
**REPORT TO THE
CALIFORNIA LEGISLATURE
ON APPROVED MANDATE CLAIMS
JUNE 1994**

COMMISSION ON STATE MANDATES

**Russell S. Gould, Chairperson
Kathleen Brown, Member
Gray Davis, Member
Warren M. Dorn, Member
Lee Grissom, Member**

**Robert W. Eich
Executive Director**

COMMISSION ON STATE MANDATES

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



June 15, 1994

Mr. Rick Rollens
Secretary of the Senate
California State Legislature
State Capitol, Room 3044
Sacramento, California 95814

Dear Mr. Rollens:

Enclosed is the Commission on State Mandates' "Report to the Legislature" for June, 1994, 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 me at 323-3562.

Sincerely,

A handwritten signature in cursive script that reads "Robert W. Eich".

ROBERT W. EICH
Executive Director
Commission on State Mandates

Enclosure

cc:w/encl:

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 Alfred E. Alquist, Chairperson, Joint Legislative
Budget Committee
Ms. Elizabeth G. Hill, Legislative Analyst
Legislative Secretary, Governor's Office

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Mr. E. Dotson Wilson
Chief Clerk of the Assembly
California State Legislature
State Capitol, Room 3196
Sacramento, California 95814

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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, subdivision (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, subdivision (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 three mandate findings including the justification for findings and an explanation of the reimbursable cost areas.

Mandate Summary

Chapter 768, Statutes of 1991
Penal Code Sections 7511, Subdivision (b),
7514, Subdivision (b), and 7555
Law Enforcement/Inmate AIDS Testing

Eligible Claimants

Any County or City that employs law enforcement personnel, inmates of correctional institutions, persons under arrest or taken into custody, and parolees and probationers as defined in Section 7514, subdivision (b) of the Penal Code.

Basis For Mandate

On May 27, 1993, the Commission on State Mandates determined that Penal Code Section 7511, subdivision (b), Penal Code Section 7514, subdivision (b), and Penal Code Section 7555, as enacted by Chapter 768, Statutes of 1991, constitute a reimbursable state mandate.

Penal Code Section 7511, subdivision (b), was amended by Chapter 768, Statutes of 1991 to clarify the requirements established by Chapter 1579, Statutes of 1988, to require counties to implement a new program of testing for exposure to the Human Immunodeficiency Virus (HIV).

The provisions of these chapters require that all law enforcement employees report to the chief medical officer any instance in which they come into contact with the bodily fluids of an inmate, a person under arrest, or in custody, and a parolee or probationer. Furthermore, these chapters establish the basis for both law enforcement employees and inmates of a correctional institution to petition the chief medical officer for testing of specified individuals for the presence of HIV.

Penal Code Section 7514, subdivision (b), requires local law enforcement agencies that filed a request for an HIV test of an inmate of a correctional facility, an individual taken into custody, or a parolee/probationer, during the previous calendar year, to report the data to the Joint Legislative Committee on Prison Construction and Operations annually, until January 15, 1995. These reports are to contain data regarding the request for a test, plus specifics regarding the disposition of each request, the counseling provided, and the extent of each case.

Penal Code Section 7555 provides that Title 8 of the Penal Code, commencing with Section 7500, regarding AIDS testing, will remain operative until July 1, 1994.

Statewide Cost Estimate

The Commission adopted a statewide cost estimate of \$5,599,000 for the period from September 30, 1988, to June 30, 1989, and fiscal years 1989-90 through 1993-94.

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

<u>Fiscal Year</u>	<u>Amount</u>
9/30/88 to 6/30/89	\$400,000*
1989-90	600,000*
1990-91	638,568
1991-92	1,102,176
1992-93	1,350,354
<u>1993-94</u>	<u>1,507,405</u>
 TOTAL	 <u>\$5,599,000 (R)</u>

*Estimated value due to lack of accurate cost and caseload data from the counties.

Mandate Summary

Chapter 268, Statutes of 1991
Health and Safety Code Section 462
SIDS: Contact by Local Health Officer

Eligible Claimants

Counties

Basis For Mandate

On April 22, 1993, the Commission on State Mandates determined that the provisions of Health and Safety Code Section 462, as amended by Chapter 268, Statutes of 1991, require local agencies to immediately contact and provide specified services to the parents/care providers of an infant presumed to have died of Sudden Infant Death Syndrome (SIDS) upon notification from the coroner. Contact is defined as a face to face visit, a group visit, or a telephone call which provides one or more of the following services: assessment of the family, child care provider, or both; crisis intervention and counseling; a referral to a community service; and assessment of the progress of the family, child care provider, or both. This implements a new program or a higher level of service in an existing program, within the meaning of Government Code Section 17514 and section 6, article XIII B of the California Constitution.

Statewide Cost Estimate

The Commission adopted a statewide cost estimate of \$562,000 for the period from January 1, 1992, to June 30, 1992, and fiscal years 1992-93 through 1994-95.

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

<u>Fiscal Year</u>	<u>Amount</u>
1/1/92 to 6/30/92	\$140,865
1992-93	150,705
1993-94	135,930
<u>1994-95</u>	<u>134,055</u>
TOTAL	<u>\$562,000 (R)</u>

Mandate Summary

Chapter 818, Statutes of 1991
Education Code Sections 51201.5 and 51229.8
AIDS Prevention Instruction

Eligible Claimants

Any school district, as defined in Government Code Section 17519, which incurs increased costs as a result of this mandate is eligible to claim reimbursement.

Basis For Mandate

On February 25, 1993, the Commission on State Mandates determined that a reimbursable state mandated program exists under Education Code Sections 51201.5 and 51229.8, as added by Chapter 818, Statutes of 1991, imposing a new program or higher level of service in an existing program on school districts, within the meaning of Government Code Section 17514 and section 6, article XIII B of the California Constitution.

The Commission further determined that these Code sections require school districts to cooperatively plan and conduct in-service training for all teachers and school employees who provide AIDS prevention instruction, including salaries and benefits of resource teachers who instruct employees and students; to provide appropriate written notice explaining the purpose of the AIDS prevention instruction to each pupil's parent or guardian; and to participate in the selection and purchase of AIDS instructional materials.

However, the Commission determined that providing in-classroom AIDS prevention instruction to students does not impose a new program or a higher level of service in an existing program upon school districts.

Statewide Cost Estimate

The Commission adopted a statewide cost estimate of \$4,949,000 for the period from January 1, 1992, to June 30, 1992, and fiscal years 1992-93 through 1994-95. The following is a fiscal year breakdown of the estimated statewide costs:

<u>Fiscal Year</u>	<u>Amount</u>
1/1/92 though 6/30/92	\$ 834,080
1992-93	1,652,609
1993-94	1,127,163
<u>1994-95</u>	<u>1,335,236</u>
TOTAL	<u>\$4,949,000 (R)</u>

Fiscal Summary

Funds Payable from State Mandates Claims Fund

Chapter 768, Statutes of 1991
Penal Code Sections 7511, Subdivision (b),
7514, Subdivision (b), and 7555
Law Enforcement/Inmate AIDS Testing \$ 5,599,000

Chapter 268, Statutes of 1991
Health and Safety Code Section 462
SIDS: Contact by Local Health Officer 562,000

Funds to be Requested in Claims Bill

Chapter 818, Statutes of 1991
Education Code Sections 51201.5 and 51229.8
AIDS Prevention Instruction 4,949,000

TOTAL for January 1, 1994, to June 30, 1994 \$ 11,110,000