BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

Claim of: County of Sacramento Claimant	No. CSM-4283 Chapter 1335, Statutes of 1986 Trial Court Delay Reduction Act

DECISION

The attached Proposed Statement of Decision of the Commission on State Mandates is hereby adopted by the Commission on State Mandates as its decision in the above-entitled matter.

This Decision shall become effective on March 23, 1988.

IT IS SO ORDERED March 23, 1988.

Russell Gould, Chairperson
Commission on State Mandates

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Claim of: County of Sacramento Claimant	No. CSM-4283 Chapter 1335, Statutes of 1986 Trial Court Delay Reduction Act

PROPOSED DECISION

This claim was heard by the Commission on State Mandates (commission) on February 25, 1988, in Sacramento, California, during a regularly scheduled hearing.

Evidence both oral and documentary having been introduced, the matter submitted, and vote taken, the commission finds:

I.

NOTE

1. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; a specific legislative appropriation for such purpose; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

II.

FINDINGS AND CONCLUSIONS

1. The test claim was filed with the Commission on State Mandates on September 30, 1987, by the County of Sacramento.

2. The subject of the claim is Chapter 1335, Statutes of 1986.

3. Chapter 1335, Statutes of 1986 added Sections 68600 through 68615, contained in Article 5, Chapter 2 of Title 8 of the Government Code, entitled the Trial Court Delay Reduction Act of 1986. This Act requires the Judicial Council to adopt standards of timely disposition for the processing and resolution of civil and criminal actions, to collect,

maintain, and publish certain statistics; to establish a 3-year exemplary delay reduction program in nine designated courts, as specified; and to report to the Legislature thereon no later than July 1, 1991.

As added, Government Code Sections 68605, 68606, 68608, 68609 and 68612 require the nine superior courts designated by the Judicial Council to adopt comprehensive local rules; publish the rules and conduct educational forums to instruct members of the local bar and participating judges on the new program; devise methods, by computer or a manual card system, to track cases from the date of filing to determine whether the litigants are complying with the permissible time frames for concluding steps in the litigation process established by local rule; notice and conduct hearings on violations of the local rules; conduct a review of all existing case files to determine which cases are still active and notice the litigants in those cases that appear to be inactive that the court intends to dismiss the case.

4. A higher level of service is now required of county courts by Chapter 1335, Statutes of 1986.

5. Government Code Section 17514 defines the term "costs mandated by the state" as "any increased costs which a local agency . . . is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, . . . which mandates . . . a higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

6. The County of Sacramento has demonstrated that it has incurred increased costs which are costs mandated by the state.

7. None of the requisites for denying a claim, specified in Government Code Section 17556, subdivision (a), were established.

III.

DETERMINATION OF ISSUES

1. The Commission has the authority to decide this claim under the provisions of Government Code Section 17551.

2. Chapter 1335, Statutes of 1986 imposed a reimbursable state mandate upon county courts. The County of Sacramento has established that this statute imposed a higher level of service of an existing program by requiring the nine superior courts designated by the Judicial Council to adopt comprehensive local rules; publish the rules and conduct educational forums to instruct members of the local bar and participating judges on the new program; devise methods, by computer or a manual card system, to track cases from the date of filing to determine whether the litigants are complying with the permissible time frames for concluding steps in the litigation process established by local rule; notice and conduct hearings on violations of the local rules; conduct a review of all existing case files to determine which cases are still active and notice the litigants in those cases that appear to be inactive that the court intends to dismiss the case.