

# SixTen and Associates Mandate Reimbursement Services

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**COMMISSION ON  
STATE MANDATES**

June 2, 2008

Paula Higashi, Executive Director  
Commission on State Mandates  
U.S. Bank Plaza Building  
980 Ninth Street, Suite 300  
Sacramento, California 95814

Re: CSM 02-TC-47  
Community College Construction

Dear Ms. Higashi:

On January 8, 2007, I submitted to the Commission, on behalf of the test claimant, a supplement to the test claim filing, specifically, the history of the Title 5, CCR, sections included in the test claim, at the request of the Commission staff.

This letter transmits, on behalf of the test claimants, the list of registers and relevant section numbers, in the form of an amended attachment page to the CSM 2 form.

Sincerely,



Keith B. Petersen

C: Douglas Brinkley, Vice-Chancellor  
Finance and Administration  
State Center Community College District  
1525 East Weldon  
Fresno, CA 3268



Amended Attachment to Form CSM 2 (1/91)  
 Test Claim of Santa Monica Community College District  
 758/95 Community College Construction 02-TC-47

Chaptered Bills

Education Codes

Chapter 758, Statutes of 1995	Education Code Section 81663
Chapter 1038, Statutes of 1991	Education Code Section 81800
Chapter 1372, Statutes of 1990	Education Code Section 81805
Chapter 891, Statutes of 1981	Education Code Section 81807
Chapter 470, Statutes of 1981	Education Code Section 81808
Chapter 910, Statutes of 1980	Education Code Section 81820
	Education Code Section 81821
	Education Code Section 81822
	Education Code Section 81823
	Education Code Section 81836
	Education Code Section 81837
	Education Code Section 81839

**California Code of Regulations Registers**

**Register 75-40**

Title 5, Sections:      57001    57022    57028    57030    57031

**Register 77-45**

Title 5, Sections:      57000    57001    57003    57029

**Register 80-39**

Title 5, Sections:      57050    57051    57052    57053    57054  
                                  57055

**Register 80-44**

Title 5, Sections:      57150    57152    57154    57156    57158

**Register 81-03**

Title 5, Sections:      57001    57158

**Register 83-18**

Title 5, Sections:      57000    57001    57002    57020    57021  
                                  57022    57023    57024    57025    57027  
                                  57028    57029    57030    57031    57032  
                                  57033    57050

### Register 91-23

Title 5, Sections: 57001 57001.5 57001.7 57002 57010  
57011 57013 57014 57015 57016  
57020 57021 57022 57023 57024  
57025 57027 57028 57029 57031  
57032 57033 57033.1 57034 57050  
57051 57052 57053 57054 57055  
57060 57061 57062 57063 57150  
57152 57154 57156 57158

### Register 91-43

Title 5, Sections: 57001 57001.5 57014 57028

### Register 94-38

Title 5, Sections: 57001.7

### Register 95-23

Title 5, Sections: 57001 57001.5 57001.7 57002 57010  
57011 57013 57014 57015 57016  
57020 57021 57022 57023 57024  
57025 57027 57028 57029 57030  
57031 57032 57033 57033.1 57034  
57050 57051 57052 57053 57054  
57055 57060 57061 57062 57063  
57150 57152 57154 57156 57158

### California Code of Regulations Originally Listed

Title 5, Section 57001	Title 5, Section 57001.5	Title 5, Section 57001.7
Title 5, Section 57002	Title 5, Section 57010	Title 5, Section 57011
Title 5, Section 57013	Title 5, Section 57014	Title 5, Section 57015
Title 5, Section 57016	Title 5, Section 57033.1	Title 5, Section 57050
Title 5, Section 57051	Title 5, Section 57052	Title 5, Section 57053
Title 5, Section 57054	Title 5, Section 57055	Title 5, Section 57060
Title 5, Section 57061	Title 5, Section 57062	Title 5, Section 57063
Title 5, Section 57150	Title 5, Section 57152	Title 5, Section 57154
Title 5, Section 57156	Title 5, Section 57158	



February 11, 2004

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**COMMISSION ON  
STATE MANDATES**

Ms. Paula Higashi  
Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

Dear Ms. Higashi:

As requested in your letter of July 11, 2003, the Department of Finance has reviewed the test claim submitted by the Santa Monica Community College District (claimant) asking the Commission to determine whether specified costs incurred under the Community College Construction Act of 1980 (Chapter 910, Statutes of 1980) and subsequent legislation and regulations, are reimbursable state mandated costs (Claim No. CSM-02-TC-47 "Community College Construction"). Commencing with page 27 of the test claim, claimant has identified numerous new duties which it asserts are reimbursable state mandates. Each of these assertions is discussed in detail in the body of our response.

As the result of our review, we have concluded that there are two activities which could be interpreted as state-reimbursable mandated activities. These two activities are 1) the inclusion in the five-year plan of the district's estimate of funds available for capital outlay matching purposes [Education Code (Ed Code) §81821(f)], and 2) the reporting to the Chancellor's Office on plans to achieve greater use of joint facilities with Parks and Recreation and possible use of new facilities by the community [Title V California Code of Regulations (CCR) §57013].

We disagree with all other claims of state-reimbursable mandated activities in this test claim. The disputed activities include, but are not limited to, those that are 1) substantially similar to activities that have been continuously required since the Community College Construction Act of 1967, 2) a requirement of the California Community Colleges Chancellor's Office, a state entity, rather than duties imposed on local districts, 3) discretionary activities or 4) required to provide cost savings that either meet or exceed the amount of expenses incurred.

The following sections of this letter respond to each of the claims contained in this test claim.

**A) To transfer any unused project funds when the existing district is incorporated into a newly formed district (Ed Code §81808)**

The activity described in Ed Code §81808 is not a state-reimbursable mandate as it has continuously existed since the Community College Construction Act of 1967. From 1967 through 1976, this requirement was contained in Ed Code §20057. In 1977, the Education Code was reorganized and this activity was renumbered as Ed Code §81808. The Community College Construction Act of 1980 merely repealed and then reinstated the same activity in the same code section. Government Code (Gov Code) §17514 specifically defines "costs mandated by the State" as: