

ASSEMBLY BILL

No. 1682

Introduced by Assembly Member Ortiz

January 16, 1998

An act to add Section 1032 to the Government Code, relating to public officers and employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1682, as introduced, Ortiz. Public officers and employees: child support.

Existing law prescribes various qualifications for eligibility to hold a state or local office or to be employed by the state or any county, city, district, or other political subdivision of the state.

This bill would provide that a person is ineligible to hold office or employment of any kind under the state or any county, city, district, or other political subdivision of the state, if he or she is not in compliance with a judgment order for child support. However, the prohibition would not apply to any person holding an office or employment on January 1, 1999, unless the person subsequently leaves the office or employment. To the extent that local public entities would be required to implement this provision, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do

not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 1032 is added to the
2 Government Code, to read:

3 1032. (a) A person is ineligible to hold office or
4 employment of any kind under the state or any county,
5 city, district, or other political subdivision of the state, if
6 he or she is not in compliance with a judgment or order
7 for child support.

8 (b) A person is not in compliance with a judgment or
9 order for child support for the purposes of this section if
10 he or she is subject to one or more of the following
11 circumstances:

12 (1) Is more than 30 calendar days in arrears in making
13 payments in full for current child support.

14 (2) Is more than 30 calendar days in arrears in making
15 periodic payments in full, whether court ordered or by
16 agreement with the district attorney, on a child support
17 arrearage.

18 (3) Is more than 30 calendar days in arrears in making
19 periodic payments in full, whether court ordered or by
20 agreement with the district attorney, on a judgment for
21 reimbursement for public assistance.

22 (c) A person shall not be considered to be not in
23 compliance with a judgment or order for child support for
24 the purposes of subdivision (b) if he or she has obtained
25 a judicial finding that equitable estoppel as provided in
26 statute or case law precludes enforcement of the order.

27 (d) This section does not apply to any person holding
28 an office or employment under the state or any county,
29 city, district, or other political subdivision of the state on



1 January 1, 1999, unless the person subsequently leaves the
2 office or employment.

3 SEC. 2. Notwithstanding Section 17610 of the
4 Government Code, if the Commission on State Mandates
5 determines that this act contains costs mandated by the
6 state, reimbursement to local agencies and school
7 districts for those costs shall be made pursuant to Part 7
8 (commencing with Section 17500) of Division 4 of Title
9 2 of the Government Code. If the statewide cost of the
10 claim for reimbursement does not exceed one million
11 dollars (\$1,000,000), reimbursement shall be made from
12 the State Mandates Claims Fund.

13 Notwithstanding Section 17580 of the Government
14 Code, unless otherwise specified, the provisions of this act
15 shall become operative on the same date that the act
16 takes effect pursuant to the California Constitution.

