

**COMMISSION ON STATE MANDATES**

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June 10, 2004

Leonard Kaye, Esq.  
County of Los Angeles  
Auditor-Controller's Office  
Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 525  
Los Angeles, CA 90012-2766

*And Affected State Agencies and Interested Parties (See Enclosed Mailing List)*

**Re: Draft Staff Analysis**

*Postmortem Examinations: Unidentified Bodies, Human Remains, OO-TC-18*  
County of Los Angeles, Claimant  
Government Code Section 2752 1.1  
Statutes 2000, Chapter 284

Dear Mr. Kaye:

The draft staff analysis is enclosed for your review and comment.

**Written Comments**

Any party or interested person may file written comments on the draft staff analysis by **June 22, 2004**. You are advised that the Commission's regulations require comments filed with the Commission to be simultaneously served on other interested parties and to be accompanied by a proof of service. If you would like to request an extension of time to file comments, please refer to section 1183.01, subdivision (c), of the Commission's regulations.

**Hearing**

This matter is tentatively set for hearing on **July 29, 2004**, at 9:30 a.m. in Room 126 of the State Capitol, Sacramento, California. Please let us know in advance if you or a representative of your agency will testify at the hearing, and if other witnesses will appear. If you would like to request postponement of the hearing, please refer to section 1183.01, subdivision (c), of the Commission's regulations.

**Special Accommodations**

For any special accommodations such as a sign language interpreter, an assistive listening device, materials in an alternative format, or any other accommodations, please contact the Commission Office at least five to seven *working* days prior to the meeting.

If you have any questions, please contact Cathy Cruz at (916) 323-8218.

Sincerely,

A handwritten signature in cursive script that reads "Paula Higashi".

PAULA HIGASHI  
Executive Director

Enclosure

MAILED: 6/10/02  
DATE: 6/10/02  
FAXED: VS  
INITIAL: VS  
FILE: \_\_\_\_\_  
WORKING BINDER: \_\_\_\_\_

**ITEM \_\_\_\_**  
**DRAFT STAFF ANALYSIS**  
**PROPOSED PARAMETERS AND GUIDELINES,**  
**AS MODIFIED BY STAFF**

Government Code Section 27521.1

Statutes 2000, Chapter 284

*Postmortem Examinations: Unidentified Bodies, Human Remains (00-TC-18)*

County of Los Angeles, Claimant

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**EXECUTIVE SUMMARY**

The Executive Summary will be included in the Final Staff Analysis.

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## STAFFANALYSIS

### Claimant

County of Los Angeles

### Chronology

09/25/03 Commission on State Mandates (Commission) adopted Statement of Decision  
10/29/03 Claimant submitted its proposed parameters and guidelines  
12/02/03 The State Controller's Office (SCO) submitted comments  
03/25/04 Commission conducted a pre-hearing conference  
04/28/04 Claimant submitted an addendum to the proposed parameters and guidelines  
06/09/04 Draft staff analysis issued

### Summary of the Mandate

The test claim statute requires specific reporting requirements for law enforcement agencies when an unidentified body is found. The test claim legislation also states that a postmortem examination or autopsy conducted at the discretion of the coroner on an unidentified body or human remains shall include specific activities, including full body X-rays, among other things. However, the Commission determined that the autopsy provisions were not reimbursable.

On September 25, 2003, the Commission adopted its Statement of Decision finding that Government Code section 2752 1.1 imposes a reimbursable state-mandated program on local agencies within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 175 14.' The mandate is for local law enforcement investigating the death of an unidentified person to report the death to the Department of Justice (DOJ), in a DOJ-approved format, within 10 calendar days of the date the body or human remains are discovered. Reimbursement is not required for "children under 12 or found persons with evidence that they were at risk, as defined by Penal Code section 14213."<sup>2</sup>

The Commission found that Government Code section 27521, Penal Code section 14202 and Health and Safety Code section 102870, as added or amended by Statutes 2000, chapter 284, do not constitute a reimbursable state-mandated program because they are not subject to article XIII B, section 6.

### Discussion

Staff reviewed the claimant's proposed parameters and guidelines<sup>3</sup> and the comments received. Non-substantive, technical changes were made for purposes of clarification, consistency with language in recently adopted parameters and guidelines, and conformity to the Statement of Decision and statutory language.

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<sup>1</sup> Exhibit A.

<sup>2</sup> This exclusion from the mandate refers to children under 12, or certain persons who have been reported missing and subsequently found. These are excluded because law enforcement is already required to report them to the DOJ.

<sup>3</sup> Exhibit B.

Substantive changes were made to the following sections of the claimant's proposed parameters and guidelines:

## ***II. Eligible Claim ants***

The claimant's proposal included cities, counties, school districts, and community college districts as eligible claimants for this program.

In its comments dated November 26, 2003,<sup>4</sup> the SCO noted that investigations of the death of an unidentified person falls under the jurisdictions of the city, county, or city and county law enforcement agency. Thus, the SCO recommended that school districts and community college districts be removed from the list of eligible claimants.

Staff finds that school districts and community college districts are not required by state law to employ law enforcement personnel. Therefore, they are not eligible claimants. Staff made the modification accordingly.

## ***IV. Reimbursable Activities***

On March 25, 2004, a pre-hearing conference was held at the Commission's office to discuss the reimbursable activities. Specifically, the participants discussed the type of information that was required for the 10-day report to be submitted to DOJ.

### Claimant's Proposal

The claimant's proposed parameters and guidelines include the following ongoing activities as eligible for reimbursement:

1. Determining if found specimens are unidentified bodies and human remains to be reported on DOJ's "Unidentified Deceased Reporting Form."
2. Logging, recording, and itemizing information for found specimens.
3. Conducting examinations or further analyses as may be required to complete DOJ's "Unidentified Deceased Reporting Form," such as requested dental information.
4. Obtaining required information such as the name, title, telephone and fax number of the reporting officer.
5. Preparing complete and accurate "Unidentified Deceased Reporting" forms.
6. Timely filing forms with DOJ.
7. Providing further information requested by DOJ or their designate(s).

In addition, the claimant proposed three one-time administrative activities related to developing policies and procedures; training staff; and obtaining, developing, or modifying specialized software to prepare the reports to be submitted to DOJ.

On April 28, 2004, the claimant submitted an addendum to the proposed parameters and guidelines focusing on the information reasonably necessary to include in the required 10-day report? Included was a printout of the mandatory information for entering unidentified persons

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<sup>4</sup> Exhibit C.

<sup>5</sup> Exhibit D.

reports into DOJ's Unidentified Persons System;<sup>6</sup> DOJ's Unidentified Person's System Consolidated Data Dictionary;<sup>7</sup> and DOJ form number BCIA 4085, "Unidentified Deceased Reporting Form."<sup>8</sup>

#### State Controller's Office Comments

The SCO expressed concern that the claimant's proposal included activities that went beyond the scope of the mandate. In its comments dated November 26, 2003, the SCO recommended technical clarifications consistent with the Statement of Decision to clarify several of the proposed activities. The SCO disagreed with the claimant's proposed activities related to logging, recording, and itemizing information for found specimens; conducting examinations, such as requested dental information; and providing information as requested by DOJ. The SCO recommended that these activities be deleted since the program was limited to reporting the death of an unidentified person to DOJ.

#### **Staff Finding and Proposal**

The Commission found that the activity of reporting the death of an unidentified person to DOJ within 10 calendar days of discovery constitutes a reimbursable state-mandated program (with exceptions as noted). California Code of Regulations, title 2, section 1183.1, subdivision (a)(1)(C)(4), requires that the proposed parameters and guidelines include a description of the most reasonable methods of complying with the mandate.

In addition to reporting the death of the unidentified person to DOJ, the claimant's proposal includes several activities that stem from the coroner's discretionary autopsy, such as conducting examinations and completing DOJ form BCIA 4085, the Unidentified Deceased Reporting Form. A DOJ Information Bulletin dated October 11, 2001,<sup>9</sup> refers to this form as the "final report of investigation," or the 180-day report, required by Health and Safety Code section 102870. The Commission expressly found that conducting medical examinations' and completing the final report of investigation pursuant to Health and Safety Code section 102870 and Government Code section 27521 are not reimbursable because these activities are a result of the coroner's discretionary autopsy. Therefore, staff finds that the claimant's proposed activities exceed the scope of the mandate, and must be limited to reporting the death of the unidentified person to DOJ, in a DOJ-approved format, within 10 calendar days of discovery.

The claimant argues that the information required for the 10-day report to DOJ is plainly indicated on the Unidentified Deceased Reporting Form. In its addendum submitted on April 28, 2004, the claimant provided additional evidence from the DOJ Missing and Unidentified Persons Unit in support of this contention. The supervisor of the DOJ Missing and Unidentified Persons Unit indicated that the information enumerated in the following table is mandatory for a report to be entered into the DOJ Unidentified Persons System."

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<sup>6</sup> Exhibit D, page \_\_\_\_\_

<sup>7</sup> Exhibit D, page \_\_\_\_\_

<sup>8</sup> Exhibit D, page \_\_\_\_\_

<sup>9</sup> Exhibit A, page \_\_\_\_\_

<sup>10</sup> Exhibit D, pages \_\_\_\_\_ - \_\_\_\_\_

**TABLE 1.**  
**DOJ Unidentified Persons System List of Mandatory Fields**

<b>Data Field Code</b>	<b>Data Field Name</b>	<b>Comments</b>
MKE	Message key	Type of message
ORI	Originating agency identifier	Identification number assigned to agency
OCA	Originating agency case number	Master case record number
TYP	Report type	Type = "Unidentified Deceased"
SEX	Sex	
RAC	Race	
HGT	Height	
WGT	Weight	
HAI	Hair color	
EYE	Eye color	
AGE	Age	Approximate age range of subject
BPS	Body parts status	Condition of body parts when found
CDA	Cause and manner of death	
DXR	Dental chart/x-rays available	Responses include yes or no
BXR	Body/skeletal x-rays available	Responses include full, partial, or none
FPA	Footprint available	Responses include yes or no
FPC	Fingerprint classification	
DBF	Date body found	
EDD	Estimated date of death	
FCN	File control number	Computer-generated number
SMT CODE	Scars, marks, tattoos, and other characteristics	Notation of unusual physical characteristics

When reporting the death of an unidentified person, the local entity must do so in a DOJ-approved format, typically by reporting via telephone or teletype machine.<sup>11</sup> Table 1 above lists the information necessary to complete the report to DOJ. Staff finds that while the Unidentified Deceased Reporting Form includes these same fields, it only comprises a portion of the form. The front side of the form also contains fields identified as optional in the DOJ's Unidentified Person's System Consolidated Data Dictionary, and the back side relates to the completion of a dental examination, an activity that is not reimbursable. Therefore, completion of the entire Unidentified Deceased Reporting Form is not reimbursable.

Accordingly, staff modified the claimant's proposed parameters and guidelines to include only the initial reporting of the death of an unidentified person to DOJ, in a DOJ-approved format, within 10 calendar days of the date the body or human remains are discovered. Reimbursement was limited to submitting the following mandatory information to DOJ to complete the 1 O-day report:

1. Originating agency case number

<sup>11</sup> Exhibit E, page \_\_\_\_.



2. Originating agency identification number
3. Date subject's body was found
4. Cause and manner of subject's death
5. Subject's estimated date of death
6. Subject's eye color
7. Subject's hair color
8. Subject's race or ethnicity
9. Subject's sex
- 1b. Subject's height
11. Subject's approximate weight
12. Subject's approximate age range
13. Status of subject's body parts
14. Subject's fingerprint classification
15. Availability of subject's dental chart/x-rays
16. Availability of subject's body/skeletal x-rays
17. Availability of subject's footprint
18. Identification of any scars, marks, or tattoos on subject

Regarding the claimant's proposal to include training as a reimbursable activity, staff finds that it goes beyond the scope of the mandate because it was not stated as a reimbursable activity in the test claim legislation or the Statement of Decision. Furthermore, training is not reasonably necessary to carry out the mandated activities, as the local entity does not enter the information in DOJ's Unidentified Person's System. The local entity is only required to make the report via telephone or teletype machine, and to provide the unidentified subject's visible, physical description, as identified above.

Likewise, staff finds that the claimant's proposed one-time administrative activities related to developing policies and procedures; and obtaining, developing, or modifying specialized software to prepare the reports to be submitted to DOJ are not reasonably necessary to carry out this mandate. Local entities are not required to submit written forms.

Therefore, staff did not include the claimant's proposed administrative activities related to training, policies and procedures, and software.

#### ***V. Claim Preparation and Submission***

In its proposal, the claimant included the standard direct costs that are eligible for reimbursement. However, since travel and training are not required for the purpose of the reimbursable activities, staff did not include these as reimbursable direct costs.

#### **Staff Recommendation**

Staff recommends that the Commission adopt the proposed parameters and guidelines, beginning on page 9.

Staff also recommends that the Commission authorize staff to make any non-substantive, technical corrections to the parameters and guidelines following the hearing.



## PROPOSED PARAMETERS AND GUIDELINES, AS MODIFIED BY STAFF

Government Code Sections ~~27521~~ and 27521.1  
Health and Safety Code Section ~~102870~~  
Penal Code Section ~~14202~~  
Statutes 2000, Chapter 284

*Postmortem Examinations: Unidentified Bodies, Human Remains (00-TC-18)*

County of Los Angeles, Claimant

### I. SUMMARY OF THE MANDATE

~~Chapter 284, Statutes of 2000, adding Sections 27521 & 27521.1 of the Government Code, amending Section 102870 of the Health & Safety Code, amending Section 14202 of the Penal Code, sets forth requirements for postmortem examinations of unidentified bodies and human remains and for reporting the death of an unidentified person to the State Department of Justice.~~

~~On September 25, 2003, the Commission on State Mandates [(Commission)] adopted its Statement of Decision finding that the test claim legislation constitutes Government Code section 27521.1 imposes a reimbursable state-mandated program upon local governments agencies within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. The mandate is for local law enforcement investigating the death of an unidentified person to report the death to the Department of Justice (DOJ), in a DOJ-approved format, within 10 calendar days of the date the body or human remains are discovered. Reimbursement is not required for "children under 12 or found persons with evidence that they were at risk, as defined by Penal Code section 14213." for the following activities for local law enforcement agencies investigating the death of an unidentified person:~~

~~Reporting the death to the California Department of Justice [DOJ] in a DOJ-approved format, within 10 calendar days of the date the body or human remains are discovered.~~

~~The Commission also found that filing DOJ reports for children under 12 or found persons with evidence that they were at risk, as defined by Penal Code section 14213, is not a reimbursable activity.~~

~~The Commission found that Government Code section 27521, Penal Code section 14202 and Health and Safety Code section 102870, as added or amended by Statutes 2000, chapter 284, do not constitute a reimbursable state-mandated program because they are not subject to article XIII B, section 6.~~

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<sup>1</sup> This exclusion from the mandate refers to children under 12, or certain persons w'ho have been reported missing: and subsequently found. These are excluded because law enforcement is already required to report them to the DOJ.

~~Prior to final hearing, the test claim legislation was amended to include Chapter 822, Statutes of 2000, adding Penal Code Section 14250(b) and Section 14250(e)(1) and Chapter 467, Statutes of 2001, amending Penal Code Section 14250(b) and Section 14250(e)(1). This amendment has been severed and consolidated with Test Claim CSM 00 TC 27 [DNA Database], now awaiting final adjudication.~~

## II. ELIGIBLE CLAIMANTS

~~The eligible claimants are a~~ Any county, city, or city and county, school district or community college district that incurs increased costs as a result of this reimbursable state-mandated program is eligible to claim reimbursement of those costs.

## III. PERIOD OF REIMBURSEMENT

Government Code section 17557 states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for reimbursement for that fiscal year. The test claim for this mandate was filed by the County of Los Angeles on June 28, 2001. The test claim legislation became effective on January 1, 2001. Therefore, costs incurred for compliance with Statutes of 2000, Chapter 284 are reimbursable on or after January 1, 2001.

Actual costs for one fiscal year shall be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to Government Code section 1756 1, subdivision (d)(1), all claims for reimbursement of initial fiscal year's costs shall be submitted within 120 days of notification by to the State Controller of the issuance within 120 days of the issuance date for the claiming instructions.

If the total costs for a given year do not exceed \$1,000, no reimbursement shall be allowed,, except as otherwise allowed by Government Code section 17564.

## IV. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any given fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. ~~Supporting Source documents~~ may include, but are not limited to, employee time records or time logs, sign-in sheets, ~~cost allocation reports (system generated),~~ invoices, and receipts,

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, training packets with signatures and logs of attendees, calendars, and declarations, and Declarations must include a certification or declaration stating, "I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise reported in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities identified below. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate.

For each eligible claimant, the following-~~activity performed by local law enforcement personnel or performed by personnel designated to perform the subject reporting function in a local jurisdiction, such as coroner personnel, are eligible for reimbursement is reimbursable:~~

1. Initial reporting of the death of an unidentified person to the DOJ, in a DOJ-approved format, within 10 calendar days of the date the body or human remains are discovered. Reimbursement is not required for “children under 12 or found persons with evidence that they were at risk, as defined by Penal Code section 14213.”<sup>2</sup> Reimbursement is limited to submitting the following mandatory information to DOJ to complete the 10-day report:
  - a. Originating agency case number
  - b. Originating agency identification number
  - c. Date subject’s body was found
  - d. Cause and manner of subject’s death
  - e. Subject’s estimated date of death
  - f. Subject’s eye color
  - g. Subject’s hair color
  - h. Subject’s race or ethnicity
  - i. Subject’s sex
  - j. Subject’s height
  - k. Subject’s approximate weight
  - l. Subject’s approximate age range
  - m. Status of subject’s body parts
  - n. Subject’s fingerprint classification
  - o. Availability of subject’s dental chart/x-rays
  - p. Availability of subject’s body/skeletal x-rays
  - q. Availability of subject’s footprint
  - r. Identification of any scars, marks, or tattoos on subject

#### A. One-time Activities

1. ~~Develop policies and procedures for preparing and filing the required California Department of Justice [DOJ] reports of the deaths of unidentified persons, except for~~

<sup>2</sup> This exclusion from the mandate refers to children under 12, or certain persons who have been reported missing; and subsequently found. These are excluded because law enforcement is already required to report them to the DOJ.

~~children under 12 or found persons with evidence that they were at risk, as defined by Penal Code section 14213, in a DOJ approved format, within 10 calendar days of the date the body or human remains are discovered.~~

- ~~2. Train each staff person who may be required to initiate, prepare, or file some or all of the subject DOJ report on proper methods and procedures for complying with DOJ's reporting requirements.~~
- ~~3. Obtain, develop or modify specialized software for preparing the subject DOJ reports in a timely and economical manner. If the specialized software is used for other purposes, only the pro rata costs of the software, including licensing agreement, that is related to reimbursable activities specified herein, may be claimed under Materials and Supplies and/or Contracted Services.~~

#### ~~B. Continuing Activities~~

- ~~1. Determining if found specimens are unidentified bodies and human remains to be reported on DOJ's "Unidentified Deceased Reporting Form" [attached].~~
- ~~2. Logging, recording, and itemizing information for found specimens.~~
- ~~3. Conducting examinations or further analyses as may be required complete DOJ's "Unidentified Deceased Reporting Form", such requested dental information.~~
- ~~4. Obtaining required information such as the name, title, telephone and fax number of the reporting officer.~~
- ~~5. Preparing complete and accurate "Unidentified Deceased Reporting" forms.~~
- ~~6. Timely filing forms with DOJ.~~
- ~~7. Providing further information requested by DOJ or their designate(s).~~

### **V. CLAIM PREPARATION AND SUBMISSION**

~~Each claim for reimbursement pursuant to this mandate must be timely filed and set forth a listing of each item for which reimbursement is claimed under this mandate. The following requirements govern claiming actual costs.~~

Each of the following cost elements must be identified for each reimbursable activity identified in section IV. of this document. Each claimed reimbursable cost must be supported by source documentation as described in section IV. Additionally, each reimbursement claim must be filed in a timely manner.

#### A. Direct Cost Reporting

Direct costs are those costs incurred specifically for the reimbursable activities. The following direct costs are eligible for reimbursement.

##### A.1. Salaries and Benefits

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed. Claimed reimbursement for employee costs should be

~~supported by name, position, productive hourly rate, hours worked, fringe benefits amount and a brief description for the assigned unit and function relative to the mandate.~~

~~The source documents required to be maintained by the claimant may include, but are not limited to, employee time cards and/or cost allocation reports.~~

### ~~%&Materials and Supplies~~

~~Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.~~

~~The source documents required to be maintained by the claimant may include, but are not limited to, invoices, lease documentation and other documents evidencing the validity of the expenditure.~~

### ~~€3. Contracted Services~~

~~List costs incurred for contract services, including legal counsel for the development and operation of the mandated program and indirect costs, computed in accordance with OMB A-87 as described in Section V.G. [below], for administration of reimbursable contract[s]. Use of contract services must be justified by the claimant.~~

~~Report the name of the contractor and services performed to implement the reimbursable activities. If the contractor bills for time and materials, report the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the services that were performed during the period covered by the reimbursement claim. If the contract services are also used for purposes other than the reimbursable activities, only the pro-rata portion of the services used to implement the reimbursable activities can be claimed. Submit contract consultant and invoices with the claim and a description of the contract scope of services.~~

### ~~Đ4. Fixed Assets and Equipment~~

~~Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment is also used for purposes other than the reimbursable activities, only the pro-rata portion of the purchase price used to implement the reimbursable activities can be claimed.~~

~~The source documents required to be maintained by the claimant may include, but are not limited to, contracts, charges, invoices, and statements.~~

### ~~E. Travel~~

~~Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination point, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of cost element V.A Salaries and Benefits, for each applicable reimbursable activity.~~

## F. Training

Report the cost of training an employee to perform the reimbursable activities, as specified in Section IV of this document. Report the name and job classification of each employee preparing for, attending, and/or conducting training necessary to implement the reimbursable activities. Provide the title, subject, and purpose (related to the mandate of the training session), dates attended, and location. If the training encompasses subjects broader than the reimbursable activities, only the pro-rata portion can be claimed. Report employee training time for each applicable reimbursable activity according to the rules of cost element VA., Salaries and Benefits, and V.B., Materials and Supplies. Report the cost of consultants who conduct the training according to the rules of cost element V.C., Contracted Services. This data, if too voluminous to be included with the claim, may be reported in a summary. However, supporting data must be maintained as described in Section VI.

## G&Indirect Cost Rates

Indirect costs are costs that are incurred for a common or joint purpose, benefiting more than one program, and are not directly assignable to a particular department or program without efforts disproportionate to the result achieved. Indirect costs may include (1) the overhead costs of the unit performing the mandate: ~~and or~~ (2) ~~the indirect costs of administering reimbursable contract(s), or~~ (3) the costs of the central government services distributed to the other departments based on a systematic and rational basis through a cost allocation plan.

Compensation for indirect costs is eligible for reimbursement utilizing the procedure provided in the Office of Management and Budget (OMB) Circular A-87. Claimants have the option of using 10% of labor, excluding fringe benefits, ~~, 10% of the amount of reimbursable contract(s), if 50% or more of all reimbursable services are provided under contract, or~~ preparing an Indirect Cost Rate Proposal (ICRP) if the indirect cost rate claimed exceeds 10%.

If the claimant chooses to prepare an ICRP, both the direct costs (as defined and described in OMB Circular A-87 Attachments A and B) and the indirect costs shall exclude capital expenditures and unallowable costs (as defined and described in OMB A-87 Attachments A and B). However, unallowable costs must be included in the direct costs if they represent 'activities to which indirect costs are properly allocable.'

The distribution base may be (1) total direct costs (excluding capital expenditures and other distorting items, such as pass-through funds, major subcontracts, etc.), (2) direct salaries and wages, or (3) another base which results in an equitable distribution.

In calculating an ICRP, the claimant shall have the choice of one of the following methodologies:

1. The allocation of allowable indirect costs (as defined and described in OMB Circular A-87 Attachments A and B) shall be accomplished by (1) classifying a department's total costs for the base period as either direct or indirect, and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate which is used to distribute indirect costs to mandates. The rate should be expressed as a percentage which the total amount allowable indirect costs bears to the base selected: or



2. The allocation of allowable indirect costs (as defined and described in OMB Circular A-87 Attachments A and B) shall be accomplished by (1) separating a department into groups, such as divisions or sections, and then classifying the division's or section's total costs for the base period as either direct or indirect, and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate that is used to distribute indirect costs to mandates. The rate should be expressed as a percentage which the total amount allowable indirect costs bears to the base selected.

## **VI. RECORDS RETENTION**

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter<sup>3</sup> is subject to the initiation of an audit by the State Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. All documents used to support the reimbursable activities, as described in Section IV, must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

## **VII. OFFSETTING SAVINGS AND REIMBURSEMENTS**

Any offsetting savings ~~that~~ the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, including but not limited to, service fees collected, federal funds, and other state funds, shall be identified and deducted from this claim.

## **VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS**

Pursuant to Government Code section 17558, subdivision (b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 60 days after receiving the adopted parameters and guidelines from the Commission, to assist local agencies and school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the statute or executive order creating the mandate and the parameters and guidelines adopted by the Commission.

Pursuant to Government Code section 17561, subdivision (d)(1), issuance of the claiming instructions shall constitute a notice of the right of the local agencies and school districts to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

## **IX. REMEDIES BEFORE THE COMMISSION**

Upon request of a local agency or school district, the Commission shall review the claiming instructions issued by the State Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the Commission determines that the claiming instructions do not conform with the statute or

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<sup>3</sup> This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

~~executive order creating the mandate and to~~ the parameters and guidelines-  
Commission, the Commission shall direct the Controller to modify the claiming instructions to  
conform to ~~the statute or executive order creating the mandate and~~ the parameters and guidelines  
~~adopted by~~ as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government  
Code section 17557, subdivision (a), and the California Code of Regulations, title 2, section  
1183.2.

**X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES**

The Statement of Decision is legally 'binding on all parties and provides the legal and factual  
basis for the parameters and guidelines. The support for the legal and factual findings is found in  
the administrative record for the test claim. The administrative record, including the Statement  
of Decision, is on file with the Commission.

# Commission on State Mandates

Original List Date: 7161200 1 Mailing Information: Draft Staff Analysis  
Last Updated: 6/10/2004  
List Print Date: 06/10/2004 **Mailing List**  
Claim Number: 00-TC-18  
Issue: Postmortem Examinations: Unidentified Bodies, Human Remains

## Related

00-TC-27 DNA Database  
02-TC-39 Postmortem Examination: Unidentified Bodies, Human Remains

## TO ALL PARTIES AND INTERESTED PARTIES:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

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