

AMENDED IN SENATE JUNE 5, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 392

Introduced by Assembly Member Jones-Sawyer

February 15, 2013

An act to amend ~~Section~~ *Sections 17567 and 17613* of the Government Code, relating to state mandates.

LEGISLATIVE COUNSEL'S DIGEST

AB 392, as amended, Jones-Sawyer. State mandates: prorated claims.

The California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on any local government, including school districts, requires ~~the state is to provide~~ a subvention of funds to reimburse the local government, with specified exceptions. Existing law requires the Controller to prorate claims if the amount appropriated for reimbursement is not sufficient to pay all of the claims approved by the Controller. Existing law requires the Controller to report to the Department of Finance and various legislative entities when it is necessary to prorate claims.

This bill would delete that reporting requirement and would require the Controller to determine the most cost-effective allocation method if \$1,000 or less is appropriated for a program. *This bill would also make a conforming statutory change.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17567 of the Government Code is
2 amended to read:

3 17567. In the event that the amount appropriated for
4 reimbursement purposes pursuant to Section 17561 is not sufficient
5 to pay all of the claims approved by the Controller, the Controller
6 shall prorate claims in proportion to the dollar amount of approved
7 claims timely filed and on hand at the time of proration. The
8 Controller shall adjust prorated claims if supplementary funds are
9 appropriated for this purpose. Notwithstanding any other law, if
10 one thousand dollars (\$1,000) or less is appropriated for a program,
11 the Controller shall determine the most cost-effective allocation
12 method.

13 *SEC. 2. Section 17613 of the Government Code is amended to*
14 *read:*

15 17613. (a) The Director of Finance ~~may, upon receipt of any~~
16 ~~report submitted pursuant to Section 17567,~~ may authorize the
17 augmentation of the amount available for expenditure to reimburse
18 costs mandated by the state, as defined in Section 17514, as
19 follows:

20 (1) For augmentation of (A) any schedule in any item to
21 reimburse costs mandated by the state in any budget act, or (B)
22 the amount appropriated in a local government claims bill for
23 reimbursement of the claims of local agencies, as defined by
24 Section 17518, from the unencumbered balance of any other item
25 to reimburse costs mandated by the state in that budget act or
26 another budget act or in an appropriation for reimbursement of the
27 claims of local agencies in another local government claims bill.

28 (2) For augmentation of (A) any schedule in any budget act
29 item, or (B) any amount appropriated in a local government claims
30 bill, when either of these augmentations is for reimbursement of
31 mandated claims of school districts, as defined in Section 17519,
32 when the source of this augmentation is (A) the unencumbered
33 balance of any other scheduled amount in that budget act or another
34 budget act, or (B) an appropriation in another local government
35 claims bill, when either of these appropriations is for
36 reimbursement of mandate claims of school districts. This
37 paragraph applies only to appropriations that are made for the
38 purpose of meeting the minimum funding guarantee for educational

1 programs pursuant to Section 8 of Article XVI of the California
2 Constitution.

3 (b) No authorization for an augmentation pursuant to this section
4 may be made sooner than 30 days after the notification in writing
5 of the necessity therefor to the chairperson of the committee in
6 each house which considers appropriations and the chairperson of
7 the Joint Legislative Budget Committee, or not sooner than
8 whatever lesser time as the chairperson of the joint committee, or
9 his or her designee, may in each instance determine.

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