

COMMISSION ON STATE MANDATES

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April 14, 2009

Ms. Terry Roberts
State Clearinghouse Director
Governor's Office of Planning and Research
Room 212
P.O. Box 3044
Sacramento, CA 95812-3044

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

Re: **Request for Comments on Test Claim**
Airport Land Use Commissions/Plans II; 03-TC-12
County of Santa Clara County, Claimant
Statutes 2002, chapter 971 et al.

Dear Ms. Roberts:

On September 26, 2003, the County of Santa Clara filed a test claim for the above-named matter with the Commission on State Mandates. The test claim was deemed complete and state agencies and interested parties were invited to comment on the test claim. Comments were filed by the Department of Transportation and the Department of Finance and the County of Santa Clara's filed a response.

Upon review of the record for preparation of a draft staff analysis, we noted that neither the Office of Planning and Research (OPR) nor the State Clearinghouse were on the mailing list and that neither had received copies of the test claim filing, and the state agency comments and claimant's response. Copies of these documents are enclosed for OPR's review and comment.

Request for Comments. Later this week the draft staff analysis for 03-TC-12 (*Airport Land Use Commissions/Plans II*) will be issued. The Commission will add OPR to the mailing list so that you will have the opportunity to review and comment. In order for Commission staff to incorporate comments from interested state agencies in the final staff analysis, comments on the draft staff analysis must be filed no later than **three weeks from the date the draft staff analysis is issued.**

With regard to Statutes of 2002, chapter 971, comments submitted by the Department of Finance (DOF) state that the mandated activities are not reimbursable because, based on the language of the statute, the mandate is contingent upon federal funding being made available through an agreement with the Governor's Office of Planning and Research. The Commission would like to solicit your comments on the status of that agreement and any other relevant information you have regarding the activities that airport land use commissions (ALUCs) are required to perform under this statute.

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 agencies 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?

Based on the filing date of the test claim, the potential reimbursement period begins July 1, 2002. (Gov. Code, § 17557.) Written responses shall include a "declaration that it is true and complete to the best of the representative's personal knowledge or information or belief," and shall be signed under penalty of perjury. (Cal. Code Regs, tit. 2, § 1183.02, subd. (d).)

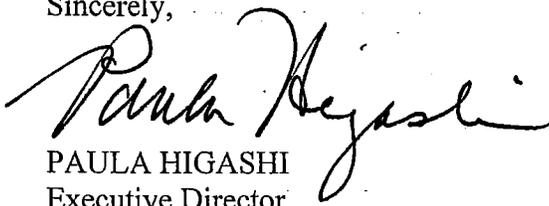
Hearing and Staff Analysis. The hearing on this test claim is tentatively set for **Friday, May 29, 2009**. The draft staff analysis will be issued this week to parties, interested parties, and interested persons and a three-week period for comments will be given, pursuant to section 1183.07 of the Commission's 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. Any written material filed with the Commission on a claim shall be simultaneously served on the other parties listed on the mailing list provided by the Commission.

To all parties, please use the updated mailing list enclosed for further correspondence on this test claim.

Please contact Heather Halsey, Commission Counsel at (916) 323-3562 if you have any questions on this matter.

Sincerely,



PAULA HIGASHI
Executive Director

Enclosures: Test Claim Filing dated September 26, 2003; Department of Transportation Comments on the Test Claim Dated October 22, 2003; Department of Finance Request for an Extension for Filing Comments Dated November 6, 2003; Department of Finance Comments on the Test Claim Dated November 26, 2003; Claimant's Response to Department of Finance Comments on the Test Claim Dated February 5, 2004. (OPR Only)

Updated Mailing List (All)

Commission on State Mandates

Original List Date: 10/1/2003
Last Updated: 7/19/2006
List Print Date: 04/14/2009
Claim Number: 03-TC-12
Issue: Airport Land Use Commissions/Plans II

Agenda 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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