

COMMISSION ON STATE MANDATES

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January 16, 2014

Mr. Tom Dyer
Department of Finance
915 L Street
Sacramento, CA 95814

And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: **Draft Proposed Amendment to Parameters and Guidelines and Statement of Decision, Schedule for Comments, and Notice of Hearing**
Filipino Employee Survey, 12-PGA-02 (CSM-2142)
Government Code Section 50087
Statutes 1978, Chapter 845 as repealed by Statutes 2012, Chapter 32 (SB 1006)
Department of Finance, Requester

Dear Mr. Dyer:

The draft proposed amendment to parameters and guidelines and statement of decision for the above-named matter are enclosed for your review and comment.

Written Comments

Written comments may be filed on the draft staff analysis by **January 27, 2014**. You are advised that comments filed with the Commission are required to be simultaneously served on the other interested parties on the mailing list, and to be accompanied by a proof of service. However, this requirement may also be satisfied by electronically filing your documents. Please see <http://www.csm.ca.gov/dropbox.shtml> on the Commission's website for instructions on electronic filing. (Cal. Code Regs., tit. 2, § 1181.2.)

If you would like to request an extension of time to file comments, please refer to section 1183.01(c)(1) of the Commission's regulations.

Hearing

This matter is set for hearing on **Friday, March 28, 2014**, at 10:00 a.m., State Capitol, Room 447, Sacramento, California. The final staff analysis will be issued on or about March 14, 2014. Please let us know in advance if you or a representative of your agency will testify at the hearing, and if other witnesses will appear. If you would like to request postponement of the hearing, please refer to section 1183.01(c)(2) of the Commission's regulations.

Please contact Giny Chandler at (916) 323-3562 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Halsey".

Heather Halsey
Executive Director

ITEM _____
DRAFT AMENDMENT TO
PARAMETERS AND GUIDELINES
AND
STATEMENT OF DECISION

Government Code Section 50087, Statutes 1978, Chapter 845

Filipino Employee Survey (CSM-2142)
12-PGA-02

As Repealed by:
Statutes 2012, Chapter 32 (SB 1006)

Department of Finance, Requestor

The reimbursement period for this program ends June 27, 2012

EXECUTIVE SUMMARY

Attached is the draft proposed statement of decision in this matter. This draft proposed statement of decision also functions as the draft staff analysis, as required by section 1183.07 of the Commission's regulations.

I. Background

On March 15, 2013, the Department of Finance (Finance) filed a request with the Commission on State Mandates (Commission) to amend the parameters and guidelines for the *Filipino Employee Survey* program to end reimbursement because the Legislature repealed the test claim statute.¹

Government Code section 50087 was enacted in 1978 and provided:

Every city, county or city and county which has at least 5,000 residents or in which 5 percent of the population is of Filipino ancestry or ethnic origin according to the last federal census, and which conducts any survey as to the ancestry or ethnic origin of its employees, or maintains any statistical tabulation of minority group employees, shall categorize employees whose ancestry or ethnic origin is Filipino as Filipinos in such survey or tabulation.²

On May 21, 1980, the Board of Control (predecessor to the Commission) determined that cities and counties incurred "costs mandated by the state" as a result of conducting a survey to determine the number of employees in their workforce who are of Filipino ancestry or ethnic origin. The test

¹ Government Code section 50087, effective June 27, 2012 (Stats. 2012, ch. 32).

² Government Code section 50087, Statutes of 1978, Chapter 845.

claim was filed by the City of Los Angeles on October 30, 1979, before the passage of Proposition 4, which established a constitutional right to reimbursement for state-mandated local programs and higher levels of service and before the enactment of Government Code section 17500 et seq., which established a quasi-judicial process for the exercise of that right. Based on the filing date of the test claim, the Board of Control made its findings pursuant to the quasi-legislative process provided by Revenue and Taxation Code section 2253(b) and (c). The Board of Control adopted parameters and guidelines for the test claim on May 27, 1982. The parameters and guidelines provide that all costs incurred on or after January 1, 1979 are reimbursable.

II. Procedural History

On March 15, 2013, the Department of Finance (Finance) filed a request to amend the parameters and guidelines for the *Filipino Employee Survey* program. No comments were received on this request.

III. Analysis

Government Code section 17557(d) authorizes the Commission to amend the parameters and guidelines to delete any reimbursable activity that has been repealed by statute after the adoption of original or last amended parameters and guidelines.

The test claim statute, former Government Code section 50087, was enacted in 1978 and provided:

Every city, county or city and county which has at least 5,000 residents or in which 5 percent of the population is of Filipino ancestry or ethnic origin according to the last federal census, and which conducts any survey as to the ancestry or ethnic origin of its employees, or maintains any statistical tabulation of minority group employees, shall categorize employees whose ancestry or ethnic origin is Filipino as Filipinos in such survey or tabulation.³

On May 21, 1980, the Board of Control determined that cities and counties incurred “costs mandated by the state” as a result of conducting a survey to determine the number of employees in their workforce who are of Filipino ancestry or ethnic origin pursuant to former Government Code section 50087. On May 27, 1982, The Board of Control adopted parameters and guidelines providing that all costs incurred on or after January 1, 1979 are reimbursable.

Statutes 2012, chapter 32 repealed Government Code section 50087, effective June 27, 2012, ending the employee survey program and ending all reimbursable state-mandated activities approved under the program.

Accordingly, beginning June 27, 2012, a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution no longer exists. Therefore, the proposed amendment to the parameters and guidelines ends reimbursement for the program beginning June 27, 2012.

IV. Conclusion and Staff Recommendation

Staff recommends that the Commission adopt the proposed statement of decision and approve Finance’s request to amend the parameters and guidelines for the *Filipino Employee Survey* program to end reimbursement for the program beginning June 27, 2012.

³ Statutes of 1978, Chapter 845.

Staff further recommends that the Commission authorize staff to make non-substantive, technical corrections to the statement of decision and parameters and guidelines following the Commission hearing on this matter.

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE PARAMETERS AND GUIDELINES AMENDMENT FOR: Government Code section 50087 Statutes 1978, Chapter 845 As Repealed by Statutes 2012, Chapter 32 (SB 1006) Requested by the Department of Finance March 15, 2013.	Case No.: 12-PGA-02 (CSM -2142) <i>Filipino Employee Survey</i> STATEMENT OF DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5, ARTICLE 7. <i>(Adopted March 28, 2014)</i>
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STATEMENT OF DECISION

The Commission on State Mandates (Commission) adopted the attached proposed statement of decision and amendment to parameters and guidelines during a regularly scheduled hearing on March 28, 2014. [Witness list will be included in the final statement of decision.]

The law applicable to the Commission’s determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code section 17500 et seq., and related case law.

The Commission adopted/rejected the amendment to parameters and guidelines and statement of decision by a vote of [vote count will be included in the final statement of decision].

I. Background

On March 15, 2013, the Department of Finance (Finance) filed a request to amend the parameters and guidelines for the *Filipino Employee Survey* program to end reimbursement because the Legislature repealed the test claim statute.⁴ Government Code section 50087 was enacted in 1978 and provided:

Every city, county or city and county which has at least 5,000 residents or in which 5 percent of the population is of Filipino ancestry or ethnic origin according to the last federal census, and which conducts any survey as to the ancestry or ethnic origin of its employees, or maintains any statistical tabulation of minority group employees,

⁴ Statutes 2012, chapter 32, effective June 27, 2012.

shall categorize employees whose ancestry or ethnic origin is Filipino as Filipinos in such survey or tabulation.⁵

On May 21, 1980, the Board of Control determined that cities and counties incurred “costs mandated by the state” as a result of conducting a survey to determine the number of employees in their workforce who are of Filipino ancestry or ethnic origin. The Board made its finding on the test claim filed by the City of Los Angeles on October 30, 1979, pursuant to the provisions of Revenue and Taxation Code section 2253(b) and (c). The Board of Control adopted parameters and guidelines for the test claim on May 27, 1982. The parameters and guidelines provide that all costs incurred on or after January 1, 1979 are reimbursable.

II. Request to Amend Parameters and Guidelines

On March 15, 2013, Finance filed a request to amend the parameters and guidelines to reflect the repeal of Government Code section 50087. Finance asserts that the repeal of the statute ends the mandate.

III. Position of the Parties

No comments have been filed by local government on the request to amend these parameters and guidelines.

IV. Commission Findings

Government Code section 17557(d) authorizes the Commission to amend the parameters and guidelines to delete any reimbursable activity that has been repealed by statute after the adoption of original or last amended parameters and guidelines.

Statutes 2012, chapter 32 repealed Government Code section 50087, effective June 27, 2012, ending the employee survey program and ending all state-mandated activities approved under the program.⁶

Accordingly, beginning June 27, 2012, a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution no longer exists.

V. Conclusion

The Commission approves Finance’s request and adopts the amended parameters and guidelines for the *Filipino Employee Survey* program to end reimbursement beginning June 27, 2012.

⁵ Government Code section 50087, Statutes of 1978, Chapter 845.

⁶ A review of the State Controller’s website found no outstanding reimbursement claims for this program since 2004.

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Yolo and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On January 16, 2014, I served the:

**Draft Proposed Amendment to Parameters and Guidelines and
Statement of Decision, Schedule for Comments, and Notice of Hearing**

Filipino Employee Survey, 12-PGA-02 (CSM-2142)


Government Code Section 50087

Statutes 1978, Chapter 845 as repealed by Statutes 2012, Chapter 32 (SB 1006)

Department of Finance, Requester

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on January 16, 2014 at Sacramento, California.



Jason Hone
Commission on State Mandates
980 9th Street, Suite 300
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 1/16/14

Claim Number: 12-PGA-02

Matter: Filipino Employee Survey (CSM-2142)

Requester: Department of Finance

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

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