

COMMISSION ON STATE MANDATES

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August 2, 2002

Ms. Pamela Stone
MAXIMUS
4320 Auburn Blvd., Suite 2000
Sacramento, CA 95841

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

Re: *Domestic Violence Background Checks, 01-TC-29*
County of Alameda, Claimant
Statutes 2001, Chapter 572 (SB 66)
Statutes 2001, Chapter 713 (AB 1129)

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.

- **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,


SHIRLEY OPIE
Assistant Executive Director

Enclosure: Copy of Test Claim
Mailing List

MAILED: _____
DATE: 8/2/02
CHRON: _____
FILE: _____
WORKING BINDER: _____
INITIAL: JS

Commission on State Mandates

Original List Date: 08/01/2002

Mailing Information Completeness Determination

Last Updated: 08/02/2002

List Print Date: 08/02/2002

Mailing List

Claim Number: 01-TC-29

Issue: Domestic Violence Background Checks

Ms. Harmeet Barkschat,
Mandate Resource Services

5325 Elkhorn Blvd. #307
Sacramento CA 95842

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

Mr. Leonard Kaye, Esq.,
County of Los Angeles
Auditor-Controller's Office
500 W. Temple Street, Room 603
Los Angeles CA 90012

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

Ms. Annette Chinn,
Cost Recovery Systems

705-2 East Bidwell Street #294
Folsom CA 95630

Tel: (916) 939-7901 Fax: (916) 939-7801 Interested Person

Mr. Steve Keil,
California State Association of Counties

1100 K Street Suite 101
Sacramento CA 95814-3941

Tel: (916) 327-7523 Fax: (916) 441-5507 Interested Person

Ms. Susan Geanacou, Senior Staff Attorney (A-15)
Department of Finance

915 L Street, Suite 1190
Sacramento CA 95814

Tel: (916) 445-3274 Fax: (916) 327-0220 State Agency

Mr. Paul Minney,
Spector, Middleton, Young & Minney, LLP

7 Park Center Drive
Sacramento CA 95825

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

Mr. Keith Gmeinder, 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

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. Michael Havey, 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

Mr. Thomas J. Orloff, District Attorney
County of Alameda
County Administrator's Office
1221 Oak Street Room 555
Glendale CA 94612-4296

Tel: (510) 272-6222 Fax: (510) 000-0000 Claimant

Commission on State Mandates

Original List Date: 08/01/2002 Mailing Information Completeness Determination

Last Updated: 08/02/2002

List Print Date: 08/02/2002

Claim Number: 01-TC-29

Mailing List

Issue: Domestic Violence Background Checks

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

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

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.)