

REPORT TO THE
CALIFORNIA LEGISLATURE

June 1983

LOCAL GOVERNMENT CLAIMS BILL
Revenue and Taxation Code, Section 2255

STATE BOARD OF CONTROL

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Introduction

This report was prepared to fulfill the requirements of Revenue and Taxation Code Section 2255. As amended by Chapter 327, Statutes of 1982, the Section requires that:

2255. (a) At least twice each calendar year the Board of Control shall report to the Legislature on the number of mandates it has found and the estimated statewide costs of such mandates. This report shall identify the statewide costs estimated for each mandate and the reasons for recommending reimbursement. The report may be included in the report required by Section 13928 of the Government Code. Immediately upon receipt of the report a local government claims bill shall be introduced in the Legislature. The local government claims bill, at the time of its introduction, shall provide for an appropriation sufficient to pay the estimated costs of these mandates pursuant to the provisions of this article.

Section 2255 further requires that, in the event the Legislature deletes funding for a mandate recommended in this report, one of six findings may be included in the local government claims bill.

No Mandate

- (1) In those cases where the Legislature determines that no mandate has really been imposed, such a finding may be amended into the bill.

Contains a Mandate

In those cases where the Legislature determines that the statute or regulation contains a mandate, the Legislature may take one of the following courses of action:

- (2) Find that the mandate is not reimbursable.
- (3) Find that the mandate (if it is a regulation) shall be repealed by the Office of Administrative Law.
- (4) Find that the mandate shall not be enforced until state funds become available.

Cannot Determine Mandate

If the Legislature cannot determine whether a mandate exists it shall either:

- (5) Declared that the legislation shall be suspended until a court makes a mandate determination.
- (6) Declare the law or regulation to remain in effect unless a court determines that a reimbursable mandate exists. (In this instance, the law or regulation would be suspended upon issuance of a court order determining a reimbursable mandate, and it could not be restored until funding became available.)

Mandate Summaries

Following are summaries of the statutes and regulations the Board of Control determined contained mandates at its December 2, 1982 hearing. Included in these summaries are the estimated costs by fiscal year, reimbursable cost areas, and the justification for finding the mandate.

Mandate: Chapter 102 and 1163, Statutes of 1981
and Department of Health Services All County Letters
(Medi-Cal Beneficiary Probate)

Eligible Claimants: Counties

<u>Fiscal Years</u>	<u>Amount</u>
1981-82	\$11,255
1982-83	36,349
1983-84	77,102
Total	<u>\$125,000 (Rounded)</u>

Board's Findings Supporting Payment

- A. This legislation and resulting Department of Health Services (DHS) all county letters require county public administrators to report to DHS the deaths of certain Medi-Cal recipients and to research the decedent's estate.

Under prior law, counties were not required to provide the specified data mentioned above on Medi-Cal decedents to DHS. Therefore, the Board determined an "increased level of service" was mandated.

- B. In adopting parameters and guidelines, the Board approved reimbursement for the cost of providing DHS with the specified data on deceased Medi-Cal recipients.
- C. The Board of Control adopted a statewide cost estimate of \$125,000. The Department of Finance proposed an estimate of \$116,000. The Board modified the estimate to reflect the cost impact of Los Angeles County. Therefore, pursuant to Revenue and Taxation Code 2255, the Board recommends that the Legislature appropriate this amount to the Controller.
- D. The Board acknowledged the DHS all county letters are considered executive regulations per Revenue and Taxation Code Section 2209. The Board noted that the all county letters contained requirements exceeding those found in Chapters 102 and 1163, Statutes of 1981.