

COMMISSION ON STATE MANDATES

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October 7, 2003

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Mr. Allan P. Burdick
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Mr. Michael Havey
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Division of Accounting & Reporting
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Mr. Gary J. O' Mara
Office of the Director
Department of Industrial Relations
455 Golden Gate Avenue, Tenth Floor
San Francisco, CA 94102

And: Interested Parties
(see enclosed mailing list)

Re: Notice of Complete Test Claim Filing and Schedule for Comments – *Prevailing Wages*,
03-TC-13

On September 26, 2003, a test claim was filed on the above named program by the City of Newport Beach, Claimant. Following initial review, the Commission staff found the test claim to be complete. The Commission is now requesting state agencies and interested parties to comment on the test claim as specified in the enclosed notice.

Please contact Nancy Patton at (916) 323-8217 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Paula Higashi".

PAULA HIGASHI
Executive Director

Enclosures:

Notice of Complete Test Claim Filing and Schedule for Comments
Copy of Test Claim (state agencies only)
Mailing List

MAILED: Mail List
FAXED:
DATE: 10/7/03
INITIAL: VS
FILE: _____
WORKING BINDER: _____

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Labor Code Sections 1720, 1720.3, 1720.4, 1726, 1727, 1735, 1742, 1770, 1771, 1771.5, 1771.6, and 1773.5 as added or amended by Statutes 1976, Chapter 1084; Statutes 1976, Chapter 1174; Statutes 1980, Chapter 992; Statutes 1983, Chapter 142; and Statutes 1983, Chapter 143; Statutes 1989, Chapter 278; Statutes 1989, Chapter 1224; Statutes 1992, Chapter 913; Statutes 1992, Chapter 1342; Statutes 1999, Chapter 83; Statutes 1999, Chapter 220; Statutes 2000, Chapter 881; Statutes 2000, Chapter 954; Statutes 2001, Chapter 938; and Statutes 2002, Chapter 1048; and Title 8, California Code of Regulations, Sections 16000 through 16802

Filed on September 26, 2003

By the City of Newport Beach, Claimant

No, 03-TC-13

Prevailing Wages

NOTICE OF COMPLETE TEST CLAIM FILING AND SCHEDULE FOR COMMENTS (Gov. Code § 17500 et seq.; Cal. Code Regs., Tit. 2, §§ 1183, subd.(g) & 1183.02)

**TO: City of Newport Beach
Department of Finance
State Controller's Office
Department of Industrial Relations
Interested Parties**

On September 26, 2003, the City of Newport Beach, Claimant, filed a test claim on the above-described statutes alleging a reimbursable state-mandated program pursuant to article XIII B, section 6 of the California Constitution and Government Code section 17514. The test claim is complete. The test claim will be heard and determined by the Commission on State Mandates pursuant to article XIII B, section 6, Government Code section 17500 et seq., and case law. The procedures for hearing and determining this claim are prescribed in the Commission's regulations; California Code of Regulations, title 2, chapter 2.5, section 118 1, et seq.

COMMENT PERIOD

The key issues before the Commission are:

- ⦿ Do the provisions listed above 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 175 14 of the . Government Code?
- ⦿ Does Government Code section 17556 preclude the Commission from finding that any of

the test claim provisions impose costs mandated by the state?

- Have funds been appropriated for this program (e.g., state budget) or are there any other sources of funding available? If so, what is the source?

State Agency Review of Test Claim - State agencies are requested to analyze the test claim merits and to file written comments no later than **November 3, 2003**. Requests for extensions of time may be filed in accordance with sections 1183.01, subdivision (c) and 118 1.1, subdivision (g) of the regulations.

Claimant Rebuttal - The claimant and interested parties may file rebuttals to state agencies' comments under section 1183.03 of the regulations. The rebuttal is due 30 days from the actual service date of written comments from any state agencies.

Mailing Lists - Under section 118 1.2 of the 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 with the Commission on this claim shall be simultaneously served on the other parties listed on the mailing list provided by the Commission.

Consolidating Test Claims - Pursuant to Commission regulations, the executive director may consolidate part or all of any test claim with another test claim. See sections 1183.05 and 1183.06 of the regulations.

ADDITIONAL FILINGS ON THE SAME STATUTE OR EXECUTIVE ORDER

Under section 1183, subdivision (i) of the regulations, more than one test claim on the same statute or executive order may be filed with the Commission. The test claim must be filed within 60 days of the date the first test **claim** was filed. Claimants may designate a single claimant within 90 days **from** the date the **first** test claim was filed. **If** the Commission does not receive notice from the claimants designating a lead claimant, the executive director will designate the claimant who filed the first test claim as the lead claimant.

INFORMAL/PREHEARING CONFERENCE

An informal conference or prehearing conference may be scheduled if requested by any party. See sections 1183.04 and 1187.4 of the regulations.

HEARING AND STAFF ANALYSIS

A tentative hearing date for the test claim will be set when the draft staff analysis of the claim is being prepared. At least eight weeks before a hearing is conducted, the draft staff analysis will be issued to parties, interested parties, and interested persons for comment. Comments are due at least, five weeks prior to the hearing or on the date **set** by the Executive Director, pursuant to section 1183.07 of the regulations. Before the hearing, a final staff analysis will be issued.

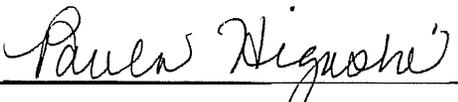
Dismissal of Test Claims - Under section 1183.09 of the regulations, test claims may be dismissed when postponed or placed on inactive status by the claimant for more than one year. Before dismissing a test claim, the Commission will provide 60 days notice and opportunity for other parties to take over the claim.

Parameters and Guidelines - 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. See section 1183.1 of the regulations. 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.

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

Dated: October 7, 2003



PAULA HIGASHI, Executive Director

Commission on State Mandates

Original List Date: 10/3/2003

Mailing Information: Completeness Determination

Last Updated:

Mailing List

List Print Date: 10/07/2003

Claim Number: 03-TC-13

Issue: Prevailing Wages

TO ALL PARTIES AND INTERESTED PARTIES:

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, § 1181.2.)

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