directives for which local agencies may claim reimbursement from the state.

The savings is not insignificant. The Democratic governor is counting on saving about \$729 million by suspending or repealing various mandates, and about \$100 million more by deferring payments the state already owes.

In all, the mandate repeals make up nearly a fifth of the spending cuts in Brown's proposal. The repeal of the animal shelter mandate alone is expected to save the state more than \$46 million next fiscal year.

In many cases, the mandates have been suspended for years, and in most cases – including at animal shelters, officials say – local agencies still provide the same services, anyway.

Among the mandates Brown is seeking to repeal are requirements that local agencies conduct autopsies on infants who die unexpectedly, take missing person reports and provide emergency workers portable masks and airway assemblies to use while administering CPR.

"Some of these things, to be honest with you, are so old that they don't make sense in a modern environment," said Jean Hurst, a lobbyist for the California State Association of Counties. "I mean, CPR masks? Who would send out their firefighters or cops without CPR masks?"

Temporarily suspending local mandates is a years-old budget tool. But Brown, who was governor before when voters first required the state in 1979 to reimburse local agencies for the cost of certain state-mandated programs, is proposing to permanently repeal more than in previous years.

The administration's goal is to "change the overall structure to make it more efficient and get away from the current claiming process that's time-intensive and costly for everyone to operate," state Finance Director Ana Matosantos said at a California Chamber of Commerce luncheon Thursday.

Brown said in Elk Grove on Friday that local government "ought to have as much authority as possible."

"Every time the state issues a mandate, then we've got to have some kind of a policeman, a bureaucrat, an enforcer, an auditor, somebody else who checks up on the rules," he said. "And I would like to see more accountability at the local level, and then with the appropriate oversight by the state."

He said, "So it's a matter of balance, and I'm trying to rewrite an imbalance."

The Brown administration's expectation that local agencies will assume the cost of many programs is not unfounded. When Brown last year authorized the suspension of several election-related mandates, including one providing reimbursement for absentee voting costs, California Association of Clerks and Election Officials President Gail Pellerin called the suspension "not a wise policy." But Pellerin, the Santa Cruz County clerk, said this week that counties were still providing the service.

"We certainly don't want to disenfranchise voters," she said. "It goes against our very grain."

By the time Schwarzenegger finally suspended the mandate lengthening the time animal shelters must hold stray animals before euthanizing them – generally to six days from three – fervor from animal activists had abated.

The law had been interpreted to reimburse agencies only in cases in which animals were euthanized, not when animals were adopted or reunited with their owners. In its analysis of the 2008-09 budget plan, the Legislative Analyst's Office recommended the mandate's repeal, finding no link between the mandate and programs that encourage animal adoption.

"That LAO analysis, it's hard to overcome, because I agree," said Jennifer Fearing, chief economist and California senior state director for the Humane Society of the United States.

While disappointed that the state does not provide more money for local animal shelters, she said the mandate's repeal is unlikely to affect shelter operations.

"The vast majority of shelters have adjusted to the new, longer holding periods, and they added space," Fearing said. "Most of them are going to do those things anyway, because the paradigm has shifted."

But Tom Hayden, the former Santa Monica state senator who wrote the 1998 law that included the animal shelter mandate, fears local agencies may regress.

"It remains to be seen if the animal rights activists are going to unleash their dogs on Jerry Brown," he said. "I think they should. Thousands and thousands of animals are put to death needlessly in California who should be put out for adoption." Besides, he said, the amount of money at stake is relatively small.

"Any serious budget analyst will tell you that this is meaningless as a budget category, completely meaningless," Hayden said.

At the counties association, Hurst said many of the mandates have been suspended for so long that counties welcome their repeal because it would provide a degree of certainty that suspensions don't.

Still, Hurst predicts a political struggle for Brown.

The mandates, she said, "all have their constituencies. ... I think it's going to be a political conversation as opposed to a policy one – what can people sort of stomach."

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