

**California Victim Compensation and Government Claims Board
Proposal to Consider New and Regulations for Substituted Penalty of Perjury Statement
for Claims submitted to the State through FI\$Cal**

June 19, 2014

Action Requested

The State Controller's Office (SCO) is proposing an amended regulation to provide for a shorten version of the penalty of perjury statement language applicable to claims submitted by state agencies through the FI\$Cal system. The language provided by the current regulation is too long and a shortened version is required because of a software limitation. FI\$Cal software consultants are working on a software solution to accommodate the current longer language; however, it is not expected that this solution will be available until early 2015. SCO will not approve payment of claims in FI\$Cal unless the penalty of perjury language complies with the regulation. We are requesting that the regulation is amended through the emergency regulation process so that claims can be paid through FI\$Cal with little or no delay beginning or shortly after FI\$Cal's go-live date of July 16, 2014.

First, it is requested that the Board make a finding of emergency to begin the emergency regulation process. Second, it is requested that the Board provide authority to submit the amended regulation to the Office of Administrative Law. This includes a short public comment period and submission to the Office of Administrative Law.

Background

2 CCR § 624, provides that "every claim shall be accompanied by an affidavit or certificate under penalty of perjury of the officer, agent or employee directly responsible for the claim." 2 CCR § 627(a) provides the wording of the certificate required by 2 CCR § 624; the wording is as follows:

"I hereby certify under penalty of perjury as follows:

"That I am a duly appointed, qualified and acting officer of the herein named state agency, department, board, commission, office, or institution; that the within claim is in all respects true, correct, and in accordance with law; that the services mentioned herein were actually rendered and supplies delivered to the state agency in accordance with the contract and law; that authorizations for purchases have been duly obtained wherever required and that amounts claimed and articles delivered comply therewith; that the amounts of any refunds to claimants indicated herein were received from such claimants by the herein named agency in excess of that legally due it under the law, or are otherwise lawfully due such claimants; that all of the expenditures herein set forth are in accordance with the current budget allotments and provisions as approved by the Budget Division of the State Department of Finance, and that none of the expenditures are in excess thereof; that there has been full compliance with all provisions or restrictions in the budget act or any other appropriation relating to expenditures herein; that the claimants named herein are each entitled to the amount specified opposite their

respective names and actually have been paid or will be paid as allowed when warrant is received from the State Controller; that I have not violated any of the provisions of Sections 1090 to 1096, inclusive, of the Government Code, in incurring the items of expense mentioned in the attached claim, or in any other way; that any disaster service worker for whom compensation or reimbursement for expenses incurred is claimed herein has, if required by law, taken, subscribed, and filed the oath set forth in Section 3103 of the Government Code.”

The proposed regulation will provide for a shortened version of the current language applicable only to claims paid through FI\$Cal.

If this emergency regulation is not passed, claims of the 25 Agencies that will implement the FI\$Cal solution beginning on July 15, 2014 may not be paid timely. This regulation must be submitted as an emergency regulation because the regular rulemaking process will not allow the regulation to be changed in time for the FI\$Cal implementation date of July 15, 2014. The claims from the 25 agencies will include mission critical payments for the state of California; for example, contractor payments, vendor payments, and payments to employees for state approved travel. The purchases for these agencies could include goods that are needed to protect the citizens, safeguard the state’s finances, and ensure the secure operation of state business. The health and safety of California’s citizens could be compromised if these payments were not made timely. For example, Department of Justice (DOJ) is just one of the 25 Departments that will be processing claims beginning July 15, 2015. The DOJ provides critical public safety and law enforcement support services statewide.

Proposed Regulations

§ 679. Certificate Accompanying Claims

(c) Normal invoices submitted in Financial Information System for California (FI\$Cal).

The statute that enables the Financial Information System for California (FI\$Cal) is California Government Code Section 15849.22. All departments that are implementing FI\$Cal in Wave 1 (July 15, 2014) shall approve claims or invoices in the FI\$Cal system for payment by the State Controller’s Office. If the limitations of the FI\$Cal system temporarily prevent the display of the full text of paragraph (a), the following language shall be substituted.

“I certify under penalty of perjury that I am a duly appointed, qualified approver and by clicking the **Approve** button as a Dept. AP Approver 2, I am submitting the selected voucher(s) for payment in accordance with 2 CCR § 624 and 2 CCR § 679 (a).

Tisha Heard
Board Liaison



I certify that at its June 19, 2014, Board Meeting, the California Victim Compensation and Government Claims Board made a finding of emergency to begin the emergency regulation process and authorized the State Controller’s Office to submit the amended regulation to the Office of Administrative Law.