
**REPORT TO THE
CALIFORNIA LEGISLATURE
ON APPROVED MANDATE CLAIMS
July 1, 1994 - December 31, 1994**

COMMISSION ON STATE MANDATES

**Russell S. Gould, Chairperson
Matthew Fong, Member
Kathleen Connell, Member
Warren M. Dorn, Member
Lee Grissom, Member**

**Shelley Mateo
Interim Executive Director**

COMMISSION ON STATE MANDATES

1414 K Street, Suite 315
SACRAMENTO, CA 95814
(916) 323-3562



April 5, 1995

Mr. Rick Rollens
Secretary of the Senate
California State Legislature
State Capitol, Room 3044
Sacramento, California 95814

Dear Mr. Rollens:

Enclosed is the Commission on State Mandates' "Report to the Legislature" for January, 1995, as required by section 17600 of the Government Code. This section provides, in part, that at least twice each calendar year the Commission shall report to the Legislature on the number of mandates it has found, the estimated statewide cost of each mandate, and the reasons for recommending reimbursement.

If you have questions regarding this report, you may contact me at (916) 323-3562.

Sincerely,

A handwritten signature in cursive script that reads "Shelley Mateo".

SHELLEY MATEO
Interim Executive Director
Commission on State Mandates

Enclosure

cc:w/encl:

Honorable John Vasconcellos, Chairperson, Assembly Budget Committee
Honorable Patrick Johnston, Chairperson, Senate Appropriations Committee
Honorable Alfred E. Alquist, Chairperson, Senate Budget and Fiscal Review Committee
Honorable Mike Thompson, Chairperson, Joint Legislative Budget Committee
Mr. Krist A. Lane, Consultant
Legislative Secretary, Governor's Office

G:\rpt2leg\1_95FPT.app

COMMISSION ON STATE MANDATES

1414 K Street, Suite 315
SACRAMENTO, CA 95814
(916) 323-3562



April 5, 1995

Mr. E. Dotson Wilson
Chief Clerk of the Assembly
California State Legislature
State Capitol, Room 3196
Sacramento, California 95814

Dear Mr. Wilson:

Enclosed is the Commission on State Mandates' "Report to the Legislature" for January, 1995, as required by section 17600 of the Government Code. This section provides, in part, that at least twice each calendar year the Commission shall report to the Legislature on the number of mandates it has found, the estimated statewide cost of each mandate, and the reasons for recommending reimbursement.

If you have questions regarding this report you may contact me at (916) 323-3562.

Sincerely,

A handwritten signature in cursive script that reads "Shelley Mateo".

SHELLEY MATEO
Interim Executive Director
Commission on State Mandates

Enclosure

cc:w/encl:

Honorable John Vasconcellos, Chairperson, Assembly Budget Committee
Honorable Patrick Johnston, Chairperson, Senate Appropriations Committee
Honorable Alfred E. Alquist, Chairperson, Senate Budget and Fiscal Review Committee
Honorable Mike Thompson, Chairperson, Joint Legislative Budget Committee
Mr. KristA. Lane, Consultant
Legislative Secretary, Governor's Office

g:\rpt2leg\1_95RPT.app

TABLE OF CONTENTS

	<u>Page</u>
Introduction	i
 MANDATE SUMMARIES:	
Chapter 337, Statutes of 1990 Vehicle Code Section 10500 <i>Stolen Vehicle Notification</i>	1
Chapter 624, Statutes of 1992 Education Code Section 39831.5 Vehicle Code Section 22112, Subdivision (c), Subpart (3) <i>School Bus Safety</i>	2
Chapter 916, Statutes of 1992 Health and Safety Code Section 427.12, Subdivision (a) and Section 427.13 <i>Pacific Beach Safety: Water Quality and Closures</i>	3
Chapter 999, Statutes of 1991 Chapter 224, Statutes of 1992 Penal Code Section 264.2, Subdivisions (b)(1), (b)(2), and Section 13701, <i>Rape Victims Counseling Center Notice</i>	4
Fiscal Summary	5

INTRODUCTION

Section 17600 of the Government Code requires the Commission on State Mandates (Commission) to report to the Legislature at least twice each calendar year on the number of mandates it has found, the estimated statewide costs of each mandate, and the reasons for recommending reimbursement.

Section 17612, subdivision (a), of the Government Code provides that upon receipt of this report, a local government claims bill shall be introduced in the Legislature. This section further states that, at its introduction, the bill shall provide for an appropriation sufficient to pay the estimated costs of the mandates approved by the Commission.

Section 17612, subdivision (b), of the Government Code specifies that if the Legislature deletes funding for a mandate from a local government claims bill, the local agency or school district may file an action in declaratory relief in the Superior Court of the County of Sacramento to declare the mandate unenforceable and enjoin its enforcement.

The following pages contain summaries of four mandate findings including the justification for findings and an explanation of the reimbursable cost areas.

Mandate Summary

Chapter 337, Statutes of 1990
Vehicle Code Section 10500
Stolen Vehicle Notification

Eligible Claimants

Any County or City law enforcement agency as defined in Section 7514, subdivision (b) of the Penal Code.

Basis For Mandate

On September 24, 1992, the Commission on State Mandates determined that Vehicle Code Section 7511, as enacted by Chapter 337, Statutes of 1990, constitutes a reimbursable state mandate.

Vehicle Code Section 7511, subdivision (b), was amended by Chapter 337, Statutes of 1990, to require that, within 48 hours of being notified of the recovery of a stolen vehicle, excluding weekends and holidays, the original reporting law enforcement agency must now notify the reporting party of the location and condition of the recovered vehicle.

The provisions of this chapter require that law enforcement agencies notify the party who reported the vehicle stolen of the location and condition of the recovered vehicle.

Statewide Cost Estimate

The Commission adopted a statewide cost estimate of \$1,215,000 for the period from January 1, 1991 to June 30, 1991, and fiscal years 1991-92 through 1995-96.

The following is a fiscal year breakdown of the statewide costs:

<u>Fiscal Year</u>	<u>Amount</u>
1/1/91 to 6/30/91	\$ 86,000
1991-92	188,000
1992-93	267,000
1993-94	218,000
1994-95	228,000
<u>1995-96</u>	<u>228,000</u>
TOTAL	<u>\$1,215,000 (R)</u>

Mandate Summary

Chapter 624, Statutes of 1992
Education Code Section 39831.5
Vehicle Code Section 22112, Subdivision (c), Subpart (3)
School Bus Safety

Eligible Claimants

School districts and county offices of education.

Basis For Mandate

On February 23, 1994, the Commission on State Mandates determined that Education Code section 39831.5 and Vehicle Code section 22112, Subdivision (c), Subpart (3), as added and amended by Chapter 624, Statutes of 1992, constitute a reimbursable state mandate.

Education Code section 39831.5 and Vehicle Code section 22112, Subdivision (c), Subpart (3), was added and amended by Chapter 624, Statutes of 1992, to expand school bus safety instruction, requiring safety instruction be given to pupils prior to departure on school activity trips, requiring documenting of annual safety instruction given to pupils and specifying recordkeeping and retention requirements for such documenting, and requiring that school bus drivers use an approved hand-held "STOP" sign when escorting pupils across a highway or private road upon which the school bus is stopped at a location where traffic is not controlled by a traffic officer or an official traffic control signal.

The activities that are reimbursable under Chapter 624, Statutes of 1992, are instruction prior to school activity trips, record keeping and retention, and the purchase of hand-held stop signs.

Statewide Cost Estimate

The Commission adopted a one-time statewide cost estimate of \$440,000 for the period beginning September 14, 1992. Ongoing costs for this program are minor.

Mandate Summary

Chapter 916, Statutes of 1992
Health and Safety Code Section 427.12, Subdivision (a) and Section 427.13
Pacific Beach Safety: Water Quality and Closures

Eligible Claimants
Counties.

Basis For Mandate

On November 18, 1994, the Commission on State Mandates determined that Health and Safety Code sections 427.12, subdivision (a), and 427.13, as added by Chapter 916, Statutes of 1992, constitute a reimbursable state mandate.

Health and Safety Code sections 427.12, subdivision (a), and 427.13 were added by Chapter 916, Statutes of 1992. These sections require that when any beach fails to meet the bacteriological standards of section 7958 of Title 17 of the California Code of Regulations and when the local health officer finds that the cause of the elevated bacteriological levels constitutes a public health hazard, the local health officer shall post conspicuous warning signs on all affected beaches and shall submit an annual survey documenting warning postings and beach closures to the State Water Resources Control Board.

Statewide Cost Estimate

The Commission adopted a statewide cost estimate of \$150,000 for the period from January 1, 1993 to June 30, 1993, and fiscal years 1993-94 and 1994-95.

The following is a fiscal year breakdown of the statewide costs:

<u>Fiscal Year</u>	<u>Amount</u>
1/1/93 to 6/30/93	\$10,500
1993-94	73,865
<u>1994-95</u>	<u>65,242</u>
 TOTAL	 <u>\$150,000 (R)</u>

Mandate Summary

Chapter 999, Statutes of 1991
Chapter 224, Statutes of 1992
Penal Code Section 264.2, Subdivisions (b)(1), (b)(2), and Section 13701
Rape Victims Counseling Center Notice

Eligible Claimants

Local law enforcement agencies.

Basis For Mandate

On July 22, 1993, the Commission on State Mandates determined that Penal Code section 264.2, subdivisions (b)(1) and (b)(2), as added and amended by Chapter 999, Statutes of 1991, and Chapter 224, Statutes of 1992, and Penal Code section 13701, as amended by Chapter 999, Statutes of 1991, constitute a reimbursable state mandate.

The provisions of Penal Code section 264.2, subdivisions (b)(1) and (b)(2), as added and amended by Chapter 999, Statutes of 1991, and Chapter 224, Statutes of 1992, and Penal Code section 13701, as amended by Chapter 999, Statutes of 1991, require local law enforcement agencies to: reprint existing "Victims of Domestic Violence" cards with new information to assist rape victims, furnish a rape victim with a "Victims of Domestic Violence" card, obtain victim consent to notify a local rape victim counseling center, notify the victim-selected center, and, subject to the approval of the victim and upon the treating hospital's request, verify whether the local rape victim counseling center has been notified.

Statewide Cost Estimate

The Commission adopted a statewide cost estimate of \$191,000 for fiscal years 1994-95 and 1995-96, including start-up costs.

The following is a fiscal year breakdown of the statewide costs:

<u>Fiscal Year</u>	<u>Amount</u>
Start-up costs	\$ 50,000
1994-95	71,169
<u>1995-96</u>	<u>69,363</u>
TOTAL	<u>\$191,000 (R)</u>

Fiscal Summary

Funds Payable from State Mandates Claims Fund

- 0 -

Funds to be Requested in Claims Bill

Chapter 337, Statutes of 1990
Vehicle Code Section 10500
Stolen Vehicle Notification \$1,215,000

Chapter 624, Statutes of 1992
Education Code Section 39831.5
Vehicle Code Section 22112, Subdivision (c), Subpart (3)
School Bus Safety \$ 440,000

Chapter 916, Statutes of 1992
Health and Safety Code Section 427.12, Subdivision (a) and
Section 427.13
Pacific Beach Safety: Water Quality and Closures \$ 150,000

Chapter 999, Statutes of 1991
Chapter 224, Statutes of 1992
Penal Code Section 264.2, Subdivisions (b)(1), (b)(2), and
Section 13701
Rape Victims Counseling Center Notice \$ 191,000

TOTAL for July 1, 1994 through December 31, 1994 \$ 1,996,000 (R)