

**COMMISSION ON STATE MANDATES**

980 NINTH STREET, SUITE 300  
SACRAMENTO, CA 95814  
PHONE: (916) 323-3562  
FAX: (916) 445-0278  
E-mail: [csminfo@csm.ca.gov](mailto:csminfo@csm.ca.gov)



November 13, 2001

Mr. Leonard Kaye, Esq.  
County of Los Angeles  
Auditor-Controller's Office  
Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 525  
Los Angeles, Ca 90012-2766

*And Interested Parties and Affected State Agencies (see enclosed mailing list)*

Re: **Post Conviction: DNA Court Proceedings Test Claim Amendment**  
*OI-TC-08 (Amendment to 00-TC-21)*  
County of Los Angeles, Claimant  
Penal Code Sections, 1405 and 14 17.9  
Statutes of 2000, Chapter 821  
Statutes of 2001, Chapter 943

Dear Mr. Kaye:

Commission staff has reviewed the above-named test claim amendment and determined that it is complete. A copy of the amendment is being provided to affected state agencies and interested parties because of their interest in the Commission's determination. Since comments have already been filed on the test claim, we request that state agency comments be limited to the amendment.

The key issues before the Commission are:

- Do the provisions listed above *in the test claim amendment* impose a new program or higher level of service within an existing program upon local entities within the meaning of section 6, article XIII B of the California Constitution and costs mandated by the state pursuant to section 17514 of the Government Code?
- Does Government Code section 17556 preclude the Commission from finding that any of the test claim *amendment* provisions impose costs mandated by the state?

The Commission requests your participation in the following activities concerning this test claim:

- **Informal Conference.** An informal conference may be scheduled if requested by any interested party. See Title 2, California Code of Regulations, section 1183.04 (the regulations).
- **State Agency Review of Test Claim Amendment.** State agencies receiving this letter are requested to analyze the merits of the test claim amendment and to file written comments on the key issues before the Commission. Alternatively, if a state agency chooses not to respond to this request, please submit a written statement of non-

Mr. Leonard Kaye, Esq.

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chooses not to respond to this request, please submit a written statement of non-response to the Commission, Requests for extensions of time may be filed in accordance with sections 1183.01 (c) and 1181.1 (g) of the regulations. State agency comments are due 30 days from the date of this letter.

- **Claimant Rebuttal.** The claimant and interested parties may file rebuttals to state agencies' comments under section 1183.02 of the regulations. The rebuttal is due 30 days from the service date of written comments.
- **Hearing and Staff Analysis.** A hearing on the test claim and the amendment will be set when the record closes. Pursuant to section 1183.07 of the Commission's regulations, at least eight weeks before the hearing is conducted, a draft staff analysis will be issued to parties, interested parties, and interested persons for comment. Comments are due 30 days following receipt of the analysis. Following receipt of any comments, and before the hearing, a final staff analysis will be issued.
- **Mailing Lists.** Under section 1181.2 of the Commission's regulations, the Commission will promulgate a mailing list of parties, interested parties, and interested persons for each test claim and provide the list to those included on the list, and to anyone who requests a copy. Any written material filed on that claim with the Commission shall be simultaneously served on the other parties listed on the claim.
- **Dismissal of Test Claims.** Under section 1183.09 of the Commission's regulations, test claims filed after May 5, 200 1, may be dismissed if postponed or placed on inactive status by the claimant for more than one year. Prior to dismissing a test claim, the Commission will provide 150 days notice and opportunity for other parties to take over the claim.

If the Commission determines that a reimbursable state mandate exists, the claimant is responsible for submitting proposed parameters and guidelines for reimbursing all eligible local entities. All interested parties and affected state agencies will be given an opportunity to comment on the claimant's proposal before consideration and adoption by the Commission.

Finally, the Commission is required to adopt a statewide cost estimate of the reimbursable state-mandated program within 12 months of receipt of an amended test claim. This deadline may be extended for up to six months upon the request of either the claimant or the Commission,

Please contact Nancy Patton at (916) 323-3562 if you have any questions.

Sincerely,



SHIRLEY OPIE

Assistant Executive Director

Enclosures: Mailing List and Test Claim Amendment

MAILED: \_\_\_\_\_  
DATE: 11/13/01  
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# Commission on State Mandates

List Date: 11/13/2001

Mailing Information Test Claim Amendment

## Mailing List

Claim Number 00-TC-21/01-TC-08 Claimant County of Los Angeles

Subject Penal Code Sections 1405 and 1417.9; Statutes of 2000, Chapter 821, Statutes of 2001, Chapter 943

Issue Post Conviction: DNA Court Proceedings

Mr. Leroy Baca, Sheriff  
Los Angeles County Sheriffs Department

4700 Ramona Boulevard  
Monterey Park Ca 91754-2169

Tel: (323) 526-5541  
FAX: (323) 000-0000

Interested Person

Ms. Harmeet Barkschat,  
Mandate Resource Services

8254 Heath Peak Place  
Antelope CA 95843

Tel: (916) 727-1350  
FAX: (916) 727-1734

Interested Person

Mr. Robert Brooks, Staff Analyst II  
Riverside Co. Sheriffs Acct. and Finance Bureau

4095 Lemon Street P O Box 512  
Riverside Ca 92502

Tel: (909) 955-2709  
FAX: (909) 955-2720

Interested Party

Mr. Allan Burdick,  
MAXIMUS

4320 Auburn Blvd., Suite 2000  
Sacramento CA 95841

Tel: (916) 485-8102  
FAX: (916) 485-0111

Interested Person

Mr. Gary Cooper, Bureau Chief  
Department of Justice

4949 Broadway Room G114  
Sacramento CA 95820

Tel: (916) 227-3844  
FAX: (916) 737-2129

State Agency

Claim Number

00-TC-21/01-TC-08

Claimant

County of Los Angeles

Subject Penal Code Sections 1405 and 1417.9; Statutes of 2000, Chapter 821, Statutes of 2001,  
Chapter 943

Issue Post Conviction: DNA Court Proceedings

Ms. Susan Geanacou, Senior Staff Attorney  
Department of Finance

915 L Street, 11th Floor Suite 1190  
Sacramento CA 95814

Tel: (916) 445-3274  
FAX: (916) 327-0220

State Agency

Mr. Glenn Haas, Bureau Chief (B-8)  
State Controller's Office

Division of Accounting & Reporting  
3301 C Street Suite 500  
Sacramento CA 95816

Tel: (916) 445-8757  
FAX: (916) 323-4807

State Agency

Ms. Sharon Joyce, Staff Counsel (B-8)  
Department of Corrections

P.O. Box 942883  
Sacramento CA 94283-0001

Tel: (916) 323-3434  
FAX: (916) 000-0000

State Agency

Mr. Leonard Kaye, Esq.,  
County of Los Angeles  
Auditor-Controller's Office  
500 W. Temple Street, Room 603  
Los Angeles CA 90012

Tel: (213) 974-8564  
FAX: (213) 617-8106

Claimant

Mr. Steve Keil,  
California State Association of Counties

1100 K Street Suite 101  
Sacramento CA 95814-3941

Tel: (916) 327-7523  
FAX: (916) 441-5507

Interested Person

Ms. Tom Lutzenberger, Principal Analyst (A-15)  
Department of Finance

915 L Street, 6th Floor  
Sacramento CA 95814

Tel: (916) 445-8913  
FAX: (916) 327-0225

State Agency

**Subject** Penal Code Sections 1405 and 1417.9; Statutes of 2000, Chapter 821, Statutes of 2001,  
issue Chapter 943  
Post Conviction: DNA Court Proceedings

Mr. Frank McGuire,  
Yolo County District Attorney's Office

P.O. Box 1446  
Woodland CA 95716

*Tel:* (530) 666-8400  
*FAX:* (916) 000-0000

Interested Person

Mr. Manuel Medeiros, Senior Assistant Attorney General (D-8)  
Office of the Attorney General

1300 I Street P.O. Box 944255  
Sacramento CA 95814

*Tel:* (916) 323-1996  
*FAX:* (916) 324-8835

State Agency

Mr. Paul Minney,  
Spector, Middleton, Young & Minney, LLP

7 Park Center Drive  
Sacramento Ca 95825

*Tel:* (916) 646-1400  
*FAX:* (916) 646-1300

Interested Person

Mr. Keith B. Petersen, President  
Sixten & Associates

5252 Balboa Avenue Suite 807  
San Diego CA 92117

*Tel:* (858) 514-8605  
*FAX:* (858) 514-8645

Interested Person

Ms. Joan L. Phillipe, Executive Director  
California State Sheriffs' Association

P O Box 890790  
West Sacramento Ca 95898

*Tel:* (916) 375-8000  
*FAX:* (916) 000-0000

Interested Person

Ms. Sandy Reynolds, President  
Reynolds Consulting Group, Inc.

P.O. Box 987  
Sun City CA 92586

*Tel:* (909) 672-9964  
*FAX:* (909) 672-9963

Interested Person

Claim Number

00-TC-21/01-TC-08

Claimant

County of Los Angeles

Subject Penal Code Sections 1405 and 1417.9; Statutes of 2000, Chapter 821, Statutes of 2001,  
Chapter 943

Issue Post Conviction: DNA Court Proceedings

Mr. Steve Shields,  
Shields Consulting Group, Inc.

1536 36th Street  
Sacramento CA 95816

*Tel:* (916) 454-7310  
*FAX:* (916) 454-7312

Interested Person

Mr. Mark Sigman, SB 90 Coordinator  
Auditor-Controller's Office  
Riverside County Sheriffs Dept.  
4080 Lemon Street, 3rd Floor P O Box 512  
Riverside CA 92502

*Tel:* (909) 955-2709  
*FAX:* (909) 955-2428

Interested Person

Mr. Steve Smith, CEO  
Mandated Cost Systems, Inc.

2275 Watt Avenue  
Sacramento CA 95825

*Tel:* (916) 487-4435  
*FAX:* (916) 487-9662

Interested Person

Mr. Jim Spano,  
State Controller's Office  
Division of Audits (B-8)  
300 Capitol Mall, Suite 518  
Sacramento CA 95814

*Tel:* (916) 323-5849  
*F A X* (916) 327-0832

State Agency

Mr. David Wellhouse,  
David Wellhouse & Associates, Inc.

9175 Kiefer Blvd Suite 121  
Sacramento CA 95826

*Tel:* (916) 368-9244  
*FAX:* (916) 368-5723

Interested Person