

COMMISSION ON STATE MANDATES

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January 30, 2015

Mr. Tom Dyer
Department of Finance (A-15)
915 L Street
Sacramento, CA 95814

And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: **Adopted First Hearing Decision, Notice of Second Hearing Draft Proposed Decision, Draft Expedited Amendment to Parameters and Guidelines, and Notice of Hearing Mandate Redetermination Request, 14-MR-01**
CPR Pocket Masks (CSM-4291)
Penal Code Section 13518.1; Statutes 1987, Chapter 1334 As Alleged to be Modified by Statutes 2013, Chapter 28 (SB 71)
California Department of Finance, Requester

Dear Mr. Dyer:

On January 23, 2015, the Commission on State Mandates (Commission) adopted the decision on the adequate showing issue for the above-named matter and directed staff to notice a second hearing to determine whether to adopt a new test claim decision to supersede the previously adopted test claim decision. The adopted decision is enclosed. The draft proposed decision for the second hearing, and the draft expedited amendment to parameters and guidelines are enclosed for your review and comment.

Written Comments on Second Hearing Draft Proposed Decision

Written comments on the draft proposed decision may be filed by **February 20, 2015**.

Staff has also prepared a draft expedited amendment to parameters and guidelines for adoption at the March Commission hearing. The draft expedited amendment to parameters and guidelines is tentatively set for hearing on **March 27, 2015** and will only be taken up if the Commission first approves the request for redetermination.

Review of Draft Expedited Amendment to Parameters and Guidelines. Proposed modifications or comments may be filed on staff's draft proposal by **February 20, 2015**. (Cal. Code Regs., tit. 2, § 1183.9(c).)

Rebuttals. Written rebuttals may be submitted within 15 days of service of the comments. (Cal. Code Regs., tit. 2, § 1183.8(f).)

You are advised that comments filed with the Commission are required to be simultaneously served on the other interested parties on the mailing list, and to be accompanied by a proof of service. However, this requirement may also be satisfied by electronically filing your documents. Please see <http://www.csm.ca.gov/dropbox.shtml> on the Commission's website for instructions on electronic filing. (Cal. Code Regs., tit. 2, § 1181.3.)

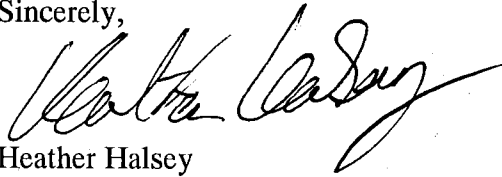
If you would like to request an extension of time to file comments, please refer to section 1187.9(a) of the Commission's regulations.

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Hearing

The second hearing on the request for mandate redetermination is set for **March 27, 2015**, at 10:00 a.m., State Capitol, Room 447, Sacramento, California. Additionally, the amendment to the parameters and guidelines is tentatively set for hearing on **March 27, 2015**, but will only be taken up if the Commission first approves the request for redetermination. The proposed decision for the second hearing and the proposed decision and amendment to the parameters and guidelines will be issued on or about March 13, 2015. Please let us know in advance if you or a representative of your agency will testify at the hearing, and if other witnesses will appear. If you would like to request postponement of the hearing, please refer to section 1187.9(b) of the Commission's regulations.

Sincerely,



Heather Halsey
Executive Director

Amended: 3/27/15

Adopted: 7/28/88

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Item _____

DRAFT EXPEDITED AMENDMENTS TO
PARAMETERS AND GUIDELINES

Penal Code Section 13518.1

CHAPTER 1334, STATUTES OF Statutes 1987, Chapter 1334 (AB 1726)

As Modified by:

Statutes 2013, Chapter 28 (SB 71)

CPR POCKET MASKS, CSM-4291 (14-MR-01)

The reimbursement period for this program ends June 30, 2013

I. SUMMARY OF MANDATE

Chapter 1334, Statutes of 1987, added Section 13518.1 to the Penal Code to require every law enforcement agency employing peace officers, as described, to provide each peace officer with a portable manual mask and airway assembly designed to prevent the spread of communicable diseases when applying cardiopulmonary resuscitation.

II. COMMISSION ON STATE MANDATES' DECISION

The Commission on State Mandates, at its February 25, 1988, hearing, determined that a reimbursable mandate exists in Chapter 1334 Statutes of 1987.

On August 18, 2014, Department of Finance filed a request to adopt a new test claim decision on the *CPR Pocket Masks*, CSM-4291 program, asserting that Statutes 2013, chapter 28 (SB 71) is a subsequent change in law that ended the reimbursement period of the program pursuant to Government Code section 17570.

On March 27, 2015, the Commission on State Mandates adopted a new test claim decision pursuant to Government Code section 17570, finding that Statutes 2013, chapter 28 constitutes a subsequent change in law that ends the state's liability to reimburse local agencies for the *CPR Pocket Masks* program, CSM-4291 within the meaning of article XIII B, section 6(a) of the California Constitution and Government Code section 17514, beginning July 1, 2013. These parameters and guidelines have been amended in accordance to that decision.

III. ELIGIBLE CLAIMANTS

Any city, county, and special district (a district authorized by statute to maintain a police department) which incurs increased costs as a result of this mandate is eligible to claim reimbursement of those costs.

IV. PERIOD OF REIMBURSEMENT

Government Code section 17570(f) provides that a request for the adoption of a new test claim decision shall be filed on or before June 30 following a fiscal year in order to establish eligibility for reimbursement or loss of reimbursement for that fiscal year. The request for the adoption of a new test claim for 14-MR-01 was filed on August 18, 2014, establishing eligibility for the loss of reimbursement on or after July 1, 2013. Therefore, the reimbursement period for the test claim activities ended, beginning July 1, 2013.

~~Chapter 1334, Statutes of 1987 became effective January 1, 1988, and was signed into law on September 29, 1987. Section 17557 of the Government Code states that a test claim must be submitted on or before November 30 following a given fiscal year to establish eligibility for reimbursement for that fiscal year. The test claim for this mandate was filed on December 2, 1987; therefore, costs incurred on or after September 30, 1987, are eligible for reimbursement.~~

~~Actual costs for one fiscal year shall be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to Section 17561(d)(3) of the Government Code (GC), all claims for reimbursement of costs shall be submitted within 120 days of notification by the State Controller of the enactment of the claims bill.~~

~~If the total costs for a given fiscal year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by GC Section 17564.~~

V. REIMBURSABLE COSTS

A. Scope of Mandate

Law enforcement agencies shall be reimbursed for the increased costs of providing to each officer a portable manual mask and airway assembly.

B. Reimbursable Activities/Costs

For each eligible claimant, the following cost items are reimbursable:

1. Purchase of portable manual mask and airway assembly which meets the guidelines established by the Emergency Medical Services Authority. The per unit reimbursable cost of a portable manual mask shall be \$11.00 per mask, or the actual cost, whichever is less.
2. Repair or replacement of portable manual mask and/or airway assembly.

The activities for this program are no longer reimbursable as of July 1, 2013.

VI. CLAIM PREPARATION

Each claim for reimbursement pursuant to this mandate must be timely filed and set forth a listing of each item for which reimbursement is claimed under this mandate.

Claim details should include the following:

A. Employee Salaries and Benefits

Show the employee's job classification, actual number of hours devoted to each function, productive hourly rate, benefits, and mandated functions performed. The average number

of hours devoted to each function may be claimed in supported by a documented time study.

B. Services and Supplies

Only expenditures which can be identified as a direct cost as a result of the mandate can be claimed. List the cost of materials acquired which have been consumed or expended specifically for the purposes of this mandate.

C. Allowable Overhead Costs

Cities and Counties have the option of using 10% of direct labor as indirect costs or preparing a departmental Indirect Cost Rate Proposal. If the county elects to prepare an Indirect Cost Rate Proposal, the Proposal must be prepared in accordance with Office of Management and Budget Circular A-87 (OMB A-87).

VII. SUPPORTING-DATA

For auditing purposes, all costs claimed must be traceable to source documents and/or worksheets that show evidence of and the validity of such costs. These documents must be kept on file by the agency submitting the claim for a period of no less than three years from the date of the final payment of the claim pursuant to this mandate, and made available on the request of the State Controller or his agent.

VIII. OFFSETTING SAVINGS-AND-OTHER-REIMBURSEMENT

Any offsetting savings the claimant experiences as a direct result of this mandate must be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, e.g., federal, state, etc., shall be identified and deducted from this claim.

IX. REQUIRED CERTIFICATION

The following certification must accompany the claim:

I DO HEREBY CERTIFY under penalty of perjury:

THAT the foregoing is true and correct;

THAT Sections 1090 to 1096, inclusive, of the Government Code and other applicable provisions of the law have been complied with;

and

THAT I am the person authorized by the local agency to file claims for funds with the State of California.

Signature of Authorized Representative

Date

Title

Telephone Number

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:


I am a resident of the County of Solano and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On January 30, 2015, I served the:

**Adopted First Hearing Decision, Notice of Second Hearing Draft Proposed Decision,
Draft Expedited Amendment to Parameters and Guidelines, and Notice of Hearing**
Mandate Redetermination Request, 14-MR-01
CPR Pocket Masks (CSM-4291)
Penal Code Section 13518.1; Statutes 1987, Chapter 1334 as amended by
Statutes 2013, Chapter 28 (SB 71)
California Department of Finance, Requester

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on January 30, 2015 at Sacramento, California.



Heidi J. Palchik
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 1/26/15

Claim Number: 14-MR-01

Matter: CPR Pocket Masks (CSM-4291)

Requester: Department of Finance

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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