



BETTY T. YEE
California State Controller
Division of Accounting and Reporting

June 8, 2015

To: City Fiscal Officers
County Auditors
Administrators of Special Districts

Re: CPR Pocket Masks
Mandate Redetermination, 14-MR-01

A new test claim decision and an amendment to the parameters and guidelines for the Cardiopulmonary Resuscitation (CPR) Pocket Masks program were adopted by the Commission on State Mandates on March 27, 2015, ending reimbursement for the program beginning July 1, 2013.

The State's liability pursuant to article XIII B, section 6(a) of the California Constitution for the CPR Pocket Masks program ended due to a change in law. Chapter 28, Statutes of 2013 (SB 71), amended Penal Code section 13518.1, effective June 27, 2013, by deleting the mandatory language in the statute and replacing it with language making the program optional. The activity prescribed in the Penal Code section 13518.1 is now performed at the discretion of the local enforcement agencies. Consequently, the State Controller's Office will not accept claims from local agencies for this program.

Please forward this notice to the staff member in your Business Office responsible for filing SB-90 claims. If you have questions regarding this program, email LRSDAR@sco.ca.gov or call the Local Reimbursements Section at (916) 324-5729.

Sincerely,

(Original Signed By)

JAY LAL, Manager
Local Reimbursements Section

Amended: 3/27/15

Adopted: 7/28/88

AMENDMENT TO PARAMETERS AND GUIDELINES

Penal Code Section 13518.1

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, beginning July 1, 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 (Commission), 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 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 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.

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