

REPORT TO THE
CALIFORNIA LEGISLATURE
ON APPROVED MANDATE CLAIMS
JANUARY 1989

COMMISSION ON STATE MANDATES

Jesse R. Huff, Chairperson
Robert P. Martinez, Member
Robert C. Creighton, Member
Gray Davis, Member
Thomas W. Hayes, Member

Robert W. Eich
Executive Director

COMMISSION ON STATE MANDATES

1130 K STREET, SUITE 1150
SACRAMENTO, CA 95814
(916) 323-3562



December 30, 1988

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

Dear Mr. White:

Enclosed is the Commission on State Mandates' Report to the Legislature for January 1989 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,

A handwritten signature in black ink, appearing to read 'Jesse R. Huff', written over a horizontal line.

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 William Campbell, Chairperson, Joint Legislative
Budget Committee
Ms. Elizabeth Hill, Legislative Analyst
Mr. Allan Zaremberg, Legislative Secretary, Governor's Office

0325s

COMMISSION ON STATE MANDATES

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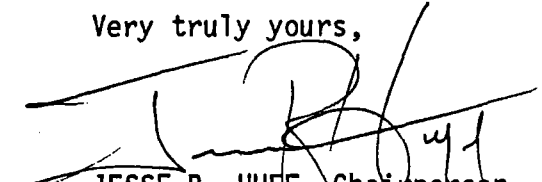
Mr. R. Brian Kidney
Chief Clerk of the Assembly
California State Legislature
State Capitol, Room 3194
Sacramento, CA 95814

Dear Mr. Kidney:

Enclosed is the Commission on State Mandates' Report to the Legislature for January 1989 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

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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 five mandate findings including the justification for finding a mandate and an explanation of the reimbursable cost areas.

It should be noted that the mandate determination for Chapter 498, Statutes of 1983, was made by the State Board of Control prior to the creation of the Commission on State Mandates. Section 2239(b) of the Revenue and Taxation Code directed that all claims for reimbursement, which had not been included in a local government claims bill pursuant to Section 2255 of the Revenue and Taxation Code enacted before January 1, 1985, shall be transferred to the commission. This section of the Revenue and Taxation Code was repealed by Chapter 879, Statutes 1986. The commission has since finalized this test claim on Chapter 498, Statutes of 1983, without reconsidering the basis for the Board of Control finding.

Chapter 498, Statutes of 1983
Education Code Section 48915(a)
Expulsion Reports

Eligible Claimants

All school districts and county offices of education.

Basis for Mandate

The State Board of Control found that Education Code section 48915(a) as amended by Chapter 498, Statutes of 1983 imposed state mandated costs upon schools by requiring that school administrators or principals either recommend expulsion of students for specified reasons or report in writing to the governing board why expulsion would be inappropriate. The Board of Control determined that the requirement of a written report, in lieu of expulsion, resulted in a state mandated program.

Statewide Cost Estimate

The commission adopted a statewide cost estimate of \$1,981,000 for the fiscal years 1983-84 through 1989-90.

Following is a fiscal year breakdown of the statewide costs:

<u>Fiscal Year</u>	<u>Amount</u>	
1983-84	\$ 99,020	
1984-85	122,890	
1985-86	233,600	
1986-87	374,840	
1987-88	370,210	
1988-89	390,080	
1989-90	390,080	
Total	\$1,981,000	(R)

Chapter 1017, Statutes of 1986
Investigations of Guardianships

Eligible Claimants

Any local entity which incurs increased costs as a result of this mandate is eligible to claim reimbursement of those costs.

Basis for Mandate

The Commission on State Mandates determined that Chapter 1017, Statutes of 1986, added Section 2, paragraph 1513(a), to the Probate Code imposing an "increased level of service" upon local entities by requiring a court investigator, probation officer, or domestic relations investigator to make an investigation and file with the court a report and recommendation concerning each proposed guardianship of the person or guardianship of the estate unless waived by the court. The commission's finding was in response to a claim filed by the County of San Mateo on April 1, 1987.

The commission concluded that the costs of investigations and reports required by Chapter 1017, Statutes of 1986 which exceed the amount of the allowable assessment as determined by the State Controller, are costs mandated by the state.

Statewide Cost Estimate

The Commission on State Mandates adopted a statewide cost estimate for this mandate in the amount of \$4,894,000 for the period January 1, 1987 through June 30, 1987 and for fiscal years 1987-88 and 1988-89.

The fiscal year breakdown of statewide costs is as follows:

<u>Fiscal Year</u>	<u>Amount</u>
January 1, 1987- June 30, 1987	\$ 970,608
1987-88	1,941,216
1988-89	2,366,649
SUB-TOTAL	\$5,278,473
Less Offsetting Savings	(384,798)
TOTAL	<u>\$4,894,000</u> (R)

Chapter 1117, Statutes of 1984
Airport Land Use

Eligible Claimants

Counties

Basis for Mandate

The Commission on State Mandates determined that Public Utilities Code Section 21670, as amended by Chapter 1117, Statutes of 1984, imposed a reimbursable state mandate by requiring every county in which is located an airport that is not served by a scheduled airline, but which is operated for the benefit of the general public, to establish an airport land use commission and prepare airport land use plans. Under previous law, such commission and plans were only required for a county in which was located an airport operated for the benefit of the public and served by a certificated air carrier.

Statewide Cost Estimate

The commission adopted a statewide cost estimate for this mandate in the amount of \$3,672,000 for the 1985-86 through 1989-90 fiscal years.

The following is a fiscal year breakdown of statewide costs:

<u>Fiscal Year</u>	<u>Amount</u>
1985-86	\$ 539,227
1986-87	648,298
1987-88	617,202
1988-89	1,237,885
1989-90	734,328
	<u>\$3,776,940</u>
SUB-TOTAL	
Less Offsetting Savings	<u>(105,300)</u>
TOTAL	<u>\$3,672,000</u> (R)

Chapter 1334, Statutes of 1987
CPR Pocket Masks

Eligible Claimants

Cities, Counties, and Special Districts (any district authorized by statute to maintain a police department).

Basis for Mandate

The Commission on State Mandates determined that Chapter 1334, Statutes of 1987, mandated a new program. Chapter 1334, Statutes of 1987, added section 13518.1 to the Penal Code to require every law enforcement agency employing peace officers, as described, to provide each peace officer with a portable manual mask and airway assembly designed to prevent the spread of communicable diseases when applying cardiopulmonary resuscitation. The Commission determined that cities, counties, and specified special districts have incurred costs resulting from providing the portable manual masks and airway assemblies.

Statewide Cost Estimate

The Commission adopted a statewide cost estimate of \$733,000 for the period September 30, 1987, through the 1989-90 fiscal year.

The following is a fiscal year breakdown of statewide costs:

<u>Fiscal Year</u>	<u>Amount</u>
September 30, 1987- June 30, 1988	\$523,512
1988-89	104,702
1989-90	<u>105,000</u>
Total	\$733,000 (R)

Chapter 1490, Statutes of 1984
Business Tax Reporting Requirements

Eligible Claimants

Cities which either maintain a computerized record-keeping system or which have access to a computerized record-keeping or information system, and which assess a business tax.

Basis of Mandate

The Commission on State Mandates determined that Chapter 1490, Statutes of 1984 mandated new business tax reporting requirements for cities which: (i) maintain a computerized record-keeping system; or (ii) which have access to a computerized record-keeping or information system; and (iii) assess a business tax.

The new requirement is that covered cities provide to the Franchise Tax Board specified information for all businesses subject to the tax in the preceding fiscal year. The required reports must be filed on magnetic media or in other machine readable form. The reports must be filed commencing as soon as economically feasible, but not later than December 31, 1990, on an annual basis.

The information required by the statute consists of: business name and address; federal tax number or social security number of the business or its owner; type of business activity; amount of annual business tax; and any other information which the Franchise Tax Board requires.

Statewide Cost Estimate

The commission adopted a statewide cost estimate of \$6,065,000 for the fiscal years 1985-86 through 1989-90.

Following is a fiscal year breakdown of the statewide costs:

<u>Fiscal Year</u>	<u>Amount</u>
1985-86	\$ 17,763
1986-87	30,083
1987-88	492,416
1988-89	2,762,290
1989-90	2,762,290
Total	<u>\$6,065,000 (R)</u>

FISCAL SUMMARY

1.	Chapter 498, Statutes of 1983 <u>Expulsion Reports</u>	\$ 1,981,000
2.	Chapter 1017, Statutes of 1986 <u>Investigations of Guardianships</u>	4,894,000
3.	Chapter 1117, Statutes of 1984 <u>Airport Land Use</u>	3,672,000
4.	Chapter 1334, Statutes of 1987 <u>CPR Pocket Masks</u>	733,000
5.	Chapter 1490, Statutes of 1984 <u>Business Tax Reporting Requirements</u>	6,065,000
	TOTAL	<u>\$17,345,000</u>