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August 18, 2014
*Commission on
State Mandates*

EDMUND G. BROWN JR. • GOVERNOR

915 L STREET ■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DOF.CA.GOV

August 7, 2014

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

Dear Ms. Halsey:

Pursuant to Government Code section 17557, subdivision (d)(2)(A), the Department of Finance requests that the Commission on State Mandates (Commission) adopt a new test claim decision and amend the parameters and guidelines (Ps&Gs) for the CPR Pocket Masks (CSM-4291) by adding language to show that the reimbursement period of this mandate program ended on June 27, 2013. Chapter 28, Statutes 2013, (S.B.71), amended the law making the requirement that a law enforcement agency employing peace officers described in subdivision (a) of Section 13518.1 permissive by substituting the word "may" in place of the word "shall." It was the intent of the Legislature in enacting the amendment made by this act to Penal Code 13518.1 to relieve local entities of the duty to perform reimbursable activities. Since the statute was amended, no reimbursement is required pursuant to Article XIII B, section 6 of the California Constitution and Government Code section 17514. As a result, the CPR Pocket Masks mandate program no longer exists based on the amendment of the test claim statute.

The CSM form "Request to Adopt New Test Claim Decision" is attached with a detailed analysis, declarations and documentation.

Pursuant to section 1181.2, subdivision (c)(1)(E) of the California Code of Regulations, "documents that are e-filed with the Commission need not be otherwise served on persons that have provided an e-mail address for the mailing list."

If you have any questions regarding this letter, please contact Michael Byrne, Principal Program Budget Analyst at (916) 445-3274.

Sincerely,


TOM DYER
Assistant Program Budget Manager

Enclosure



DEPARTMENT OF
FINANCE

EDMUND G. BROWN JR. • GOVERNOR

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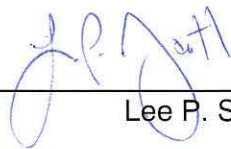
Enclosure A

DECLARATION OF LEE P. SCOTT
DEPARTMENT OF FINANCE
CLAIM NO. CSM -4291

1. I am currently employed by the State of California, Department of Finance (Finance), am familiar with the duties of Finance, and am authorized to make this declaration on behalf of Finance.

I certify under penalty of perjury that the facts set forth in the foregoing are true and correct of my own knowledge except as to the matters therein stated as information or belief and, as to those matters, I believe them to be true.

at Sacramento, CA



Lee P. Scott

ICC: DYER, BYRNE, SCOTT, FEREBEE, GEANACOU, FILE

1. TITLE OF REQUEST TO ADOPT A NEW TEST CLAIM DECISION

CPR Pocket Masks (CSM-4291)

2. REQUESTER INFORMATION

Name of Local Agency, School District, Statewide Association of Local Agencies or School Districts, or State Agency

California Department of Finance

Requester Contact

Michael Byrne

Title

Principal Program Budget Analyst

Organization

Department of Finance

Street Address

915 L Street

City, State, Zip Code

Sacramento, CA 95814

Telephone Number

916-445-3274

Fax Number

916-449-5252

E-Mail Address

3. REPRESENTATIVE INFORMATION

If requester designates another person to act as its sole representative for this request, all correspondence and communications regarding this request shall be forwarded to this representative. Any change in representation must be authorized by the requester in writing, and sent to the Commission on State Mandates. Please complete information below if designating a representative.

Representative Name

Title

Organization

Street Address

City, State, Zip Code

Telephone Number

Fax Number

E-Mail Address

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Filing Date: RECEIVED August 18, 2014 Commission on State Mandates
REQUEST# 14-MR-01

4. IDENTIFYING INFORMATION

Please identify the name(s) of the programs, test claim number(s), and the date of adoption of the Statement of Decision, for which you are requesting a new test claim decision, and the subsequent change in law that allegedly changes the state's liability. Regarding the subsequent change in law, please identify all relevant code sections (include statutes, chapters, and bill numbers), regulations (include register number and effective date), executive orders (include effective date), cases, or ballot measures.

On July 28, 1988, the Commission on State Mandates adopted the Statement of Decision for the CPR Pocket Masks (CSM-4291) and approved reimbursement for specified activities mandated by Chapter 1334, Statutes of 1987 under Penal Code 13518.1. Pursuant to Government Code section 17557, subdivision (d) (2)(A), the Department of Finance requests that the Commission on State Mandates (Commission) adopt a new test claim decision and amend the parameters and guidelines (Ps&Gs) for the CPR Pocket Masks (CSM-4291) by adding language to show that the reimbursement period of this mandate program ended on June 27, 2013. Chapter 28, Statutes 2013, (S.B.71), amended the law making the requirement that a law enforcement agency employing peace officers described in subdivision (a) of Section 13518.1 permissive by substituting the word "may" in place of the word "shall." It was the intent of the Legislature in enacting the

Sections 5, 6 and 7 are attached as follows:

- 5. Detailed Analysis: Pages 1 to 1.
- 6. Declarations: Pages 2 to 3.
- 7. Documentation: Pages 4 to 4.

Sections 5, 6, and 7 should be answered on separate sheets of plain 8-1/2 x 11 paper. Each sheet should include the name of the request, requestor, section number (i.e., 5, 6, or 7), and a heading at the top of each page.

5. DETAILED ANALYSIS

Under the heading "5. Detailed Analysis," please provide a detailed analysis of how and why the state's liability for mandate reimbursement has been modified pursuant to article XIII B, section 6(a) of the California Constitution based on a "subsequent change in law" as defined in Government Code section 17570. This analysis shall be more than a written narrative or simple statement of the facts at law. It requires the application of the law (Gov. Code, § 17570 (a) and (b)) to the facts (i.e., the alleged subsequent change in law) discussing, for each activity addressed in the prior test claim decision, how and why the state's liability for that activity has been modified. Specific references shall be made to chapters, articles, sections, or page numbers that are alleged to impose or not impose a reimbursable state-mandated program.

Also include all of the following elements:

The actual or estimated amount of the annual statewide changes in the state's liability for mandate reimbursement pursuant to Article XIII B, section 6 (subdivision (a)) on a subsequent change in the law.

- A. Identification of all of the following if relevant:
1. Dedicated state funds appropriated for the program.
 2. Dedicated federal funds appropriated for the program.
 3. Fee authority to offset the costs of the program.
 4. Federal law.
 5. Court decisions.
 6. State or local ballot measures and corresponding date of election.

6. DECLARATIONS

Under the heading "6. Declarations," support the detailed analysis with declarations that:

- A. Declare actual or estimated annual statewide costs that will or will not be incurred to implement the alleged mandate.
- B. Identify all local, state, or federal funds and fee authority that may or may not be used to offset the increased costs that will or will not be incurred by the claimants to implement the alleged mandate or result in a finding of no costs mandated by the state, pursuant to Government Code section 17556.
- C. Describe new activities performed to implement specified provisions of the statute or executive order alleged to impose a reimbursable state-mandated program.
- D. Make specific references to chapters, articles, sections, or page numbers alleged to impose or not impose a reimbursable state-mandated program.
- E. Are signed under penalty of perjury, based on the declarant's personal knowledge, information, or belief, by persons who are authorized and competent to do so.

7. DOCUMENTATION

Under heading "7. Documentation," support the detailed analysis with copies of all of the following:

- A. Statutes, and administrative or court decisions cited in the detailed analysis.

Statements of Decision and published court decisions from a state mandate determination by the Board of Control or the Commission are exempt from this requirement. When an omnibus bill is pled or cited, the requester shall file only the relevant pages of the statute, including the Legislative Counsel's Digest and the specific statutory changes at issue.

8. CERTIFICATION

Read, sign, and date this section and insert at the end of the request for a new test claim decision.*

This request for a new test claim decision is true and complete to the best of my personal knowledge, information, or belief.

Michael Byrne
Print or Type Name of Authorized Official

Principal Program Budget Analyst
Print or Type Title


Signature of Authorized Official

August 7, 2014
Date

*If declarant for this certification is different from the contact identified in section 2 of the form, please provide the declarant's address, telephone number, fax number and e-mail address.

Request to Adopt a New Test Claim Decision
Department of Finance
CPR Pocket Masks
Section 5: Detailed Analysis

Summary of Mandate

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.

Pursuant to Government Code section 17557, subdivision (d)(2)(A), the Department of Finance requests that the Commission on State Mandates (Commission) adopt a new test claim decision and amend the parameters and guidelines (Ps&Gs) for the CPR Pocket Masks (CSM-4291) by adding language to show that the reimbursement period of this mandate program ended on June 27, 2013. Chapter 28, Statutes 2013, (S.B.71), amended the law making the requirement that a law enforcement agency employing peace officers described in subdivision (a) of Section 13518.1 permissive by substituting the word "may" in place of the word "shall." It was the intent of the Legislature in enacting the amendment made by this act to Penal Code 13518.1 to relieve local entities of the duty to perform reimbursable activities. Since the statute was amended, no reimbursement is required pursuant to Article XIII B, section 6 of the California Constitution and Government Code section 17514. As a result, the CPR Pocket Masks mandate program no longer exists based on the amendment of the test claim statute.

The following activities are no longer reimbursable:

A. Scope of Mandate

Law enforcement agencies shall be reimbursed for the increased costs of providing to each officer a portable manual mask and airway assembly.

B. Reimbursable Activities/Costs

For each eligible claimant, the following cost items are reimbursable:

1. Purchase of portable manual mask and airway assembly which meets the guidelines established by the Emergency Medical Services Authority. Per unit reimbursable cost of a portable manual mask shall be \$11.00 per mask, or the actual cost, whichever is less.
2. Repair or replacement of portable manual mask and/or airway assembly.

**Request to Adopt a New Test Claim Decision
Department of Finance
CPR Pocket Masks
6: Declarations**

Enclosure

According to the Controller's April 30, 2014, "State Mandated Program Cost Report of Unpaid Claims and Deficiency Pursuant to Government Code Section 17562(b)(2)", Counties, Cities and Special Districts claimed \$52,955 and the State paid \$52,955, leaving the balance and total owed by the state at \$0.

Based on the forgoing analysis, which provides substantiation that the reimbursable activities in the CPR Pocket Masks Statement of Decision (CSM-4291) cease to be eligible for reimbursement, the State's liability for mandate reimbursement pursuant to Article XIII B, Section 6 of the California Constitution should be zero. Since the statute was amended, no reimbursement is required pursuant to Article XIII B, section 6 of the California Constitution and Government Code section 17514. As a result, the CPR Pocket Masks mandate program no longer exists based on the amendment of the test claim statute and the effective date of eliminating reimbursement for the CPR Pocket Masks mandate will be June 27, 2013.

**Request to Adopt a New Test Claim Decision
Department of Finance
CPR Pocket Masks
6: Declarations**

Enclosure

DECLARATION OF MICHAEL BYRNE
DEPARTMENT OF FINANCE

1. I am currently employed by the State of California, Department of Finance (Finance), am familiar with the duties of Finance, and am authorized to make this declaration on behalf of Finance.

I certify under penalty of perjury that the facts set forth in the foregoing are true and correct of my own knowledge except as to the matters therein stated as information or belief and, as to those matters, I believe them to be true.

at Sacramento, CA



Michael Byrne

**Request to Adopt a New Test Claim Decision
CPR Pocket Masks
7: Documentation**

Attachments

New Statute Ch 28, Stat 2013 (SB 71) and Old Statute Ch 1334, Stat 1987	A
Penal Code 13518.1	B

icc: DYER, BYRNE. SCOTT, GEANACOU, FILE



Senate Bill No. 71**CHAPTER 28**

An act to amend Sections 100010 and 100115 of, and to add Section 94874.8 to, the Education Code, to amend Sections 8592.1, 8592.5, 8592.7, 8690.6, 11542, 13964, 14615.1, 15251, 15253, 15254, 15275, 15277, 18671.2, 23025, 53108.5, 53114.1, 53115.1, and 53126.5 of, to add Sections 8250.1, 11543, 13295.5, and 13963.1 to, to add Chapter 9 (commencing with Section 14930) to Part 5.5 of Division 3 of Title 2 and Chapter 3 (commencing with Section 15278) to Part 6.5 of Division 3 of Title 2 of, and to add and repeal Article 8 (commencing with Section 19210) of Chapter 5 of Part 2 of Division 5 of Title 2 of, to repeal Section 8169.6 of, and to repeal and add Section 18662 of, the Government Code, to amend Section 10089.7 of the Insurance Code, to amend Sections 62.5, 139.48, 1024, 1771.3, 1771.5, 7852, 7856, and 7870 of, to amend and repeal Section 62.7 of, to add Sections 62.8 and 1063.5 to, and to repeal Section 62.9 of, the Labor Code, to amend Sections 1203, **13518.1**, 13701, 13710, and 13730 of the Penal Code, to amend Sections 10351, 12100, 12100.5, 12100.7, 12101, 12101.2, 12101.5, 12102, 12103, 12103.5, 12104, 12104.5, 12105, 12106, 12108, 12109, 12112, 12120, 12125, 12126, and 12128 of, to add Sections 12102.1 and 12102.2 to, and to repeal Section 12121 of, the Public Contract Code, to amend Section 75121 of the Public Resources Code, to amend Sections 2872.5, 2892, and 2892.1 of the Public Utilities Code, to amend Sections 41030, 41031, 41032, 41136, 41136.1, 41137, 41137.1, 41138, 41139, 41140, 41141, and 41142 of the Revenue and Taxation Code, to amend Section 5066 of the Vehicle Code, and to amend Section 656.2 of the Welfare and Institutions Code, relating to state and local government, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor June 27, 2013. Filed with
Secretary of State June 27, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

SB 71, Committee on Budget and Fiscal Review. State government.

(1) Existing law, the California Private Postsecondary Education Act of 2009, provides, among other things, for student protections and regulatory oversight of private postsecondary institutions in the state. The act is enforced by the Bureau for Private Postsecondary Education within the Department of Consumer Affairs. The act exempts specified institutions, including institutions accredited by certain federally recognized accrediting agencies and institutions accredited by a regional accrediting agency, from its provisions, and is repealed on January 1, 2015.

obtain a statement if the victim has in fact testified at any of the court proceedings concerning the offense.

(i) A probationer shall not be released to enter another state unless his or her case has been referred to the Administrator of the Interstate Probation and Parole Compacts, pursuant to the Uniform Act for Out-of-State Probationer or Parolee Supervision (Article 3 (commencing with Section 11175) of Chapter 2 of Title 1 of Part 4) and the probationer has reimbursed the county that has jurisdiction over his or her probation case the reasonable costs of processing his or her request for interstate compact supervision. The amount and method of reimbursement shall be in accordance with Section 1203.1b.

(j) In any court where a county financial evaluation officer is available, in addition to referring the matter to the probation officer, the court may order the defendant to appear before the county financial evaluation officer for a financial evaluation of the defendant's ability to pay restitution, in which case the county financial evaluation officer shall report his or her findings regarding restitution and other court-related costs to the probation officer on the question of the defendant's ability to pay those costs.

Any order made pursuant to this subdivision may be enforced as a violation of the terms and conditions of probation upon willful failure to pay and at the discretion of the court, may be enforced in the same manner as a judgment in a civil action, if any balance remains unpaid at the end of the defendant's probationary period.

(k) Probation shall not be granted to, nor shall the execution of, or imposition of sentence be suspended for, any person who is convicted of a violent felony, as defined in subdivision (c) of Section 667.5, or a serious felony, as defined in subdivision (c) of Section 1192.7, and who was on probation for a felony offense at the time of the commission of the new felony offense.

SEC. 46. Section 13518.1 of the Penal Code is amended to read:

13518.1. In order to prevent the spread of communicable disease, a law enforcement agency employing peace officers described in subdivision (a) of Section 13518 may provide to each of these peace officers an appropriate portable manual mask and airway assembly for use when applying cardiopulmonary resuscitation.

SEC. 47. Section 13701 of the Penal Code is amended to read:

13701. (a) As a best practice, every law enforcement agency in this state may develop, adopt, and implement written policies and standards for officers' responses to domestic violence calls by January 1, 1986. These policies may reflect that domestic violence is alleged criminal conduct. Further, they may reflect existing policy that a request for assistance in a situation involving domestic violence is the same as any other request for assistance where violence has occurred.

(b) As a best practice, the written policies may encourage the arrest of domestic violence offenders if there is probable cause that an offense has been committed. These policies also may require the arrest of an offender, absent exigent circumstances, if there is probable cause that a protective

41137, 41137.1, 41138, 41139, 41140, 41141, and 41142 of the Revenue and Taxation Code, and the addition by this act of Section 11543 of, and Chapter 3 (commencing with Section 15278) to Part 6.5 of Division 3 of Title 2 of, the Government Code, and Sections 12102.1 and 12102.2 to the Public Contract Code, and the repeal by this act of Section 12121 of the Public Contract Code shall be operative on July 1, 2013.

SEC. 94. It is the intent of the Legislature in enacting the amendments made by this act to Section 23025 of the Government Code, Sections 1203, 13518.1, 13701, 13710, and 13730 of the Penal Code, and Section 656.2 of the Welfare and Institutions Code to relieve local entities of the duty to perform reimbursable activities, as determined by the Commission on State Mandates or other authorized entity, included in the following state-mandated local programs:

- (a) Deaf Teletype Equipment (04-LM-11).
- (b) Adult Felony Restitution (04-LM-08).
- (c) Pocket Masks (CSM-4291).
- (d) Domestic Violence Information (CSM-4442).
- (e) Victims' Statements-Minors (04-LM-14).

SEC. 95. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

CHAPTER 1334

An act to amend Section 13518 of, and to add Section 13518.1 to, the Penal Code, relating to emergency medical services.

[Approved by Governor September 29, 1987. Filed with Secretary of State September 29, 1987]

The people of the State of California do enact as follows:

SECTION 1. Section 13518 of the Penal Code is amended to read:

13518. (a) Every city police officer, sheriff, deputy sheriff, marshal, deputy marshal, peace officer member of the California State Police, peace officer member of the California Highway Patrol, and police officer of a district authorized by statute to maintain a police department, except those whose duties are primarily clerical or administrative, shall meet the training standards prescribed by the Emergency Medical Services Authority for the administration of first aid and cardiopulmonary resuscitation. This training shall include instruction in the use of a portable manual mask and airway assembly designed to prevent the spread of communicable diseases. In addition, satisfactory completion of periodic refresher training or appropriate testing in cardiopulmonary resuscitation and other first aid as prescribed by the Emergency Medical Services Authority shall also be required.

(b) The course of training leading to the basic certificate issued by the commission shall include adequate instruction in the procedures described in subdivision (a). No reimbursement shall be made to local agencies based on attendance at any such course which does not comply with the requirements of this subdivision.

(c) As used in this section, "primarily clerical or administrative" means the performance of clerical or administrative duties for a minimum of 90 percent of the time worked within a pay period.

SEC. 2. Section 13518.1 is added to the Penal Code, to read:

13518.1. In order to prevent the spread of communicable disease, every law enforcement agency employing peace officers described in subdivision (a) of Section 13518 shall provide to each of these peace officers an appropriate portable manual mask and airway assembly for use when applying cardiopulmonary resuscitation.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed five hundred thousand dollars

PENAL CODE - PEN

PART 4. PREVENTION OF CRIMES AND APPREHENSION OF CRIMINALS [11006 - 14315] (*Part 4 added by Stats. 1953, Ch. 1385.*)

TITLE 4. STANDARDS AND TRAINING OF LOCAL LAW ENFORCEMENT OFFICERS [13500 - 13553] (*Title 4 added by Stats. 1959, Ch. 1823.*)

CHAPTER 1. Commission on Peace Officer Standards and Training [13500 - 13553] (*Chapter 1 added by Stats. 1959, Ch. 1823.*)

ARTICLE 2. Field Services and Standards for Recruitment and Training [13510 - 13519.15] (*Heading of Article 2 amended by Stats. 1967, Ch. 1640.*)

^{13518.1.} In order to prevent the spread of communicable disease, a law enforcement agency employing peace officers described in subdivision (a) of Section 13518 may provide to each of these peace officers an appropriate portable manual mask and airway assembly for use when applying cardiopulmonary resuscitation.

(*Amended by Stats. 2013, Ch. 28, Sec. 46. Effective June 27, 2013.*)