

AMENDED IN SENATE JUNE 27, 2000

AMENDED IN SENATE JUNE 26, 2000

AMENDED IN ASSEMBLY MAY 26, 2000

AMENDED IN ASSEMBLY APRIL 26, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2260

Introduced by Assembly Member Shelley
(Coauthors: Assembly Members Aroner, Bock, Hertzberg,
Honda, Jackson, Keeley, Knox, Kuehl, Mazzoni,
Strom-Martin, Washington, and Wildman)

February 24, 2000

An act to add Section 48980.3 to, and to add Article 4 (commencing with Section 17608) to Chapter 5 of Part 10.5 of, the Education Code, to add Article 17 (commencing with Section 13180) to Chapter 2 of Division 7 of the Food and Agricultural Code, and to add Article 2 (commencing with Section 105500) to Chapter 7 of Division 103 of the Health and Safety Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 2260, as amended, Shelley. School safety.

Under existing law, the Department of Pesticide Regulation has primary responsibility for enforcing pesticide laws and regulations. Existing law establishes and maintains various programs to promote health and prevent disease.

This bill would establish the Healthy Schools Act of 2000. The bill would require that the preferred method of managing pests at school facilities be effective least toxic pest management practices and would further require that the state take the necessary steps to ensure that the preferred method is carried out at school facilities. The bill would require each schoolsite to maintain records of all pesticide use at the schoolsite for a period of 4 years and make the records available to the public upon request, thus imposing a state-mandated local program. The bill would require that licensed and certified pest control operators include information on any school pesticide application that they perform as part of their otherwise applicable pesticide use reporting requirements.

The bill would require, on an annual basis, the school district designee to provide to all staff and parents or guardians of pupils enrolled at a school written notification addressing, among other things, expected pesticide use, thus imposing a state-mandated local program. The bill would require that the recipients be afforded the opportunity to register with the school district to receive information regarding individual pesticide applications. The bill would require the school district designee to post warning signs prior to application of pesticides at a school facility, thus imposing a state-mandated local program.

The bill would require the Department of Pesticide Regulation by July 1, 2001, and at least annually thereafter, to make a list of pesticides classified or identified, as prescribed, available to all schools. The bill would require the Department of Pesticide Regulation to promote and facilitate the adoption of integrated pest management programs as specified, including developing a model program guidebook in conjunction with the State Department of Health Services, the State Department of Education, the Department of General Services, the State Air Resources Board, and the Office of Environmental Health Hazard Assessment, maintain an internet website, and establish an integrated pest management training program.

The bill would require the Secretary of Environmental Protection and the Secretary of Health and Human Services



to convene a task force to evaluate all public and environmental exposures to site-based and ambient contaminants that may adversely affect the health and learning abilities of pupils, which will report its findings to the Legislature and the Governor with recommendations.

The bill would establish a Healthy Schools Ombudsman to be designated by the Secretary of Health and Human Services. The bill would require the Healthy Schools Ombudsman to maintain a toll-free telephone number to receive complaints and questions regarding possible schoolsite environmental health hazards or contamination and respond as prescribed. The bill would require the Healthy Schools Ombudsman to develop and distribute to every school district a guidebook detailing available resources that address the environmental safety of a schoolsite. This bill would require the Healthy Schools Ombudsman to prepare an annual report containing specified information for the Legislature to be submitted on an annual basis beginning no later than January 1, 2002. The bill would provide definitions of terms for the Healthy Schools Act of 2000.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 4 (commencing with Section
2 17608) is added to Chapter 5 of Part 10.5 of the Education
3 Code, to read:
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Article 4. Healthy Schools Act of 2000

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17608. This article, Article 17 (commencing with Section 13180) of Chapter 2 of Division 7 of the Food and Agricultural Code, and Article 2 (commencing with Section 105500) of Chapter 76 of Division 103 of the Health and Safety Code, shall be known and cited as the Healthy Schools Act of 2000.

17609. The definitions set forth in this section govern the construction of this article unless the context clearly requires otherwise:

(a) "Antimicrobial" means those pesticides defined by the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136(mm)).

(b) "Crack and crevice treatment" means the application of small quantities of a pesticide in a building into openings such as those commonly found at expansion joints, between levels of construction and between equipment and floors.

(c) "Emergency conditions" means any circumstances in which the school district designee deems that the immediate use of a pesticide is necessary to protect the health and safety of pupils, staff, or other persons, or the school facilities.

(d) "School district designee" means the individual identified by the school district to carry out the requirements of this article at the schoolsite.

(e) "School facility" means any facility used for public day care, kindergarten, elementary, or secondary school purposes. The term includes the buildings or structures, playgrounds, athletic fields, school vehicles, or any other area of school property visited or used by pupils. "School facility" does not include any postsecondary educational facility attended by secondary pupils or private day care or school facilities.

17610. (a) It is the policy of the state that effective least toxic pest management practices shall be the preferred method of managing pests at school facilities and that the state, in order to reduce children's exposure to toxic pesticides, shall take the necessary steps to ensure



1 that effective least toxic pest management practices are
2 carried out at school facilities. It is the intent of the
3 Legislature to encourage appropriate training to be
4 provided to school personnel involved in the application
5 of pesticide at a school facility.

6 (b) The Legislature finds and declares that the
7 Department of Pesticide Regulation, pursuant to state
8 and federal statutes, currently designates specified
9 pesticides based on the dangers they pose to public health
10 and the environment. Specifically, the department,
11 pursuant to Chapter 3 (commencing with Section 14001)
12 of Division 7 of the Food and Agricultural Code,
13 designates as restricted materials pesticides that pose a
14 danger of impairment of public health or a hazard to
15 applicators, farmworkers, or the environment. The
16 department, pursuant to Section 156.10(h)(i)(A-B) of
17 Title 40 of the Code of Federal Regulations, and Sections
18 6242 and 6243 of Article 10 of Title 3 of the California Code
19 of Regulations, labels every pesticide product that meets
20 the criteria of Toxicity Category I with the human hazard
21 signal word “Danger” or “Danger/Poison” and every
22 pesticide product that meets the criteria of Toxicity
23 Category II with the human hazard signal word
24 “Warning.”

25 17610.5. Sections 17611 and 17612 shall not apply to a
26 pesticide product deployed in the form of a self-contained
27 bait or trap, to gel or paste deployed as a crack and crevice
28 treatment, to any pesticide exempted from regulation by
29 the United States Environmental Protection Agency
30 pursuant to the Federal Insecticide, Fungicide, and
31 Rodenticide Act (7 U.S.C. Sec. 25 (b)), or to antimicrobial
32 pesticides, including sanitizers and disinfectants.

33 17611. Each schoolsite shall maintain records of all
34 pesticide use at the schoolsite for a period of four years,
35 and shall make this information available to the public,
36 upon request, pursuant to the California Public Records
37 Act (Chapter 3.5 (commencing with Section 6250) of
38 Division 7 of Title 1 of the Government Code). A
39 schoolsite may meet the requirements of this section by
40 retaining a copy of the warning sign posted for each



1 application required pursuant to Section 17612, and
2 recording on that copy the amount of the pesticide used.

3 17612. (a) The school district designee shall annually
4 provide to all staff and parents or guardians of pupils
5 enrolled at a school facility a written notification of the
6 name of all pesticide products expected to be applied at
7 the school facility during the upcoming year. The
8 notification shall identify the active ingredient or
9 ingredients in each pesticide product. If the pesticide
10 product has been classified or identified as described in
11 subdivision (b) of Section 17610, the notification shall
12 briefly describe the reason why it was so classified or
13 identified. No other written notification of pesticide
14 applications shall be required by this act except as follows:

15 (1) In the written notification provided pursuant to
16 this subdivision, the school district designee shall provide
17 the opportunity for recipients to register with the school
18 district if they wish to receive notification of individual
19 pesticide applications at the school facility. Persons who
20 register for such notification shall be notified of individual
21 pesticide applications at least 72 hours prior to the
22 application. The notice shall include the product name,
23 the active ingredient or ingredients in the product, and
24 the intended date of application.

25 (2) If a pesticide product not included in the annual
26 notification is subsequently intended for use at the school
27 facility, the school district designee shall, consistent with
28 this subdivision and at least 72 hours prior to application,
29 provide written notification of its intended use.

30 (3) If a pesticide product or an active ingredient
31 contained in a product has been classified or identified as
32 described in subdivision (b) of Section 17610 and is
33 intended for use at a school facility, the school district
34 designee shall provide to all staff and parents or guardians
35 of pupils enrolled at the school facility a written
36 notification of its intended use. The notification shall
37 include the product name, the active ingredient or
38 ingredients in the product, the manufacturer's name, the
39 California product registration number, the United States
40 Environmental Protection Agency's product number,



1 the signal word and corresponding hazard category
2 indicating the acute toxicity of the product or the chronic
3 toxicity hazard associated with the active ingredient,
4 intended date and areas of application, and the reason for
5 the pesticide application. The notification shall be
6 provided at least 72 hours prior to the application.

7 (b) The school designee shall make every effort to
8 meet the requirements of this section in the least costly
9 manner. Annual notification to parents and guardians
10 shall be provided pursuant to Section 48980.3. Any other
11 notification shall, to the extent feasible and consistent
12 with the act adding this article, be included as part of any
13 other written communication provided to individual
14 parents or guardians. Nothing in this section shall require
15 the school district designee to issue the notice through
16 first-class mail, unless he or she determines that no other
17 method is feasible.

18 (c) Pest control measures taken during an emergency
19 condition as defined in Section 17609 shall not be subject
20 to the requirements of paragraphs (1), (2), and (3) of
21 subdivision (a). However, the school district designee
22 shall make every effort to provide the required
23 notification for an application of a pesticide under
24 emergency conditions.

25 (d) The school district designee shall post each area of
26 the school facility where pesticides will be applied with
27 a warning sign. The warning sign shall prominently
28 display the term “Warning/Pesticide Treated Area” and
29 shall include the product name, manufacturer’s name,
30 the United States Environmental Protection Agency’s
31 product registration number, intended date and areas of
32 application, and reason for the pesticide application. The
33 warning sign shall be visible to all persons entering the
34 treated area and shall be posted 24 hours prior to the
35 application and remain posted until 72 hours after the
36 application. In case of a pest control emergency, the
37 warning sign shall be posted immediately upon
38 application and shall remain posted until 72 hours after
39 the application.



1 (e) Subdivisions (a) and (d) shall not apply to schools
2 operated by the California Youth Authority. The school
3 administrator of a school operated by the California
4 Youth Authority shall notify the chief medical officer of
5 that facility at least 72 hours prior to application of
6 pesticides. The chief medical officer shall take any steps
7 necessary to protect the health of pupils in that facility.

8 17613. Section 17612 shall not apply to any agency
9 signatory to a cooperative agreement with the State
10 Department of Health Services pursuant to Section
11 116180 of the Health and Safety Code.

12 SEC. 2. Section 48980.3 is added to the Education
13 Code, to read:

14 48980.3. The notification required pursuant to Section
15 48980 shall include information regarding the school's
16 intended use of pesticide products during the upcoming
17 school year as prescribed in Section 17612.

18 SEC. 3. Article 17 (commencing with Section 13180)
19 is added to Chapter 2 of Division 7 of the Food and
20 Agricultural Code, to read:

21
22 Article 17. Healthy Schools Act of 2000
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24 13180. This article, Article 4 (commencing with
25 Section 17608) of Chapter 5 of Part 10.5 of the Education
26 Code, and Article 2 (commencing with Section 105500)
27 of Chapter 7 of Division 103 of the Health and Safety
28 Code, shall be known and may be cited as the Healthy
29 Schools Act of 2000.

30 ~~13181. For the purposes of this article, "integrated~~
31 ~~pest management" means a pest management strategy~~
32 ~~that focuses on long-term prevention or suppression of~~
33 ~~pest problems through a combination of techniques,~~
34 ~~including, but not limited to, monitoring for pest~~
35 ~~presence and establishing pest threshold levels,~~
36 ~~improving sanitation, employing mechanical and~~
37 ~~physical controls to modify pest behavior, and adopting~~
38 ~~cultural practices to make the habitat less conducive to~~
39 ~~pest development. "Integrated pest management" for~~



1 ~~the purposes of this article, permits the use of pesticides~~
2 ~~only under the following circumstances:~~

3 ~~(a) The pesticide selected poses the least possible~~
4 ~~hazard to people, property, and the environment.~~

5 ~~(b) The pesticide selected shall only be applied when~~
6 ~~careful monitoring indicates that it is needed.~~

7 ~~(c) The pesticide selected shall only be applied~~
8 ~~according to preestablished guidelines, treatment~~
9 ~~thresholds, or to prevent pests from significantly~~
10 ~~interfering with school activities.~~

11 *13181. For purposes of this article, “integrated pest*
12 *management” means a pest management strategy that*
13 *focuses on long-term prevention or suppression of pest*
14 *problems through a combination of techniques such as*
15 *monitoring for pest presence and establishing pest*
16 *threshold levels, improving sanitation, employing*
17 *mechanical and physical controls to modify pest*
18 *behavior, and adopting cultural practices to make the*
19 *habitat less conducive to pest development. Pesticides*
20 *are used that pose the least possible hazard to people,*
21 *property, and the environment, and only when careful*
22 *monitoring indicates they are needed according to*
23 *preestablished guidelines, treatment thresholds, or to*
24 *prevent pests from significantly interfering with school*
25 *activities. This definition shall apply only to integrated*
26 *pest management at school facilities.*

27 *13182. It is the policy of the state that effective least*
28 *toxic pest management practices shall be the preferred*
29 *method of managing pests at school facilities and that the*
30 *state, in order to reduce children’s exposure to toxic*
31 *pesticides, shall take the necessary steps to ensure that*
32 *effective least toxic pest management practices are*
33 *carried out at school facilities. It is the intent of the*
34 *Legislature to encourage appropriate training to be*
35 *provided to school personnel involved in the application*
36 *of pesticide at a school facility.*

37 *13183. By July 1, 2001, and at least annually thereafter,*
38 *the Department of Pesticide Regulation shall make*
39 *available to every school a list of pesticides classified or*
40 *identified as described in subdivision (b) of Section 17610*



1 of the Education Code. The list shall also contain
2 information about each pesticide as required pursuant to
3 paragraph (3) of subdivision (a) of Section 17612.

4 13184. The Department of Pesticide Regulation shall,
5 by July 2, 2001, promote and facilitate the adoption of
6 integrated pest management programs at all school
7 facilities. The department shall do all of the following:

8 (a) Establish an integrated pest management
9 program for school facilities consistent with the
10 document entitled "Integrated Pest Management for
11 School Facilities" consistent with the document entitled
12 "Integrated Pest Management for Schools," which is a
13 how-to manual developed under contract with the
14 United States Environmental Protection Agency, and
15 consistent with a plan for facilitating the adoption of such
16 a program by all school facilities. In establishing the
17 program, the department shall:

18 (1) Develop criteria for identifying least-hazardous
19 pest control practices and encourage their adoption as
20 part of an integrated pest management program at each
21 school facility.

22 (2) Develop a model program guidebook that
23 prescribes essential program elements for a school facility
24 that has adopted a least-hazardous integrated pest
25 management program. At a minimum, this guidebook
26 shall include all of the following:

27 (A) Adopting an IPM policy.

28 (B) Selecting and training an IPM coordinator.

29 (C) Identifying and monitoring pest populations and
30 damage.

31 (D) Establishing a community-based advisory
32 committee.

33 (E) Developing a pest management plan for making
34 least-hazardous pest control choices.

35 (F) Contracting for integrated pest management
36 services.

37 (G) Training and licensing opportunities.

38 (H) Establishing a community-based right-to-know
39 standard for notification and posting of pesticide
40 applications.



1 (I) Recordkeeping and program review.

2 (b) Deliver the model program guidebook to all school
3 districts and establish a process for systematically
4 updating the guidebook and supporting documentation.

5 (c) Establish and maintain an Internet website as a
6 comprehensive directory of resources describing and
7 promoting least-hazardous practices at school facilities.
8 The website shall also make available an electronic copy
9 of the model program guidebook, its updates, and
10 supporting documentation.

11 13185. (a) The department shall establish an
12 integrated pest management training program in order
13 to facilitate the adoption of a model IPM program and
14 least-hazardous pest control practices by school districts.
15 In establishing the IPM training program, the
16 department shall do all of the following:

17 (1) Adopt a “train-the-trainer” approach, whenever
18 feasible, to rapidly and broadly disseminate program
19 information.

20 (2) Develop curricula and promote ongoing training
21 efforts in cooperation with the University of California
22 and the California State University.

23 (3) Prioritize outreach on a regional basis first, then to
24 school districts, and finally to individual school facilities.

25 (b) Nothing in this article shall preclude a school
26 district from adopting stricter pesticide use policies.

27 13186. The Department of Pesticide Regulation shall
28 require licensed and certified pest control operators to
29 include information on any school pesticide application
30 that they perform as part of their otherwise applicable
31 pesticide use reporting requirements. The information
32 shall include the school facility, date, pesticide product
33 name, and the quantity of pesticide used.

34 13187. Section 13186 shall not apply to any agency
35 signatory to a cooperative agreement with the State
36 Department of Health Services pursuant to Section
37 116180 of the Health and Safety Code.

38 13188. The Director of Pesticide Regulation may
39 adopt regulations to implement this article.



1 SEC. 4. Article 2 (commencing with Section 105500)
2 is added to Chapter 7 of Division 103 of the Health and
3 Safety Code, to read:

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Article 2. Healthy Schools Act of 2000

7 105500. This article, Article 4 (commencing with
8 Section 17608) of Chapter 5 of Part 10.5 of the Education
9 Code, and Article 17 (commencing with Section 13180)
10 of Chapter 2 of Division 7 of the Food and Agricultural
11 Code, shall be known and may be cited as the Healthy
12 Schools Act of 2000.

13 105505. (a) The State Department of Health
14 Services, in consultation with the State Department of
15 Education, the Department of General Services, the
16 State Air Resources Board, the Office of Environmental
17 Health Hazard Assessment, and the Department of
18 Pesticide Regulation, shall develop a manual that
19 instructs school officials on the best management
20 practices for achieving healthy indoor environmental
21 quality in schools to include, but not be limited to,
22 information on health risks of school environmental
23 hazards; basic strategies for improving school indoor
24 environmental quality; control of contaminant sources;
25 school lead safety; biological contamination, such as toxic
26 mold; health and environmental problem complaint
27 response protocols; applicable codes and regulations; and
28 resources available to schools on indoor environmental
29 quality.

30 (b) The State Department of Health Services shall
31 develop and publish the manual pursuant to subdivision
32 (a) and shall distribute it to every school district in the
33 state by January 1, 2002.

34 105510. (a) The State Department of Health
35 Services, in consultation with the State Department of
36 Education, shall establish a training program for school
37 personnel in order to implement the practices in the
38 manual described in subdivision (a) of Section 105505. It
39 is the intent of the Legislature to encourage appropriate



1 training to be provided to school personnel involved in
2 the application of pesticide at a school facility.

3 (b) It is the intent of the Legislature that adequate
4 funds be appropriated to make the training described in
5 subdivision (a) and the training described in Section
6 13184 of the Food and Agricultural Code available to all
7 schools.

8 105515. (a) The Secretary of Environmental
9 Protection and the Secretary of Health and Human
10 Services shall convene a task force to evaluate all public
11 health and environmental exposures to site-based and
12 ambient contaminants that may adversely affect the
13 health and learning abilities of children attending
14 California Schools. At a minimum, the task force shall
15 evaluate radon gas, lead, asbestos, mold, hazardous
16 materials, nonhazardous waste, indoor air quality,
17 drinking water, ambient toxic air contaminants, and any
18 other contaminants, factors or maintenance practices
19 that adversely affect children's health.

20 (b) The task force shall solicit input from all affected
21 parties, including, but not limited to, the Legislature,
22 governmental agencies, school districts, public health
23 organizations, community groups, and parent, business,
24 environmental, and educational representatives.

25 (c) By January 1, 2002, the task force shall report its
26 findings to the Legislature and the Governor and shall
27 make recommendations on any actions that may be
28 necessary to protect the health and learning abilities of
29 children attending California schools. Included in these
30 recommendations shall be mechanisms for funding any
31 necessary actions.

32 105520. (a) There is established within the State
33 Department of Health Services a Healthy Schools
34 Ombudsman. The ombudsman shall be designated by the
35 Secretary of Health and Human Services.

36 (b) By July 1, 2001, the Healthy Schools Ombudsman
37 shall establish and maintain a toll-free telephone number
38 for the purpose of receiving complaints and questions
39 regarding possible schoolsite environmental health
40 hazards or contamination.



1 (c) By January 1, 2002, the Healthy Schools
2 Ombudsman shall develop a guidebook that details the
3 resources available from the state, the federal
4 government, and local agencies to schools, school
5 districts, school employees, parents, and pupils with
6 concerns about the environmental safety of a schoolsite.
7 The manual shall explain the jurisdiction of the state, local
8 and federal agencies, and departments with
9 responsibilities or resources for school environmental
10 health and safety.

11 (d) The State Department of Health Services shall
12 distribute the guidebook to every school district in the
13 state by January 1, 2002, and shall establish a process for
14 systematically updating the guidebook and supporting
15 documentation.

16 (e) The Healthy Schools Ombudsman shall do all of
17 the following in response to an inquiry:

18 (1) Advise callers of the resources available from the
19 local governments, the state, and the federal government
20 to schools, school districts, school employees, parents and
21 pupils with concerns about the environmental safety of a
22 schoolsite.

23 (2) Explain the jurisdiction of the state, local agencies,
24 and federal agencies and departments with
25 responsibilities for school environmental health and
26 safety, including: the State Department of Education, the
27 State Department of Health Services, the Office of Public
28 School Construction, the State Air Resources Board, the
29 Division of the State Architect, the Department of Toxic
30 Substances Control, California Occupational Safety and
31 Health Administration, California Environmental
32 Protection Agency, the Department of Pesticide
33 Regulation, the Office of Environmental Health Hazard
34 Assessment, local county offices of education, local school
35 districts, and county environmental health
36 administrators.

37 (3) Provide information on school financing
38 procedures and resources for school maintenance and
39 preventative maintenance, including information about



1 Deferred Maintenance Funds and the State Allocation
2 Board.

3 (4) Provide information on the process for filing a
4 worker safety complaint with the Division of
5 Occupational Health and Safety.

6 (5) Provide information on the process for filing a
7 worker's compensation claim.

8 (6) Provide information on the protections provided
9 to employees reporting labor code violations or unsafe
10 working conditions or who file worker's compensation
11 claims.

12 (f) The Healthy Schools Ombudsman shall maintain a
13 record of calls, inquiries, and complaints. This record shall
14 include, at a minimum, the name, school district, and
15 location of the school in question, nature of the
16 environmental problem, whether the caller is a teacher,
17 pupil, parent, administrator or other, and a description of
18 the potential environmental problem.

19 (1) The Healthy Schools Ombudsman shall make this
20 information available upon request pursuant to the
21 California Public Records Act (Chapter 3.5
22 commencing with Section 6250) of Division 7 of Title 1
23 of the Government Code).

24 (2) The Healthy Schools Ombudsman shall prepare an
25 annual report of the information contained in subdivision
26 (f) of this section and shall submit this report to the
27 Legislature on an annual basis beginning not later than
28 January 1, 2002.

29 SEC. 5. Notwithstanding Section 17610 of the
30 Government Code, if the Commission on State Mandates
31 determines that this act contains costs mandated by the
32 state, reimbursement to local agencies and school
33 districts for those costs shall be made pursuant to Part 7
34 (commencing with Section 17500) of Division 4 of Title
35 2 of the Government Code. If the statewide cost of the
36 claim for reimbursement does not exceed one million
37 dollars (\$1,000,000), reimbursement shall be made from
38 the State Mandates Claims Fund.

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