

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



May 2, 2002

Ms. Pam Stone
DMG-Maximus
4320 Auburn Blvd., Suite 2000
Sacramento, CA 95841

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

Re: *Modified Primary Election, 01-TC-13*
County of Orange, Claimant
Statutes of 2000, Chapter 898 (SB 28)

Dear Ms. Stone:

Commission staff has reviewed the above-named test claim and determined that it is complete. A copy of the test claim is being provided to affected state agencies and interested parties because of their interest in the Commission's determination.

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 17514 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?

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 party. See Title 2, California Code of Regulations, section 1183.04 (the regulations).
- **State Agency Review of Test Claim.** State agencies receiving this letter are requested to analyze the merits of the test claim 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-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.

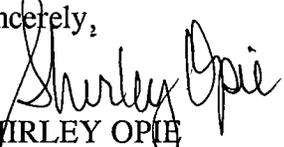
- **Claimant Rebuttal.** The claimant and interested parties may file rebuttals to state agencies' comments under section 1183.02 of the regulations. The rebuttal is due 30 days from the service date of written comments.
- **Hearing and Staff Analysis.** A hearing on the test claim will be set when the 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 Commission's regulations. 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, 2001, 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) 323-8217 if you have any questions.

Sincerely,



SHIRLEY OPIE

Assistant Executive Director

Enclosures: Copy of Test Claim

Commission on State Mandates

List Date: 04/22/2002

Mailing Information Completeness Determination

Mailing List

Claim Number 01-TC-13 Claimant County of Orange

Subject Statutes of 2000, Chapter 898 (SB 28)

Issue Modified Primary Election

Ms. Harmeet Barkschat,
Mandate Resource Services

5325 Elkhorn Blvd. #307
Sacramento CA 95842

Tel: (916) 727-1350

FAX: (916) 727-1734

Interested Person

Dr. Carol Berg,
Education Mandated Cost Network

1121 L Street Suite 1060
Sacramento CA 95814

Tel: (916) 446-7517

FAX: (916) 446-2011

Interested Person

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. Rosalyn Lever, Registrar of Voters

County of Orange
Hall of Administration

P.O. Box 11298
Santa Ana CA 92711

Tel: (916) 000-0000

FAX: (916) 000-0000

Claimant

Mr. 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

Claim Number 01-TC-13

Claimant County of Orange

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Issue Modified Primary Election

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. John Mott-Smith, Chief, Elections Division (D-15)
Secretary of State's Office

1500 11th Street
Sacramento CA 95814

Tel: (916) 657-2166
FAX: (916) 653-3214

State Agency

Mr. Andy Nichols, Senior Manager
Centration, Inc.

12150 Tributary Point Drive Suite 140
Gold River CA 95670

Tel: (916) 351-1050
FAX: (916) 351-1020

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. 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

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

11130 Sun Center Drive Suite 100
Rancho Cordova CA 95670

Tel: (916) 669-0888
FAX: (916) 669-0889

Interested Person

Claim Number 01-TC-13

Claimant County of Orange

Subject Statutes of 2000, Chapter 898 (SB 28)

Issue Modified Primary Election

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

Tel: (916) 323-5849
FAX: (916) 327-0832

State Agency

Ms. Pam Stone, Legal Counsel
MAXIMUS

4320 Auburn Blvd. Suite 2000
Sacramento CA 95841

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

Claimant

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