

COMMISSION ON STATE MANDATES
NOTICE AND AGENDA¹

State Capitol, Room 126
Sacramento, California

October 26, 2006
9:30 A.M.

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES (action)
- Item 1 October 4, 2006 (Tentative)
- III. PROPOSED CONSENT CALENDAR (action)
- Item 2 If there are no objections to any of the following action items designated by an asterisk (*), the Executive Director will include it on the Proposed Consent Calendar that will be presented at the hearing. The Commission will determine which items will remain on the Consent Calendar.
- IV. APPEAL OF EXECUTIVE DIRECTOR DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181, SUBDIVISION (c). (action)
- (Note: This item is limited to appeals regarding this month's agenda items.)
- Item 3 Staff Report (if necessary)
- V HEARINGS AND DECISIONS ON CLAIMS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (Gov. Code, §§ 17551 and 17559) (action)
- (Note: Items 5, 7, and 9 will not be voted on unless the staff recommendations for Items 4, 6, and 8 are adopted.)**
- A. TEST CLAIMS
- Item 4 *Racial Profiling: Law Enforcement Training*, 01-TC-01
Penal Code Section 13519.4
Statutes 2000, Chapter 684 (SB 1102)
County of Sacramento, Claimant
- Item 5 Proposed Statement of Decision
Racial Profiling: Law Enforcement Training, 01-TC-01
See Above

¹. This public meeting notice is available on the Internet at <http://www.csm.ca.gov>.

- Item 6 *Racial Profiling, Law Enforcement Training, 02-TC-05*
 Penal Code Section 13519.4
 Statutes 1990, Chapter 480 (SB 2680); Statutes 1992, Chapter 1267
 (AB 401); Statutes 2000, Chapter 901 (SB 739); Statutes 2001, Chapter
 854 (SB 205)
 Santa Monica Community College District, Claimant
- Item 7 Proposed Statement of Decision
Racial Profiling, Law Enforcement Training, 02-TC-05
 See Above
- Item 8 *Pupil Safety Notices, 02-TC-13*
 Education Code Sections 32242, 32243, 32245, 46010.1; 48904, 48904.3,
 48987 and Welfare and Institutions Code Section 18285
 Statutes 1983, Chapter 498 (SB 813); Statutes 1984, Chapter 482
 (AB 3757); Statutes 1984, Chapter 948 (AB 2549); Statutes 1986,
 Chapter 196 (AB 1541); Statutes 1986, Chapter 332 (AB 2824);
 Statutes 1992, Chapter 445 (AB 3257); Statutes 1992, Chapter 1317
 (AB 1659); Statutes 1993, Chapter 589 (AB 2211); Statutes 1994,
 Chapter 1172 (AB 2971); Statutes 1996, Chapter 1023 (SB 1497);
 Statutes 2002, Chapter 492 (AB 1859)
 Title 5, California Code of Regulations, Section 11523
 San Jose Unified School District, Claimant
- Item 9 Proposed Statement of Decision
Pupil Safety Notices, 02-TC-13
 See Above

B. Incorrect Reduction Claims

- Item 10 State Controller's Resubmission and Correction to Reevaluation of
 Reimbursement Claims on *Graduation Requirements*
 Education Code Section 51225.3
 Statutes 1983, Chapter 498
 San Diego Unified School District, Claimant (CSM 4435-I-01 and
 4435-I-37)
 San Jose Unified School District, Claimant (CSM 4435-I-04)
 Sweetwater Union High School District, Claimant (CSM 4435-I-05)
 Castro Valley Unified School District, Claimant (CSM 4435-I-13 and
 4435-I-39)
 Clovis Unified School District, Claimant (CSM 4435-I-06 and 4435-I-
 38)
 On Remand from the Sacramento County Superior Court,
*San Diego Unified School District, et al. v. Commission on State
 Mandates et al.*, Case No. 03CS01401 (Consolidated with Nos.
 03CS01568, 03CS01569, 03CS01570, 03CS01702, 04CS00028)

VI. INFORMATIONAL HEARING PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 8 (action)

A. ADOPTION OF PROPOSED PARAMETERS AND GUIDELINES AND PROPOSED PARAMETERS AND GUIDELINES AMENDMENTS

- Item 11* Proposed Parameters and Guidelines
Domestic Violence Arrests and Victims Assistance, 98-TC-14
Penal Code Sections 264.2 and 13701
Statutes 1998, Chapters 698 (AB 1201) and 702 (AB 2177)
County of Los Angeles, Claimant
- Item 12* Proposed Parameters and Guidelines
Missing Children Reports, 01-TC-09
Education Code Sections 38139 (former § 40048), 49068.5, 49068.6, 49370 and Section 14 of Statutes 1986; Chapter 249 (AB 606), Statutes 1986, Chapter 249 (AB 606); Statutes 1994, Chapter 922 (AB 2587); Statutes 1996, Chapter 277 (SB 1562); Statutes 1999, Chapters 832 (AB 646) and 1013 (SB 570)
San Jose Unified School District, Claimant
And
Request to Consolidate *Missing Children Reports with Law Enforcement Agency Notifications*, 04-PGA-03 (4505)
Education Code Section 48902, Subdivision (c)
Statutes 1989, Chapter 1117 (SB 1275)
San Jose Unified School District, Requestor
- Item 13 Request to Consolidate Parameters and Guidelines
Handicapped and Disabled Students (04-RL-4282-10);
Handicapped and Disabled Students II (02-TC-40/02-TC-49); and
Seriously Emotionally Disturbed (SED) Pupils: Out-of-State Mental Health Services (97-TC-05)
Government Code Sections 7570-7588
Statutes 1984, Chapter 1747 (Assem. Bill No. 3632)
Statutes 1985, Chapter 1274 (Assem. Bill No. 882)
Statutes 1994, Chapter 1128 (Assem. Bill No. 1892)
Statutes 1996, Chapter 654 (Assem. Bill No. 2726)

California Code of Regulations, Title 2, Sections 60000-60610
(Emergency regulations effective January 1, 1986 [Register 86, No. 1], and re-filed June 30, 1986, designated effective July 12, 1986 [Register 86, No. 28]; and Emergency regulations effective July 1, 1998 [Register 98, No. 26], final regulations effective August 9, 1999 [Register 99, No. 33])
- Item 14 Request to Amend Parameters and Guidelines
Handicapped and Disabled Students, 00-PGA-03/04 (CSM 4282)
Government Code Sections 7570-7588
Statutes 1984, Chapter 1747 (Assem. Bill No. 3632);
Statutes 1985, Chapter 1274 (Assem. Bill No. 882)

California Code of Regulations, Title 2, Sections 60000-60610
(Emergency Regulations filed December 31, 1985, designated effective
January 1, 1986 (Register 86, No. 1) and re-filed June 30, 1986,
designated effective July 12, 1986 (Register 86, No. 28))
Counties of Los Angeles and Stanislaus, Requestors

Item 15* Request to Amend Parameters and Guidelines
Health Benefits for Survivors of Peace Officers and Firefighters,
05-PGA-06 (97-TC-25)
Labor Code Section 4856; Government Code Section 26135
Statutes 1996, Chapter 1120 (AB 3478); Statutes 1997, Chapter 193
(SB 563)
Department of Finance, Requestor

Item 16* Request to Amend Parameters and Guidelines
Sex Offenders: Disclosure by Law Enforcement Officers,
05-PGA-09 (97-TC-15)
Penal Code Sections 290 and 290.4
Statutes 1996, Chapters 908 (AB 1562) and 909 (SB 1378)
Statutes 1997, Chapters 17 (SB 947), 80 (SB 115), 817 (AB 59), 818
(AB 1303), 819 (SB 314), 820 (SB 882), 821 (AB 290), and 822
(SB 1078)
Statutes 1998, Chapters 485 (AB 2803), 550 (AB 2799), 927 (AB 796)
928 (AB 1927), 929 (AB 1745), and 930 (AB 1078)
Department of Finance, Requestor

Item 17* Request to Amend Parameters and Guidelines
Law Enforcement College Jurisdiction Agreements,
05-PGA-10 (98-TC-20)
Education Code 67381
Statutes 1998, Chapter 284 (SB 1729)
Department of Finance, Requestor

B. PROPOSED STATEWIDE COST ESTIMATE

Item 18 *Integrated Waste Management*, 00-TC-07
Public Resources Code Sections 40148, 40196.3, 42920-42928
Public Contract Code Sections 12167 and 12167.1
Statutes 1999, Chapter 764 (AB 75); Statutes 1992, Chapter 1116
(AB 3521)

State Agency Model Integrated Waste Management Plan (February 2000)
Santa Monica and Lake Tahoe Community College Districts, Co-claimants

C. ADOPTION OF COMMISSION ORDER TO INITIATE RULEMAKING

- Item 19* Incorrect Reduction Claims Process
Proposed Amendments to California Code of Regulations, Title 2, Chapter 2.5, Article 5. Incorrect Reduction Claims, commencing with Section 1185

D. STAFF REPORTS

- Item 20 Chief Legal Counsel's Report (info)
Recent Decisions, Litigation Calendar
- Item 21 Executive Director's Report (info/action)
Workload, Budget, Legislation, and Next Hearing

VII. PUBLIC COMMENT

VIII. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 and 17526.

A. PERSONNEL

Report from Personnel Subcommittee and to confer on personnel matters pursuant to Government Code sections 11126, subdivision (a) and 17526.

B. PENDING LITIGATION

To confer with and receive advice from legal counsel, for consideration and action, as necessary and appropriate, upon the following matters pursuant to Government Code section 11126, subdivision (e)(1):

1. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 03CS01069, CSM Case No. 03-L-01, consolidated with *County of Los Angeles v. Commission on State Mandates, et al.*, Los Angeles Superior Court Case No. BS087959, transferred to Sacramento Superior Court, Case No. 05CS00865, CSM Case No. 03-L-11 [*Animal Adoption*]
2. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 03CS01432, CSM Case No. 03-L-02 [*Behavioral Intervention Plans*]
3. *CSAC Excess Insurance Authority v. Commission on State Mandates, et al.*, Second District Court of Appeal, Case Number B188169, on appeal from Los Angeles Superior Court Case No. BS092146, CSM Case No. 04-L-01 [*Cancer Presumption for Law Enforcement and Firefighters and Lower Back Injury Presumption for Law Enforcement*], consolidated with *City of Newport Beach v. Commission on State Mandates, et al.*, Los Angeles Superior Court

Case No. BS095456, CSM Case No. 04-L-02 [*Skin Cancer Presumption for Lifeguards*]

4. *County of Los Angeles, et al. v. Commission on State Mandates, et al.*, Second District Court of Appeal [Los Angeles] Case Number B183981, CSM Case No. 04-L-03, (Los Angeles Superior Court Nos. BS089769, BS089785) [*Transit Trash Receptacles, et al./Waste Discharge Requirements*]
5. *County of San Bernardino v. Commission on State Mandates, et al.*, San Bernardino County Superior Court, Case No. SCVSS 138622 [*Standardized Emergency Management Systems (SEMs)*]
6. *California School Boards Association, Education Legal Alliance; County of Fresno; City of Newport Beach; Sweetwater Union High School District and County of Los Angeles v. Stat of California, Commission on State Mandates and Steve Westly, in his capacity as State Controller*, Sacramento County Superior Court, Case No. 06CS01335; [AB 138; *Open Meetings Act, Brown Act Reform, Mandate Reimbursement Process; and School Accountability Report Cards (SARC) I and II* and SB 512]

To confer with and receive advice from legal counsel, for consideration and action, as necessary and appropriate, upon the following matter pursuant to Government Code section 11126, subdivision (e)(2):

Based on existing facts and circumstances, there is a specific matter which presents a significant exposure to litigation against the Commission on State Mandates, its members and/or staff (Gov. Code, § 11126, subd. (e)(2)(B)(i).)

IX. REPORT FROM CLOSED EXECUTIVE SESSION, RECONVENE IN PUBLIC SESSION

X. ADJOURNMENT

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