

ITEM 10

ADOPTION OF NEW TEST CLAIM FORM

Background

Article 8.5, section 1189.6 of the Commission on State Mandates' (Commission) regulations require the Executive Director, in consultation with interested parties, to develop a form that claimants use to submit test claims. The Commission is required to conduct at least one informational hearing prior to approving the form. Following approval, the Executive Director must notify claimants, interested parties, affected state agencies, and interested persons of the new form and disseminate copies at least ten days prior to the form's operative date.

On September 29, 2004, the Governor signed AB 2856 (Laird, Stats. 2004, ch. 890), which makes significant reforms to the process for filing test claims, including:

- Specifying the content of a test claim filing with the Commission on State Mandates (CSM).
- Authorizing the CSM to reject duplicate test claims filed by local governments.
- Reducing from three years to one year the time under which local governments may file test claims with the CSM.
- Revising deadlines for local governments to amend test claims.
- Requiring the CSM to notify appropriate Senate and Assembly policy and fiscal committees of test claim decisions.
- Requiring the CSM, when adopting parameters and guidelines, to adopt a reasonable reimbursement methodology that balances accuracy and simplicity.

The changes made by AB 2856 to Government Code section 17553 require the Commission to adopt a new test claim form. In December 2004, Commission staff issued a draft test claim form for comment and conducted a workshop on December 8, 2004. No comments were filed.

Recommendation

Staff recommends that the Commission approve the attached draft test claim form.

If approved, the Executive Director will immediately disseminate the form. The form will become effective on February 7, 2005.

**COMMISSION ON STATE MANDATES
TEST CLAIM FORM**

Authorized by Government Code section 17553
(Revised 1/2005)

GENERAL INSTRUCTIONS

- Local agency and school district test claims shall be filed not later than 12 months following the effective date of a statute or executive order, or within 12 months of incurring increased costs as a result of a statute or executive order, whichever is later.
- Type all responses.
- Complete sections 1 through 8, as indicated. Failure to complete any of these sections will result in this test claim being returned as incomplete.
- Original test claim submissions shall be unbound, single-sided, and without tabs. Copies may be double-sided, but unbound and without tabs.
- Mail, or hand-deliver, one original and seven copies of your test claim submission to:

**Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814**

Within ten (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 be accepted on the same statute or executive order alleged to impose a mandate.

You may download this form from our website! If you have any questions, please contact us:

Web Site: www.csm.ca.gov
Telephone: (916) 323-3562
Fax: (916) 445-0278
E-Mail: csminfo@csm.ca.gov

1. TEST CLAIM TITLE

2. CLAIMANT INFORMATION

Name of Local Agency or School District

Claimant Contact

Title

Street Address

City, State, Zip

Telephone Number

Fax Number

E-Mail Address

3. CLAIMANT REPRESENTATIVE INFORMATION

Claimant designates the following person to act as its sole representative in this test claim. All correspondence and communications regarding this claim shall be forwarded to this representative. Any change in representation must be authorized by the claimant in writing, and sent to the Commission on State Mandates.

Claimant Representative Name

Title

Organization

Street Address

City, State, Zip

Telephone Number

Fax Number

E-Mail Address

<i>For CSM Use Only</i>
Filing Date:
Test Claim #:

4. TEST CLAIM STATUTES OR EXECUTIVE ORDERS CITED

Please identify all code sections, statutes, bill numbers, regulations, and/or executive orders that impose the alleged mandate (e.g., Penal Code Section 2045, Statutes 2004, Chapter 54 [AB 290]). When alleging regulations or executive orders, please include the effective date of each one.

Copies of all statutes and executive orders cited are attached.

Sections 5, 6, and 7 are attached as follows:

5. Written Narrative: pages ____ to ____.

6. Declarations: pages ____ to ____.

7. Documentation: pages ____ to ____.

Sections 5, 6, and 7 should be answered on separate sheets of plain 8-1/2 x 11 paper. Each sheet should include the test claim name, the claimant, the section number, and heading at the top of each page.

5. WRITTEN NARRATIVE

Under the heading “5. Written Narrative,” please identify the specific sections of statutes or executive orders alleged to contain a mandate.

Include a statement that actual and/or estimated costs resulting from the alleged mandate exceeds one thousand dollars (\$1,000), and include all of the following elements for each statute or executive order alleged:

- (A) A detailed description of the new activities and costs that arise from the mandate.
- (B) A detailed description of existing activities and costs that are modified by the mandate.
- (C) The actual increased costs incurred by the claimant during the fiscal year for which the claim was filed to implement the alleged mandate.
- (D) The 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.
- (E) 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.
- (F) Identification of all of the following funding sources available for this program:
 - (i) Dedicated state funds
 - (ii) Dedicated federal funds
 - (iii) Other nonlocal agency funds
 - (iv) The local agency’s general purpose funds
 - (v) Fee authority to offset costs
- (G) Identification of prior mandate determinations made by the Board of Control or the Commission on State Mandates that may be related to the alleged mandate.

6. DECLARATIONS

Under the heading “6. Declarations,” support the written narrative with declarations that:

- (A) declare actual or estimated increased costs that will be incurred by the claimant to implement the alleged mandate;
- (B) identify 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;
- (C) describe 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); and
- (D) 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.

7. DOCUMENTATION

Under the heading “7. Documentation,” support the written narrative with copies of all of the following:

- (A) the test claim statute that includes the bill number alleged to impose or impact a mandate; and/or
- (B) the executive order, identified by its effective date, alleged to impose or impact a mandate; and
- (C) relevant portions of state constitutional provisions, federal statutes, and executive orders that may impact the alleged mandate; and
- (D) administrative decisions and court decisions cited in the narrative.

8. CLAIM CERTIFICATION

*Read, sign, and date this section and insert at the end of the test claim submission.**

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 submission is true and complete to the best of my own knowledge or information or belief.

Print or Type Name of Authorized Local Agency
or School District Official

Print or Type Title

Signature of Authorized Local Agency or
School District Official

Date

** If the declarant for this Claim Certification is different from the Claimant contact identified in section 2 of the test claim form, please provide the declarant's address, telephone number, fax number, and e-mail address below.*