

**COMMISSION ON STATE MANDATES**

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March 12, 2003

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

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

Re: *Hepatitis Presumption (K-14); 02-TC-17*  
Santa Monica Community College District, Claimant  
Statutes 2000, Chapter 490 (SB 32);  
Statutes 2001, Chapter 883 (AB 196)  
Labor Code Section 3212.8

Dear Mr. Petersen:

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 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?

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.

- z **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.
- z **Mailing Lists.** Under section 118 1.2 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 provide 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.

Note, on June 28, 2002, the California State Association of Counties – Excess Insurance Authority and County of Tehama filed the *Hepatitis and Blood-Borne Illnesses Presumption for Law Enforcement and Firefighters* test claim (01-TC-20). If an affected state agency or interested party finds that the issues here are similar to 01-TC-20, a written statement may be submitted to the Commission **incorporating** by reference the comments filed in response to 01-TC-20. The Commission intends to consolidate these two test claims at the end of the comment period.

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

MAILED: 3/12/03  
FAXED: VS  
DATE: 3/12/03  
CHRON:   
FILE:   
WORKING BINDER:   
mpleteltr.doc

# Commission on State Mandates

Original List Date: 3/12/2003

Mailing Information: Completeness Determination

Last Updated:

List Print Date: 03/12/2003

## Mailing List

Claim Number: 02-TC-17

Issue: Hepatitis Presumption (K-14)

### 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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