

**COMMISSION ON STATE MANDATES**

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July 3, 2003

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Mr. Gerald Shelton  
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Mr. Michael Havey  
State Controller's Office  
Division of Accounting & Reporting  
3301 C Street, Suite 500  
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Mr. Thomas J. Nussbaum  
California Community Colleges  
1102 Q Street, Suite 300  
Sacramento, CA 95814

And: Interested Parties  
(see enclosed mailing list)

Re: Notice of Complete Test Claim Filing and Schedule for Comments – *Public Contracts (K-14); 02-TC-35*

On June 24 2003, a test claim was filed on the above named program by SixTen & Associates, representing Clovis Unified School District and Santa Monica Community College District, Co-claimants. Following initial review, the Commission staff found the test claim to be complete. The Commission is now requesting state agencies and interested parties to comment on the test claim 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 Filing and Schedule for Comments  
Copy of Test Claim (state agencies only)  
Mailing List

MAILED: X FAXED: \_\_\_\_\_  
DATE: 7/3/03 INITIAL: CF  
CHRON: \_\_\_\_\_ FILE: X  
WORKING BINDER: \_\_\_\_\_

BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Public Contract Code Sections 2000, 2001, 3300, 6610, 7104, 7101, 7109, 9203, 10299, 12109, 20100, 20101, 20102, 20103.5, 20103.6, 20103.8, 20104, 20104.2, 20104.4, 20104.6, 20104.50, 20107, 20110, 20111, 20111.5, 20116, 20650, 20651, 20651.5, 20657, 20659, 22300; Business and Professions Code Section 7028.15; and California Code of Regulations, Title 5, Sections 59500, 59504, 59505, 59506, and 59509

Statutes 1976, Chapter 921; Statutes 1977, Chapters 36 and 631; Statutes 1980, Chapter 1255; Statutes 1981, Chapters 194 and 470; Statutes 1982, Chapters 251, 465, and 513; Statutes 1983, Chapter 256; Statutes 1984, Chapters 173, 728, and 758; Statutes 1985, Chapter 1073; Statutes 1986, Chapters 886 and 1060; Statutes 1987, Chapter 102; Statutes 1988, Chapters 538 and 1408; Statutes 1989, Chapters 330, 869, and 1163; Statutes 1990, Chapters 321, 694, 808, and 1414; Statutes 1991, Chapters 785 and 933; Statutes 1992, Chapters 294, 799, and 1042; Statutes 1993, Chapters 1032 and 1195; Statutes 1994, Chapter 726; Statutes 1995, Chapter 504, and 897; Statutes 1997, Chapters 390 and 722; Statutes 1998, Chapters 657 and 857; Statutes 1999, Chapter 972; Statutes 2000, Chapters 126, 127, 159, 292, and 776; and Statues 2002, Chapter 455

Filed on June 24, 2003

By the Clovis Unified School District and Santa Monica Community College District,  
Co-Claimants

No. 02-TC-35

*Public Contracts (K-14)*

NOTICE OF COMPLETE TEST CLAIM  
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  
Santa Monica Community College District  
California Department of Education  
California Community Colleges  
Department of Finance  
State Controller's Office  
Interested Parties**

On June 24, 2003, the Clovis Unified School District and Santa Monica Community College District filed a test claim on the above-described statutes 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 is complete. The test claim 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 - State agencies are requested to analyze the test claim merits and to file written comments within 30 days, or no later than **August 4, 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.

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COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

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Public Contract Code Sections 2000, 2001, 3300, 6610, 7104, 7101, 7109, 9203, 10299, 12109, 20100, 20101, 20102, 20103.5, 20103.6, 20103.8, 20104, 20104.2, 20104.4, 20104.6, 20104.50, 20107, 20110, 20111, 20111.5, 20116, 20650, 20651, 20651.5, 20657, 20659, 22300; Business and Professions Code Section 7028.15; and California Code of Regulations, Title 5, Sections 59500, 59504, 59505, 59506, and 59509

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## **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.

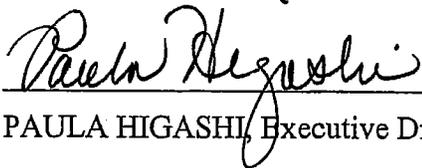
Dismissal of Test Claims - Under section 1183.09 of the regulations, test claims may be dismissed when postponed or placed on inactive status by the claimant for more than one year. Before dismissing a test claim, the Commission will provide 60 days notice and opportunity for other parties to take over the claim.

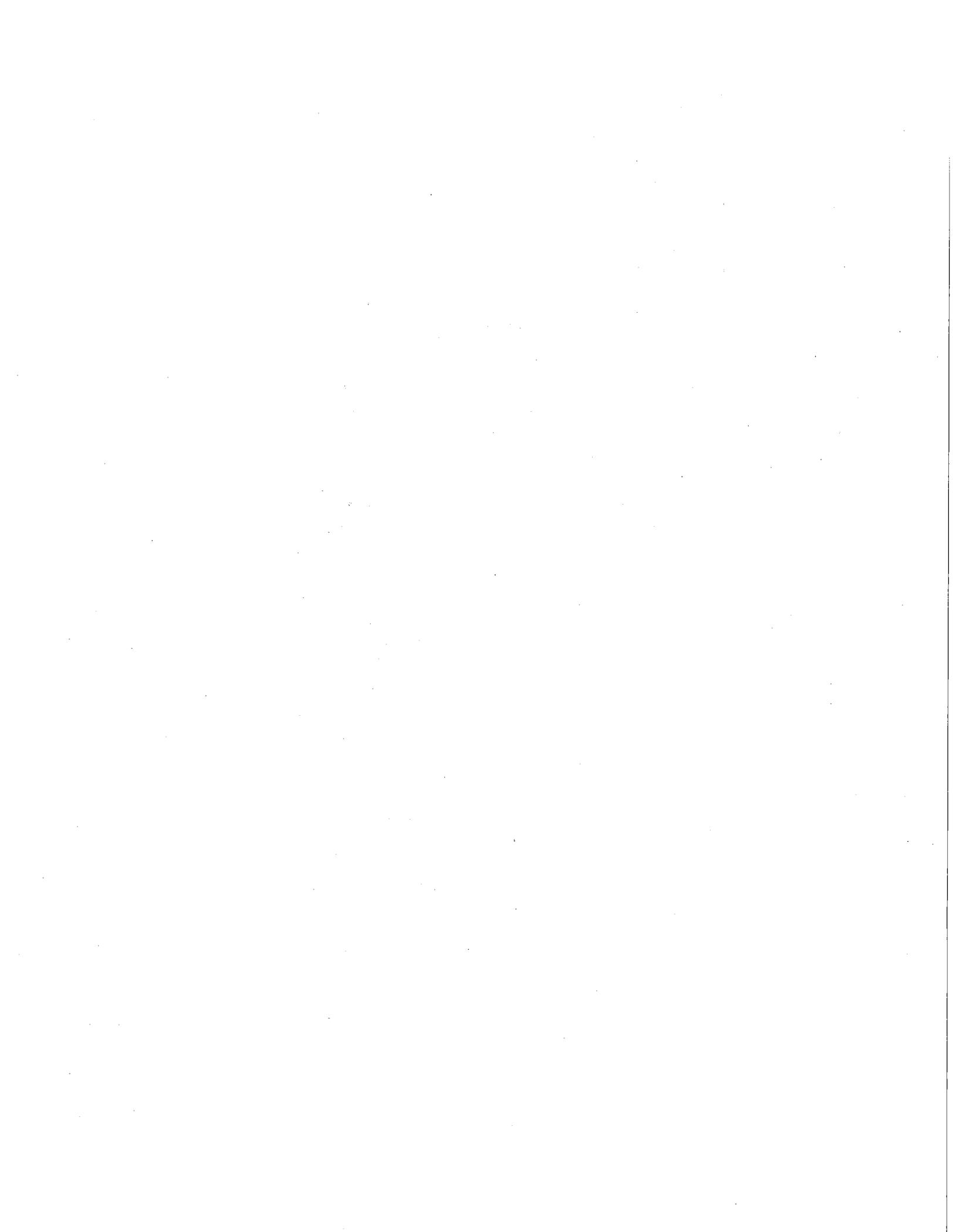
Parameters and Guidelines - If the Commission determines that a reimbursable state mandate exists, the claimant is responsible for submitting proposed parameters and guidelines for reimbursing all eligible local entities. See section 1183.1 of the regulations. All interested parties and affected state 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:

July 3, 2003

  
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PAULA HIGASHI, Executive Director



# Commission on State Mandates

Original List Date: 6/26/2003  
Last Updated:  
List Print Date: 06/27/2003  
Claim Number: 02-TC-35  
Issue: Public Contracts (K-14)

Mailing Information: Completeness Determination

## 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.)

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**Claimant Representative**

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