**State Mandates on Municipalities**

Opponents of State Mandates claim that these mandates can frustrate local officials, particularly if state policy restricts the ability of local governments to raise revenue to pay for the mandates.

Proponents believe that they ensure minimum uniform service levels statewide, raise or maintain employee standards and implement state social and economic policy objectives.

**Florida:**

In 1990 Florida voters passed a law that excuses municipalities from complying with laws requiring them to spend funds or to take actions unless the following conditions are met:

1. The law was passed by 2/3 vote of both houses; and
2. The legislature has declared the legislation fulfills an important state interest.

Otherwise the state must appropriate sufficient funds to pay for the mandate or provide a new local funding source.

Exceptions include laws that involve:

* criminal and noncriminal infractions;
* funding of preexisting pension requirements;
* elections;
* appropriations;
* reauthorizing but not expanding existing mandates ; or
* “insignificant fiscal impacts” which are defined amounts not greater than the average statewide population for the applicable fiscal year times ten cents.

The law also prohibits the legislature from enacting laws that reduces municipalities’ revenue- generating authority or unless certain conditions are met.

*Example:*

Currently inmates sentenced to less than one year are held in county jails while inmates sentenced to more than one year are sent to state correctional facilities. A new proposal would count “time served” in county jail towards sentencing. This shifts greater financial responsibility from the state to county jails and has the potential to encourage longer sentencing. The Florida Association of Counties estimates the additional expense to local governments statewide to be more than $100M.

**New Jersey**

A law passed in 1995 prohibits passage of any legislation after July 1, 1996 that would impose unfunded mandates on school boards and local governments.

Exceptions include legislation that is:

* required by federal law;
* uniformly imposed on both government and nongovernment entities;
* enacted to revise or ease an existing mandate;
* necessitated by a failure to comply with previously enacted laws;
* designated to implement the provisions of the state constitutions; or
* passed by ¾ vote of both houses

*Examples:*

Proposed anti-bulling legislation mandates that school districts create positions, follow protocols and institute training to prevent bulling. While the bill is applauded by all sides, opponents believe the state needs to provide the funding for extra personnel.

The property tax cap, which passed with the ¾ margin required (correct?), has forced municipalities to rely on new and increased fees on everything from recreation programs to ambulance services. One township eliminated 13 positions and bumped up several fees. Another township is considering a fee for using the Jaws of Life at major car accidents.

**Louisiana**

Currently the law passed by Louisiana voters in 1991 approved a constitutional amendment that *limited* the state's ability to impose mandated requirements and costs on local governments.

Effective January 1, 1992, a state law, executive order, rule, or regulation requiring additional expenditures by a local government could only become effective if one of the following occurred:

* the local government agrees to abide with the mandate;
* the state provides funds to pay for the new mandate;
* the state gave the local government authority to raise revenue to cover the cost of the new mandate; or
* the legislature voted to impose a new mandate or cost on local governments by a two-thirds vote of both houses

The amendment does not apply to local school systems, to existing mandates, to laws requested by individual political subdivisions, to benefits for police officers and firefighters found in existing law, to laws defining or amending a new crime, or to laws or rules required for compliance with federal standards such as those mandated by the EPA.