

COMMISSION ON STATE MANDATES

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October 8, 2003

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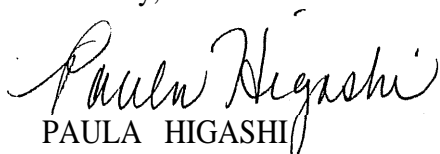
And: Interested Parties
(see enclosed mailing list)

Re: Notice of Complete Test Claim Filing and Schedule for Comments - *California Environmental Quality Act (CEQA)*, 03-TC- 17.

On September 29, 2003, a test claim was filed on the above named program by the Clovis Unified School District, 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,


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: 1/0/8 INITIAL: SM
CHRON: ✓ FILE: _____
WORKING _____ BINDER: _____

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Education Code Section 17025; Government Code Sections 66031 and 66034; and Public Resources Code Sections 21002.1, 21003, 21003.1, 21080.09, 21080.1, 21801.3, 21080.4, 21081, 21081.6, 21082, 21082.1, 21082.2, 21083, 21083.2, 21091, 21092, 21092.1 through 21092.6, 21094, 21100, 21102, 21150, 21151, 21151.2, 21151.8, 21152 through 21154, 21157, 21157.1, 21157.5, 21158, 21161, 21165 through 21167, 21167.6, 21167.6.5, 21167.8 and 21168.9 as added or amended by Statutes 1970, Chapter 1433; Statutes 1972, Chapter 1154; Statutes 1975, Chapter 222; Statutes 1976, Chapter 13 12; Statutes 1977, Chapter 1200; Statutes 1983, Chapter 967; Statutes 1984, Chapters 571 and 1514; Statutes 1985, Chapter 85; Statutes 1987, Chapter 1452; Statutes 1989, Chapters 626 and 659; Statutes 1991, Chapters 905, 1183, and 1212; Statutes 1993, Chapters 375, 1130, and 1131; Statutes 1994, Chapters 1230 and 1294; Statutes 1995, Chapter 801; Statutes 1996, Chapters 277, 444, 547, and 799; Statutes 1997, Chapter 415; Statutes 2000, Chapter 738; Statutes 2001, Chapter 867; Statutes 2002, Chapters 1016, 1052, and 112 1; and California Code of Regulations, Title 5, Sections 14011 and 57121; and California Code of Regulations, Title 14 Sections 15002, 15004, 15020, 15021, 15022, 15025, 15041 through 15043, 15050, 15053, 15060, 156061 through 15064, 15604.5, 15604.7, 15605, 15070 through 15075, 15081.5, 15082, 15084 through 15095, 15100, 15104, 15122 through 15126.6, 15128 through 15130, 15132, 15140, 15142, 15143, 15145, 15147 through 15150, 15152, 15153, 15162, 15164 through 15168, 15176 through 15179, 15184 through 15186, 15201, 15203, 15205, 15206, 15208, 15223, 15225, and 15367; and the California State Clearinghouse Handbook – 2000

Filed on September 29, 2003

By the Clovis Unified School District, Claimant

No. 03-TC-17

California Environmental Quality Act (CEQA)

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: Clovis Unified School District
Department of Finance
State Controller's Office
California Department of Education
California Community Colleges
Environmental Protection Agency
Office of Planning and Research
State Architect
Interested Parties**

On September 29, 2003, the Clovis Unified School District, Claimant, filed a test claim on the above-described statutes and executive orders alleging a reimbursable state-mandated program pursuant to article XIII B, section 6 of the California Constitution and Government Code section 175 14. 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 1181, 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 within 30 days, or no later than **November 7, 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

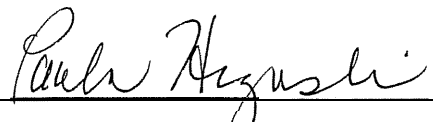
A tentative hearing date for the test claim will be set when the draft staff analysis of the claim is being prepared. At least eight weeks before a hearing is conducted, the draft staff analysis will be issued to parties, interested parties, and interested persons for comment. Comments are due at least 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: 10/7/2003



PAULA HIGASHI, Executive Director

Commission on State Mandates

Original List Date: 10/3/2003

Mailing Information: Completeness Determination

Last Updated:

List Print Date: 10/08/2003

Mailing List

Claim Number: 03-TC-17

Issue: California Environmental Quality Act (CEQA)

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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