

COMMISSION ON STATE MANDATES

REVISED NOTICE AND AGENDA<sup>1</sup>

State Capitol, Room 126

Sacramento, California

December 9, 2004

9:30 A.M.<sup>2</sup>

I. CALL TO ORDER, ROLL CALL, AND ELECTION OF CHAIRPERSON

II. APPROVAL OF MINUTES (action)

Item 1 September 30, 2004

III. CODE OF REGULATIONS, TITLE 2, SECTION 1181, SUBDIVISION (c).

(Note: This item is limited to appeals regarding this month's agenda items.)

Item 2 Staff Report (if necessary)

IV. PROPOSED CONSENT CALENDAR (action)

*Note: 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.*

V. HEARINGS AND DECISIONS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (action)

A. TEST CLAIMS AND PROPOSED STATEMENTS OF DECISION

**(Note: Items 4, 6, 8, and 10 will not be voted on unless the staff recommendations for Items 3, 5, 7, and 9, respectively, are adopted.)**

Item 3 *Lower Back Injury Presumption for Law Enforcement, 01-TC-25*  
CSAC-EIA & County of Tehama, Claimants  
Labor Code Section 32132  
Statutes 2001, Chapter 834 (SB 424)

Item 4 Proposed Statement of Decision: *Lower Back Injury Presumption for Law Enforcement, 01-TC-25*

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

<sup>2</sup> A lunch break may be taken.

- Item 5     *Skin Cancer Presumption for Lifeguards*, 01-TC-27  
City of Newport Beach, Claimant  
Labor Code Section 3212.11  
Statutes 2001, Chapter 846 (AB 663)
  
- Item 6     Proposed Statement of Decision: *Skin Cancer Presumption for Lifeguards*,  
01-TC-27
  
- Item 7     *Lifeguard Skin Cancer Presumption (K-14)*, 02-TC-16  
Santa Monica Community College District, Claimant  
Labor Code Section 3212.11  
Statutes 2001, Chapter 846 (AB 663)
  
- Item 8     Proposed Statement of Decision: *Lifeguard Skin Cancer Presumption (K-14)*,  
02-TC-16
  
- Item 9     *Domestic Violence Arrests and Victim Assistance*, 98-TC-14  
County of Los Angeles, Claimant  
Penal Code Sections 264.2, 13701, and 13519  
Statutes 1998, Chapters 698, 701 & 702 (AB 1201, AB 2172, AB 2177)
  
- Item 10    Proposed Statement of Decision: *Domestic Violence Arrests and Victim  
Assistance*, 98-TC-14

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 AMENDMENTS

- Item 11\*   *Mandate Reimbursement Process*, CSM-4485  
Statutes 1975, Chapter 486 (AB 1375); Statutes 1984, Chapter 1459 (SB 2337);  
Statutes 1995, Chapter 303 (AB 903 - Budget Act of 1995); Statutes 1996,  
Chapter 162 (SB 1393 - Budget Act of 1996); Statutes 1997, Chapter 282  
(AB 107 - Budget Act of 1997); Statutes 1998, Chapter 324 (AB 1656 - Budget  
Act of 1998); Statutes 1999, Chapter 50 (SB 160 - Budget Act of 1999);  
Statutes 2000, Chapter 52 (AB 1740 - Budget Act of 2000); Statutes 2001,  
Chapter 106 (SB 739 - Budget Act of 2001); Statutes 2002, Chapter 379  
(AB 425 - Budget Act of 2002); Statutes 2003, Chapter 157 (AB 1765 - Budget  
Act of 2003); Statutes 2004, Chapter 208 (SB 1113 - Budget Act of 2004)

Item 12\* *Pupil Health Screenings, 01-PGA-09*  
Clovis Unified School District, Requestor  
Health and Safety Code Sections 324.2 and 324.3  
Statutes 1976, Chapter 1208 (AB 4284); Statutes 1991, Chapter 373 (AB 52);  
Statutes 1992, Chapter 759 (AB 1248)

## B. ADOPTION OF PROPOSED STATEWIDE COST ESTIMATES

Item 13\* *Administrative License Suspension – Per Se, 98-TC-16*  
City of Newport Beach, Claimant  
Vehicle Code Sections 13202.3, 13353, 13353.1, 13353.2, 14100, 23136,  
23137, 23157, 23158.2, 23158.5  
Statutes 1989, Chapter 1460 (SB 1623); Statutes 1990, Chapter 431  
(SB 1150); Statutes 1992, Chapter 1281 (AB 3580); Statutes 1993, Chapters  
899 and 1244 (SB 689 and SB 126); Statutes 1994, Chapter 938 (SB 1295),  
and Statutes 1997, Chapter 5 (AB 74)

Item 14\* *Pupil Promotion and Retention, 98-TC-19*  
San Diego Unified School District, Claimant  
Education Code Sections 37252, 37252.5, 48070 and 48070.5  
Statutes of 1998, Chapters 742 and 743, et al. (AB 1626 and AB 1639)

Item 15\* *Comprehensive School Safety Plans, 98-TC-01 and 99-TC-10*  
Kern High School District, Claimant  
Former Education Code Sections 35294.1, 35294.2, 35294.6, and 35294.8  
Statutes 1997, Chapter 736 (SB 187) and Statutes 1999, Chapter 996 (SB 334)  
[Amended and Re-numbered as Education Code Sections 32280, 32281,  
32282, 32286, 32288 by Statutes 2003, Chapter 828 (SB 719)]

## VII. STAFF REPORTS

Item 16 Chief Legal Counsel’s Report (info)  
Recent Decisions, Litigation Calendar

Item 17 Staff Report: Implementation of AB 2856 (info)

Item 18 Executive Director’s Report (info/action)  
Workload, Implementation of Legislation, Meetings, and Next Hearing

## VIII. PUBLIC COMMENT

IX. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 and 17526. (Closed Executive Session may begin at this time or may begin earlier on this day and reconvene at the end of the meeting.)

A. 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. *San Diego Unified School District v. Commission on State Mandates, et al.*, Case Number S109125, in the Supreme Court of the State of California. CSM Case No. 02-L-02 [*Pupil Expulsions*]
2. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Case Number 03CS01069 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-01 [*Animal Adoption*]
3. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Case Number 03CS01432 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-02 [*Behavioral Intervention Plans*]
4. *San Diego Unified School District v. Commission on State Mandates, et al.*, Case Number 03CS01401 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-03 [*Graduation Requirements IRC*]
5. *Castro Valley Unified School District v. Commission on State Mandates, et al.*, Case Number 03CS01568 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-04 [*Graduation Requirements IRC*]
6. *San Jose Unified School District v. Commission on State Mandates, et al.*, Case Number 03CS01569 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-05 [*Graduation Requirements IRC*]
7. *Sweetwater Union High School District v. Commission on State Mandates, et al.*, Case Number 03CS01570 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-06 [*Graduation Requirements IRC*]
8. *Clovis Unified School District v. Commission on State Mandates, et al.*, Case Number 03CS01702 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-09 [*Graduation Requirements IRC*]
9. *Grossmont Union High School District v. Commission on State Mandates, et al.*, Case Number 04CS00028 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-10 [*Graduation Requirements IRC*]
10. *County of Los Angeles v. Commission on State Mandates, et al.*, Case Number BS087959, in the Superior Court of the State of California, County of Los Angeles. CSM Case No. 03-L-11 [*Animal Adoption*]
11. *County of Los Angeles and Los Angeles County Flood Control District v. State of California, Commission on State Mandates, et al.*, Case Number BS089769, in the

Superior Court of the State of California, County of Los Angeles.  
CSM Case No. 03-L-12 [*Transit Trash Receptacles, et al.*]

12. *City of Artesia, et al. v. State of California, Commission on State Mandates, et al.*,  
Case Number BS089785, in the Superior Court of the State of California, County of  
Los Angeles. CSM Case No. 03-L-13 [*Waste Discharge Requirements*]

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).)

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

XI. ADJOURNMENT

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