

REPORT TO THE  
CALIFORNIA LEGISLATURE  
ON APPROVED MANDATE CLAIMS  
JULY 1990

COMMISSION ON STATE MANDATES

Jesse R. Huff, Chairperson  
Robert C. Creighton, Member  
Gray Davis, Member  
Thomas W. Hayes, Member  
John McCarthy, Member

Robert W. Eich  
Executive Director

July 30, 1990

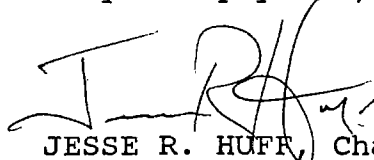
Mr. R. Brian Kidney  
Chief Clerk of the Assembly  
California State Legislature  
State Capitol, Room 3196  
Sacramento, CA 95814

Dear Mr. Kidney:

Enclosed is the Commission on State Mandates' Report to the Legislature for July 1990 as required by section 17600 of the Government Code. This section provides, in part, that at least twice each calendar year the Commission shall report to the Legislature on the number of mandates it has found, the estimated statewide cost of each mandate, and the reasons for recommending reimbursement.

If you have any questions regarding this report, please contact Robert Eich, Executive Director of the Commission on State Mandates, at 323-3562.

Very truly yours,



JESSE R. HUFF, Chairperson  
Commission on State Mandates

Enclosure

cc: Honorable John Vasconcellos, Chairperson,  
Assembly Ways and Means Committee  
Honorable Robert Presley, Chairperson,  
Senate Appropriations Committee  
Honorable Alfred E. Alquist, Chairperson, Senate Budget and  
Fiscal Review Committee  
Honorable Alfred E. Alquist, Chairperson, Joint Legislative  
Budget Committee  
Ms. Elizabeth Hill, Legislative Analyst  
Mr. Allan S. Zaremborg, Legislative Secretary,  
Governor's Office

0648s

July 30, 1990

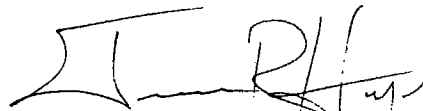
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Sacramento, CA 95814

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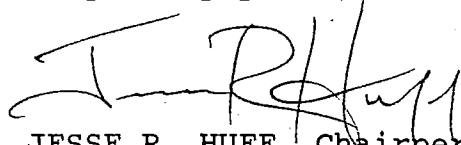
Mr. Darryl R. White  
Secretary of the Senate  
California State Legislature  
State Capitol, Room 3044  
Sacramento, CA 95814

Dear Mr. White:

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## INTRODUCTION

Section 17600 of the Government Code requires the Commission on State Mandates (Commission) to report to the Legislature at least twice each calendar year on the number of mandates it has found, the estimated statewide costs of each mandate, and the reasons for recommending reimbursement.

Section 17612(a) of the Government Code provides that upon receipt of this report, a local government claims bill shall be introduced in the Legislature. This section further states that, at its introduction, the bill shall provide for an appropriation sufficient to pay the estimated costs of the mandates approved by the Commission.

Section 17612(b) of the Government Code specifies that if the Legislature deletes funding for a mandate from a local government claims bill, the local agency or school district may file an action in declaratory relief in the Superior Court of the County of Sacramento to declare the mandate unenforceable and enjoin its enforcement.

The following pages contain summaries of two mandate findings including the justification for finding a mandate and an explanation of the reimbursable cost areas.

Note

Due to legislative direction in section 9 of Chapter 391, Statutes of 1988, which authorizes the use of the State Mandates Claims Fund, the first fiscal year costs (1988-89) will be paid from the State Mandates Claims Fund. However, in subsequent years, because it is not possible to predict when the provisions of this mandate may affect a local agency, an amount of \$1,000 should be appropriated in the Annual Budget Act so that an appropriation is available if a local agency were to incur reimbursable costs.

Education Code Section 49411(b)  
Department of Education Guidelines  
Chapter 1107, Statutes of 1984  
Removal of Chemicals

Eligible Claimants

School Districts

Basis for Mandate

The Commission determined that Education Code section 49411, subdivision (b), as added by Chapter 1107, Statutes of 1984, and the Department of Education guidelines contained in the Science Safety Handbook for California High Schools (1987), impose a new program and a higher level of service by requiring local school districts to comply with the Guidelines for the regular removal and disposal of all chemicals whose shelf life has elapsed pursuant to those Guidelines. Chapter 1107, Statutes of 1984 further required local school districts to certify to the Superintendent of Public Instruction whether the district is in compliance with the Guidelines.

Statewide Cost Estimate

The Commission adopted a statewide cost estimate of \$13,622,000 for the fiscal years 1984-85 through 1990-91.

The following is a fiscal year breakdown of the statewide costs:

<u>Fiscal Year</u>	<u>Amount</u>
9/14/84- 6/30/85	\$ 122,980
1985-86	833,507
1986-87	1,351,039
1987-88	3,581,039
1988-89	2,183,097
1989-90	2,611,462
1990-91	<u>2,978,488</u>
TOTAL	\$13,622,000 (R)



FISCAL SUMMARY

A. Appropriation Request

1. Education Code Section 49411(b)  
Department of Education Guidelines  
Chapter 1107, Statutes of 1984  
Removal of Chemicals \$13,662,000

B. Funded through the State Mandates Claims Fund

1. Elections Code Sections  
6490.3, 6490.4, 14205.5, and 14995.4  
Chapter 391, Statutes of 1988  
Brendon Maguire Act \$14,000