

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



August 14, 2003

Mr. William McGuire
Associate Superintendent
Clovis Unified School District
1450 Herndon Avenue
Clovis, CA 93611

Mr. Keith Petersen
SixTen & Associates
5252 Balboa Avenue, Suite 807
San Diego, CA 92117

Ms. Luisa M. Park, Executive Director
Office of Public School Construction
1130 K Street, Suite 400
Sacramento, CA 95814

Mr. Gerald Shelton
California Department of Education (E-08)
Fiscal and Administrative Services Division
1430 N Street, Suite 2213
Sacramento, CA 95814

Mr. Michael Havey
State Controller's Office
Division of Accounting & Reporting
3301 C Street, Suite 500
Sacramento, CA 95816

Mr. Gary J. O'Mara
Department of Industrial Relations
455 Golden Gate Avenue, 10th Floor
San Francisco, CA 94102

Mr. Keith Gmeinder
Department of Finance
915 L Street, 8th Floor
Sacramento, CA 95814

And: Interested Parties
(see enclosed mailing list)

Re: Notice of Complete Test Claim Amendment Filing and Schedule for Comments – *Amendment to Prevailing Wage Rates, 01-TC-28*

On July 31, 2003, a test claim amendment was filed on the above named program by SixTen and Associates, representing Clovis Unified School District, Claimant. Following initial review, the Commission staff found the test claim amendment to be complete. The Commission is now requesting state agencies and interested parties to comment on the test claim amendment 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 Amendment Filing and Schedule for Comments
Copy of Test Claim (state agencies only)
Mailing List

MAILED: X FAXED: _____
DATE: 8/14/03 INITIAL: CF
CHRON: _____ FILE: X
WORKING BINDER: _____

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Labor Code Sections 1720, 1720.2, 1720.3, 1726, 1727, 1733, 1735, 1741, 1742, 1742.1, 1743, 1750, 1770, 1771, 1771.5, 1771.6, 1772, 1773, 1773.1, 1773.2, 1773.3, 1773.5, 1773.6, 1775, 1776, 1777.1, 1777.5, 1777.6, 1777.7, 1812, 1813, 1861, and Public Contract Code Section 22022, as added or amended by Statutes 1976, Chapters 281, 538, 599, 861, 1174, and 1179; Statutes 1877, Chapter 423; Statutes 1978, Chapter 1249; Statutes 1979, Chapter 373; Statutes 1980; Chapters 962 and 992; Statutes 1981, Chapter 449; Statutes 1983, Chapters 1054 and 160; Statutes 1988, Chapter 160; Statutes 1989, Chapters 278 and 1224; Statutes 1992, Chapters 913 and 1342; Statutes 1993, Chapter 589; Statutes 1997, Chapters 17 and 757; Statutes 1998, Chapters 443 and 485; Statutes 1999, Chapters 30, 83, 220, and 903; Statutes 2000, Chapters 135, 875, 881, 920, and 954; Statutes 2001, Chapters 804 and 938; and Title 8, California Code of Regulations, Sections 16000; 16001-16003; 16100-16102; 16200-16206; 16300-16304; 16400-16403; 16410-16414; 16425; 16426-16428; 16429-16432; 16433; 16436-16439; 16500; 16800-16802; 17201-17212; 17220-17229; 17230-17237; 17240-17253; 17260-17264;

Filed on June 28, 2002

by the Clovis Unified School District, Claimant

AND AMENDED BY:

Labor Code Section 1771.5 as amended by Statutes 2002, Chapter 868, and School Facility Program Substantial Progress and Expenditure Audit Guide, May 2003, Prepared by the Office of Public School Construction; AB 1506 Labor Compliance Program Guidebook, February 2003, Prepared by the Division of Labor Standards Enforcement; and the Antioch Unified School District Labor Compliance Program, January 17, 2003

Filed on July 31, 2003

By the Clovis Unified School District, Claimant

No. 01-TC-28 (First Amendment)

Prevailing Wage Rate

NOTICE OF COMPLETE TEST CLAIM AMENDMENT 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
California Department of Education
Office of Public School Construction
Department of Industrial Relations
State Controller's Office
Interested Parties**

On July 31, 2003, the Clovis Unified School District, Claimant, filed a test claim amendment on the above-described statute and executive orders 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 amendment is complete. The test claim amendment 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 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?
- 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 Amendment- State agencies are requested to analyze the test claim amendment merits and to file written comments within 30 days, or no later than **September 15, 2003**. Requests for extensions of time may be filed in accordance with sections 1183.01, subdivision (c) and 1181.1, 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 1181.2 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:

8/14/2003


PAULA HIGASHI, Executive Director

Commission on State Mandates

Original List Date: 7/8/2002
Last Updated: 1/16/2003
List Print Date: 08/14/2003
Claim Number: 01-TC-28(First Amendment)
Issue: Prevailing Wage Rate

Mailing Information: Other

Mailing List

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.)

Mr. Paul Minney
Spector, Middleton, Young & Minney, LLP
7 Park Center Drive
Sacramento, CA 95825

Tel: (916) 646-1400
Fax: (916) 646-1300

Ms. Sandy Reynolds
Reynolds Consulting Group, Inc.
P.O. Box 987
Sun City, CA 92586

Tel: (909) 672-9964
Fax: (909) 672-9963

Mr. Bill McGuire
Clovis Unified School District
1450 Herndon Avenue
Clovis, CA 93611-0599

Claimant
Tel: (559) 327-9000
Fax: (559) 327-9129

Mr. Steve Shields
Shields Consulting Group, Inc.
1536 36th Street
Sacramento, CA 95816

Tel: (916) 454-7310
Fax: (916) 454-7312

Ms. Beth Hunter
Centration, Inc.
8316 Red Oak Street, Suite 101
Rancho Cucamonga, CA 91730

Tel: (866) 481-2642
Fax: (866) 481-5383

Dr. Carol Berg
Education Mandated Cost Network
1121 L Street, Suite 1060
Sacramento, CA 95814

Tel: (916) 446-7517
Fax: (916) 446-2011

Mr. Keith Gmeinder
Department of Finance (A-15)
915 L Street, 8th Floor
Sacramento, CA 95814

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

Mr. Scott A. Kronland
Altschuler, Berzon, Nussbaum, Rubin, & Demain
177 Post Street, Suite 300
San Francisco, CA 94108

Tel: (415) 421-7151
Fax: (415) 362-8064

Ms. Harmeet Barkschat
Mandate Resource Services
5325 Elkhorn Blvd. #307
Sacramento, CA 95842

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

Mr. Michael Havey
State Controller's Office (B-08)
Division of Accounting & Reporting
3301 C Street, Suite 500
Sacramento, CA 95816

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

Mr. Steve Smith
Mandated Cost Systems, Inc.
11130 Sun Center Drive, Suite 100
Rancho Cordova, CA 95670

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

Mr. Keith B. Petersen
SixTen & Associates
5252 Balboa Avenue, Suite 807
San Diego, CA 92117

Claimant Representative
Tel: (858) 514-8605
Fax: (858) 514-8645

Mr. Gerald Shelton
California Department of Education (E-08)
Fiscal and Administrative Services Division
1430 N Street, Suite 2213
Sacramento, CA 95814

Tel: (916) 445-0554
Fax: (916) 327-8306

Mr. Gary J. O'Mara
Department of Industrial Relations
Office of the Director
455 Golden Gate Avenue, Tenth Floor
San Francisco, CA 94102

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

