

COMMISSION ON STATE MANDATES

TEST CLAIM AND TEST CLAIM AMENDMENT FORM

Pursuant to Government Code section 17500 et seq. and Title 2, California Code of Regulations, section 1181.1 et seq.

GENERAL INSTRUCTIONS

- **Statute of limitations for filing test claims and test claim amendments.** Local governments may file test claims with the Commission, which shall be filed not later than 12 months (365 days) following the effective date of a statute or executive order, or within 12 months (365 days) of *first* incurring increased costs as a result of a statute or executive order, whichever is later. ([Gov. Code §§ 17551\(c\)](#); [Cal. Code Regs., tit. 2, § 1183.1\(c\)](#), emphasis added.) If the test claim is filed based on the date of first incurring increased costs, evidence of the date of first incurring costs, which would be admissible over an objection in a civil proceeding, must be filed with the test claim or test claim amendment. ([Cal. Code Regs., tit. 2, §§ 1183.1\(c\), 1187.5.](#)) Test claim amendments that add a statute or executive order to an existing test claim shall also be filed within this statute of limitations. ([Cal. Code Regs., tit. 2, §§ 1183.1\(c\).](#))

The statute of limitations for filing a test claim may be tolled when local government and the Department of Finance initiate a joint request for a legislatively determined mandate pursuant to Government Code sections 17573 and 17574. ([See Gov. Code, §§ 17573\(b\), 17574\(c\).](#))

Failure to timely file a test claim will result in the dismissal of the test claim for lack of jurisdiction. ([Gov. Code, § 17551\(c\)](#); [Cal. Code Regs., tit. 2, § 1183.1\(f\),\(h\).](#))

- Complete sections 1 through 8 of the Test Claim Form, including the Worksheet for Sections 4-7, as indicated and note that the first page of the test claim form is the first page of the filing. Do not attach a cover letter, but include all background and arguments in Section 5. Written Narrative. Type all responses. *Failure to complete any of these sections will result in this test claim being returned as incomplete.* Pursuant to [Government Code section 17553](#) and [California Code of Regulations, title 2, section 1183.1](#), the Commission will not exercise jurisdiction over statutes and executive orders which are not properly pled. Proper pleading requires that all code sections (including the relevant statute, chapter and bill number), regulations (including the register number and effective date), and executive orders (including the effective date) that impose the alleged mandate are listed in section 4 of the test claim form. Please carefully review your pleading before filing. Test claims may not be amended after the draft proposed decision is issued and the matter is set for hearing, or if the statute of limitations on the statute or executive order being added has expired. ([Gov. Code, § 17557\(e\)](#); [Cal. Code Regs., tit. 2, §§ 1183.1\(c\), 1183.6.](#))
- Please file the entire test claim, including the Worksheet for Sections 4-7, consistent with the Commission's regulations ([Cal. Code Regs., tit. 2, § 1181.3](#)) by either of the following

methods:

1. **E-filing.** The claimant shall electronically file the completed form and accompanying documents in a searchable PDF format to the e-filing system on the Commission's website (<http://www.csm.ca.gov>). The claimant is responsible for maintaining the signed original for the duration of the test claim process, including any period of appeal. ***No additional copies are required when e-filing the request.***
2. **By hard copy.** Original test claim filings shall be unbound, double-sided, and without tabs. Mail, or hand-deliver, **one original and seven (7) copies** of your entire test claim filing to: Commission on State Mandates, 980 9th Street, Suite 300, Sacramento, CA 95814

Within 10 days of receipt of a test claim, or its amendment, Commission staff will notify the claimant or claimant representative whether the submission is complete or incomplete. Test claims will be considered incomplete if any of the required sections are not included or are illegible. If a completed test claim is not received within thirty 30 calendar days from the date the incomplete test claim was returned, the executive director may disallow the original test claim filing date. A new test claim may then be accepted on the same statute or executive order alleged to impose a mandate. ([Cal. Code Regs., tit.2, § 1183.1.](#))

You may download this form from our website at www.csm.ca.gov.

If you have questions, please contact us: Email: csminfo@csm.ca.gov; Telephone: (916) 323-3562; or Website: www.csm.ca.gov

Test claim filing requirements on statutes or executive orders that are subject of legislatively determined mandate.

A local agency or school district may file a test claim on the same statute or executive order as a legislatively determined mandate, pursuant to Government Code section [17574\(c\)](#), if one of the following applies:

- A) The Legislature amends the reimbursement methodology and the local agency or school district rejects reimbursement.
- B) The term of the legislatively determined mandate, as defined in [17573\(e\)](#) has expired.
- C) The term of the legislatively determined mandate, as defined in [17573\(e\)](#) is amended and the local agency or school district rejects reimbursement under the new term.
- D) The mandate is subject to [Article XIII B, section 6\(b\)](#) and the Legislature does both of the following:
 - i. Fails to appropriate in the Budget Act funds to reimburse local agencies for the full payable amount that has not been previously paid based on the reimbursement methodology enacted by the Legislature.
 - ii. Does not repeal or suspend the mandate pursuant to Section [17581](#).

A test claim filed pursuant to Government Code section [17574\(c\)](#) shall be filed within six months of the date an action described in subparagraph (A), (B), (C), or (D) of paragraph (1) occurs.



TEST CLAIM FORM

Section 1

Proposed Test Claim Title:

For CSM Use Only

Filing Date:

Test Claim #:

Section 2

Local Government (Local Agency/School District) Name:

Name and Title of Claimant's Authorized Official pursuant to [CCR, tit.2, § 1183.1\(a\)\(1-5\)](#):

Street Address, City, State, and Zip:

Telephone Number

Fax Number

Email Address

Section 3

Claimant Representative: _____ Title _____

Organization: _____

Street Address, City, State, Zip:

Telephone Number

Fax Number

Email Address

Section 4 – Please identify all code sections (include statutes, chapters, and bill numbers; e.g., Penal Code section 2045, Statutes 2004, Chapter 54 [AB 290]), regulatory sections (include register number and effective date; e.g., California Code of Regulations, title 5, section 60100 (Register 1998, No. 44, effective 10/29/98), and other executive orders (include effective date) that impose the alleged mandate pursuant to [Government Code section 17553](#) and don't forget to check whether the code section has since been amended or a regulation adopted to implement it (refer to your completed WORKSHEET on page 7 of this form):

- Test Claim is Timely Filed on [Insert Filing Date] [select either A or B]: ___/___/_____
 - A: Which is not later than 12 months following [insert the effective date of the test claim statute(s) or executive order(s)] ___/___/_____, the effective date of the statute(s) or executive order(s) pled; or
 - B: Which is within 12 months of [insert the date costs were *first* incurred to implement the alleged mandate] ___/___/_____, which is the date of first incurring costs as a result of the statute(s) or executive order(s) pled. *This filing includes evidence which would be admissible over an objection in a civil proceeding to support the assertion of fact regarding the date that costs were first incurred.*

([Gov. Code § 17551\(c\)](#); [Cal. Code Regs., tit. 2, §§ 1183.1\(c\)](#) and [1187.5.](#))

Section 5 – Written Narrative:

- Includes a statement that actual and/or estimated costs exceed one thousand dollars (\$1,000). ([Gov. Code § 17564.](#))
- Includes all of the following elements for each statute or executive order alleged pursuant to [Government Code section 17553\(b\)\(1\)](#) (refer to your completed WORKSHEET on page 7 of this form):
 - Identifies all sections of statutes or executive orders and the effective date and register number of regulations alleged to contain a mandate, including a detailed description of the *new* activities and costs that arise from the alleged mandate and the existing activities and costs that are *modified* by the alleged mandate;
 - Identifies *actual* increased costs incurred by the claimant during the fiscal year for which the claim was filed to implement the alleged mandate;
 - Identifies *actual or estimated* annual costs that will be incurred by the claimant to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed;

- Contains a statewide cost estimate of increased costs that all local agencies or school districts will incur to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed;
Following FY: _____ - _____ Total Costs: _____
- Identifies all dedicated funding sources for this program; State: _____
Federal: _____ Local agency's general purpose funds: _____
Other nonlocal agency funds: _____
Fee authority to offset costs: _____
- Identifies prior mandate determinations made by the Board of Control or the Commission on State Mandates that may be related to the alleged mandate: _____
- Identifies a legislatively determined mandate that is on the same statute or executive order: _____

Section 6 – The Written Narrative Shall be Supported with Declarations Under Penalty of Perjury Pursuant to [Government Code Section 17553\(b\)\(2\)](#) and [California Code of Regulations, title 2, section 1187.5](#), as follows (refer to your completed WORKSHEET on page 7 of this form):

- Declarations of actual or estimated increased costs that will be incurred by the claimant to implement the alleged mandate.
- Declarations identifying all local, state, or federal funds, and fee authority that may be used to offset the increased costs that will be incurred by the claimant to implement the alleged mandate, including direct and indirect costs.
- Declarations describing new activities performed to implement specified provisions of the new statute or executive order alleged to impose a reimbursable state-mandated program (specific references shall be made to chapters, articles, sections, or page numbers alleged to impose a reimbursable state-mandated program).
- If applicable, declarations describing the period of reimbursement and payments received for full reimbursement of costs for a legislatively determined mandate pursuant to [Government Code section 17573](#), and the authority to file a test claim pursuant to paragraph (1) of subdivision (c) of [Government Code section 17574](#).
- The declarations 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.

Section 7 – The Written Narrative Shall be Supported with Copies of the Following Documentation Pursuant to [Government Code section 17553\(b\)\(3\)](#) and [California Code of Regulations, title 2, § 1187.5](#) (refer to your completed WORKSHEET on page 7 of this form):

- The test claim statute that includes the bill number, and/or executive order identified by its effective date and register number (if a regulation), alleged to impose or impact a mandate. Pages _____ to _____.

- Relevant portions of state constitutional provisions, federal statutes, and executive orders that may impact the alleged mandate. Pages _____ to _____.
- Administrative decisions and court decisions cited in the narrative. (Published court decisions arising from a state mandate determination by the Board of Control or the Commission are exempt from this requirement.) Pages _____ to _____.
- Evidence to support any written representation of fact. *Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. (Cal. Code Regs., tit. 2, § 1187.5).* Pages _____ to _____.

Section 8 –TEST CLAIM CERTIFICATION Pursuant to [Government Code section 17553](#)

- The test claim form is signed and dated at the end of the document, under penalty of perjury by the eligible claimant, with the declaration that the test claim is true and complete to the best of the declarant's personal knowledge, information, or belief.

Read, sign, and date this section. Test claims that are not signed by authorized claimant officials pursuant to [California Code of Regulations, title 2, section 1183.1\(a\)\(1-5\)](#) will be returned as incomplete. In addition, please note that this form also serves to designate a claimant representative for the matter (if desired) and for that reason may only be signed by an authorized local government official as defined in [section 1183.1\(a\)\(1-5\)](#) of the Commission’s regulations, and not by the representative.

This test claim alleges the existence of a reimbursable state-mandated program within the meaning of [article XIII B, section 6 of the California Constitution](#) and [Government Code section 17514](#). I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this test claim is true and complete to the best of my own personal knowledge, information, or belief. All representations of fact are supported by documentary or testimonial evidence and are submitted in accordance with the Commission’s regulations. ([Cal. Code Regs., tit.2, §§ 1183.1](#) and [1187.5](#).)

Name of Authorized Local Government Official
pursuant to [Cal. Code Regs., tit.2, § 1183.1\(a\)\(1-5\)](#)

Print or Type Title

Signature of Authorized Local Government Official
pursuant to [Cal. Code Regs., tit.2, § 1183.1\(a\)\(1-5\)](#)

Date

Test Claim Form Sections 4-7 WORKSHEET

Complete Worksheets for Each New Activity and Modified Existing Activity Alleged to Be Mandated by the State, and Include the Completed Worksheets With Your Filing.

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number: _____

Activity: _____

Initial FY: ____ - ____ Cost: _____ Following FY: ____ - ____ Cost: _____

Evidence (if required): _____

All dedicated funding sources; State: _____ Federal: _____

Local agency's general purpose funds: _____

Other nonlocal agency funds: _____

Fee authority to offset costs: _____

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number: _____

Activity: _____

Initial FY: ____ - ____ Cost: _____ Following FY: ____ - ____ Cost: _____

Evidence (if required): _____

All dedicated funding sources; State: _____ Federal: _____

Local agency's general purpose funds: _____

Other nonlocal agency funds: _____

Fee authority to offset costs: _____

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number: _____

Activity: _____

Initial FY: ____ - ____ Cost: _____ Following FY: ____ - ____ Cost: _____

Evidence (if required): _____

All dedicated funding sources; State: _____ Federal: _____

Local agency's general purpose funds: _____

Other nonlocal agency funds: _____

Fee authority to offset costs: _____