

**ITEM 10**  
**EXECUTIVE DIRECTOR’S REPORT**  
**Workload, Budget, 2008 Rulemaking Calendar and**  
**Upcoming Tentative Agendas**

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**I. WORKLOAD: Pending Caseload**

Type of Action	December 6, 2007
Test Claims <sup>1</sup> to be Heard and Determined	70
Test Claims to be Reconsidered	0
Test Claims to be Reconsidered Based on Court Action	0
Test Claims to be Reconsidered, as Directed by the Legislature	0
Incorrect Reduction Claims to be Heard and Determined	141
Incorrect Reduction Claims to be Reconsidered Based on Court Action	0
Proposed Parameters and Guidelines, and Amendments	29
Parameters and Guidelines to be Amended or Set Aside, as Directed by the Legislature or Court Action	1
Statewide Cost Estimates to be Adopted	6
New Test Claim Filings to be Reviewed	1
New Incorrect Reduction Claim Filings to be Reviewed	1
Appeals of Executive Director’s Decision	0
Regulatory Actions Pending	1

**II. 2008-2009 STATE BUDGET**

On January 10, the Governor and the Director of Finance issued the proposed 2008-2009 Budget. The budget detail is available at [www.dof.ca.gov](http://www.dof.ca.gov). The Governor’s Budget proposes “budget balancing reductions” to offset the deficit expected for fiscal year 2008-2009.

**A. Commission on State Mandates (8885)**

The Governor’s Budget includes \$1.571 million to support 12 positions and the Commission’s operations. This includes a proposed budget balancing reduction of \$168,000 and one position.

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<sup>1</sup> This includes 47 test claims filed by school districts and 23 filed by local agencies.

B. Mandate Reimbursements for Schools (K-12) (6110)

The Governor's Budget proposes to defer funding on the 33 existing K-12 mandates.

C. Mandate Reimbursements for Community Colleges (6870)

The Governor's Budget also defers funding on the five community college mandates.

D. Mandate Reimbursements for Local Agencies (8885)

The Governor's Budget includes \$139 million for 42 local agency mandates for costs incurred prior to July 1, 2007. Of this amount, \$75 million is proposed for the third payment of reimbursement claims for costs incurred prior to July 1, 2004.

Mandate reimbursement for local agency claims is exempted from proposed budget balancing reductions because funding them at less than the full funding level would result in suspension of the mandate under Proposition 1A.

The Governor's Budget proposes to continue the suspension of 29 local agency mandates.

E. Special Session Proposed Budget Balancing Reduction – 2007-2008

The Governor's Budget includes a one-time savings of \$75 million by eliminating payments for estimated reimbursement claims. This reduction is consistent with the amendments made by a 2007 budget trailer bill that eliminated the State's payment obligation for estimated claims.

**III. 2008 RULEMAKING CALENDAR (action)**

Government Code section 11017.6 requires covered state agencies to prepare an annual rulemaking calendar for publication in the California Regulatory Notice Register. While the Commission is exempt from the Office of Administrative Law's (OAL) review and approval, it has traditionally submitted the calendar to keep the public informed of its rulemaking plans. The 2008 calendar is due to OAL on February 29, 2008. In addition to the pending rulemaking to implement AB 1222, staff proposes a new rulemaking for general clean-up of our regulations. See Attachment A for the proposed 2008 rulemaking calendar.

Staff recommends approval of the 2008 Rulemaking Calendar.

#### IV. 2008 HEARING CALENDAR (discussion/action)

Last year, the Commission approved the 2008 hearing calendar, setting bimonthly hearings in January, March, May, July, September, and December. The Commission also approved tentative dates in June and October. One of the Commission members has requested that the future hearing dates be changed to Fridays, if possible. If approved, this would change the current calendar, as follows:

Approved Calendar From Thursdays	Proposed Calendar To Fridays
March 27, 2008	March 28, 2008
May 29, 2008	May 30, 2008
June 26, 2008 (tentative)	June 27, 2008 (tentative)
July 31, 2008	August 1, 2008
September 25, 2008	September 26, 2008
October 30, 2008 (tentative)	October 31, 2008 (tentative)
December 4, 2008	December 5, 2008

If the Commission members are able to meet on Fridays, staff recommends approval of the revised schedule.

#### TENTATIVE AGENDAS

*The tentative agendas are subject to change based on Commission staff's litigation workload, requests for extensions of time to file comments on draft staff analyses, hearing postponements, pre-hearing conferences, and the complexity of the statutes and executive orders that are pled. Additionally, any items continued from the January 31, 2008 hearing may be moved to a future agenda.*

##### **March 27, 2008**

###### A. Test Claims (2)

1. *Prevailing Wage Rates*, 01-TC-28  
Clovis Unified School District, Claimant
2. *Disabled Student Programs & Services*, 02-TC-22  
West Kern Community College District, Claimant

###### B. Proposed Parameters and Guidelines (4)

1. *Local Government Employment Relations*, 01-TC-30  
County of Sacramento, Claimant
2. *Racial Profiling, Law Enforcement Training*, 01-TC-01  
County of Sacramento, Claimant

3. *Permanent Absent Voter II*, 03-TC-11  
County of Sacramento, Claimant
  4. *Fifteen-Day Close of Voter Registration*, 01-TC-15  
County of Orange, Claimant
- C. Proposed Amendments to Parameters and Guidelines (6)
1. *Peace Officers Procedural Bill of Rights (POBOR)*, 06-PGA-03, 06-PGA-06 Department of Finance and County of Los Angeles, Requestors
  2. *Graduation Requirements*, 4181A, 05-PGA-05, 06-PGA-04, 06-PGA-05 San Diego Unified School District, Castro Valley, Clovis, and San Jose Unified School Districts; Fullerton Joint Union High School District, and Grossmont and Sweetwater Union High School Districts, Mountain View-Los Altos Hill High School District, and State Controller's Office and Requestors
- D. Statewide Cost Estimates (1)
1. *Domestic Violence Arrests and Victims Assistance*, 98-TC-14  
County of Los Angeles, Claimant

**May 29, 2008**

- A. Test Claims (12)
1. *Expulsions II and Suspensions II*, 96-358-03, 03A-03B, 04, 04A-04B, 98-TC-22, 23, 01-TC-17, and 18 consolidated with *Education Services Plan*, 97-TC-09  
San Juan Unified School District, Claimant
  2. *Notices to Students*, 02-TC-25 consolidated with *Minimum Conditions of State Aid*, 02-TC-31, Los Rios Community College District and Santa Monica Community College District, Claimants
  3. *Comprehensive School Safety Plans II*, 02-TC-33, Bakersfield City School District and Sweetwater Union High School District, Co-Claimants
  4. *Cal Grants*, 02-TC-28, Long Beach Community College District
- B. Incorrect Reduction Claims (1)
1. *Graduation Requirements*, 03-4435-I-45  
Clovis Unified School District, Claimant
- C. Parameters and Guidelines (4)
1. *Local Recreational Areas: Background Screenings*, 01-TC-11  
City of Los Angeles - Department of Recreation and Parks, Claimant
  2. *Fire Safety Inspections of Care Facilities*, 01-TC-16  
City of San Jose, Claimant
  3. *Firearm Hearings for Discharged Inpatients*, 99-TC-11  
County of Los Angeles, Claimant

4. *California Fire Incident Reporting Systems (CFIRS)*, CSM-4419  
City of Newport Beach, Claimant
- D. Statewide Cost Estimates (2)
1. *Handicapped and Disabled Students II*, 02-TC-40; 02-TC-49  
Counties of Los Angeles and Stanislaus, Claimants
  2. *Charter Schools III*, 99-TC-14  
Western Placer Unified School District, Claimant

**ATTACHMENT A  
STAFF REPORT  
ADOPTION OF PROPOSED 2008 RULEMAKING CALENDAR**

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**EXECUTIVE SUMMARY**

**Background**

Government Code section 11017.6 requires covered state agencies to prepare an annual rulemaking calendar for publication in the California Regulatory Notice Register. While the Commission is exempt from the Office of Administrative Law's (OAL) review and approval, it has traditionally submitted the calendar to keep the public informed of its rulemaking plans. The calendar is due to OAL on February 29, 2008.

**Proposed 2008 Rulemaking Calendar**

The attached proposed 2008 Rulemaking Calendar consists of one rulemaking:

Rulemaking 1: General Cleanup Provisions

This rulemaking would amend Title 2, Chapter 2.5, Articles 1 through 6 and Articles 7 through 8.5, sections 1181 through 1186 and sections 1187 through 1189.61, to provide general cleanup to the Commission's regulations. This proposed rulemaking would not amend Article 6.5 regarding Applications for Findings of Significant Financial Distress and Article 9 regarding Conflict of Interest Code.

*Timeline*

Date to OAL	December 9, 2008
Notice Publication Date	December 19, 2008
Public Hearing/End Comment Period	February 2, 2009
Proposed Date for Adoption To OAL	March 2009 Commission Hearing One Week following Commission Hearing

**Staff Recommendation**

Staff recommends that the Commission adopt the Proposed 2008 Rulemaking Calendar for transmittal to the Office of Administrative Law.

COMMISSION ON STATE MANDATES

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2007**

Subject: General Cleanup  Articles 1 through 6 and Articles 7 through 8.5, sections 1181 through 1186 and sections 1187 through 1189.61		CCR Title & Sections Affected:  Title 2, Chapter 2.5, Articles 1 through 6 and Articles 7 through 8.5, sections 1181 through 1186 and sections 1187 through 1189.61		Statutes Being Implemented:  Government Code section 17500-17630.	
Responsible Agency Unit: Executive	Contact Person & Phone Number: Nancy Patton (916) 323-8217	Projected Dates:			
		Notice: December 19, 2008	Hearing: February 2, 2009	Adoption: March 2009	To OAL: March 2009