

COMMISSION ON STATE MANDATES

TEST CLAIM FORM

GENERAL INSTRUCTIONS

- **Statute of limitations for filing test claims and test claim amendments.** Local governments may file test claims with the Commission, which shall be filed not later than 12 months (365 days) following the effective date of a statute or executive order, or within 12 months (365 days) of *first* incurring increased costs as a result of a statute or executive order, whichever is later. ([Gov. Code §§ 17551\(c\)](#); [Cal. Code Regs., tit. 2, § 1183.1\(c\)](#), emphasis added.) If the test claim is filed based on the date of first incurring increased costs, evidence of the date of first incurring costs, which would be admissible over an objection in a civil proceeding, must be filed with the test claim or test claim amendment. ([Cal. Code Regs., tit. 2, §§ 1183.1\(c\), 1187.5.](#)) Test claim amendments that add a statute or executive order to an existing test claim shall also be filed within this statute of limitations. ([Cal. Code Regs., tit. 2, §§ 1183.1\(c\).](#))

The statute of limitations for filing a test claim may be tolled when local government and the Department of Finance initiate a joint request for a legislatively determined mandate pursuant to Government Code sections 17573 and 17574. ([See Gov. Code, §§ 17573\(b\), 17574\(c\).](#)) A test claim filed on the same statute or executive order as a legislatively determined mandate pursuant to Government Code section [17574\(c\)](#) shall be filed within six months of the date an event described Government Code section [17574\(c\)\(1\)](#) occurs.

Failure to timely file a test claim will result in the dismissal of the test claim for lack of jurisdiction. ([Gov. Code, § 17551\(c\)](#); [Cal. Code Regs., tit. 2, § 1183.1\(f\),\(g\).](#))

- Complete the Test Claim Form Request available on the Commission's website at <https://csm.ca.gov/request-form.php>. Please use this request form to assign one or more Form Filler(s) and one Form Signer by including each person's name and email address in the text box provided, in the order in which you wish them to receive the form. The requester will not receive the link to the form unless they are assigned as a Form Filler or Form Signer. Once a form is requested via the link, the request will be sent to Commission staff, who will log in to Adobe Sign and send the electronic claim form to the first Form Filler listed on the request form. Please note that Commission staff will respond Monday-Friday from 8:00 a.m. to 5:00 p.m., excluding State holidays, only. Therefore, please plan to request the form as soon as you know you will need it and do not wait for your filing deadline to request the form.
- Upon receipt, the digital test claim form link is unique to your claim and will allow saving of your progress automatically. Once the first Form Filler completes their work, they may click Submit to send the form to the next Form Filler (if any). Once "Submit" is clicked, the Form Filler may not return to the form. Once the last Form Filler completes their work and clicks "Submit", and the final person to receive it will be the Form Signer, which must be the person authorized to file a claim on behalf of the local government pursuant to section 1183.1(a)(1-5) of the Commission's regulations. Once it is digitally signed, the form will become locked and not able to be further edited, and a PDF version will be sent to the Form Filler(s) and the Signer. In addition, the names and email addresses of all Form Fillers and Form Signers will be included in the form as part of the digital signature technology and authentication process. The Form Filler (usually the claimant

representative) shall, then separately upload the digitally signed PDF and any supporting materials to the Commission's Dropbox to complete the filing.

- Complete sections 1 through 8 of the Test Claim Form in Adobe Sign, and use as many of the Worksheets which are available on the Commission's website at <https://csm.ca.gov/request-form.php> as needed for the preparation of Sections 4-7 as indicated and note that the first page of the test claim form will be the first page of the filing. Do not attach a cover letter, but include all background and arguments in Section 5. Written Narrative. Type all responses. *Failure to complete any of these sections will result in this test claim being returned as incomplete.* Pursuant to [Government Code section 17553](#) and [California Code of Regulations, title 2, section 1183.1](#), the Commission will not exercise jurisdiction over statutes and executive orders which are not properly pled. Proper pleading requires that all code sections (including the relevant statute, chapter and bill number), regulations (including the register number and effective date), and executive orders (including the effective date) that impose the alleged mandate are listed in section 4 of the test claim form. Please carefully review your pleading before filing. Test claims may not be amended after the draft proposed decision is issued and the matter is set for hearing, or if the statute of limitations on the statute or executive order being added has expired. ([Gov. Code, § 17557\(e\)](#); [Cal. Code Regs., tit. 2, §§ 1183.1\(c\), 1183.6.](#))
- Please file (1) the signed Adobe Sign Test Claim Form in the Commission's Dropbox, exactly as digitally created by Adobe Sign and without printing or otherwise altering the PDF file, separately from any accompanying documents; and (2) the Test Claim Supporting Documentation, including the Worksheet(s) for Sections 4-7, consistent with the Commission's regulations ([Cal. Code Regs., tit. 2, § 1181.3](#)) by either of the following methods:

E-filing. All new test claim filings and supporting written materials shall be filed via the Commission's e-filing system, available on the Commission's website (<https://www.csm.ca.gov/>). Documents e-filed with the Commission shall be in a legible and searchable format using a "true PDF" (i.e., documents digitally created in PDF, converted to PDF or printed to PDF) or optical character recognition (OCR) function, as necessary. Test claims shall be filed on this form prescribed by the Commission and shall be digitally signed by the claimant, using the digital signature technology and authentication process contained herein. The completed test claim form shall be e-filed in the Commission's Dropbox, exactly as digitally created by Adobe Sign and without printing or otherwise altering the PDF file, separately from any accompanying documents. Accompanying documents shall be e-filed together in a single file in accordance with section 1181.3(c)(2). The filer is responsible for maintaining the signed original new filing or written material for the duration of the test claim process, including any period of appeal (this may be an electronic document, depending on how the filer creates and maintains its records). ***No additional copies are required when e-filing the request.***

Hard Copy Filing Cases of Undue Hardship or Significant Prejudice. If e-filing legible and searchable PDF documents, as described in section 1181.3(c)(3) of the Commission's regulations, would cause the filer undue hardship or significant prejudice, the filer may submit a written request to the executive director to file in hard copy and may file the request by first

class mail, overnight delivery, or personal service. Only upon prior approval by the executive director of a written request for a significant hardship or prejudice exception to the e-filing requirement, may a filing be made via hard copy.

Within 10 days of the filing 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 then be accepted on the same statute or executive order alleged to impose a mandate. ([Cal. Code Regs., tit.2, § 1183.1](#).)

You may download a sample of this form and the Worksheet from our website at <https://csm.ca.gov/request-form.php>. If you have questions, please contact us: Email: csminfo@csm.ca.gov; Telephone: (916) 323-3562; or Website: www.csm.ca.gov