

Item 12

Proposed Statewide Cost Estimate

Health and Safety Code Section 1797.192
Statutes of 1989, Chapter 1111
(Renumbered 1797.193 by Statutes of 1990, Chapter 216)

Sudden Infant Death Syndrome Training for Firefighters

Executive Summary

The Commission adopted the parameters and guidelines for this claim on April 29, 1999.

On December 17, 1998, the Commission on State Mandates (“Commission”) adopted its Statement of Decision finding that Health and Safety Code section 1797.192 (later renumbered 1797.193) imposed a reimbursable state-mandated new program on local agencies. Health and Safety Code section 1797.193 requires new and veteran firefighters to complete a training course on Sudden Infant Death Syndrome (SIDS). The statute further authorizes local agencies that provide the instruction and training to assess a fee sufficient to pay for the costs of the training. Section 1797.193, in relevant part, states the following:

“(a) *By July 1, 1992, existing firefighters in this state shall complete a course on the nature of sudden infant death syndrome taught by experts in the field of sudden infant death syndrome. All persons who become firefighters after January 1, 1990, shall complete a course on this topic as part of their basic training as firefighters. The course shall include information on the community resources available to assist families who have lost children to sudden infant death syndrome....*

“.....”

“(c) *When the instruction and training are provided by a local agency, a fee shall be charged sufficient to defray the entire cost of the instruction and training.*”
(Emphasis added.)

The Commission found that the authority to impose fees upon firefighters cannot be realistically exercised by local agencies and special districts that have collective bargaining agreements with their firefighters, or by local agencies and special districts that operate without such agreements. Thus, the Commission found that the fee authority exception to reimbursement under Government Code section 17556, subdivision (d), does not apply and that the test claim statute imposes “costs mandated by the state” on local agencies and special districts.

Accordingly, the Commission concluded that Health and Safety Code section 1797.193 constitutes a reimbursable state mandated program when:

- The SIDS instruction and training is provided by private or alternative sources; and when
- The SIDS instruction and training is provided by local agencies and special districts that have collective bargaining agreements, or MOUs, with their firefighters, and by local agencies and special districts who operate without such agreements.

The reimbursement period for this mandate begins on July 1, 1990.

Summary of the Reimbursement Process

Not later than 60 days after receiving the Commission's adopted parameters and guidelines, the Controller must issue claiming instructions for each reimbursable state mandate. (Gov. Code, § 17558.)

Each eligible local agency or school district must submit claims for initial fiscal year costs to the Controller within 120 days of the issuance date for the claiming instructions. The Controller must pay any eligible claim within 60 days after the filing deadline for reimbursement claims or 15 days after the date the appropriation is effective (i.e., the subsequent claims bill), whichever is later. Any initial reimbursement claim filed after the filing deadline will be reduced by 10 percent of the amount allowed for a timely filed claim, not to exceed one thousand dollars (\$1000). The Controller may withhold payment of any late claim for initial reimbursement until the next deadline for funded claims unless sufficient funds are available after payment of all timely filed claims. Reimbursement claims submitted more than one year after the filing deadline will not be paid. (Gov. Code, § 17560.)

Interested Party Comments

Staff distributed the proposed statewide cost estimate to the mailing list for this claim on December 17, 1999. Interested party comments will be reported at the hearing.

Methodology

To arrive at the total statewide cost estimate:

- Staff used unaudited actual and estimated claim totals filed with the State Controller for prior fiscal years by eligible claimants.¹
- Staff projected totals for FY 1999-00 and FY 2000-01 by using the FY 1998-99 estimated claim total filed by claimants with the State Controller's Office multiplied by the implicit price deflator for that fiscal year, as forecasted by the Department of Finance.

Recommendation

Staff recommends that the Commission adopt the proposed statewide cost estimate of \$1,417,000 for costs incurred in complying with the provisions set forth in Health and Safety Code section 1797.192, Statutes of 1989, Chapter 1111 (Renumbered 1797.193 by Statutes of 1990, Chapter 216).

Following is a breakdown of actual and estimated total costs per fiscal year:

¹ Current State Controller's Office data as of December 13, 1999. The deadline for filing claims was November 1, 1999.

Fiscal year	Totals
1990-91	\$270,983
1991-92	\$316,063
1992-93	\$80,028
1993-94	\$128,925
1994-95	\$51,203
1995-96	\$117,846
1996-97	\$51,894
1997-98	\$68,645
1998-99	\$107,719
1999-00	\$110,627
2000-01	<u>\$113,171</u>
Total	\$1,417,104
Statewide Cost Estimate Total	\$1,417,000

Because the reported costs are prior to audit and partially based on estimates, the statewide cost estimate of \$1,417,104 has been rounded to \$1,417,000.

Adopted: January 27, 2000

Statewide Cost Estimate Calculation

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Statutes of 1989, Chapter 1111
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Mandate Background

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“(a) *By July 1, 1992, existing firefighters* in this state shall complete a course on the nature of sudden infant death syndrome taught by experts in the field of sudden infant death syndrome. *All persons who become firefighters after January 1, 1990,* shall complete a course on this topic as part of their basic training as firefighters. The course shall include information on the community resources available to assist families who have lost children to sudden infant death syndrome....

“.....”

“(c) *When the instruction and training are provided by a local agency, a fee shall be charged sufficient to defray the entire cost of the instruction and training.*”
(Emphasis added.)

The Commission found that the authority to impose fees upon firefighters cannot be realistically exercised by local agencies and special districts that have collective bargaining agreements with their firefighters, or by local agencies and special districts that operate without such agreements. Thus, the Commission found that the fee authority exception to reimbursement under Government Code section 17556, subdivision (d), does not apply and that the test claim statute imposes “costs mandated by the state” on local agencies and special districts.

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The reimbursement period for this mandate begins on July 1, 1990.

Interested Party Comments

Staff will report at the hearing.

Eligible Claimants

Counties, cities, a city and county, and special districts.

Reimbursable Activities

For each eligible claimant, all direct and indirect costs of labor, supplies and services, and travel for the following activities only are eligible for reimbursement:

A. Claimant-Sponsored Training

1. Designing and developing a two-hour basic training class and a two hour continuing education training class on SIDS for new and veteran firefighters.
 - a) Meeting and conferring with SIDS experts on curriculum development.
 - b) Firefighter teacher training to obtain SIDS expertise.
 - c) Contacting community organizations and obtaining current referral information on resources available to assist families who have lost children to SIDS.
 - d) Developing or obtaining training materials including, but not limited to, training videos and audio visual aids, for the basic training and continuing education classes on SIDS.
 - e) Incorporating the two-hour SIDS training class into the basic training and continuing education programs.
2. A one-time, two-hour basic training course for each new firefighter employed by a local agency after January 1, 1990.
 - a) Instructor time to prepare and teach the two-hour class on SIDS.
 - b) Trainee time to attend the two-hour class on SIDS.
3. A one-time, two-hour continuing education course for each existing firefighter employed by a local agency on January 1, 1990.
 - a) Instructor time to prepare and teach the two-hour class on SIDS.
 - b) Trainee time to attend the two-hour class on SIDS.

B. Outside Training

1. A one-time, two-hour basic training course for each new firefighter employed by a local agency after January 1, 1990.
 - a) Trainee time to attend the two-hour class on SIDS.
 - b) Training fees for each new firefighter attending the SIDS class.
 - c) Purchase of training materials for each new firefighter attending the SIDS class.
2. A one-time, two-hour continuing education course for each existing firefighter employed by a local agency on January 1, 1990.
 - a) Trainee time to attend the two-hour class on SIDS.
 - b) Training fees for each veteran firefighter attending the SIDS class.
 - c) Purchase of training materials for each veteran firefighter attending the SIDS class.

Assumptions

Staff made the following assumptions:

- The claiming data is accurate, although unaudited.
- There will not be any late claims filed.²

Methodology

To arrive at the total statewide cost estimate:

- Staff used unaudited actual and estimated claim totals filed with the State Controller for prior fiscal years by eligible claimants.³
- Staff projected totals for FY 1999-00 and FY 2000-01 by using the FY 1998-99 estimated claim total filed by claimants with the State Controller's Office multiplied by the implicit price deflator for that fiscal year, as forecasted by the Department of Finance.

Recommendation

Staff recommends that the Commission adopt the proposed statewide cost estimate of \$1,417,000 for costs incurred in complying with the provisions set forth in Health and Safety Code section 1797.192, Statutes of 1989, Chapter 1111 (Renumbered 1797.193 by Statutes of 1990, Chapter 216).

² If the Legislature appropriates the amount of the statewide cost estimate and actual claims exceed this amount, the State Controller's Office will prorate the claims. If the deficiency funds are not appropriated in the Budget Act, the Controller will report this information to the legislative budget committees and the Commission on State Mandates. The Commission will then include the deficiency in its report to the Legislature in order to ensure that it is included in the next claims bill.

³ Current State Controller's Office data as of December 13, 1999. The deadline for filing claims was November 1, 1999.

Following is a breakdown of actual and estimated total costs per fiscal year:

<u>FISCAL YEAR</u>	<u>TOTAL ESTIMATE ACTUAL & PROJECTED</u>
1990-91	\$270,983
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1999-00 (2.7%)*	\$110,627
2000-01 (2.3%)*	<u>\$113,171</u>
Total	\$1,417,104
Statewide Cost Estimate Total	\$1,417,000

*Implicit Price Deflator as projected by the
Department of Finance.