

COMMISSION ON STATE MANDATES

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July 5, 2002

Mr. Allan Burdick
MAXIMUS
4320 Auburn Blvd., Suite 2000
Sacramento, CA 95 84 1

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

Re: *Tuberculosis Presumption for Firefighters, Jail Guards, and
Correctional Officers, 01-TC-23*
California State Association of Counties - Excess Insurance
Authority and County of Tehama, Co-Claimants
Labor Code section 3212.6
Statutes 1995, Chapter 683 (SB 658)
Statutes 1996, Chapter 802 (AB 521)

Dear Mr. Burdick:

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 118 1.1 (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 mailing list provided by the Commission.
- **Dismissal of Test Claims.** Under section 1183.09 of the Commission's regulations, test claims 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,

PAULA HIGASHI
Executive Director

Enclosure: Copy of Test Claim

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WORKING BINDER:

CHRON: FILE:

DATE: INITIAL: VS

MAILED: FAXED:

Commission on State Mandates

Original List Date: 07/05/2002

Mailing Information Completeness Determination

Last Updated: 07/05/2002

List Print Date: 07/05/2002

Claim Number: 01 -TC-23

Mailing List

Issue: Tuberculosis Presumption for Firefighters, Jail Guards, and Correctional Officers

Mr. Allan Burdick,
MAXIMUS

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Sacramento CA 95841

Tel: (916) 485-8102 Fax: (916) 485-0111 Claimant

Mr. Glenn Haas, Bureau Chief (B-8)
State Controller's Office
Division of Accounting & Reporting
3301 C Street Suite 500
Sacramento CA 958 16

Tel: (916) 445-8757 Fax: (916) 323-4807 State Agency

Ms. Gina Dean, Management Analyst
California State Association of Counties

1100 K Street
Sacramento CA 95814

Tel: (916) 631-7363 Fax: (916) 000-0000 Claimant

Mr. Leonard Kaye, Esq.,
County of Los Angeles
Auditor-Controller's Office
500 W. Temple Street, Room 603
Los Angeles CA 900 12

Tel: (213) 974-8564 Fax: (213) 617-8106 Interested Party

Mr.,
Department of Industrial Relations

455 Golden Gate Avenue
San Francisco CA 94102

Tel: (415) 703-4240 Fax: (415) 703-5058 State Agency

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

Executive Director,
California State Firefighters' Association

2701 K Street Suite 201
Sacramento CA 95816

Tel: (800) 451-2732 Fax: (916) 446-9889 Interested Person

Leslie McGill,
California Peace Officers' Association

1455 Response Road Suite 190
Sacramento CA 95815

Tel: (916) 000-0000 Fax: (916) 000-0000 Interested Person

Executive Director,
California Peace Officers' Association

1455 Response Road Suite 190
Sacramento CA 95815

Tel: (916) 263-0541 Fax: (916) 000-0000 Interested Person

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

Commission on State Mandates

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Ms. Barbara Redding,
County of San Bernardino
Office of the Auditor/Controller-Recorder
222 West Hospitality Lane
San Bernardino CA 92415-0018
Tel: (909) 386-8850 Fax: (909) 386-8830 Interested Party

Mr. Richard Robinson, County Administrative Officer
County of Tehama
County Clerk's Office P.O. BOX 250
Red Bluff CA 96080
Tel: (916) 000-0000 Fax: (916) 000-0000 Claimant

Mr. Steve Smith, CEO
Mandated Cost Systems, Inc.
1130 Sun Center Drive Suite 100
Rancho Cordova CA 95670
Tel: (916) 669-0888 Fax: (916) 669-0889 Interested Person

Mr. Jim Spano, (B-8)
State Controller's Office
Division of Audits
300 Capitol Mall, Suite 518
Sacramento CA 95814
Tel: (916) 323-5849 Fax: (916) 327-0832 State Agency

Mr. David Wellhouse,
David Wellhouse & Associates, Inc.
917.5 Kiefer Blvd Suite 121
Sacramento CA 95826
Tel: (916) 368-9244 Fax: (916) 368-5723 Interested Person

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TO ALL PARTIES AND INTERESTED PARTIES h **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.)

