

REPORT TO THE
CALIFORNIA LEGISLATURE
ON APPROVED MANDATE CLAIMS
JANUARY 1990

COMMISSION ON STATE MANDATES

Jesse R. Huff, Chairperson
Robert C. Creighton, Member
Gray Davis, Member
Thomas W. Hayes, Member
Robert P. Martinez, Member

Robert W. Eich
Executive Director

COMMISSION ON STATE MANDATES

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



December 29, 1989

Mr. Darryl R. White
Secretary of the Senate
California State Legislature
State Capitol, Room 3044
Sacramento, CA 95814

Dear Mr. White:

Enclosed is the Commission on State Mandates' Report to the Legislature for January 1990 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 any questions regarding this report, please contact Robert Eich, Executive Director of the Commission on State Mandates, at 323-3562.

Very truly yours,


JESSE R. HUFF, Chairperson
Commission on State Mandates

Enclosure

cc: Honorable John Vasconcellos, Chairperson,
Assembly Ways and Means Committee
Honorable Robert Presley, Chairperson,
Senate Appropriations Committee
Honorable Alfred E. Alquist, Chairperson, Senate Budget and
Fiscal Review Committee
Honorable William Campbell, Chairperson, Joint Legislative
Budget Committee
Ms. Elizabeth Hill, Legislative Analyst
Mr. Allan S. Zaremberg, Legislative Secretary,
Governor's Office

0514s

COMMISSION ON STATE MANDATES

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



December 29, 1989

Mr. R. Brian Kidney
Chief Clerk of the Assembly
California State Legislature
State Capitol, Room 3196
Sacramento, CA 95814

Dear Mr. Kidney:

Enclosed is the Commission on State Mandates' Report to the Legislature for January 1990 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 any questions regarding this report, please contact Robert Eich, Executive Director of the Commission on State Mandates, at 323-3562.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jesse R. Huff".

JESSE R. HUFF, Chairperson
Commission on State Mandates

Enclosure

cc: Honorable John Vasconcellos, Chairperson,
Assembly Ways and Means Committee
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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(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(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 five mandate findings including the justification for finding a mandate and an explanation of the reimbursable cost areas.

Chapter 498, Statutes of 1983
Education Code Section 51225.3
Graduation Requirements

Eligible Claimants

School districts

Basis for Mandate

The Commission determined that Education Code section 51225.3 as added by Chapter 498, Statutes of 1983, constitutes a reimbursable state mandate by requiring school districts to provide an additional science course to students prior to their graduation from the twelfth grade.

Education Code section 51225.3, effective July 28, 1983, requires that beginning with the 1986-87 school year, no pupil shall receive a high school diploma without completing an additional science course above that which was required prior to the addition of Section 51225.3 to the Education Code. One year of science was previously required, and as a result of this section being added to the Education Code, two science courses are now required. Education Code section 51225.3 further specifies that the curriculum include one course each of biological and physical sciences.

Statewide Cost Estimate

The Commission adopted a statewide cost estimate of \$16,800,000 for fiscal years 1984-85 through 1989-90.

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

<u>Fiscal Year</u>	<u>Amount</u>
1984-85	\$ 2,800,000
1985-86	2,800,000
1986-87	2,800,000
1987-88	2,800,000
1988-89	2,800,000
1989-90	<u>2,800,000</u>
TOTAL	\$16,800,000

Chapter 641, Statutes of 1986
Open Meetings Act

Eligible Claimants

Cities, counties, school districts, and special districts.

Basis for Mandate

The Commission determined that Chapter 641, Statutes of 1986, mandated a higher level of service in an existing program by requiring (1) the legislative body of any local agency or school district to post an agenda containing a brief general description of each item of business to be transacted or discussed at a regular meeting, (2) by the prohibition of any action to be taken on any item not appearing on the posted agenda, and (3) by requiring that every agenda for regular meetings provide an opportunity for members of the public to directly address the legislative body on items of interest to the public that are within the subject matter jurisdiction of the legislative body.

The Commission determined that local agencies and school districts have incurred reimbursable costs for labor, materials, and supplies needed in the preparation, release, and posting of a detailed agenda 72 hours before a meeting in locations freely accessible to the public.

Statewide Cost Estimate

The Commission adopted a statewide cost estimate of \$8,782,000 for the period from August 29, 1986, through the 1989-90 fiscal year.

The following is a fiscal year breakdown of statewide costs:

<u>Fiscal Year</u>	<u>Amount</u>
8/29/86- 6/30/87	\$1,947,921
1987-88	2,152,002
1988-89	2,278,359
1989-90	<u>2,403,805</u>
TOTAL	\$8,782,000 (R)

Chapter 845, Statutes of 1983 and
Chapter 102, Statutes of 1984
Real Property - Subdivision Mergers

Eligible Claimants

Cities and counties.

Basis for Mandate

The Commission determined that Chapter 845, Statutes of 1983 and Chapter 102, Statutes of 1984, imposed reimbursable costs mandated by the state on cities and counties by imposing new criteria for the merger of parcels of land. These statutes required the formal merger of particular parcels of land which were deemed merged, and that local agencies determine whether particular parcels meet the statutory criteria for unmerger. The Commission further determined that under the provisions of Government Code section 66451.33, local agencies can charge fees for applicant initiated mergers or unmergers of parcels of land. Therefore, reimbursable costs are limited to those mergers or unmergers for which no fee can be charged.

Statewide Cost Estimate

The Commission adopted a statewide cost estimate of \$5,576,000 for the fiscal years 1985-86 through 1989-90.

Following is a fiscal year breakdown of statewide costs:

<u>Fiscal Year</u>	<u>Amount</u>
1985-86	\$2,188,259
1986-87	1,029,182
1987-88	850,197
1988-89	677,193
1989-90	<u>830,878</u>
TOTAL	\$5,576,000 (R)

Chapter 1327, Statutes of 1984 and
Chapter 1232, Statutes of 1985
Annual Short-Doyle Audits

Eligible Claimants

Counties

Basis for Mandate

The Commission determined that Chapter 1327, Statutes of 1984, which added Section 5712.1 to the Welfare and Institutions Code, imposed a reimbursable state mandate by requiring counties to establish fiscal controls and accounting procedures necessary for proper disbursement and accounting of funds received in connection with the Short-Doyle program, and it required the counties to conduct or obtain an annual audit of these funds beginning with fiscal year 1983-84.

Chapter 1232, Statutes of 1985, which added Section 5712.01 to the Welfare and Institutions Code extends the compliance requirements of Section 5712.1 by requiring that Short-Doyle programs for fiscal year 1983-84 and fiscal year 1984-85 to be audited concurrently during fiscal year 1985-86. Section 5712.01 also requires written notification to the Department of Mental Health, indicating the scheduled beginning date of the audit and it extended the completion date for the above audit to June 30, 1986.

Only ten (10) percent of the costs of complying with sections 5712.1 and 5712.01 will be reimbursed as costs mandated by the state, because the state currently provides ninety (90) percent of the total costs of the Short-Doyle program, and the counties are required to provide the remaining ten (10) percent of the funds.

Statewide Cost Estimate

The Commission adopted a statewide cost estimate of \$313,000 for the 1985-86 through the 1989-90 fiscal year.

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

<u>Fiscal Year</u>	<u>Amount</u>
1985-86	\$ 57,825
1986-87	59,617
1987-88	63,051
1988-89	65,267
1989-90	<u>67,126</u>
TOTAL	\$313,000 (R)

Chapter 1335, Statutes of 1986
Trial Court Delay Reduction Act

Eligible Claimants

The following counties were selected for participation in the pilot program and are eligible for reimbursement of increased costs:

Alameda	Los Angeles	Sacramento
Contra Costa	Orange	San Diego
Kern	Riverside	San Francisco

Basis for Mandate

The Commission found that Chapter 1335, Statutes of 1986, in adding Government Code Sections 68605, 68606, 68608, 68609 and 68612, imposed a new state mandated program on the nine designated counties. These sections require superior courts in the nine counties designated by the Judicial Council to establish an exemplary delay reduction program commencing operation on January 1, 1988, and continuing for a three year period. As a result of the statute, the nine counties have incurred reimbursable state mandated costs for the development and operation of a trial delay reduction program.

Statewide Cost Estimate

The Commission adopted a statewide cost estimate of \$10,769,000 for the period from January 1, 1987, through December 31, 1988.

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

<u>Fiscal Year</u>	<u>Amount</u>
1/1/87- 6/30/87	\$ 499,475
1987-88	6,654,009
7/1/88- 12/31/88	<u>3,615,694</u>
TOTAL	\$10,769,000 (R)

Note

In adopting this statewide cost estimate, it was the Commission's decision to not include costs for the period of January 1, 1989, through December 31, 1990. Rather, the Commission determined that reimbursement for this mandate may

be impacted by the Brown-Presley Trial Court Funding Act (Act). This Act provides reimbursement for court operations effective January 1, 1989, for those counties that opt into the Act. In addition, language contained in the Act states that counties which opt into the Act waive reimbursement for state mandated costs for the trial courts.

In light of the potential impact of the Brown-Presley Trial Court Funding Act, the Commission determined that the issue of funding for Chapter 1335, Statutes of 1986, for the January 1, 1989 through December 31, 1990 period should be resolved by the Legislature during its review of the Commission sponsored Local Government Claims Bill.

The estimated costs for this period are:

<u>Fiscal Year</u>	<u>Amount</u>
1/1/89-	
6/30/89	\$ 3,615,694
1989-90	7,355,017
7/1/90-	
12/31/90	<u>3,851,834</u>
TOTAL	\$14,823,000 (R)

FISCAL SUMMARY

1. Chapter 498, Statutes of 1983 Education Code Section 51225.3 <u>Graduation Requirements</u>	\$16,800,000
2. Chapter 641, Statutes of 1986 <u>Open Meetings Act</u>	8,782,000
3. Chapter 845, Statutes of 1983 Chapter 102, Statutes of 1984 <u>Real Property - Subdivision Mergers</u>	5,576,000
4. Chapter 1327, Statutes of 1984 Chapter 1232, Statutes of 1985 <u>Annual Short-Doyle Audits</u>	313,000
5. Chapter 1335, Statutes of 1986 <u>Trial Court Delay Reduction Act</u>	<u>10,769,000</u>
TOTAL	\$42,240,000