



MARYBEL BATJER
Secretary
State and Consumer Services Agency
Chairperson
JOHN CHIANG
State Controller
Board Member
MICHAEL A. RAMOS
San Bernardino County District Attorney
Board Member
JULIE NAUMAN
Executive Officer

TITLE 2. VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD
GOVERNMENT CLAIMS PROGRAM REGULATIONS

Title 2, §§ 630, 631, 631.5, 632, ~~632.5~~, 632.5, 632.6, 632.7, 632.8, 632.9, 632.10, ~~632.11~~,
632.11

[Notice Published October 4, 2013]

The Victim Compensation and Government Claims Board (Board) proposes to amend the regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action; however, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested individual, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period closes at 5:00 p.m. on November 18, 2013. The Board will consider only comments received at the Board's office by that time. Submit written comments to:

Geoff Feusahrens, Regulations Analyst
Victim Compensation and Government Claims Board
400 R Street
Sacramento, CA 95811

Comments may also be submitted by facsimile (FAX) at (916) 491-6441 or by e-mail to regulations@vcgcb.ca.gov.

AUTHORITY AND REFERENCE

Government Code section 13920 authorizes the Board to adopt these proposed regulations. The proposed regulations implement, interpret and make specific Government Code sections 13920, 900-965.9.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

California Government Code section 900 et. seq., commonly known as the “Government Claims Act,” requires those seeking monetary damages from most state governmental entities to exhaust their administrative remedies by filing a claim with the Victim Compensation and Government Claims Board (Board) before initiating litigation. Because the current regulations have not been amended since approximately 1977, the Government Claim Program (GCP) proposes amending these regulations to clarify the current requirements and procedures necessary to make a claim against the state entities over which the Board has jurisdiction. This proposed rule-making action also revises forms and updates statutory language referring to the Board as the “Board of Control.”

The proposed regulations and revisions will benefit claimants, legal professionals, state and local public entities, and GCP staff by reducing confusion and contradictions because the current regulations refer to statutes and forms which have been amended, in some cases, many times since the current regulations were published. The proposed regulations will also benefit the public by reducing the amount of paper necessary to file a claim, as well costs associated with the storage of processed claims. Finally, the proposed provisions will promote transparency by codifying GCP practices and procedures which are presently being used.

The Board has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations. After performing a review of any related regulations, GCP has concluded that these are the only regulations dealing with claims against state entities. Therefore, these proposed regulations are neither inconsistent, nor incompatible, with existing state regulations.

Document Incorporated by Reference: Government Claim Form, revision 1/2014.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

However, the regulations may encourage private businesses to contract with the State because the clearer regulations will make it easier for businesses to allege a breach of contract or other grievance. Increasing diversity within the state contracting system may benefit the public as a whole by increasing the variety of goods and services provided to the State.

Disclosures Regarding the Proposed Action. The Board has made the following initial determinations:

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None at this time.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code 17500 through 17630: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private individual or business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: None

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed regulation does not affect small businesses because it only clarifies existing law and procedures.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private individuals than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested individuals to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Geoff Feusahrens
Victim Compensation and Government Claims Board
400 R Street
Sacramento, CA 95811
Telephone: (916) 491-3863

Backup contact person:

Mary Lundeen
Victim Compensation and Government Claims Board
400 R Street
Sacramento, CA 95811
Telephone: (916) 491-3751

Please direct requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Geoff Feusahrens at the above address.

AVAILABILITY OF STATEMENT OF REASONS, TEXT PROPOSED REGULATIONS AND RULEMAKING FILE

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation and the Initial Statement of Reasons. Copies may be obtained by contacting Geoff Feusahrens at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing, if requested, and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If the Board makes modifications which are sufficiently related to the original proposed text, it will make the modified text available to the public at least 15 days before the Board adopts the regulation as revised. Please send requests for copies of the modified regulation to the attention of Geoff Feusahrens at the address indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Geoff Feusahrens at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons and the text of the regulations in underline and strikeout can be accessed through our website at www.vcgcb.ca.gov.

* * * * * END * * * * *