

COMMISSION ON STATE MANDATES

980 NINTH STREET, SUITE 300
ACRAMENTO, CA 95814
PHONE: (916) 323-3562
FAX: (916) 445-0278
E-mail: csminfo@csm.ca.gov



October 7, 2003

Mr. Dave Elledge
Controller-Treasurer
County of Santa Clara
1553 Berger Drive
San Jose, CA 95 112

Mr. Keith Gmeinder
Department of Finance
9 15 L Street, 8th Floor
Sacramento, CA 958 14

Mr. Allan P. Burdick
Ms. Pamela Stone
MAXIMUS
4320 Auburn Blvd., Suite 2000
Sacramento, CA 95 84 1

Mr. Michael Havey
State Controller's Office
Division of Accounting & Reporting
3301 C Street, Suite 500
Sacramento, CA 95816

Mr. Dwight Nelson
Department of Health Services
7 14 P Street, Room 350
Sacramento, CA 958 14


And: Interested Parties
(see enclosed mailing list)

Re: Notice of Complete Test Claim Filing and Schedule for Comments -- *Tuberculosis*
Control, 03-TC-14.

On September 26, 2003, a test claim was filed on the above-named program by the County of Santa Clara, Claimant. 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,


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: ✓ FAXED: _____
DATE: 10/7 INITIAL: SM
CHRON: ✓ FILE: _____
WORKING BINDER: _____

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Health and Safety Code Sections 12 1361, 121362, 121363, 121364, 121365, 121366, 121367, 121368, and 121369, as added or amended by Statutes 1993, Chapter 676; Statutes 1994, Chapter 685; Statutes 1997, Chapters 116 and 294; and Statutes 2002, Chapter 763

Filed on September 26, 2003

By the County of Santa Clara, Claimant

No. 03-TC-14

Tuberculosis Control

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: County of Santa Clara
Department of Health Services
Department of Finance
State Controller's Office
Interested Parties**

On September 26, 2003, the County of Santa Clara, Claimant, 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 175 14. 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 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?
- ⌘ 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 **November 6, 2003**. Requests for extensions of time may be filed in accordance with sections 1183.01, subdivision (c), and 118 1.1, 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 118 1.2 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.

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

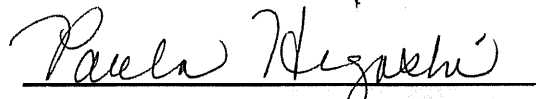
A tentative hearing date for the test claim will be set when the draft staff analysis of the claim is being prepared. At least eight weeks before a hearing is conducted, the draft staff analysis will be issued to parties, interested parties, and interested persons for comment. Comments are due at least 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: Oct. 7, 2003


PAULA HIGASHI, Executive Director

Commission on State Mandates

Original List Date: 10/3/2003

Mailing Information: Completeness Determination

Last Updated:

List Print Date: 10/07/2003

Mailing List

Claim Number: 03-TC-14

Issue: Tuberculosis Control

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 prodded 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.)

Mr. Dwight Nelson
Department of Health Services (A-22)
714 P Street, Room 350
Sacramento, CA 95814

Tel:

Fax:

Mr. Dave Elledge
County of Santa Clara
1553 Berger Drive
San Jose, CA 95112

Claimant

Tel: (408) 299-5200

Fax: (408) 286-2460

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

Tel: (858) 514-8605

Fax: (858) 514-8645

Mr. David Wellhouse
David Wellhouse & Associates, Inc.
9175 Kiefer Blvd, Suite 121
Sacramento, CA 95826

Tel: (916) 368-9244

Fax: (916) 368-5723

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

Tel: (916) 646-1 400

Fax: (916) 646-1 300

Ms. Harmeet Barkschat
Mandate Resource Services
5325 Elkhorn Blvd. #307
Sacramento, CA 95842

Tel: (916) 727-1 350

Fax: (916) 727-1 734

Ms. Annette Chinn
Cost Recovery Systems
705-Z East Bidwell Street, #294
Folsom, CA 95630

Tel: (916) 939-7901

Fax: (916) 939-7801

Mr. Steve Smith
Mandated Cost Systems, Inc.
11130 Sun Center Drive, Suite 100
Rancho Cordova, CA 95670

Tel: (916) 669-0888

Fax: (916) 669-0889

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

Ms. Cindy Sconce
Centration, Inc.
12150 Tributary Point Drive, Suite 140
Gold River, CA 95670

Tel: (916) 351-1050

Fax: (916) 351-1020

Mr. Allan Burdick
MAXIMUS
4320 Auburn Blvd., Suite 2000
Sacramento, CA 95841

Claimant Representative

Tel: (916) 485-8102

Fax: (916) 485-0111

Mr. Keith Gmeinder
Department of Finance (A-15)
915 L Street, 8th Floor
Sacramento, CA 95814

Tel: (916) 445-8913

Fax: (916) 327-0225

Mr. Michael Havey
State Controller's Office (B-08)
Division of Accounting & Reporting
3301 C Street, Suite 500
Sacramento, CA 95816

Tel: (916) 445-8757

Fax: (916) 323-4807

