

COMMISSION ON STATE MANDATES

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October 3, 2001

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

Re: Amendment to Test Claim
Acquisition of Agricultural Land for a School Site, CSM 0 1 -TC-03
Brentwood Union School District, Claimant
Statutes of 1996, Chapter 509
Statutes of 1999, Chapter 1002
Statutes of 2000, Chapters 135 and 443
Education Code Sections 17213.1, 17215.5, and 39006

Dear Mr. Minney :

The Commission on State Mandates determined that the subject amendment to the Acquisition of Agricultural Land for a School Site Test Claim is complete. The amendment initiates the process for the Commission to consider whether the provisions of the chapters listed above impose a reimbursable state-mandated program upon local entities. State agencies and interested parties are receiving a copy of this amendment because they may have an interest in the Commission's determination.

The key issues before the Commission are:

- z 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?
- z 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:

- z **Informal Conference.** An informal conference may be scheduled if requested by any interested party, See Title 2, California Code of Regulations, section 1183.04 (the regulations).
- z **State Agency Review of Test Claim.** State agencies receiving this letter are requested to analyze the merits of the enclosed test claim amendment 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.
- **Hearing and Staff Analysis.** A hearing on the test claim amendment will be set when the record closes. Pursuant to section 1183.07 of the Commission's regulations, at least eight weeks before the hearing is conducted, a draft staff analysis will be issued to parties, interested parties, and interested persons for comment. Comments are due 30 days following receipt of the analysis. Following receipt of any comments, and before the hearing, a final staff analysis will be issued.
- **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 claim.
- **Dismissal of Test Claims.** Under section 1183.09 of the Commission's regulations, test claims filed after May 5, 2001, 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

Enclosures: Mailing List and Test Claim

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MAILED: Mail List- FAXED: _____
DATE: 10- 3; 01 INITIAL: CD
CHRON: _____ FILE: _____
WORKING BINDER: _____

Commission on State Mandates

List Date: 10/01/2001

Mailing Information Completeness Determination

Mailing List

Claim Number 0 I-TC-03 Claimant Brentwood Union School District

Subject Statutes of 1996, Ch. 509, Statutes of 1999, Ch. 1002, Statutes of 2000, Chs. 135 and
Issue 443, Ed. Code ~~§~~13.1, 17215.5, and 39006
Acquisition of Agricultural Land for a School Site, Amendment to 98-TC-04

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Mandate Resource Services

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Interested Person

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San Jose Unified School District

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Interested Person

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Subject Statutes of 1996, Ch. 509, Statutes of 1999, Ch. 1002, Statutes of 2000, Chs. 135 and
Issue 443, Ed. Code 7513.1, 17215.5, and 39006
 Acquisition of Agricultural Land for a School Site, Amendment to 98-TC-04

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Interested Person

Claim Number

OI-TC-03

Claimant

Brentwood Union School District

Subject

Statutes of 1996, Ch. 509, Statutes of 1999, Ch. 1002, Statutes of 2000, Chs. 135 and 443, Ed. Code Sec. 17213.1, 17215.5, and 39006

ISSUE

Acquisition of Agricultural Land for a School Site, Amendment to 98-TC-04

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Claimant