Hearing Date: December 4, 2026

ITEM 7

PROPOSED STATEWIDE COST ESTIMATE

$3,485,546 - $34,873,519
Initial Claim Period

The Second Half of Fiscal Year 2023-2024 and Fiscal Year 2024-2025

$2,719,200 - $36,497,996 Plus the Implicit Price Deflator
Fiscal Year 2025-2026 and Following

Government Code Sections 50034(a)(1)-(2) & (b),
as Added by Statutes 2023, Chapter 586 (AB 1637)

Internet Websites and Email Addresses

24-TC-04

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Exhibit A

STATE of CALIFORNIA
COMMISSION ON STATE MANDATES

December 10, 2025

Mr. Chris Hill
Department of Finance
915 L Street, 8th Floor
Sacramento, CA 95814

Mr. Joshua Walden
County of Santa Clara
Office of County Counsel
70 West Hedding Street, 9th Floor
San Jose, CA 95110

And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: Decision
Internet Websites and Email Addresses, 24-TC-04
Statutes 2023, Chapter 586 (AB 1637); Government Code Section 50034(a)(1)-(2) and (b)
County of Santa Clara, Claimant

Dear Mr. Hill and Mr. Walden:

On December 5, 2025, the Commission on State Mandates adopted the Decision approving the Test Claim on the above-captioned matter.

Very truly yours,

Juliana F. Gmur
Executive Director

BEFORE THE

COMMISSION ON STATE MANDATES

STATE OF CALIFORNIA

IN RE TEST CLAIM Government Code sections 50034(a)(1)-(2) & (b) Statutes 2023, Chapter 586 (AB 1637) Filed on December 16, 2024 County of Santa Clara, Claimant	Case No.: 24-TC-04 *Internet Websites and Email Addresses* DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5, ARTICLE 7. (*Adopted December 5, 2025*) (*Served December 10, 2025*)

TEST CLAIM

The Commission on State Mandates adopted the attached Decision on December 5, 2025.

Juliana F. Gmur, Executive Director

BEFORE THE

COMMISSION ON STATE MANDATES

STATE OF CALIFORNIA

IN RE TEST CLAIM Government Code sections 50034(a)(1)-(2) & (b) Statutes 2023, Chapter 586 (AB 1637) Filed on December 16, 2024 County of Santa Clara, Claimant	Case No.: 24-TC-04 *Internet Websites and Email Addresses* DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5, ARTICLE 7. (*Adopted December 5, 2025*) (*Served December 10, 2025*)

DECISION

The Commission on State Mandates (Commission) heard and decided this Test Claim during a regularly scheduled hearing December 5, 2025. Joshua Walden appeared on behalf of the County of Santa Clara. Kaily Yap appeared on behalf of the Department of Finance.

The law applicable to the Commission's determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code sections 17500 et seq., and related case law.

The Commission adopted the Proposed Decision to approve the Test Claim by a vote of 6-0, as follows:

Member	**Vote**
Lee Adams, County Supervisor	Yes
Karen Greene Ross, Public Member	Yes
Renee Nash, School District Board Member	Absent
David Oppenheim, Representative of the State Controller, Vice Chairperson	Yes
William Pahland, Representative of the State Treasurer	Yes
Michele Perrault, Representative of the Director of the Department of Finance, Chairperson	Yes
Alexander Powell, Representative of the Director of the Governor's Office of Land Use and Climate Innovation	Yes

Summary of the Findings

This Test Claim alleges new state-mandated activities and costs arising from Government Code section 50034(a)(1)-(2) and (b), as added by the test claim statute

which require that cities and counties ensure that their web pages and email addresses use either ".gov" or ".ca.gov" domain names by January 1, 2029.[1] The Legislature found that because "adding Section 50034 to the Government Code addresses a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of article XI of the California Constitution," this applies to all counties and cities, including charter cities.[2] The purpose of the test claim statute is to provide assurance to the public that cities' and counties' websites and email addresses belong to the government agencies they claim to belong to. Under prior law many cities and counties used more commonly available top-level domains such as ".com" or ".org" for their website and email domain names, which made it easy for malicious actors to create fake websites or email addresses pretending to belong to a government agency.[3] These would then be used to spread misinformation, or trick members of the public into making payments or disclosing personal information.[4] The ".gov" top-level domain is only available to government agencies within the United States, and the ".ca.gov" second-level domain is only available to government agencies within the state of California.[5] When members of the public visit a city or counties' website with an internet address ending with ".gov" or ".ca.gov," or email a governmental employee at such an address, they can feel confident they are not falling victim to a scam or hacker.[6]

The claimant has over 79 websites with over 10,000 individual webpages, 40 web applications, and 32,690 employee email addresses that used its previous ".org" domain name, which must all be migrated over to a new compliant ".gov" domain name.[7] The claimant alleges this has so far cost $20,017 in fiscal year 2023-2024 for 199 hours of employee and third-party professional labor to begin this migration process, which it estimates will cost approximately $918,868 in total.[8]

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[1] Exhibit A, Test Claim, page 12 (Written Narrative).

[2] See Statutes 2023, chapter 586, section 3. Government Code section 20 defines "city" to include incorporated towns.

[3] Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, pages 2-3.

[4] Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 3.

[5] Exhibit K (2), CISA, *Eligibility for .gov Domains,* https://get.gov/domains/eligibility/ (accessed on July 23, 2025) page 2; Exhibit K (3), CDT, *Domain Name Requirements,* https://domainnamerequest.cdt.ca.gov/Home/Requirements (accessed on July 23, 2025), page 2.

[6] Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 4.

[7] Exhibit A, Test Claim, page 30 (Declaration of Matt Woo).

[8] Exhibit A, Test Claim, page 34 (Declaration of Matt Woo), page 38 (Exhibit 1, Estimated Actual and Anticipated Costs of New Activities to Migrate County Websites to the .gov Domain Name in Compliance with Sections 50034(a)(1) and (2)).

The Commission finds that the Test Claim was timely filed, as it was filed within one year of the test claim statute's effective date.[9] The test claim statute became effective on January 1, 2024, and the test claim was filed on December 16, 2024, within 365 days following the effective date of the test claim statute.[10] The December 16, 2024 filing date establishes reimbursement eligibility for the 2023-2024 fiscal year, but because the test claim statute became effective on January 1, 2024, the potential period of reimbursement begins on January 1, 2024.[11]

In addition, the Commission finds that the test claim statute imposes state mandated requirements, under both legal and practical compulsion, requiring cities and counties ensure their internet websites for use by the public (including webpages, web applications, and other related resources within the website) and public email address for their employees utilize either a ".gov" top-level domain name or a ".ca.gov" second-level domain name by January 1, 2029, and that any websites with a non-compliant domain name they continue to maintain after January 1, 2029 redirects users to a website with a compliant domain name. Standard definitions of the word "website" as well as consideration of the rules of statutory construction support the conclusion that the test claim statute's requirements for "internet websites for use by the public" naturally extends to the component files that make up a website, including webpages, web applications, or other related resources.[12] These requirements are new, and they constitute a new program or higher level of service, as these requirements are both unique to cities and counties and provide a service to the public. In addition, evidence supports that there are costs mandated by the state, as the claimant has submitted substantial evidence of costs incurred exceeding $1,000 and there are no exceptions under Government Code section 17556 that would apply to this test claim statute.

Thus, the Commission finds that Government Code section 50034(a)(1)-(2) and (b), as added by the test claim statute, imposes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution, beginning January 1, 2024, requiring a city, county, or city and county, that maintains an internet website for use by the public or public email addresses for its employees to perform the following new, one-time state mandated activities:

1. Ensure that the Internet website used by the public (including any webpages, web applications, or other related resources within the

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[9] Government Code 17551(c).

[10] Exhibit A, Test Claim, page 1.

[11] Government Code section 17557(e).

[12] Merriam-Webster, *Website* https://www.merriam-webster.com/dictionary/website (accessed on July 10, 2025); Exhibit K (16), Encyclopedia Britannica, *Website Definition & Facts* https://www.britannica.com/technology/website (accessed on October 30, 2025), pages 1-2; *Department of Finance v. Commission on State Mandates* (2022) 85 Cal.App.5th 535, 566. See also, *Merced Irrigation Dist. v. Superior Court* (2017) 7 Cal.App.5th 916, 924; *People v. Ruiz* (2024) 104 Cal.App.5th 1027, 1032; *Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193, 239.

website) utilizes either a ".gov" top-level domain name or a ".ca.gov" second-level domain name by January 1, 2029.[13]

2. Ensure any websites (including any webpages, web applications, or other related resources within the website) with a non-compliant domain name the city or county continues to maintain after January 1, 2029 redirects users to a website with a compliant domain name.[14]

3. Ensure that each public email address provided for the city's or county's employees utilizes a ".gov" or ".ca.gov" domain name by January 1, 2029.[15]

All other activities or costs requested in the Test Claim are not mandated by the state, but may be proposed for inclusion in the Parameters and Guidelines if they are supported by evidence in the record showing they are "reasonably necessary for the performance of the state-mandated program" in accordance with Government Code section 17557(a), and California Code of Regulations, title 2, sections 1183.7(d) and 1187.5.

The Commission therefore approves this Test Claim.

COMMISSION FINDINGS

I. Chronology

01/01/2024	Government Code Sections 50034(a)(1)-(2) and (b) were added by Statutes 2023, chapter 586 (AB 1637)
12/16/2024	The claimant filed the Test Claim.[16]
04/02/2025	County of Inyo filed comments on the Test Claim.[17]
04/08/2025	County of Monterey filed comments on the Test Claim.[18]
04/10/2025	County of Santa Barbara and the Town of Truckee each filed comments on the Test Claim.[19]
05/23/2025	The Department of Finance (Finance) filed comments on the Test Claim.[20]

[13] Government Code section 50034(a)(1).

[14] Government Code section 50034(a)(2).

[15] Government Code section 50034(b).

[16] Exhibit A, Test Claim.

[17] Exhibit B, County of Inyo's Comments on the Test Claim.

[18] Exhibit C, County of Monterey's Comments on the Test Claim.

[19] Exhibit D, County of Santa Barbara's Comments on the Test Claim; Exhibit E, Town of Truckee's Comments on the Test Claim.

[20] Exhibit F, Finance's Comments on the Test Claim.

06/13/2025	The claimant filed rebuttal comments.[21]
09/19/2025	Commission staff issued the Draft Proposed Decision.[22]
10/09/2025	The claimant filed comments on the Draft Proposed Decision.[23]
10/10/2025	The California State Association of Counties (CSAC) filed comments on the Draft Proposed Decision.[24]

II. Background

A. The Domain Name System

Every computer connected to the Internet has a unique Internet Protocol (IP) address, which consists of a complicated string of seemingly random numbers. Navigating the Internet using these complicated strings would be difficult from a user perspective, so the Domain Name System (DNS) was created to help users find their way around the Internet. The DNS is like an address book where IP addresses are registered as associated with a unique (and often easier to read and remember) string of characters called a domain name.[25]

Domain names are read by breaking the domain name into sections which are each separated by a dot character. Each domain name contains at least two sections: the top-level domain and the second-level domain.[26] Some domain names also use an optional subdomain, or even multiple subdomains (sometimes also called third-level domain, fourth-level domain, etc.). The sections in a domain name are always arranged in a hierarchical order, starting with the lowest level (the second-level domain or the lowest subdomain if subdomains are used) and ending with the highest level (the top-level domain). No two domain names can use the exact same combination of subdomains, second-level domain, and top-level domain, though it is easy to create functionally infinite similar-looking domain names through variations on the different sections (i.e., "example.com," "thisisanexample.com," "example.org," "doyouneedan.example.com," "thisisan.example.com," "example.thisisan.com," and "thisisan.eggsample.com" would all be valid unique domain names using different combinations of subdomains, second-level domains, and top-level domains).

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[21] Exhibit G, Claimant's Rebuttal Comments.

[22] Exhibit H, Draft Proposed Decision.

[23] Exhibit I, Claimant's Comments on the Draft Proposed Decision.

[24] Exhibit J, CSAC's Comments on the Draft Proposed Decision.

[25] Exhibit K (4), ICANN, *The Domain Name System,* https://www.icann.org/resources/pages/dns-2022-09-13-en (accessed on July 22, 2025) page 1.

[26] Exhibit K (5), ICANN, *Acronyms and Terms – D*, https://www.icann.org/en/icann-acronyms-and-terms?nav-letter=d&page=1 (accessed on July 22, 2025), page 8.

The Internet Corporation for Assigned Names and Numbers (ICANN) is an international organization responsible for coordinating the maintenance and procedures of the servers and databases that allow the DNS to function, mostly by delegating authority over specific functions to other organizations. One such group is the Internet Assigned Numbers Authority (IANA), which maintains the database of all the top-level domains recognized by the DNS.[27] When the DNS was originally created, there were only a few available top-level domains, such as ".com," ".org," ".edu," or ".gov." Since then, ICANN has introduced procedures to allow additional top-level domains to be proposed and added to the system.[28] There are now over 1,250 top-level domains.[29]

Each top-level domain is managed in turn by an administrator that maintains a database listing all second-level domains registered under it. To create a second-level domain so they can register domain names under it, an applicant contacts the administrator, often through a registrar, with the proposed second-level domain. These administrators each have their own rules for registering a second-level domain under their top-level domain, such as restricting who may apply for a second-level domain or for what purposes the domain name may be used. Once a second-level domain has been approved, the applicant can then register the domain name created from that unique combination of top- and second-level domain in the DNS so that it directs users to the intended IP address, which is on a server maintained by either the domain name owner or a domain name hosting service. The owner of that second-level domain can also in turn create its own database of subdomains and register domain names using those subdomains.

The ".gov" top-level domain is one of the original top-level domains from when the DNS was first implemented. Originally it was intended exclusively for U.S. federal government agencies, however in 2003 it was made available to government entities from all levels of U.S. government, including states, territories, tribes, counties, cities, special districts, and school districts.[30] The administrator for the ".gov" top-level domain is the Cybersecurity and Infrastructure Security Agency (CISA), an agency under the United States Department of Homeland Security. To apply for a second-level domain under the ".gov" top-level domain, the person applying for the domain on behalf of their organization must verify their identity by providing their state-issued ID, social security number, and phone number, and during the application process must provide information about the type of government organization they represent, the organization's name and mailing address, the name and contact information of a senior

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[27] Exhibit K (6), IANA, *Root Zone Database*, https://www.iana.org/domains/root/db (accessed on July 22, 2025).

[28] Exhibit K (7), ICANN, *Briefing Note – Overall Summary of the Paris Meeting,* June 2008, https://archive.icann.org/en/meetings/paris2008/briefing-note.html (accessed on July 22, 2025) pages 1-2.

[29] Exhibit K (6), IANA, *Root Zone Database*, https://www.iana.org/domains/root/db (accessed on July 22, 2025).

[30] Exhibit K (2), CISA, *Eligibility for .gov Domains,* https://get.gov/domains/eligibility/ (accessed on July 23, 2025) page 2.

official within the organization with authority to authorize the request, the organization's current website, the preferred domain, the intended purpose of the domain, the applicant's contact information, and the names and contact information of other employees from the organization; they must also annually reaffirm that they are still actively using the domain name, they are following CISA's requirements, and to update contact information, as needed.[31] Although there is no fee for applying for a ".gov" domain, CISA does not provide DNS hosting services, or host ".gov" websites or email; and applicants are responsible for acquiring those services themselves.[32] Besides ".gov" domains reducing public uncertainty because only verified U.S. government organizations can register ".gov" domains, CISA ensures that ".gov" domains are secure by requiring multifactor authentication, requiring secure HTTPS connections, enforcing its rules for allowed use of the domain, publishing a complete list of all ".gov" domains, and making recommendations for security best practices.[33]

The California Department of Technology (CDT) administers the ".ca.gov" second-level domain for the state of California. The CDT allows California state entities, counties, cities, state-recognized tribal governments, Joint Powers Authorities, and independent local districts within the state of California to register subdomains under the ".ca.gov" second-level domain.[34] To apply for a proposed subdomain, the person submitting the application on behalf of their organization provides their name, email address and phone number; the name of the organization they are applying for; the proposed domain name and its intended purpose; and the contact information for their CIO or CIO equivalent, Administrative, and Technical contacts. They must also annually file documents certifying the domain is still current and compliant with policies and guidelines.[35] There is no fee for applying for a subdomain, although CDT offers a DNS hosting service for state and other government entities for a fee.[36]

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[31] Exhibit K (8), CISA, *Before You Request a .gov Domain,* https://get.gov/domains/before/ (accessed on July 23, 2025), pages 2-3.

[32] Exhibit K (8), CISA, *Before You Request a .gov Domain*, https://get.gov/domains/before/ (accessed on July 23, 2025), page 6.

[33] Exhibit K (9) CISA, *Benefits of .gov Domains*, https://get.gov/domains/benefits/ (accessed on July 23, 2025) page 2.

[34] Exhibit K (3), CDT, *Domain Name Requirements,* https://domainnamerequest.cdt.ca.gov/Home/Requirements (accessed on July 23, 2025), page 2.

[35] Exhibit K (10), CDT, *SIMM Section 40A – Internet Domain Name Taxonomy Instructions,* May 2023, pages 7-8.

[36] Exhibit K (11), CDT, *Website and Application Hosting – Windows IIS*, https://cdt.ca.gov/services/website-hosting/ (accessed on July 23, 2025), pages 2, 17-20.

B. The Test Claim Statute

In 2023, the Legislature passed the test claim statute, Statutes 2023, chapter 586 (AB 1637). The test claim statute added Government Code section 50034, which states the following:

> (a) (1) No later than January 1, 2029, a local agency that maintains an internet website for use by the public shall ensure that the internet website utilizes a ".gov" top-level domain or a ".ca.gov" second-level domain.
>
> (2) If a local agency that is subject to paragraph (1) maintains an internet website for use by the public that is noncompliant with paragraph (1) by January 1, 2029, that local agency shall redirect that internet website to a domain name that does comply with paragraph (1).
>
> (b) No later than January 1, 2029, a local agency that maintains public email addresses for its employees shall ensure that each email address provided to its employees utilizes a ".gov" domain name or a ".ca.gov" domain name.
>
> (c) For purposes of this section, "local agency" means a city, county, or city and county.[37]

The test claim statute noted the addition of Government Code section 50034 addresses a matter of statewide concern, and as such applies to all cities, including charter cities.[38] The Legislature made the following findings explaining its reasoning behind this statute:

a) The Cybersecurity and Infrastructure Security Agency (CISA), within the Department of Homeland Security, sponsors the ".gov" top-level domain and makes it available solely to United States-based government organizations and publicly controlled entities, including California's local agencies.

b) California's local agencies qualify for a ".gov" domain name without paying any fee.

c) Using ".gov" increases security by enforcing multifactor authentication on all accounts in the ".gov" registrar, requiring browsers to only use a Hypertext Transfer Protocol Secure (HTTPS) connection with ".gov" domains, and enabling the addition of a security contact, making it easier for the public to alert the agency about potential security issues with the agency's online services.

d) The Government Operations Agency oversees the ".ca.gov" second-level domain, the Department of Technology manages the registration, change, and renewal process for ".ca.gov" domain names. Agencies are not required to pay any fee for a ".ca.gov" domain.

e) To administer the ".ca.gov" second-level domain, the Department of Technology has established policies and protocols consistent with federal policy, including, but not limited to, the federal Interagency Committee on Government

[37] Government Code section 50034, as added by statutes 2023, chapter 586, section 2.

[38] Statutes 2023, chapter 586 (AB 1637), section 3.

Information's Recommended Policies and Guidelines for Federal Public Websites and the federal .gov Registrar administered by CISA.

f) Users of websites or other internet services with a ".ca.gov" domain can be assured they are accessing an official California governmental resource.[39]

Legislative analysis explained that a major concern this statute was intended to address was reducing the risk of members of the public being fooled by fake government websites, and ensuring the public's confidence that a city's or county's websites are legitimate. The original top-level domains were intended to be exclusively used by particular groups, and while some such as ".edu," and ".mil" have retained their exclusivity, others such as ".com," and ".org" have not and can be easily obtained by just about anyone, not to mention the numerous other top-level domains that were added over the years.[40] Because cities and counties were not previously required to use ".gov" domain names, and because the application process for receiving a ".gov" domain name can be a bit time-consuming, many cities and counties chose to use easier to obtain top-level domains such as ".com," ".net," or ".org."[41] Because so many cities and counties use domain names with these commonly available top-level domains, it is very easy for a malicious actor to register their own similar-looking domain name and create a fake website or email addresses pretending to belong to that government agency.[42] These fake websites can even be made convincing enough that search engines mistakenly present them as legitimate search results, and as the use of these top-level domains is so widespread among cities and counties, members of the public have no reason to be suspicious and there is no quick, convenient way to verify the authenticity of the website.[43] The fake websites can then be used to spread misinformation or trick members of the public into making payments or revealing private information to these malicious actors.[44] "The main benefit of this measure will be to ensure that members of the public know that when they access a California local governmental website with an internet address ending with ".gov," or ".ca.gov," or email

[39] Statutes 2023, chapter 586 (AB 1637), section 1.

[40] Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 2.

[41] Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, pages 2-3.

[42] Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 3.

[43] Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 3.

[44] Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 3.

a government employee at such an address, that they are not going to be the victim of a hacker's fake website."[45]

The Legislature acknowledged that there would be vast discrepancies in what would be required for local agencies to transition to a ".gov" or ".ca.gov" domain. On one end of the spectrum, Ventura County's Chief Information Officer summarized the migration process in seven steps: 1) clone the site; 2) mass change all ventura.org references to the new ".gov" name; 3) internal testing for some weeks; 4) add domain to DNS (local and outside); 5) redirect ".org" to ".gov" while keeping both sides in synch and active; 6) press release; 7) decommission old ".org" site.[46] He estimated this could be done in a matter of days plus about a week of miscellaneous technical support, would largely be done by the county's hosting service plus one full-time employee, and could be done within their existing budget.[47] In contrast, the County of Sacramento had recently gone through the process of voluntarily migrating to a ".gov" domain, which involved changing all websites, web applications, emails, and active directory accounts for over 12,000 employees and contractors, as well as updating applications and systems access rights to accommodate the change.[48] This took 15 full-time IT professionals over 14 months to complete.[49] One large urban local government asserted it would need to contract outside labor to complete the project because its current IT staff had a high number of other high-priority projects.[50] The Assembly Committee on Appropriations acknowledged that "Local agency costs to migrate their systems include IT costs, often for vendors, as well as labor costs and indirect costs, such as changes to outreach and promotional materials. Some agencies may also have costs for media campaigns to alert the public to the changes."[51] A coalition of local agency organizations against the bill identified additional activities that would be required and would incur costs, stating that:

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[45] Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 4.

[46] Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 5.

[47] Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 5.

[48] Exhibit K (12), Assembly Committee on Appropriations, Analysis of AB 1637, as amended April 27, 2023, page 3.

[49] Exhibit K (12) Assembly Committee on Appropriations, Analysis of AB 1637, as amended April 27, 2023, page 3.

[50] Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis on AB 1637, as amended March 16, 2023, page 6. This statement was from when the Legislature was considering a deadline for compliance of January 1, 2025, as opposed to January 1, 2029.

[51] Exhibit K (12), Assembly Committee on Appropriations, Analysis of AB 1637, as amended April 27, 2023, page 3

> …While applying for and obtaining a .gov domain has no fees, there are significant costs that an agency must budget for to recode, establish corresponding e-mails, network login changes, single sign-on/multi-factors authentication, encryption keys, revising and redesign website/url links, updating social media and external entities. All of these costs are increased to co-exist both the previous site to auto-direct to the newly acquired .gov domain. Also, the cost and time it would take to migrate may disproportionately impact small-to-mid cities and counties adversely who may have insufficient IT staff or any dedicated IT staff, thus requiring them to contract out to outside vendors. Furthermore, the number and size of the departments will dramatically impact the costs as all fire, police, sheriff, libraries, utilities and municipal energy departments would be required, per AB 1637, to migrate to the new .gov domain.[52]

As originally proposed, AB 1637 defined "local agency" as used in the test claim statute to mean "a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission, or agency thereof, or other local public agency."[53] Local agencies objected to the time, effort, and expense that would be required to transition to a ".gov," or ".ca.gov" domain. As originally proposed, the bill claimed that reimbursement pursuant to article XIII B, section 6 of the California Constitution would not be required because the local agencies have fee authority sufficient to pay for the mandated program within the meaning of Government Code Section 17556.[54] The Assembly Committee on Appropriations disagreed with this reasoning, noting "it is unclear on what basis a local agency may charge a fee or other assessment to recover the costs of migrating to a .gov or .ca.gov domain," and that charging a fee for access to a local agency's website would likely conflict with Proposition 26.[55] This led to a closer examination of the fiscal costs of this potential mandate, which the Assembly Committee on Appropriations acknowledged would likely be in the millions of dollars statewide.[56] These costs would vary wildly between local agencies, with estimates for small or medium single-focused special districts ranging between $6,000 to $100,000, while larger special districts would

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[52] Exhibit K (13), Assembly Floor Analysis of AB 1637, as amended June 29, 2023, page 3.

[53] Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis on AB 1637, as amended March 16, 2023, page 2. This is the same definition used in Government Code section 54951.

[54] Exhibit K (13), AB 1637, as amended March 16, 2023, section 4.

[55] Exhibit K (12), Assembly Committee on Appropriations, Analysis of AB 1637, as amended April 27, 2023, page 1.

[56] Exhibit K (12), Assembly Committee on Appropriations, Analysis of AB 1637, as amended April 27, 2023, page 1.

have costs between $500,000 and $1,000,000.[57] Estimates for larger counties were also in the low millions of dollars.[58] One suburban local government estimated its costs would be between $750,000 and $1 million, while a large urban local government estimated its costs to be $6.3 million.[59] A coalition of local agencies that opposed the test claim statute alleged the statewide costs were likely to be in the hundreds of millions of dollars.[60] The high anticipated costs to local agencies caused the Legislature to amend the test claim statute, limiting its definition of "local agency" to only mean "a city, county, or city and county," and to remove the claim that cities and counties have sufficient fee authority and replace it with the generic affirmation that if the Commission found it to contain costs mandated by the state, reimbursement would be made pursuant to Part 7 (commencing with section 17500) of Division 4 of Title 2 of the Government Code.[61] Even with this change costs would still vary greatly, as they are largely dependent upon the size of the entity, the number of websites an entity manages, the number of employees, and the overall size and complexity of an entity's internet presence.[62] Some cities and counties estimated their costs between $900,000 and several million dollars.[63] With 58 counties and over 480 cities subject to the test claim statute, that could result in total statewide costs upwards of $484 million.[64] Estimates included a broad range of potential financial impacts, ranging from minor for cities and counties that had already largely completed this transition, to the low hundreds of thousands of dollars for smaller cities and counties with relatively small internet presences, to millions of dollars for larger and more sophisticated cities and

[57] Exhibit K (12), Assembly Committee on Appropriations, Analysis of AB 1637, as amended April 27, 2023, page 3.

[58] Exhibit K (12), Assembly Committee on Appropriations, Analysis of AB 1637, as amended April 27, 2023, page 3.

[59] Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis on AB 1637, as amended March 16, 2023, page 6.

[60] Exhibit K (12), Assembly Committee on Appropriations, Analysis of AB 1637, as amended April 27, 2023, page 4.

[61] See Statutes 2023, chapter 586 (AB 1637), sections 2 and 4.

[62] Exhibit K (14), Senate Committee on Appropriations, Analysis of AB 1637, as amended June 29, 2023, page 2.

[63] Exhibit K (15), Senate Committee on Governance and Finance, Analysis of AB 1637, as amended May 18, 2023, page 3.

[64] Exhibit K (15), Senate Committee on Governance and Finance, Analysis of AB 1637, as amended May 18, 2023, page 3.

counties.[65] The Senate Appropriations Committee estimated aggregate costs somewhere in the tens of millions.[66]

The Legislature identified a federal grant that could potentially be used to at least partially fund the costs of the test claim statute. The State and Local Cybersecurity Grant Program allocated $1 billion over four years to states for cybersecurity initiatives with a requirement that 80% pass through to local governments.[67] This grant program requires states to develop a cybersecurity plan which addresses 16 elements, two of which – following best cybersecurity practices and promoting recognizable online services – both call for transitioning to ".gov" domain names to achieve.[68] Applying this grant money towards the costs of the test claim statute would thus be an appropriate use of program funds. On December 27, 2022, the California Office of Emergency Services accepted $8 million for the first year of funding from this grant.[69] Estimates show the state is likely to receive $50 million in total over the four years of the grant program.[70] The Senate Committee on Appropriations noted however that this would likely only partially offset the statewide costs of the test claim statute.[71] As of the time of writing, there have been no statutes specifically allocating this funding towards costs incurred to implement the test claim statute.

III. Positions of the Parties and Interested Parties

A. County of Santa Clara

The County of Santa Clara (claimant) filed the Test Claim on December 16, 2024, alleging that the test claim statute mandates cities and counties to ensure their web pages and email addresses use ".ca.gov" or ".gov" domain names by January 1, 2029, which is a new state-mandated program.[72] Compliance is a complex and costly endeavor for the claimant, as at the time the test claim statute took effect, the claimant had approximately 79 websites with over 10,000 individual web pages that cumulatively

[65] Exhibit K (14), Senate Committee on Appropriations, Analysis of AB 1637, as amended June 29, 2023, page 2.

[66] Exhibit K (14), Senate Committee on Appropriations, Analysis of AB 1637, as amended June 29, 2023, page 1.

[67] Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 6.

[68] Exhibit K (15), Senate Committee on Governance and Finance, Analysis of AB 1637, as amended May 18, 2023, page 2.

[69] Exhibit K (12), Assembly Committee on Appropriations, Analysis of AB 1637, as amended April 27, 2023, page 3.

[70] Exhibit K (12), Assembly Committee on Appropriations, Analysis of AB 1637, as amended April 27, 2023, page 3.

[71] Exhibit K (14), Senate Committee on Appropriations, Analysis of AB 1637, as amended June 29, 2023, page 2.

[72] Exhibit A, Test Claim, page 1.

receive an average of approximately 59,000 views per day, as well as 40 public facing web applications that provide essential services to the public and 32,690 public email addresses, all of which were located on the claimant's "sccgov.org" domain name, which the claimant had been using since 2002.[73]

The claimant identifies the following activities it alleges it must undertake to comply with the test claim statute. To migrate 79 websites to its new "santaclaracounty.gov" domain name, staff and third-party professionals must do the following:

- Complete the application process to obtain permission to use a .gov domain name.
- Establish teams with expertise to undertake the tasks needed for the domain transition and develop change management processes and oversight.
- Configure the entry-point of the County's web system infrastructure that allows the public to access the County's websites to work with the .gov domain.
- Register the County's new websites in the Domain Name System, the system that translates web addresses (domain names) into the numerical strings (IP addresses) that allow computers to connect to each other. This ensures that users are directed to the County's websites from their web browsers and includes reconfiguring the County's web security layer and cloud software.
- Enable single sign-on -a security process that allows the County's web infrastructure to authenticate valid internal users attempting to log into the system- to accept employees' new .gov email usernames.
- Redesign and replace the logo showing the County's legacy .org address that appears on many County websites.
- Configure the County's cloud computing systems with domain name aliases -the likely variants of the new .gov domains that users might enter into browsers when attempting to access County services- to ensure that users are directed to the County's websites when typing in the legacy .org domains.
- Conduct comprehensive testing of the website system to ensure the functionality of all newly implemented processes.
- Update the County's website analytics and auditing software -the program used to analyze users' interactions with County web pages and check for potential security, accessibility, and other vulnerabilities- to work with the new websites.
- Undertake search engine optimization, the processes that ensure that common internet search engines and web browsers direct users to the new .gov websites.
- Conduct security audits of the websites to locate and shore up potential vulnerabilities before they become publicly accessible.[74]

[73] Exhibit A, Test Claim, page 30 (Declaration of Matt Woo).

[74] Exhibit A, Test Claim, pages 31-32 (Declaration of Matt Woo).

The claimant also asserts it is required to do the following activities to redirect its 40 public-facing web applications in compliance with the test claim statute:

- Reconfigure web applications hosted on-premises and on the cloud to work with the County's new .gov domain.
- Revise the source code underlying all on-premises and cloud-based web applications to use the new domain and conduct subsequent quality assurance and testing.
- Configure the Domain Name System to direct users attempting to access County services using web browsers to on-premises and cloud-based web applications using the new .gov domain.
- Conduct comprehensive testing of all on-premises and cloud-based applications to ensure they are operable and secure.
- Reconfigure the infrastructure entry-point allowing the public to access the County's web applications to use the new .gov domain.
- Update all email notification services built into the web applications to ensure emails sent automatically to users by the web applications are delivered from addresses using .gov.
- Redesign and replace the logo showing the County's legacy .org address that appears on many County web applications.[75]

Migrating the claimant's email addresses also requires the following:

- Assemble teams to undertake discovery and assess requirements, risks, and workflows, with consultation of third-party specialists.
- Review workflows, dependencies, and risks in the County's identity management software that stores identifying details about individuals who are provided access to the County's IT systems.
- Add mail exchange records to ensure emails sent to the new email addresses are delivered properly using the County's Domain Name System.
- Update the messaging hygiene infrastructure that scrubs external and internal emails for spam, malware, and other risks to accept the new .gov domain.
- Add the new email domain to the County's software to ensure emails sent from County and external users can be successfully received by County employees.
- Update the Domain Name System to enable it to process County and external emails using the new .gov domain.
- Update the County employee computing authentication system to permit employees to log into County computers and software systems using the new .gov addresses.

[75] Exhibit A, Test Claim, pages 32-33 (Declaration of Matt Woo).

- Establish system processes to ensure that outgoing emails sent by County employees show the new .gov domain.
- Develop, test, and deploy new systems of identity management to ensure that existing employees' legacy email addresses are replaced with addresses using .gov and future employees are issued addresses using .gov.
- Conduct final testing of the County's IT infrastructure and applications to ensure they properly accept and process new email addresses using the .gov domain.[76]

Additionally, the claimant says that it is required to communicate the changes it made to its websites, web applications, and email systems internally to county employees and vendors and to the public, to ensure users know where to find essential services, how to communicate with county employees, and how to identify fraudulent information on other domains purporting to come from the county. It asserts this requires: internal communications informing county employees about the transition to the new email, website, and web application addresses; training employees on how to communicate these changes to the public and access web editing and management services to update and modify content; designing and initiating a public relations campaign; replacing references and links to legacy websites, web applications, and email addresses in the County's internet resources; and reprinting all paper documents containing the legacy websites and email addresses, including election materials, brochures, public signage, billing statements, business cards, and letterheads.[77]

The claimant estimates it will cost approximately $918,868 in total for it to complete all of the required activities.[78] Thus far, it has incurred $20,017 in fiscal year 2023-2024 to begin the transition of its websites to the new domain name, consisting of 199 hours of employee and third-party professional labor.[79] It estimates it will take an additional $24,641 in fiscal year 2024-2025 to finish migrating its websites, taking approximately 245 hours of employee and third-party professional labor.[80] Migrating the claimants web applications will take 2,080 hours of labor from employees and third-party

[76] Exhibit A, Test Claim, page 33 (Declaration of Matt Woo).

[77] Exhibit A, Test Claim, page 34 (Declaration of Matt Woo).

[78] Exhibit A, Test Claim, page 34 (Declaration of Matt Woo).

[79] Exhibit A, Test Claim, pages 37-38 (Exhibit 1, Estimated Actual and Anticipated Costs of New Activities to Migrate County Websites to the .gov Domain Name in Compliance with Sections 50034(a)(1) and (2)).

[80] Exhibit A, Test Claim, pages 37-38 (Exhibit 1, Estimated Actual and Anticipated Costs of New Activities to Migrate County Websites to the .gov Domain Name in Compliance with Sections 50034(a)(1) and (2)).

professionals, costing $27,890.[81] Lastly it will take 2,772 hours of labor to migrate email addresses to the new domain name, costing $656,320.[82]

The claimant's statewide cost estimate asserts the aggregate cost of implementing this test claim statute is $90,900,000 in the 2024-2025 fiscal year.[83] This is based on taking the estimated average cost for a city or county to migrate to a new domain name that was given in the test claim statute's legislative analysis ($900,000), multiplying it by the number of cities and counties believed to have noncompliant websites and email addresses that would need to perform new activities to comply with the test claim statute (49 counties and 456 cities), and dividing that by the number of years between when the test claim statute went into effect on January 1, 2024 and the deadline for compliance of January 1, 2029 (five years).[84]

In its response to comments on the test claim, the claimant agreed with Finance's comment that migrating websites and email addresses to a new domain name is a one-time activity that does not include ongoing costs, and asserted that all incurred costs found in the test claim narrative and supporting Declaration of Matt Woo are for one-time activities the claimant must undertake to comply with the test claim statute, and "[t]hese activities are not intended to incur ongoing costs for compliance after they have been completed."[85]

On October 9, 2025, the claimant filed comments on the Draft Proposed Decision.[86] While not disputing the Draft Proposed Decision's finding that many of the specific activities identified in the Test Claim are not mandated by the plain language of the test claim statute, and would be more appropriately addressed as reasonably necessary activities during the Parameters and Guidelines stage, it requests the Commission make a specific finding that the state's mandate that public websites use a ".gov" or ".ca.gov" domain name applies equally to public-facing web applications.[87] "It is both reasonable and necessary to infer from the plain language and statutory history of Section 50034 that the Legislature intended to mandate that cities and counties ensure

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[81] Exhibit A, Test Claim, pages 39-40 (Exhibit 2, Estimated Anticipated Costs of New Activities to Migrate County Web Applications to the .gov Domain Name in Compliance with Sections 50034(a)(1) and (2)).

[82] Exhibit A, Test Claim, pages 41-42 (Exhibit 3, Estimated Anticipated Costs of New Activities to Migrate County Email Systems to the .gov Domain Name in Compliance with Section 50034(b)).

[83] Exhibit A, Test Claim, page 35 (Declaration of Matt Woo).

[84] Exhibit A, Test Claim, page 35 (Declaration of Matt Woo).

[85] Exhibit G, Claimant's Rebuttal Comments, page 3.

[86] Exhibit I, Claimant's Comments on the Draft Proposed Decision.

[87] Exhibit I, Claimant's Comments on the Draft Proposed Decision, pages 1-2, footnote 1.

that the web applications they make available to the public use either a .gov top-level domain name or a .ca.gov second-level domain name by January 1, 2029."[88]

In addition to citing an analysis by the Department of Finance (Finance) that found the test claim statute likely creates "a significant state-reimbursable mandate for cities and counties to change their websites, *web applications,* email addresses, and active directory accounts," the claimant presents four arguments for why the test claim statute applies to web applications.[89] First, web applications appear to the public the same as websites, as both are accessed via a web browser on a computing device with an internet connection by entering a URL into the browser.[90] Second, Encyclopedia Britannica's definition of "web application," is not meaningfully distinct from the definition of "website" used in the Draft Proposed Decision, as "websites and web applications are both digital resources that are stored remotely and made accessible to users online via a web browser connected to the internet."[91] Third, many of the essential services the Draft Proposed Decision found supported that the claimant is practically compelled to comply with the test claim statute for websites it is not legally compelled to maintain are provided via web applications, not static websites.[92] The claimant listed several of these services and the respective web applications they provide the services through.[93] Lastly, many of the Legislature's reasons for enacting the test claim statute — the concerns about fake websites and the security benefits provided by ".gov" domain names — apply equally to websites as to web applications.[94] Arguably the heightened security benefits that come with ".gov" domain names are even more important for web applications, as the services they provide can involve the user inputting personal identifying information, or provide individualized tax or voter data, and so there would be greater concern to ensure this information is secure.[95] "It seems inconceivable that the Legislature would have intended local jurisdictions not to apply the mandates Section

[88] Exhibit I, Claimant's Comments on the Draft Proposed Decision, page 2.

[89] Exhibit I, Claimant's Comments on the Draft Proposed Decision, page 2, footnote 2 (emphasis added by claimant).

[90] Exhibit I, Claimant's Comments on the Draft Proposed Decision, 2-3.

[91] Exhibit I, Claimant's Comments on the Draft Proposed Decision, pages 3-4. See also Exhibit K (16), Encyclopedia Brittanica, *Website Definition & Facts* https://www.britannica.com/technology/website (accessed on October 30, 2025), pages 4-5.

[92] Exhibit I, Claimant's Comments on the Draft Proposed Decision, page 4.

[93] Exhibit I, Claimant's Comments on the Draft Proposed Decision, pages 13-15 (Declaration of Nhan La).

[94] Exhibit I, Claimant's Comments on the Draft Proposed Decision, pages 8-10.

[95] Exhibit I, Claimant's Comments on the Draft Proposed Decision, page 10.

50034(a)(1) and (2) imposes on public-facing websites to public-facing web applications."[96]

B. Department of Finance

Finance filed comments on the Test Claim on May 23, 2025.[97] In its comments, Finance acknowledged that the test claim statute "requires local agencies to complete a migration of their websites and email addresses to ".gov" or ".ca.gov" by January 1, 2029," which was not required prior to passing the test claim statute, and that the claimant has alleged increased costs to comply with this requirement.[98] Finance's only critique of the Test Claim was that the act of migrating to the new websites and email addresses is a one-time activity, and therefore there should be no ongoing costs once migration is complete. Finance advised that should the Commission find the test claim statute imposes a reimbursable state-mandated program on local agencies, the Commission should examine the estimated costs the claimant alleged to ensure they only include one-time costs related to migrating websites and email addresses to ".gov" or ".ca.gov."[99] Finance did not file comments on the Draft Proposed Decision.

C. Interested Parties

Several cities and counties ("interested parties" according to the Commission's regulations[100]) filed comments on the Test Claim, expressing their support and making statements on the costs they have either incurred or anticipate will incur while complying with the test claim statute.

The County of Inyo reports spending $2,794 so far for 40 hours of staff time and to purchase SSL certificates and DNS management for its new website, and anticipates an additional $13,900 for staff time to migrate the current website and all email addresses and for additional SSL certificates.[101] The County of Monterey asserts it needs to reprint public materials, signage, brochures, and letterheads, and that it will experience increased costs for staff time and labor for implementing, testing, and maintaining a new domain, a public awareness campaign, and email migration and IT system updates; but could not estimate experienced or anticipated costs.[102] The County of Santa Barbara anticipates costs somewhere between $750,000 and $1,000,000 for changing official domain names, redesigning and reconfiguring county websites, obtaining new security certificates, and transferring its Microsoft 365 environment to align with the new email

[96] Exhibit I, Claimant's Comments on the Draft Proposed Decision, page 9.

[97] Exhibit F, Finance's Comments on the Test Claim.

[98] Exhibit F, Finance's Comments on the Test Claim, page 1.

[99] Exhibit F, Finance's Comments on the Test Claim, page 2.

[100] See California Code of Regulations, Title 2, section 1181.2(i).

[101] Exhibit B, County of Inyo's Comments on the Test Claim, page 1.

[102] Exhibit C, County of Monterey's Comments on the Test Claim, page 1.

addresses.[103] Lastly, the Town of Truckee reported estimated costs of $20,673.15, for several hundred hours of staff time, both that of IT staff and time spent by other members of its staff adjusting to the new website and email accounts.[104]

D. Interested Persons

On October 10, 2025, the California State Association of Counties (CSAC) filed comments on the Draft Proposed Decision.[105] CSAC supports the Draft Proposed Decision but objects to characterizing the broad diversity in local agencies' costs found in the Background section's discussion of the test claim statute's legislative history as "discrepancies."[106] "The variables that cause wide differences in the most efficient means of compliance are copious, including the size of population that the local agency serves, their budgetary constraints, the infrastructure and complexity of their existing information technology systems, the size and skill level of existing information technology staff, and more."[107]

CSAC also requests an amendment to the Proposed Decision acknowledging that web applications share the same ubiquity as websites and email addresses. Web applications allow local agencies to provide a modern and efficient level of service, and from the perspective of a typical user, appear to be a sophisticated website.[108] The CDT provides standard templates for web applications, and describe their need and importance because "digitally connecting Californians to government services they need has become increasingly more critical."[109] Some of the critical government services referenced in the Draft Proposed Decision are better deployed as web applications.[110] Lastly, CSAC argues it is inconsistent to find that the test claim statute's plain language makes no mention of web applications, but accept webpages — which are also not in the plain language — as subcomponents to a website that are similarly affected by the test claim statute.[111] Web applications are indistinguishable from websites to the average user, and they exist to provide modern and efficient delivery of government services, just like websites, and should therefore be considered similar to the websites

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[103] Exhibit D, County of Santa Barbara's Comments on the Test Claim, page 1.

[104] Exhibit E, Town of Truckee's Comments on the Test Claim, pages 1-2.

[105] Exhibit J, CSAC's Comments on the Draft Proposed Decision.

[106] Exhibit J, CSAC's Comments on the Draft Proposed Decision, pages 1-2. This comes from the legislative analysis, stating that "local governments report vast discrepancies as to the time, effort, and expense required to transition to using '.gov' and '.ca.gov' domains." See Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 5.

[107] Exhibit J, CSAC's Comments on the Draft Proposed Decision, page 1.

[108] Exhibit J, CSAC's Comments on the Draft Proposed Decision, page 2.

[109] Exhibit J, CSAC's Comments on the Draft Proposed Decision, page 2.

[110] Exhibit J, CSAC's Comments on the Draft Proposed Decision, page 2.

[111] Exhibit J, CSAC's Comments on the Draft Proposed Decision, page 3.

local agencies are not legally required to maintain, but the Draft Proposed Decision found practically compelled local agencies to comply with the test claim statute.[112]

IV. Discussion

Article XIII B, section 6 of the California Constitution provides in relevant part the following:

> Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the state shall provide a subvention of funds to reimburse such local government for the costs of such programs or increased level of service…

The purpose of article XIII B, section 6 is to "preclude the state from shifting financial responsibility for carrying out governmental functions to local agencies, which are 'ill equipped' to assume increased financial responsibilities because of the taxing and spending limitations that articles XIII A and XIII B impose."[113] Thus, the subvention requirement of section 6 is "directed to state-mandated increases in the services provided by [local government] …"[114]

Reimbursement under article XIII B, section 6 is required when the following elements are met:

1. A state statute or executive order requires or "mandates" local agencies or school districts to perform an activity.[115]
2. The mandated activity constitutes a "program" that either:
   a. Carries out the governmental function of providing a service to the public; or
   b. Imposes unique requirements on local agencies or school districts and does not apply generally to all residents and entities in the state.[116]
3. The mandated activity is new when compared with the legal requirements in effect immediately before the enactment of the test claim statute or executive order and it increases the level of service provided to the public.[117]

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[112] Exhibit J, CSAC's Comments on the Draft Proposed Decision, page 3.

[113] *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 81.

[114] *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56.

[115] *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 874.

[116] *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 874-875 (reaffirming the test set out in *County of Los Angeles* (1987) 43 Cal.3d 46, 56).

[117] *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 874-875, 878; *Lucia Mar Unified School District v. Honig* (1988) 44 Cal3d 830, 835.

4. The mandated activity results in the local agency or school district incurring increased costs, within the meaning of section 17514. Increased costs, however, are not reimbursable if an exception identified in Government Code section 17556 applies to the activity.[118]

The Commission is vested with the exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6 of the California Constitution.[119] The determination whether a statute or executive order imposes a reimbursable state-mandated program is a question of law.[120] In making its decisions, the Commission must strictly construe article XIII B, section 6 of the California Constitution, and not apply it as an "equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities."[121]

A. The Test Claim Was Timely Filed, with a Period of Reimbursement Beginning January 1, 2024.

Government Code section 17551(c) provides that test claims "shall be filed not later than 12 months following the effective date of a statute or executive order, or within 12 months of incurring increased costs as a result of a statute or executive order, whichever is later."[122] Section 1183.1(c) of the Commission's regulations, in turn, defines "12 months" as 365 days.[123] The test claim statute became effective on January 1, 2024, and the test claim was filed on December 16, 2024, within 365 days following the effective date of the test claim statute.[124] The test claim was therefore timely filed.

Government Code section 17557(e) requires a test claim to be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year.[125] The December 16, 2024 filing date establishes reimbursement eligibility for the 2023-2024 fiscal year, but because the test claim statute became effective on January 1, 2024, the potential period of reimbursement begins on January 1, 2024.

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[118] *County of Fresno v. State of California* (1991) 53 Cal.3d 482, 487; *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1265, 1284; Government Code sections 17514 and 17556.

[119] *Kinlaw v. State of California* (1991) 54 Cal.3d 326, 335.

[120] *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 109.

[121] *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1265, 1280 citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

[122] Government Code section 17551(c).

[123] California Code of Regulations, title 2, section 1183.1(c).

[124] Exhibit A, Test Claim, page 1.

[125] Government Code section 17557(e)

B. The Test Claim Statute Imposes a Reimbursable State-Mandated Program on Cities, Counties, and Cities and Counties.

As described below, the Commission finds that sections (a)(1), (a)(2), and (b) of Government Code section 50034, added by the test claim statute (Stats. 2023, ch. 586) imposes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution.

1. The Test Claim Statute Imposes State-Mandated Requirements That a City, County, or City and County's Public Websites and Employee Email Addresses Use Either a ".gov" Top-Level Domain Name or ".ca.gov" Second-Level Domain Name.

The plain language of Government Code section 50034 requires a local agency, meaning a "city, county, or city and county," that maintains an internet website for use by the public or public email addresses for its employees, ensure that its internet website and each email address utilizes either a ".gov" top-level domain name or ".ca.gov" second-level domain name by January 1, 2029. In addition, the statute requires that if the city or county continues to maintain a noncompliant website for use by the public after the January 1, 2029 deadline, the noncompliant website shall redirect users to a website using a ".gov" or ".ca.gov" domain name. Section 50034 states the following:

> (a) (1) No later than January 1, 2029, a local agency that maintains an internet website for use by the public *shall ensure that the internet website utilizes a ".gov" top-level domain name or a ".ca.gov" second-level domain.*
>
> (2) If a local agency that is subject to paragraph (1) maintains an internet website for use by the public that is noncompliant with paragraph (1) by January 1, 2029, that local agency *shall redirect that internet website to a website that does comply with paragraph (1).*
>
> (b) No later than January 1, 2029, a local agency that maintains public email addresses for its employees *shall ensure that each email address provided to its employees utilizes a ".gov" domain name or a ".ca.gov" domain name.*
>
> (c) For purposes of this section, "local agency" means a city, county, or city and county.

a. The test claim statute requires a city, county, or city and county, that maintains an internet website for use by the public or public email addresses for its employees to ensure the website and email addresses utilize either a ".gov" or ".ca.gov" domain name by January 1, 2029, and based on the rules of statutory construction, the Legislature's use of the word "website" includes all webpages, web applications, or related resources within the website.

Based on the plain language of the test claim statute, the activities of ensuring internet websites and email addresses utilize a ".gov" top-level domain name or ".ca.gov" second-level domain name, and ensuring that any noncompliant websites redirect to a website with a compliant domain name, by January 1, 2029, are required for a city,

county, or city and county that maintains a public facing website or public email addresses for its employees.

State law does not have any codified definitions for "website," "email address," or "domain name;" as used in the test claim statute and, thus we must follow the definitions generally accepted by the public.[126]

Merriam-Webster's definition of "website" is "a group of World Wide Web pages, usually containing hyperlinks to each other and made available online by an individual, company, educational institution, government, or organization.[127] Encyclopedia Britannica similarly defines a website as "a collection of files and related resources accessible through the World Wide Web and the Internet via a domain name," and notes that "typical files found at a website are HTML documents with their associated graphic image files (GIF, JPEG, etc.), scripted programs (in Perl, PHP, Java, etc.), and similar resources."[128] Combining those two definitions, a website is a group or collection of files, such as webpages, scripted programs, and related resources, that have been made accessible online through the World Wide Web and the Internet via a domain name by an individual, company, educational institution, government, or organization.

"Email" is "a communication exchanged between people by computer, through either a local area network or the internet," and "address" is "the place where mail or other communication is sent;" the combination of the two for "email address" means the place to send email to communicate with a person.[129]

The Domain Name System allows users to navigate the Internet by associating complex IP addresses with easier to remember domain names.[130] According to ICANN, the organization responsible for managing the Domain Name System, a domain name is:

> A unique name that forms the basis of the uniform resource locators (URLs) that people use to find resources on the Internet (e.g., web pages, email servers, images, and videos). The domain name itself identifies a specific address on the Internet that belongs to an entity such as a company, organization, institution, or individual. For example, in the URL

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[126] See *Turo Inc. v. City of San Francisco* (2022) 80 Cal.App.5th 517, 521 (Words in a statute are construed to give them "a plain and commonsense meaning," unless a statute specifically defines the word to give it a special meaning).

[127] Merriam-Webster, *Website* https://www.merriam-webster.com/dictionary/website (accessed on July 10, 2025).

[128] Exhibit K (16), Encyclopedia Britannica, *Website Definition & Facts* https://www.britannica.com/technology/website (accessed on October 30, 2025), pages 1-2.

[129] See Black's Law Dictionary (12th ed. 2024).

[130] Exhibit K (4), ICANN, *The Domain Name System,* https://www.icann.org/resources/pages/dns-2022-09-13-en (accessed on July 22, 2025) page 1.

> https://www.icann.org/public-comments, the domain name icann.org directs a browser to the ICANN organization's domain. The rest of the URL directs the browser to a specific resource on the www server within ICANN's domain (in this case, the Public Comments page on the ICANN org website).[131]

A domain name is thus the address used to locate a group of Internet resources, such as a website, while a URL directs users to a specific resource within that group, such as a webpage or email address. Domain names are structured by breaking the domain name down into sections, arranged in hierarchal order from lowest to highest level, with dots separating the sections. Domain names contain at least two sections: a top-level domain and second-level domain.[132] Some domain names also include optional subdomains.[133] Each top-level domain maintains a database of all second-level domains registered under it, and the owner of a second-level domain can in turn maintain a database of subdomains registered under it. CISA maintains the ".gov" top-level domain, while CDT maintains the ".ca.gov" second-level domain.[134]

The test claim statute therefore requires cities' and counties' websites and email addresses to use a domain name registered under the ".gov" top-level domain, with the explicit option this can be as subdomain under the ".ca.gov" second-level domain.

The claimant and CSAC argue that the test claim statute also applies to web applications and web pages and is not limited to "websites." The Commission agrees. The rules of statutory construction support the conclusion that the Legislature's use of the word "website" includes "web applications" and "web pages" within it. A recent mandates case explained the basic rules of statutory construction as follows:

> [O]ur fundamental task ... is to determine the Legislature's intent so as to effectuate the law's purpose. We first examine the statutory language, giving it a plain and commonsense meaning. We do not examine that language in isolation, but in the context of the statutory framework as a whole in order to determine its scope and purpose and to harmonize the various parts of the enactment. If the language is clear, courts must generally follow its plain meaning unless a literal interpretation would result in absurd consequences the Legislature did not intend. If the statutory language permits more than one reasonable interpretation, courts may consider other aids, such as the statute's purpose, legislative

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[131] Exhibit K (5), ICANN, *Acronyms and Terms – D*, https://www.icann.org/en/icann-acronyms-and-terms?nav-letter=d&page=1 (accessed on July 22, 2025), page 8.

[132] Exhibit K (5), ICANN, *Acronyms and Terms – D*, https://www.icann.org/en/icann-acronyms-and-terms?nav-letter=d&page=1 (accessed on July 22, 2025), page 8.

[133] Exhibit K (5), ICANN, *Acronyms and Terms – D*, https://www.icann.org/en/icann-acronyms-and-terms?nav-letter=d&page=1 (accessed on July 22, 2025), page 8.

[134] Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, pages 3-4.

> history, and public policy." [Citation.] "Furthermore, we consider portions of a statute in the context of the entire statute and the statutory scheme of which it is a part, giving significance to every word, phrase, sentence, and part of an act in pursuance of the legislative purpose.[135]

Absent 'a specific statutory definition of a term, the courts look to the plain meaning as understood by the ordinary person, which would typically be a dictionary definition.[136]

"[W]hen the statutory language is ambiguous a court's primary goal is to adopt the interpretation that best effectuates the legislative intent or purpose. To identify a statute's purpose and underlying legislative intent, courts may look to such aids as legislative history, maxims of statutory construction, and consequences of particular interpretation, including its impact on public policy."[137]

Here, the dictionary definition of "website" and the Legislature's use of the word "website," both in its analysis of the test claim statute and how it is frequently used in other statutes, supports a conclusion that the Legislature intended its use of the word "website" broadly to include programs such as "web applications" and "web pages," which are part of the website.

As indicated above, "website" is defined as a group or collection of files accessed via the Internet. Encyclopedia Britannica's definition specifically notes that the types of files that can make up a website include "HTML documents with their associated graphic image files (GIF, JPEG, etc.), scripted programs (in Perl, PHP, Java, etc.), and similar resources."[138] This collection of files can include HTML documents like web pages, computer programs like web applications, or any other related resources. Merriam-Webster provides "the block of information found at a single World Wide Web Address," as a variant definition of the word "page."[139] Encyclopedia Britannica's entry for HTML, which it defines as "a formatting system for displaying material retrieved over the Internet," notes that each "retrieval unit" is known as a webpage, and HTML is the markup language used to encode webpages.[140] Encyclopedia Britannica's definition for "web application" says it is a "computer program stored on a remote server and run by its users via a web browser," and "[a]ny service offered over the Internet, by definition, is

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[135] *Department of Finance v. Commission on State Mandates* (2022) 85 Cal.App.5th 535, 566. See also, *Merced Irrigation Dist. v. Superior Court* (2017) 7 Cal.App.5th 916, 924.

[136] *People v. Ruiz* (2024) 104 Cal.App.5th 1027, 1032.

[137] *Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193, 239.

[138] Exhibit K (16), Encyclopedia Britannica, *Website Definition & Facts* https://www.britannica.com/technology/website (accessed on October 30, 2025), pages 1-2.

[139] Merriam-Webster, *Page, entry 1 sense 2a* https://www.merriam-webster.com/dictionary/page#h1 (accessed on October 15, 2025).

[140] Exhibit K (17), Encyclopedia Britannica, *HTML Definition & Facts* https://www.britannica.com/technology/HTML (accessed on October 15, 2025).

a form of web application."[141] Thus, any files that are part of a website would be subject to the legal requirements imposed on the website itself.

In addition, interpreting the test claim statute's use of the word "website" to not include "web applications" or "web pages" creates a glaring omission that undermines the statute's intended purpose. The test claim statute's plain language only specifically requires cities and counties to ensure their websites and email addresses use a ".gov" or ".ca.gov" domain name, despite oft-repeated evidence in the legislative history that migrating to a new domain name involved "changing all websites, web applications, emails and active directory accounts."[142] The legislative purpose behind the test claim statute is to ensure the public can discern real government websites from fake, because only legitimate government entities may use ".gov" and ".ca.gov" domain names. As the claimant pointed out, if cities and counties were required to migrate their websites to a ".gov" or ".ca.gov" domain name but could continue to use their old domain name for web applications, it creates confusion, and risks not only sustaining, but exacerbating the risks of the public falling for fraudulent imitators or losing trust in government services.[143] Thus, it can be reasonably concluded that the Legislature intended "web application" and "web pages" to be covered by and included within the definition of "website".

Interpreting web applications and web pages to be part of websites is also consistent with how the Legislature talks about how websites are used in the test claim statute's legislative history. "A fake website that lures in real users who believe they are visiting a legitimate government website could then lure those users into sharing personal information, making payments, and conducting other compromising activities."[144] These examples of compromising activities users can perform on websites depend on interactivity; on users inputting personal information into the website, which, as the claimant suggests, is a typical feature of web applications.[145]

Furthermore, the Legislature's use of "website" in other statutes supports that it interprets website to mean a broader, general term that includes web applications. There are only a handful of statutes that discuss "web applications." The few examples that do are either talking about the use of a specific web application,[146] or use it as part

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[141] Exhibit K (16), Encyclopedia Britannica, *Website Definition & Facts* https://www.britannica.com/technology/website (accessed on October 30, 2025), pages 4-5.

[142] Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis on AB 1637, as amended March 16, 2023, page 6.

[143] Exhibit I, Claimant's Comments on the Draft Proposed Decision, page 9.

[144] Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis on AB 1637, as amended March 16, 2023, page 1.

[145] Exhibit I, Claimant's Comments on the Draft Proposed Decision, pages 3-4.

[146] See Welfare and Institutions Code section 4641.5(b) and Government Code section 95020.5(b) (requiring regional centers for persons with developmental disabilities to use

of a standard definition of online platforms as "any public-facing Internet website, web application, or digital application."[147] "Website," on the other hand, is much more commonly used, and comes up in hundreds of statutes. Often, these statutes require a state or local agency to post certain information on their websites.[148] An interpretation of "website" that does not include "web applications" would mean that this information can only be published as a static document on a website, not an interactive web application. Yet frequently, government agencies will use web applications to publish legally required information.[149] Thus, the Legislature considers web applications to be an acceptable method of performing this legal obligation, because it understands web applications to be part of the government agency's website.

Thus, the Legislature's use of "website" is meant to include interactive components provided via web applications.

Accordingly, the plain language of the test claim statute requires a city, county, or city and county, that maintains and internet website for use by the public or public email addresses for its employees, to ensure their websites and email addresses utilize either a ".gov" or ".ca.gov" domain name by January 1, 2029. The rules of statutory construction support the Legislature's use of "website" is meant to be as a collection of remotely-accessible files such as web pages, web applications, and other related resources within the website.

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a specific web application created by the state for their billing); Penal Code section 13370(b)(2)(F) (requiring the Department of Justice make prosecutorial data accessible using modern web application program interfaces).

[147] See Business and Professions Code section 17940(c); Family Code sections 6650(e) and 6750(c)(2); Elections Code section 20512(h); and Government Code sections 84504.6(a)(1) and 84513(a)(1).

[148] See Government Code section 8548.9 (State Auditor's website shall display the status of recommendations the State Auditor made in its audits and investigations); Government Code section 100502 (California Health Exchange Board's website provides standardized comparative information about health plans for health care plan enrollees and prospective enrollees); Government Code section 6270.5(a), as amended by Statute 2015, Chapter 795, section 2 (Local agencies shall post their catalog of enterprise systems on their internet website, if they have a website).

[149] For example, the claimant provided evidence that it publishes the catalog of enterprise systems required by Government Code section 6270.5(a) (as added by Statutes 2015, chapter 795, later moved to Government Code section 7922.715 by the California Public Records Act, Statutes 2021, chapter 614), on its Open Data Portal web application. Exhibit I, Claimant's Comments on the Draft Proposed Decision, page 15 (Declaration of Nhan La).

b. Cities and Counties are mandated by the state to comply with the requirements in Government Code section 50034(a)(1), (2), and (b), based on both legal and practical compulsion theories.

For the required activities in a statute or executive order to be mandated by the state, the claimant must be either legally or practically compelled to perform the activity.

> Legal compulsion occurs when a statute or executive action uses mandatory language that "'require[s]' or 'command[s]'" a local entity to participate in a program or service. [citations omitted] [construing the term "mandates" in art. XIII B, § 6 to mean "'orders' or 'commands'"].) Stated differently, legal compulsion is present when the local entity has a mandatory, legally enforceable duty to obey.[150]

In *Coast Community College District v. Commission on State Mandates*, claimants alleged that several regulations imposed state mandated costs on community college districts. Although complying with the regulations entitled districts to state funding, the Commission found they were not legally compelled to comply with the regulations, as they had the option of not complying with the regulations, and not complying only resulted in the Chancellor having the option to take several possible actions in response to encourage compliance, including withholding funding.[151] The Appellate Court found that these funding regulations were legally compelled because the regulations related to community colleges' core functions, however the State Supreme Court reversed this decision, finding that something is only legally compelled if there is a mandatory legal obligation that they obey, and the proper focus in a legal compulsion inquiry is upon the nature of the claimants' participation in the underlying programs themselves.[152] "If a community college district is willing to risk the possibility of losing some or all of its state aid, there does not appear to be any mechanism (or at least none the parties have identified) that would allow the Chancellor or any other state entity to compel compliance as a matter of law."[153]

The court also recognized there may be a state-mandated program with practical compulsion. Practical compulsion occurs when the consequences for not complying with a technically optional requirement are so onerous they result in "certain and severe penalties such as double taxation and other draconian consequences," such that a local

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[150] *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th. 800, 815. See also *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 874.

[151] *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th. 800, 811.

[152] *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th. 800, 815.

[153] *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th. 800, 817.

government has no reasonable alternative but to comply.[154] For there to be no reasonable alternative, any alternative options that may exist must be "so far beyond the realm of practical reality" that it leaves the local government "without discretion" not to comply with the state's conditions, such that the alternative amounts to "no alternative at all."[155] In such cases, the state "does not command a local entity to engage in conduct, but rather induces compliance through the imposition of severe consequences that leave the local entity no reasonable alternative but to comply."[156]

The claimant argues that it is legally compelled to comply with the test claim statute because of the statute's use of the mandatory language "shall."[157] In the alternative, it also argues it is practically compelled because the only alternative available is not to have a public website, which amounts to "no alternative at all," as use of the web is integral to local governments' functioning.[158] The claimant contends cities and counties use their websites to disseminate important information and allow citizens to request public records, file essential paperwork, register to vote, and access public hearings. Providing these services via the internet is especially important for people with disabilities, or those who live far from their local government buildings or are reliant on public benefits. City and county websites provide all residents with a key tool for engaging with their elected government, by allowing them to access the agendas of the meetings of the Board of Supervisors, watch streaming or archived videos of these meetings, and participate by video conference to exercise their right to provide public comment.[159] Additionally, the claimant alleges there are multiple other State laws that mandate local governments create websites or dictate how they are used, specifically noting the requirements that special districts maintain a website (Government Code section 53087.8); that local governments post certain types of at-risk contracts on their websites for public inspection (Public Contracts Code section 20146(e)); that public agencies post notices on their websites under the California Environmental Quality Act (Public Resources Code sections 21092(b)(3), 21092.3, and 21152(c)); that health care districts and hospital districts maintain a website containing information about their budget, membership, and public meetings (Government Code section 7926.500 and Health and Safety Code section 32139(b)); and that local governments disclose all

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[154] *Department of Finance v. Commission on State Mandates* (2009) 170 Cal.App.4th 1355, 1360, 1364.

[155] *Department of Finance v. Commission on State Mandates* (2022) 85 Cal.App.5th 535, 558 (finding that urbanized cities and counties were practically compelled to obtain a permit for their stormwater drainage systems).

[156] *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 816.

[157] Exhibit A, Test Claim, pages 22-23 (Written Narrative).

[158] Exhibit A, Test Claim, page 23 (Written Narrative).

[159] Exhibit A, Test Claim, page 24 (Written Narrative).

offers and counteroffers for certain high cost contracts on their websites (Public Contracts Code section 22178).[160]

As explained below, the Commission finds that the required activities in the test claim statute are mandated by the state, based on both legal and practical compulsion theories.

i. Cities and counties are legally required to publish certain notices and documents on their websites, which requires maintaining a public internet website to publish this information; thus cities and counties are legally compelled to maintain a public internet website, which makes the test claim statute's requirements mandated by the state.

The claimant asserts the test claim statute's use of the word "shall" makes the activities in the test claim statute mandatory requirements, and thus legally compelled state mandates. It is true that the use of the word "shall" in the Government Code means something is mandatory, while "may" is merely permissive.[161] However, as a general matter, a local entity's voluntary or discretionary decision to undertake an activity cannot be said to be legally compelled, even if that decision results in certain mandatory actions.[162] The proper focus in a legal compulsion inquiry is upon the nature of the claimants' participation in the underlying programs themselves.[163] In other words, mandatory language like "shall" does not automatically mean something is a legally compelled state mandate, if it is in the context of imposing requirements on an activity the local agency chose to undertake voluntarily. In context, the requirement that cities and counties shall ensure their public websites use either a ".gov" top-level domain or a ".ca.gov" second-level domain is imposed on "a local agency that maintains an internet website for use by the public."[164] Thus, the question of whether this requirement is a legally compelled mandate depends on whether cities and counties are legally compelled to have a public website in the first place.

There are no statutes that explicitly say all cities and counties shall maintain a public internet website. The Legislature can and has in the past used its authority to legally compel government agencies to maintain a website. Government Code section 8548.9 says that the State Auditor shall "maintain a publicly accessible internet website that displays the status of recommendations the State Auditor made in its audits and investigations." The California Health Benefit Exchange Board shall "maintain an internet website through which enrollees and prospective enrollees of qualified health

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[160] Exhibit A, Test Claim, page 24 (Written Narrative).

[161] Government Code section 14.

[162] *Coast Community College District v. Commission on State Mandates* (2022) 13 Cal.5th 800, 815.

[163] *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th. 800, 815.

[164] Government Code section 50034(a)(1).

plans may obtain standardized comparative information on those plans."[165] State law requires independent special districts, health care districts, and hospital districts to each maintain a website.[166] However the test claim statute explicitly says that "local agency" as used here only means a "city, county, or city and county," purposefully limiting it from the definition used in earlier drafts which included a "county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency."[167] These are examples of the Legislature creating a clear legal compulsion for other state or local agencies to maintain a public website. Because there is no statute that imposes a similar legal compulsion for cities and counties, we'll instead consider whether there are any instances of legal compulsion caused by the Legislature legally compelling cities and counties to make certain information available on a public website they maintain, thereby requiring them to maintain a website.

The claimant cited several State laws it alleges require local governments to post certain information on their public websites, and therefore to have a public website.[168] Many of the cited examples are themselves dependent on a local agency first choosing to take a discretionary action. The Public Contract Code requires that a county or public entity that "elects to…[use] a construction manager at-risk contract for a building project shall make a copy of the contract available for public inspection on its internet website," and that any city, county, city and county, or special district that chooses to enter into a contract valued at $250,000 or more disclose all offers and counteroffers to the public on its internet website.[169] It is a discretionary decision for a local agency to enter into these types of contracts, thus the state does not mandate them to have an internet website in order to perform the resulting mandatory actions.[170] Legislative analysis for the test claim statute also acknowledged several prior laws that require local agencies to post certain information on their internet websites *if they have one*.[171] This condition

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[165] Government Code section 100502(c).

[166] Government Code sections 7926.500 and 53087.8; Health and Safety Code section 32139(b).

[167] Government Code section 50034(c); see also Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 2.

[168] Exhibit A, Test Claim, page 24 (Written Narrative).

[169] Public Contract Code sections 20146(e) and 22178(c)

[170] See *Department of Finance v. Commission on State Mandates* (2003) 30 Cal.4th 727, 743 (School districts' choice to participate in voluntary state-funded programs did not create a legally compelled state mandate to comply with the programs' requirements).

[171] Exhibit K (13) Assembly Floor Analysis of AB 1637, as amended June 29, 2023, page 2. See also Government Code sections 6270.5(a), as amended by Statute 2015, Chapter 795, section 2 (Local agencies shall post their catalog of enterprise systems on their internet website, if they have a website); 53908(a), as amended by Statutes 2014,

excuses any local agencies that do not have a website from performing the mandatory actions, thus the Legislature is not legally compelling local agencies to have a website here either. None of these examples establish a legal obligation or duty for a city or county to have a public website.

However, there are at least some laws that do impose a legal obligation to post certain information on a local agency's website, thus requiring cities and counties to have a website. The California Environmental Quality Act requires lead agencies to provide notices during the process of preparing an environmental impact report or negative declaration for a project and after approving a project subject to these provisions.[172] These notices shall be posted on the lead agency's website as well as the website of the county clerk.[173] A "lead agency" is the public agency which has the principal responsibility for carrying out or approving a project which may have a significant impact on the environment.[174] Projects under the California Environmental Quality Act do not just mean those undertaken by or on behalf of a public agency, but also any other activities that require a public agency to issue a person a lease, permit, license, certificate or other entitlement for use.[175] A city or county that serves as the lead agency for a project often did not make a choice to take on that role, as many projects are instigated by members of the public seeking approval from the city or county. Regardless of whether the project is ultimately approved, the public agency with principal responsibility for approving a project is the project's lead agency, and is legally required to post notices on its website as part of its responsibilities as lead agency.

For another example, Government Code section 84616 requires local government agencies to post on their websites a copy of any statement, report or other documents candidates file with them that is required by campaign finance disclosure law.[176] Candidates are legally required to file these documents to be allowed to run for office, and local governments are obligated to hold elections for these positions as part of the democratic process. Unlike other disclosures required by the Government Code, the phrasing used to impose this requirement to post candidates' financial disclosure documents does not condition it as only being required if the local government has a

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Chapter 894, section 3 (If a local agency that is required to make certain annual reports to the Controller maintains an internet website, it shall post information about the annual compensation of it elected officials, officers, and employees in a conspicuous location on its website); 54954(a)(1), as amended by Statutes 2011, Chapter 692, section 8 (Meeting agendas for the legislative body of a local agency or its designee shall be posted at least 72 hours before the meeting on the local agency's internet website, if it has one).

[172] Public Resources Code sections 21092, 21152.

[173] Public Resources Code sections 21092(b)(3), 21092.3, and 21152(c)(1).

[174] Public Resources Code section 21067.

[175] Public Resources Code section 21065.

[176] Government Code section 84616.

website in the first place. Thus, cities and counties are legally required to post these documents on their websites, and in turn, have a public website.

Cities and counties are legally required to publish certain notices and documents on their public internet website, which necessarily requires them to maintain a public internet website. Because they are legally required to maintain a public internet website, they are in turn legally compelled to ensure that that website complies with the requirements in the test claim statute that their websites use a domain name with either a ".gov" top-level domain or a ".ca.gov" second-level domain.

Additionally, Government Code section 50034(a)(2) requires cities and counties to ensure that any websites they continue to maintain after the January 1, 2029 deadline with domain names that do not comply with the above requirement to use either the ".gov" top-level domain or ".ca.gov" second-level domain redirect users to a compliant website. It would be irrational to claim cities and counties are legally compelled to maintain a website that does not comply with the law. However, the state mandate compelling compliance with Government Code section 50034(a)(1) itself creates a legal obligation to comply with Government Code section 50034(a)(2) for all noncompliant websites. Cities and counties are mandated by the state to maintain public websites, and thus they have a legal obligation to ensure their websites are compliant with all laws applicable to their websites, including this requirement that non-compliant websites redirect users to a website with a compliant domain. Cities and counties are therefore legally compelled to also ensure that any website with a non-compliant domain name they continue to maintain after January 1, 2029 redirects users to a website with a compliant domain name.

ii. For websites and webpages cities and counties are not legally compelled to maintain, there is substantial evidence that cities and counties are practically compelled to comply with the test claim statute by migrating their websites to compliant domain names.

Though cities and counties may be legally compelled to have *a* public internet website, that finding does not account for all of the websites and webpages a city or county may have elected to create voluntarily before the test claim statute went into effect. For example, the claimant certifies it has 79 websites with over 10,000 individual webpages, many of which presumably serve functions other than being the place where it publishes legally required information. However, there is substantial evidence that local agencies are practically compelled to comply with the test claim statute by migrating their websites to a domain name using either ".gov" or ".ca.gov" by January 1, 2029, even for websites they are not legally compelled to maintain.

As indicated earlier, practical compulsion occurs when the consequences for not complying with a technically optional requirement are so onerous they result in "certain and severe penalties such as double taxation and other draconian consequences," such that a local government has no reasonable alternative but to comply.[177] For there to be

[177] *Department of Finance v. Commission on State Mandates* (2009) 170 Cal.App.4th 1355, 1360, 1364.

no reasonable alternative, any alternative options that may exist must be "so far beyond the realm of practical reality" that it leaves the local government "without discretion" not to comply with the state's conditions, such that the alternative amounts to "no alternative at all."[178] In such cases, the state "does not command a local entity to engage in conduct, but rather induces compliance through the imposition of severe consequences that leave the local entity no reasonable alternative but to comply."[179]

Prior law did not dictate what types of domain names cities and counties may use for their public websites, and many cities and counties chose to create websites with top-level domains such as ".com," ".net," or ".org."[180] Now, the only options available to cities and counties whose public website domain names use one of these top-level domains that do not comply with the test claim statute is to either migrate their websites to a new compliant domain name in accordance with the test claim statute or stop having the website altogether. As the claimant points out, this would have severe consequences for the people who utilize the services provided through these websites. Cities and counties use their public websites to easily disseminate information and provide other government services, and members of the public have become reliant on using these websites. Examples of such services include accessing public information, corresponding with local officials, paying fines, registering to vote, filing taxes, obtaining up-to-date health and safety resources, requesting copies of vital records, accessing mass transit schedules, and many other tasks.[181] These are some of the most common and important ways in which members of the public interact with their local government. Having easy access to these services via the internet is especially important for people with disabilities.[182] Removing a city or county's public website, and with it, denying access to these services to anyone that detrimentally relied on these websites as a reliable means of accessing these services, would disenfranchise members of the

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[178] *Department of Finance v. Commission on State Mandates* (2022) 85 Cal.App.5th 535, 558 (finding that urbanized cities and counties were practically compelled to obtain a permit for their stormwater drainage systems).

[179] *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 816.

[180] In the claimant's case, it created its "sccgov.org" domain name in 2002, before local governments were allowed to use the ".gov" top-level domain. See Exhibit A, Test Claim, page 30 (Declaration of Matt Woo).

[181] Exhibit A, Test Claim, page 325 (Federal Register, Volume 89, Number 80, page 31320, April 24, 2024) (Citing these examples of government services provided via the internet while explaining the need for regulations requiring public entities' websites and mobile applications to be accessible).

[182] See generally, 28 CFR section 35.200 (requiring public entities ensure their web content and mobile applications are readily accessible and usable to people with disabilities, complying with WCAG 2.1 levels A and AA beginning April 24, 2026 for entities with populations greater than 50,000, and by April 26, 2026, for entities with populations less than 50,000).

public from their local government, a severe consequence cities and counties would feel practically compelled to avoid. The Legislature also understood the public benefit of allowing people to access this important information through a city or county's websites, as noted in its discussion of several laws which require local agencies to post certain information on their websites:

> As technology advances, the Legislature often amends statutes to capture these advancements and take advantage of any potential public benefits. For example, the Brown Act requires all local agencies to post the agenda for any regular meeting 72 hours in advance in a location that is freely accessible to the public. The agenda must clearly specify the meeting's time, location, and the topics that will be deliberated. Despite this requirement, a local agency's constituents still have to know when the agency plans to meet, where the agenda is posted, and physically travel to the location where the agenda is posted or contact the agency directly to discover what topics the agency is planning to discuss. With the proliferation of Internet access and local agencies utilizing this tool to communicate with their constituents, AB 1344 (Feuer), Chapter 692, Statutes of 2011, required all local agencies that have a website to post their meeting agendas on the website 72 hours in advance, effectively making the agenda more accessible to the public by taking advantage of advancements in technology. Additionally, SB 272 (Hertzberg), Chapter 795, Statutes of 2015, and AB 2040 (Garcia), Chapter 894, Statutes of 2014, required local agencies to post on their websites a list of the agency's enterprise systems and the agency's employee compensation report, respectively.[183]

This discussion demonstrates how important it is to the Legislature that local agencies are able to use the Internet to provide information to their constituents. At this point, expecting a city or county to stop providing a public website through which the public can access government services to avoid the costs of complying with the test claim statute is an unreasonable alternative, and is similar to an expectation that an urban city or county stop providing its citizens with a stormwater drainage system to avoid complying with a stormwater discharge permit.[184]

It is worth noting the Legislature certainly seemed to intend compliance with the test claim statute to be the only option available to cities and counties and did not consider the possibility of a city or county removing its public website to be a reasonable alternative. The Legislature lamented this was something that all public agencies should have been legally required to do decades ago, implying it believed the test claim

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[183] Exhibit K (13) Assembly Floor Analysis of AB 1637, as amended June 29, 2023, page 2.

[184] See *Department of Finance v. Commission on State Mandates* (2022) 85 Cal.App.5th 535, 558

statute created a legally required mandate.[185] A city or county choosing the alternative of not having a public website may also result in the exact harm the Legislature was trying to prevent with the test claim statute; to prevent the public from falling for fake government websites, and ensure confidence in legitimate government sources.[186] The widespread usage of top-level domains other than ".gov" among local government agencies made it easy for malicious actors to create domain names for fake government websites that could be used to spread misinformation or trick members of the public into making payments or revealing personal information.[187] By requiring all cities and counties to use either the ".gov" top-level domain or ".ca.gov" second-level domain, which are only available to verified government agencies, it makes it easier on the public to discern a real domain name from a fake one and ensures confidence in a real government website's legitimacy. The idea of a city or county having no online presence whatsoever is so unthinkable to modern society that members of the public may conclude a fake website to be real, despite not using a ".gov" top-level domain. This is the exact harm the Legislature was trying to prevent, further demonstrating that choosing to stop having a public website to avoid complying with the test claim statute is an unreasonable alternative.

Cities and counties are thus practically compelled to comply with the test claim statute's requirement that their public websites use either the ".gov" top-level domain, or ".ca.gov" second level domain, as the only alternative would be to simply not have a website at all, which would result in denying citizens access to important government services and may cause people to be more likely to fall for fake websites pretending to belong to that city or county. The harm to citizens caused by these consequences is so severe that cities and counties have no reasonable alternative but to comply.

iii. Cities and counties are both legally and practically compelled to ensure their employees public email addresses utilize a ".gov" or ".ca.gov" domain name.

Although the claimant alleges that both section (a) of Government Code section 50034 (regarding public websites) and section (b) (regarding employee email addresses) impose state mandates through both legal and practical compulsion theories, the claimant's arguments only address Government Code section 50034(a). The claimant does not explain how they are legally or practically compelled to comply with the requirement to ensure the public email addresses provided to a city's or county's employees utilize a ".gov" or ".ca.gov" domain name by January 1, 2029. Nevertheless, the Commission finds that there is both legal and practical compulsion to comply with this requirement.

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[185] Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 1.

[186] Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 1.

[187] Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 3.

The reasoning for why cities and counties are compelled to have email addresses for their employees is fairly similar to the reasoning for public websites. Many laws require local agencies to communicate with the public via email, whether when sending out notices or other information to members of the public that request to be contacted that way or by allowing members of the public to file documents via email.[188] Under these circumstances, the requirement to ensure public email addresses utilize a ".gov" or ".ca.gov" domain name is legally compelled by state law.

Moreover, counties and cities are practically compelled to maintain email addresses. Email, text messaging, and other electronic platforms, permit writings to be prepared, exchanged, and stored more quickly and easily.[189] Email is an essential means of communication in our modern society, and most, if not all, employees would need a public facing email address in order to do business on behalf of the city or county. Under the California Public Records Act, the public has a right to access written public records regarding government business, including employee emails.[190] As discussed, the purpose of the test claim statute requiring cities and counties to transition to using a ".gov" or ".ca.gov" domain name for their employee email addresses is to instill confidence in the public that when they email government employees, they are conversing with a real government employee and not falling victim to a scam or hacker.[191] This supports that public employee email addresses serve as an official means for accessing public records. And like the issue with fake websites, a malicious actor could easily create a fake email address to pose as a city's or county's employees if there isn't a real public address by which to contact them. The alternative of cities and

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[188] See Government Code sections 6103.3(a)(1) (abuse victims can request to be notified via email when an order or injunction has been served on their abuser), 26666.5(a) (marshals and sheriffs shall accept a standardized form used in civil actions or proceedings than can be served via email, fax, or in-person delivery), 65585(b)(1)(A) (a city or county shall email a link to any draft revisions of the housing element to all individuals and organizations that previously requested notifications regarding the housing element); 84616(a) (documents that must be filed for the creation of an organization can be submitted in paper format or by fax or email and shall be posted on the local government's website); Public Resources Code section 21091(d)(3)(A) (lead agencies shall accept comments on a draft environmental impact report, proposed negative declaration, proposed mitigated negative declaration, or notice under Section 21080.4 via email and treat email comments as equivalent to written comments).

[189] *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608, 618.

[190] Government Code section 7920 et seq. See also *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608, 625 (finding that the CPRA's definition of "public record" as "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics," includes emails and text messages, regardless of whether it was sent or received on an employee's personal account).

[191] Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 4.

counties not providing public email addresses for their employees is so far beyond the realm of practical reality that it amounts to no alternative at all, and they are left without discretion not to comply with the test claim statute. The claimant and other cities and counties are therefore both legally compelled to have public email addresses for their employees in order to make legally required communications, and practically compelled because employees need public email addresses in order to do business on behalf of the city or county.

As Finance pointed out, the act of migrating an existing website or email address to a new domain name is a one-time requirement and should not include ongoing costs once migration is complete.[192] The claimant agrees with this, asserting that all claimed costs were for one-time activities and it does not anticipate any ongoing costs after compliance is completed.[193]

Accordingly, the test claim statute imposes a state-mandated program requiring a city, county, or city and county that maintains an Internet website for use by the public, or public email addresses for its employees, to do the following one-time activities:

- Ensure that the Internet website used by the public (including any webpages, web applications, or other related resources within the website) utilizes either a ".gov" top-level domain name or a ".ca.gov" second-level domain name by January 1, 2029.[194]
- Ensure any websites (including any webpages, web applications, or other related resources within the website) with a non-compliant domain name the city or county continues to maintain after January 1, 2029 redirects users to a website with a compliant domain name.[195]
- Ensure that each public email address provided for the city's or county's employees utilizes a ".gov" or ".ca.gov" domain name by January 1, 2029.[196]

c. The claimant requests reimbursement for several activities that are not required or mandated by the plain language of the test claim statute. These activities and costs may be proposed for inclusion in the Parameters and Guidelines if they are supported by evidence in the record showing they are "reasonably necessary for the performance of the state-mandated program" in accordance with the Government Code and Commission regulations.

The claimant identifies a long list of tasks it alleges are required for its process to migrate its websites, web applications, and email addresses to the new domain name, such as search engine optimization or organizing the teams that will be assigned to the

[192] Exhibit F, Finance's Comments on the Test Claim, page 2.

[193] Exhibit G, Claimant's Rebuttal Comments, page 3.

[194] Government Code section 50034(a)(1)

[195] Government Code section 50034(a)(2)

[196] Government Code section 50034(b).

different tasks allegedly needed in the transition, which were not specifically identified in the plain language of the test claim statute.[197] The claimant also asserts it is required to communicate the changes it made to its websites, web applications, and email systems internally to county employees and vendors and to the public, which requires internal communications and training for employees, a public relations campaign, replacing all references and links to legacy websites, web applications, and email addresses on online resources, and reprinting all paper documents that include the legacy websites and email addresses.[198] The Assembly Committee on Appropriations noted that the costs to migrate a local agency's systems included "indirect costs, such as changes to outreach and promotional materials, business cards, letter heads, and election materials. Some agencies may also have costs for media campaigns to alert the public to the change."[199] Although the legislative history of the test claim statute acknowledged that the mandate would result in some local agencies incurring costs for printing new materials and for a public relations campaign, these activities are not required or mandated by the plain language of the test claim statute. Nevertheless, all of these activities and costs may be proposed for inclusion in the Parameters and Guidelines if they are supported by evidence in the record showing they are "reasonably necessary for the performance of the state-mandated program" in accordance with Government Code section 17557(a), and California Code of Regulations, title 2, sections 1183.7(d) and 1187.5.

2. The State-Mandated Requirements Are New and Impose a New Program or Higher Level of Service, Which Is Both Uniquely Imposed on Local Governments and Provides a Governmental Service to the Public.

Article XIII B, section 6 requires reimbursement when "the Legislature or any state agency mandates a new program or higher level of service on any local government." A new program or higher level of service has been defined as those "that carry out the governmental function of providing services to the public, *or* laws which, to implement a state policy, impose unique requirements on local governments and do not apply generally to all residents and entities in the state."[200] Just one of these conditions need be met.[201] The purpose of article XIII B, section 6 is to prevent the state from forcing extra programs on local government each year in a manner that negates their careful budgeting of increased expenditures counted against the local government's annual

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[197] Exhibit A, Test Claim, pages 31-33 (Declaration of Matt Woo).

[198] Exhibit A, Test Claim, page 34 (Declaration of Matt Woo).

[199] Exhibit K (12), Assembly Committee on Appropriations, Analysis of AB 1637, as amended April 27, 2023, page 3.

[200] *Carmel Valley Fire Protection District v. State of California* (1987) 190 Cal. App. 3d 521, 537, citing *County of Los Angeles v. State of California* (1987) 43 Cal. 3d 46, 56, emphasis in original.

[201] *Carmel Valley Fire Protection District v. State of California* (1987) 190 Cal. App. 3d 521, 537; *Department of Finance v. Commission on State Mandates* (2021) 59 Cal. App. 5th 546, 557.

spending limit and thus, article XIII B, section 6 requires a showing that the test claim statute mandates new activities compared to prior law.[202]

The Commission finds that the activities mandated by the test claim statute are new compared to prior law. Prior law did not impose any requirements that cities and counties use the ".gov" top-level domain or ".ca.gov" second-level domain, or any other restrictions on the domain names available to them. The Legislature lamented this fact in its analysis of the test claim statute, noting that "[i]t would have been helpful for internet cybersecurity if government entities had been legally required to take this step decades ago."[203] Government Code section 50034 is a new law added by the test claim statute, imposing what the Legislature acknowledged to be completely new requirements. Thus the requirements that cities and counties use either the ".gov" top-level domain or ".ca.gov" second-level domain in the domain name for their public facing internet websites and employee email addresses, and that any non-compliant website they continue to maintain after the January 1, 2029 deadline redirect users to a compliant website, are new compared to prior law.

The Commission also finds that the requirements are uniquely imposed on cities and counties and provide a service to the public.[204] The test claim statute provides a beneficial public service by providing assurance to the public that when they access a website or other internet resource that uses a ".gov" or ".ca.gov" domain name, it belongs to a legitimate government agency. The test claim statute was created to ensure that "when Californians look for government information or services, they can know with confidence they are receiving official information."[205] "The main benefit of this measure will be to ensure that members of the public know that when they access a California local governmental website with an internet address ending with ".gov" or

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[202] California Constitution, articles XIII B, sections 1, 8(a) and (b); *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56; *Lucia Mar Unified School Dist. v. Honig* (1988) 44 Cal.3d 830, 835; *Hayes v. Commission on State Mandates* (1992) 11 Cal.App.4th 1564, 1595; *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1264, 1283; *Department of Finance v. Commission on State Mandates* (2016) 1 Cal.5th 749, 763.

[203] Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 1.

[204] See *Department of Finance v. Commission on State Mandates* (2022) 85 Cal.App.5th 535, 555 (a stormwater permit requiring local governments to perform pollution abatement services in addition to stormwater drainage services); *Lucia Mar Unified School District v. Honig* (1988) 44 Cal.3d 830, 835 ("the education of handicapped children is clearly a governmental function providing a service to the public");S*an Diego Unified School District v. Commission on State Mandates* (2004) 33 Cal.4th 859, 879 (Providing public school constitutes a governmental function and enhancing the safety of public schools constitutes a service to the public).

[205] Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 3.

".ca.gov," or email a government employee at such an address, that they are not going to be the victim of a hacker's fake website."[206] Providing information and access to governmental services are key governmental functions, and ensuring members of the public can feel confident in the safety and reliability of the method in which they access these services and information provides a service to the public. The test claim statute therefore meets the first definition for a new program or higher level of service.

The test claim statute also implements state policy by imposing unique requirements on local governments that do not apply generally to all residents in the state. The test claim statute imposes its requirements on "a city, county, or city and county."[207] This is a specific subset of local government, and it does not apply to all residents of the state. The ".gov" top-level domain is only available for government agencies within the United States at either the federal, state, county, city, tribal, territorial, special district, or school district levels.[208] Likewise, the ".ca.gov" second-level domain is only available to state entities, counties, cities, State recognized tribal governments, Joint Power Authorities, and independent special districts within the state of California.[209] An individual who is not authorized to request a ".gov" or ".ca.gov" domain on behalf of one of these government agencies would be denied if they tried to obtain a domain name that complies with the test claim statute, and would thus be unable to ensure their public websites or email addresses comply with the test claim statute. The test claim statue therefore imposes unique requirements on local governments that do not apply to all residents of the state, further demonstrating the test claim statute's requirements to be a new program or higher level of service.

3. The Test Claim Statute Results in Costs Mandated by the State Within the Meaning of Government Code Section 17514 and Exceptions in Government Code 17556 Do Not Apply.

Finally, Government Code section 17514 defines "costs mandated by the state" as any increased costs which a local agency or school district is required to incur as a result of any statute or executive order that mandates a new program or higher level of service. Government Code section 17564(a) specifically requires that no claim or payment shall be made unless the claim exceeds $1,000. A finding of such costs mandated by the state also means that no exception in Government Code section 17556 applies.

The claimant has filed declarations signed under penalty of perjury identifying the following increased costs exceeding $1,000 to comply with the test claim statute:

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[206] Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 4.

[207] Government Code section 50034(c).

[208] Exhibit K (2), CISA, *Eligibility for .gov Domains,* https://get.gov/domains/eligibility/ (accessed on July 23, 2025) page 2.

[209] Exhibit K (3), CDT, *Domain Name Requirements,* https://domainnamerequest.cdt.ca.gov/Home/Requirements (accessed on July 23, 2025), page 2.

- $20,017 in FY 2023-2024 to begin migrating its existing websites to a new ".gov" domain name in accordance with Government Code section 50034(a)(1)-(2), consisting of 199 hours of staff and third-party professional labor.[210]
- The claimant estimates it will require an additional $24,641 to finish the activities required to migrate its websites in accordance with Government Code section 50034(a)(1)-(2), consisting of an additional 245 hours of staff and third-party professional labor.[211]
- Estimated anticipated costs of $217,890 in some future fiscal year to migrate its web applications in accordance with Government Code section 50034(a)(1)-(2), consisting of 2040 hours of staff and third-party professional labor.[212]
- Estimated anticipated costs of $656,320 in some future fiscal year to migrate employee email addresses in accordance with Government Code section 50034(b) consisting of approximately 2,772 hours of staff and third-party professional labor.[213]
- Estimated statewide costs consisting of $90,900,000 in FY 2024-2025 and for each year until the compliance deadline of January 1, 2029.[214]

No evidence rebuts these declarations.

Furthermore, none of the exceptions to costs mandated by the state in Government Code section 17556 apply to this test claim statute. As noted, the original draft of the test claim statute included a declaration that claimants had fee authority sufficient as a matter of law, however the Assembly Committee on Appropriations dismissed this as incorrect, stating that "it is unclear on what basis a local agency may charge a fee or other assessment to recover the costs of migrating to a .gov or .ca.gov domain," and that charging a fee for access to a local agency's website would likely conflict with Proposition 26.[215] There are no statutes that grant cities and counties authority to charge a fee that could be used to cover the costs of the mandated activities. Government Code section 17556(d) therefore does not apply.

Although the legislative analysis identifies a federal grant that could potentially be used to fund the test claim statute's required activities, there is no law declaring that this grant shall first be used to offset the costs this test claim statute, or evidence that the grant is sufficient to completely offset the costs. Government Code section 17556(e) thus also does not apply. No other exceptions under Government Code section 17556 are

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[210] Exhibit A, Test Claim, page 34 (Declaration of Matt Woo).

[211] Exhibit A, Test Claim, page 35 (Declaration of Matt Woo).

[212] Exhibit A, Test Claim, page 34 (Declaration of Matt Woo).

[213] Exhibit A, Test Claim, page 34 (Declaration of Matt Woo).

[214] Exhibit A, Test Claim, page 35 (Declaration of Matt Woo).

[215] Exhibit K (12), Assembly Committee on Appropriations, Analysis of AB 1637, as amended April 27, 2023, page 1.

applicable, as the test claim statute is not the result of the claimant requesting authority to implement this program; was not declared existing law by the courts; was not imposed by federal law; is not the result of a ballot measure approved by voters; and does not create, eliminate, or change the definition of a crime.

Therefore, the Commission finds that the test claim statute imposes increased costs mandated by the state under article XIII B, section 6 and Government Code section 17514.

V. Conclusion

Based on the foregoing analysis, the Commission approves this Test Claim and finds that Government Code section 50034, as added by Statutes 2023, chapter 586 imposes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution on a city, county, or city and county to comply with following one-time activities beginning January 1, 2024:

1. Ensure that the Internet website used by the public (including any webpages, web applications, or other related resources within the website) utilizes either a ".gov" top-level domain name or a ".ca.gov" second-level domain name by January 1, 2029.[216]
2. Ensure that any public internet websites (including any webpages, web applications, or other related resources within the website) with a non-compliant domain name that the city or county continues to maintain after January 1, 2029 redirects users to a compliant website.[217]
3. Ensure that each public email address provided for the city's or county's employees utilizes a ".gov" or ".ca.gov" domain name by January 1, 2029.[218]

All other activities or costs requested in the Test Claim are not mandated by the state, but may be proposed for inclusion in the Parameters and Guidelines if they are supported by evidence in the record showing they are "reasonably necessary for the performance of the state-mandated program" in accordance with Government Code section 17557(a), and California Code of Regulations, title 2, sections 1183.7(d) and 1187.5.

[216] Government Code section 50034(a)(1).

[217] Government Code section 50034(a)(2).

[218] Government Code section 50034(b).

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On December 10, 2025, I served the:

- **Current Mailing List dated December 3, 2025**
- **Draft Expedited Parameters and Guidelines, Schedule for Comments, and Notice of Tentative Hearing Date issued December 10, 2025**
- **Decision adopted December 5, 2025**

  Internet Websites and Email Addresses, 24-TC-04
  Statutes 2023, Chapter 586 (AB 1637); Government Code Section 50034(a)(1)-(2) and (b)
  County of Santa Clara, Claimant

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on December 10, 2025 at Sacramento, California.

Jill Magee

Jill Magee
Commission on State Mandates
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 12/3/25

Claim Number: 24-TC-04

Matter: Internet Websites and Email Addresses

Claimant: County of Santa Clara

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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 provided 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, § 1181.3.)

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Exhibit B

STATE of CALIFORNIA
COMMISSION ON STATE MANDATES

February 18, 2026

Ms. Anne Kato
State Controller's Office
Local Government Programs and Services Division
3301 C Street, Suite 740
Sacramento, CA 95816

Mr. Joshua Walden
County of Santa Clara
Office of County Counsel
70 West Hedding Street, 9th Floor
San Jose, CA 95110

And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: Decision and Parameters and Guidelines
Internet Websites and Email Addresses, 24-TC-04
Statutes 2023, Chapter 586 (AB 1637); Government Code Section 50034(a)(1)-(2) and (b)
County of Santa Clara, Claimant

Dear Ms. Kato and Mr. Walden:

On February 13, 2026, the Commission on State Mandates adopted the Decision and Parameters and Guidelines on the above-captioned matter.

Very truly yours,

Juliana F. Gmur,
Executive Director

BEFORE THE

COMMISSION ON STATE MANDATES

STATE OF CALIFORNIA

IN RE PARAMETERS AND GUIDELINES Government Code Sections 50034(a)(1)-(2) & (b), as Added by Statutes 2023, Chapter 586 (AB 1637) The period of reimbursement begins January 1, 2024	Case No.: 24-TC-04 *Internet Websites and Email Addresses* DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5, ARTICLE 7. (*Adopted February 13, 2026*) (*Served February 18, 2026*)

PARAMETERS AND GUIDELINES

The Commission on State Mandates adopted the attached Decision and Parameters and Guidelines on February 13, 2026.

Juliana F. Gmur, Executive Director

BEFORE THE

COMMISSION ON STATE MANDATES

STATE OF CALIFORNIA

IN RE PARAMETERS AND GUIDELINES Government Code Sections 50034(a)(1)-(2) & (b), as Added by Statutes 2023, Chapter 586 (AB 1637) The period of reimbursement begins January 1, 2024	Case No.: 24-TC-04 *Internet Websites and Email Addresses* DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5, ARTICLE 7. (*Adopted February 13, 2026*) (*Served February 18, 2026*)

DECISION

The Commission on State Mandates (Commission) heard and decided this Decision and Parameters and Guidelines during a regularly scheduled hearing on February 13, 2026. Joshua Walden appeared on behalf of the County of Santa Clara (claimant). Chris Hill and Kaily Yap appeared on behalf of the Department of Finance (Finance).

The law applicable to the Commission's determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code sections 17500 et seq., and related case law.

The Commission adopted the Proposed Decision and Parameters and Guidelines by a vote of 7-0, as follows:

Member	**Vote**
Lee Adams, County Supervisor	Yes
Deborah Gallegos, Representative of the State Controller	Yes
Karen Greene Ross, Public Member	Yes
Monica Jimenez, Representative of the State Treasurer, Vice Chairperson	Yes
Renee Nash, School District Board Member	Yes
Michele Perrault, Representative of the Director of the Department of Finance, Chairperson	Yes
Alexander Powell, Representative of the Director of the Governor's Office of Land Use and Climate Innovation	Yes

I. Summary of the Mandate

These Parameters and Guidelines address new state mandated activities and costs resulting from Government Code section 50034(a)(1)-(2) and (b), as added by Statutes 2023, chapter 586 (the test claim statute) effective January 1, 2024. The test claim statute requires that cities and counties ensure that their web pages and email addresses use either ".gov" or ".ca.gov" domain names by January 1, 2029.

On December 5, 2025, the Commission on State Mandates (Commission) adopted a Decision finding that the test claim statute imposes a reimbursable state-mandated program upon local agencies (specifically limited in the test claim statute to mean a "city, county, or city and county"[1]) within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. The Commission approved this Test Claim for the following reimbursable one-time activities:

1. Ensure that the Internet website used by the public (including any webpages, web applications, or other related resources within the website) utilizes either a ".gov" top-level domain name or a ".ca.gov" second-level domain name by January 1, 2029.[2]
2. Ensure any websites (including any webpages, web applications, or other related resources within the website) with a non-compliant domain name the city or county continues to maintain after January 1, 2029 redirects users to a website with a compliant domain name.[3]
3. Ensure that each public email address provided for the city's or county's employees utilizes a ".gov" or ".ca.gov" domain name by January 1, 2029.[4]

II. Procedural History

The Commission adopted the Test Claim Decision on December 5, 2025.[5] Commission staff issued the Draft Expedited Parameters and Guidelines on December 10, 2025.[6] The State Controller's Office filed comments on December 19, 2025, recommending no changes.[7] Neither the claimant nor the Department of Finance filed comments on the Draft Expedited Parameters and Guidelines. Pursuant to section 1183.9(d) of the Commission's regulations Commission staff did not issue a Draft Proposed Decision

[1] See Government Code section 50034(c).

[2] Government Code section 50034(a)(1).

[3] Government Code section 50034(a)(2).

[4] Government Code section 50034(b).

[5] Exhibit A, Test Claim Decision

[6] Exhibit B, Draft Expedited Parameters and Guidelines.

[7] Exhibit C, Controller's Comments on the Draft Expedited Parameters and Guidelines.

and Parameters and Guidelines for comment because no substantive comments were filed on the Draft Expedited Parameters and Guidelines.[8]

III. Positions of the Parties

A. County of Santa Clara

The claimant did not file any comments on the Draft Expedited Parameters and Guidelines.

B. State Controller

The State Controller's Office filed comments on December 19, 2025, recommending no changes.[9]

IV. Discussion

Consistent with the Test Claim Decision, the Parameters and Guidelines state the following:

A. Eligible Claimants (Section II. of the Parameters and Guidelines)

Any city, county, or city and county subject to the taxing restrictions of articles XIII A and XIII C, and the spending limits of article XIII B, of the California Constitution, whose costs for this program are paid from proceeds of taxes, that incurs increased costs as a result of this mandate is eligible to claim reimbursement.

B. Period of Reimbursement (Section III. of the Parameters and Guidelines)

Government Code section 17557(e) requires a test claim to be "submitted on or before June 30 following a fiscal year in order to establish eligibility for reimbursement for that fiscal year." Because this Test Claim was filed on December 16, 2024, the potential period of reimbursement under Government Code section 17557 would typically begin on July 1, 2023. However, since the test claim statute has a later effective date, the period of reimbursement begins on January 1, 2024.

Reimbursement for state-mandated costs may be claimed as follows:

1. Actual costs for one fiscal year shall be included in each claim.
2. Pursuant to Government Code section 17561(d)(1)(A), all claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller (Controller) within 120 days of the issuance date for the claiming instructions.

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[8] California Code of Regulations, title 2, section 1183.9(d) provides: "If no comments are filed on the draft expedited parameters and guidelines that raise substantive issues regarding any of the elements described in section 1183.7, a draft proposed decision in accordance with section 1183.13(a) of these regulations need not be prepared and the executive director may schedule the proposed decision and parameters and guidelines for adoption at the next regularly scheduled hearing in accordance with section 1183.13(d) of these regulations."

[9] Exhibit C, Controller's Comments on the Draft Expedited Parameters and Guidelines.

3. Pursuant to Government Code section 17560(a), a local agency may, by February 15 following the fiscal year in which costs were incurred, file an annual reimbursement claim that details the costs actually incurred for that fiscal year.
4. If revised claiming instructions are issued by the Controller pursuant to Government Code section 17558(c), between November 15 and February 15, a local agency filing an annual reimbursement claim shall have 120 days following the issuance date of the revised claiming instructions to file a claim. (Gov. Code §17560(b).)
5. If the total costs for a given fiscal year do not exceed $1,000, no reimbursement shall be allowed except as otherwise allowed by Government Code section 17564(a).
6. There shall be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

C. Reimbursable Activities (Section IV. of the Parameters and Guidelines)

Section IV. of the Parameters and Guidelines contains standard boilerplate language and identifies the reimbursable activities as follows:

> For each eligible claimant that incurs increased costs, the following one-time activities are reimbursable:
>
> 1. Ensure that the Internet website used by the public (including any webpages, web applications, or other related resources within the website) utilizes either a ".gov" top-level domain name or a ".ca.gov" second-level domain name by January 1, 2029.[10]
> 2. Ensure any websites (including any webpages, web applications, or other related resources within the website) with a non-compliant domain name the city or county continues to maintain after January 1, 2029 redirects users to a website with a compliant domain name.[11]
> 3. Ensure that each public email address provided for the city's or county's employees utilizes a ".gov" or ".ca.gov" domain name by January 1, 2029.[12]

The Test Claim Decision also noted that the claimant identified additional activities allegedly required to migrate its websites, web applications, and email addresses to the new domain name, which the Commission found were not mandated by the plain language of the test claim statute. However, the Test Claim Decision states that additional activities may be proposed for inclusion in the Parameters and Guidelines if supported by evidence in the record showing the proposed activities are reasonably necessary for the performance of the state-mandated program.[13] No comments were

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[10] Government Code section 50034(a)(1).

[11] Government Code section 50034(a)(2).

[12] Government Code section 50034(b).

[13] Exhibit A, Test Claim Decision, pages 41-42.

filed on the Draft Expedited Parameters and Guidelines requesting reimbursement for reasonably necessary activities and there is no evidence explaining why the list of activities in the Test Claim are reasonably necessary to comply with the mandate. Therefore, pursuant to Government Code section 17557(a) and California Code of Regulations, title 2, sections 1183.7(d) and 1187.5, only the three activities that were found to be mandated by the state are reimbursable.

D. Claim Preparation and Submission (Section V. of the Parameters and Guidelines)

Section V. of the Parameters and Guidelines (Claim Preparation and Submission) identifies the direct costs eligible for reimbursement. No substantive changes to the Commission's standard boilerplate language have been proposed or made.

E. Offsetting Revenues and Reimbursements (Section VII. Offsetting Revenues and Reimbursements)

Section VII. of the Parameters and Guidelines governs offsetting revenues (i.e., funds other than a claimant's proceeds of taxes) required to be identified and deducted from any claim submitted for reimbursement. No substantive changes to the Commission's standard boilerplate language have been proposed or made.

F. The Remaining Sections of the Parameters and Guidelines

Section VI. Record Retention; Section VIII. State Controller's Claiming Instructions; Section IX. Remedies Before the Commission; and Section X. Legal and Factual Basis for the Parameters and Guidelines contain standard boilerplate language.

V. Conclusion

Based on the foregoing analysis, the Commission hereby adopts the Proposed Decision and Parameters and Guidelines.

PARAMETERS AND GUIDELINES[14]

Government Code Sections 50034(a)(1)-(2) & (b) As Added by Statutes 2023,

Chapter 586 (AB 1637)

Internet Websites and Email Addresses

24-TC-04

Period of reimbursement begins January 1, 2024

I. SUMMARY OF THE MANDATE

These Parameters and Guidelines address new state mandated activities and costs resulting from Government Code section 50034(a)(1)-(2) and (b), as added by Statutes

[14] Please note that the Decision and Parameters and Guidelines is a single document and must be read as a whole. It is not intended to be separated and should be posted in its entirety.

2023, chapter 586 (the test claim statute) effective January 1, 2024. The test claim statute requires that cities and counties ensure that their web pages and email addresses use either ".gov" or ".ca.gov" domain names by January 1, 2029.

On December 5, 2025, the Commission on State Mandates (Commission) adopted a Decision finding that the test claim statute imposes a reimbursable state-mandated program upon local agencies (specifically limited in the test claim statute to mean a "city, county, or city and county"[15]) within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. The Commission approved this Test Claim for the following reimbursable one-time activities:

1. Ensure that the Internet website used by the public (including any webpages, web applications, or other related resources within the website) utilizes either a ".gov" top-level domain name or a ".ca.gov" second-level domain name by January 1, 2029.[16]
2. Ensure any websites (including any webpages, web applications, or other related resources within the website) with a non-compliant domain name the city or county continues to maintain after January 1, 2029 redirects users to a website with a compliant domain name.[17]
3. Ensure that each public email address provided for the city's or county's employees utilizes a ".gov" or ".ca.gov" domain name by January 1, 2029.[18]

II. ELIGIBLE CLAIMANTS

Any city, county, or city and county, special district subject to the taxing restrictions of articles XIII A and XIII C, and the spending limits of article XIII B, of the California Constitution, whose costs for this program are paid from proceeds of taxes and incurs increased costs as a result of this mandate, is eligible to claim reimbursement.

III. PERIOD OF REIMBURSEMENT

Government Code section 17557(e) states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The claimant filed the Test Claim on December 16, 2024, establishing eligibility for reimbursement for the 2023-2024 fiscal year. Therefore, costs incurred are reimbursable on or after July 1, 2023. However, because the test claim statute has an effective date of January 1, 2024, the period of reimbursement begins on January 1, 2024.

Reimbursement for state-mandated costs may be claimed as follows:

1. Actual costs for one fiscal year shall be included in each claim.

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[15] See Government Code section 50034(c).

[16] Government Code section 50034(a)(1).

[17] Government Code section 50034(a)(2).

[18] Government Code section 50034(b).

2. Pursuant to Government Code section 17561(d)(1)(A), all claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller (Controller) within 120 days of the issuance date for the claiming instructions.
3. Pursuant to Government Code section 17560(a), a local agency may, by February 15 following the fiscal year in which costs were incurred, file an annual reimbursement claim that details the costs actually incurred for that fiscal year.
4. If revised claiming instructions are issued by the Controller pursuant to Government Code section 17558(c), between November 15 and February 15, a local agency filing an annual reimbursement claim shall have 120 days following the issuance date of the revised claiming instructions to file a claim. (Gov. Code §17560(b).)
5. If the total costs for a given fiscal year do not exceed $1,000, no reimbursement shall be allowed except as otherwise allowed by Government Code section 17564(a).
6. There shall be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

IV. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event, or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, training packets, and declarations. Declarations must include a certification or declaration stating, “I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct,” and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities identified below. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate.

For each eligible claimant that incurs increased costs, the following one-time activities are reimbursable:

1. Ensure that the Internet website used by the public (including any webpages, web applications, or other related resources within the website) utilizes either a

".gov" top-level domain name or a ".ca.gov" second-level domain name by January 1, 2029.[19]

2. Ensure any websites (including any webpages, web applications, or other related resources within the website) with a non-compliant domain name the city or county continues to maintain after January 1, 2029 redirects users to a website with a compliant domain name.[20]

3. Ensure that each public email address provided for the city's or county's employees utilizes a ".gov" or ".ca.gov" domain name by January 1, 2029.[21]

V. CLAIM PREPARATION AND SUBMISSION

Each of the following cost elements must be identified for each reimbursable activity identified in Section IV., Reimbursable Activities, of this document. Each claimed reimbursable cost must be supported by source documentation as described in Section IV. Additionally, each reimbursement claim must be filed in a timely manner.

A. Direct Cost Reporting

Direct costs are those costs incurred specifically for the reimbursable activities. The following direct costs are eligible for reimbursement.

1. Salaries and Benefits

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

2. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.

3. Contracted Services

Report the name of the contractor and services performed to implement the reimbursable activities. If the contractor bills for time and materials, report the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the services that were performed during the period covered by the reimbursement claim. If the contract services are also used for purposes other than the reimbursable activities, only the pro-rata portion of the services used to implement the reimbursable activities can be claimed. Submit contract

[19] Government Code section 50034(a)(1).

[20] Government Code section 50034(a)(2).

[21] Government Code section 50034(b).

consultant and attorney invoices with the claim and a description of the contract scope of services.

4. Fixed Assets

Report the purchase price paid for fixed assets (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset is also used for purposes other than the reimbursable activities, only the pro-rata portion of the purchase price used to implement the reimbursable activities can be claimed.

B. Indirect Cost Rates

Indirect costs are costs that are incurred for a common or joint purpose, benefiting more than one program, and are not directly assignable to a particular department or program without efforts disproportionate to the result achieved. Indirect costs may include both: (1) overhead costs of the unit performing the mandate; and (2) the costs of the central government services distributed to the other departments based on a systematic and rational basis through a cost allocation plan.

Compensation for indirect costs is eligible for reimbursement in accordance with the Office of Management and Budget Circular 2 CFR, Chapter I and Chapter II, Part 200 et al. Claimants have the option of using the federal de minimis indirect cost rate percentage of direct labor identified in the Office of Management and Budget Circular, at Code of Federal Regulations, title 2, section 200.414(f), excluding fringe benefits, or preparing an Indirect Cost Rate Proposal (ICRP) if the indirect cost rate claimed exceeds the federal de minimis rate.[22]

If the claimant chooses to prepare an ICRP, both the direct costs (as defined and described in 2 CFR, Chapter I and Chapter II, Part 200 et al.) and the indirect costs shall exclude capital expenditures and unallowable costs (as defined and described in 2 CFR, Chapter I and Chapter II, Part 200 et al.). However, unallowable costs must be included in the direct costs if they represent activities to which indirect costs are properly allocable.

The distribution base may be: (1) total direct costs (excluding capital expenditures and other distorting items, such as pass-through funds, major subcontracts, etc.); (2) direct salaries and wages; or (3) another base which results in an equitable distribution.

In calculating an ICRP, the claimant shall have the choice of one of the following methodologies:

1. The allocation of allowable indirect costs (as defined and described in 2 CFR, Chapter I and Chapter II, Part 200 et al.) shall be accomplished by: (1) classifying a department's total costs for the base period as either direct or indirect; and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate which is used to distribute indirect costs to mandates. The

[22] Effective October 1, 2024, the federal de minimis rate was raised from 10 percent to 15 percent. (Code of Federal Regulations, title 2, § 200.414(f) (89 FR 30046, 30092.)

rate should be expressed as a percentage that the total amount of allowable indirect costs bears to the base selected; or

2. The allocation of allowable indirect costs (as defined and described in 2 CFR, Chapter I and Chapter II, Part 200 et al.) shall be accomplished by: (1) separating a department into groups, such as divisions or sections, and then classifying the division's or section's total costs for the base period as either direct or indirect; and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate that is used to distribute indirect costs to mandates. The rate should be expressed as a percentage which the total amount of allowable indirect costs bears to the base selected.

VI. RECORD RETENTION

Pursuant to Government Code section 17558.5(a), a reimbursement claim for actual costs filed pursuant to this chapter[23] is subject to the initiation of an audit by the Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. In any case, an audit shall be completed not later than two years after the date that the audit is commenced. All documents used to support the reimbursable activities, as described in Section IV., must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

VII. OFFSETTING REVENUES AND REIMBURSEMENTS

Any offsetting revenue the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate from any source, including but not limited to, state and federal funds, any service charge, fee, or assessment authority to offset all or part of the costs of this program, and any other funds that are not the claimant's proceeds of taxes shall be identified and deducted from any claim submitted for reimbursement.

VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Pursuant to Government Code section 17558(b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 90 days after receiving the adopted parameters and guidelines from the Commission, to assist local governments in claiming costs to be reimbursed. The claiming instructions shall be derived from these parameters and guidelines and the decisions on the test claim and parameters and guidelines adopted by the Commission.

[23] This refers to title 2, division 4, part 7, chapter 4 of the Government Code.

Pursuant to Government Code section 17561(d)(1), issuance of the claiming instructions shall constitute a notice of the right of the eligible claimants to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

IX. REMEDIES BEFORE THE COMMISSION

Upon request of an eligible claimant, the Commission shall review the claiming instructions issued by the Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the Commission determines that the claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the Controller to modify the claiming instructions and the Controller shall modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557(d), and California Code of Regulations, title 2, section 1183.17.

X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

The decisions adopted for the test claim and parameters and guidelines are legally binding on all parties and interested parties and provide the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record. The administrative record is on file with the Commission.

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On February 18, 2026, I served the:

- **Current Mailing List dated February 3, 2026**
- **Decision and Parameters and Guidelines adopted February 13, 2026**

  Internet Websites and Email Addresses, 24-TC-04
  Statutes 2023, Chapter 586 (AB 1637); Government Code Section 50034(a)(1)-(2) and (b)
  County of Santa Clara, Claimant

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on February 18, 2026 at Sacramento, California.

Jill Magee

Jill Magee
Commission on State Mandates
980 Ninth Street, Suite 300
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 2/3/26

Claim Number: 24-TC-04

Matter: Internet Websites and Email Addresses

Claimant: County of Santa Clara

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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 provided 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, § 1181.3.)

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Exhibit C

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County of Santa Clara
Office of County Counsel
70 West Hedding Street, 9th Floor
San Jose, CA 95110

And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: Draft Proposed Statewide Cost Estimate, Schedule for Comments, and Notice of Hearing
Internet Websites and Email Addresses, 24-TC-04
Statutes 2023, Chapter 586 (AB 1637); Government Code Section 50034(a)(1)-(2) and (b)

Dear Ms. Kato and Mr. Walden:

The Draft Proposed Statewide Cost Estimate for the above-captioned matter is enclosed for your review and comment.

Written Comments: Written comments may be filed on the Draft Proposed Statewide Cost Estimate by **November 9, 2026**. You are advised that comments filed with the Commission are required to be electronically filed (e-filed) in an unlocked legible and searchable PDF file, using the Commission's Dropbox. (Cal. Code Regs., tit. 2, § 1181.3(f).) Refer to https://www.csm.ca.gov/dropbox.shtml on the Commission's website for electronic filing instructions. If e-filing would cause the filer undue hardship or significant prejudice, filing may occur by first class mail, overnight delivery or personal service only upon approval of a request to the executive director. (Cal. Code Regs., tit. 2, § 1181.3(j).)

Hearing: This matter is set for hearing on **Friday, December 4, 2026, in person at 10:00 a.m., at The Jesse M. Unruh State Office Building, 915 Capitol Mall, Room 121, The Boardroom, Sacramento, California, 95814 and via Zoom.**

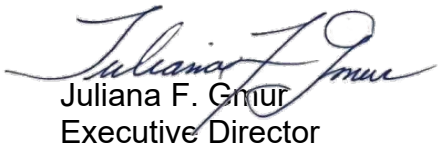
The Proposed Statewide Cost Estimate will be issued on or about November 20, 2026.

This matter is proposed for the Consent Calendar. Please let us know in advance if you oppose having this item placed on the Consent Calendar.

Please also notify Commission staff not later than noon on December 1, 2026, that you or a witness you are bringing plan to testify and please specify the names of the people who will be speaking for inclusion on the witness list and the names and email addresses of the people who will be speaking both in person and remotely to receive a hearing panelist link in Zoom.

The last communication from Commission staff will be the Proposed Statewide Cost Estimate, which will be issued approximately two weeks prior to the hearing, and it is incumbent upon the participants to let Commission staff know if they wish to testify or bring witnesses.

Very truly yours,



Juliana F. Gmur
Executive Director

Hearing Date: December 4, 2026

ITEM ___

DRAFT PROPOSED STATEWIDE COST ESTIMATE

$3,485,546 - $34,873,519
Initial Claim Period

The Second Half of Fiscal Year 2023-2024 and Fiscal Year 2024-2025

$2,719,200 - $36,497,996 Plus the Implicit Price Deflator
Fiscal Year 2025-2026 and Following

Government Code Sections 50034(a)(1)-(2) & (b),
as Added by Statutes 2023, Chapter 586 (AB 1637)

Internet Websites and Email Addresses

24-TC-04

The Commission on State Mandates (Commission) adopted this Statewide Cost Estimate by a vote of [vote count will be included in the adopted Statewide Cost Estimate] during a regularly scheduled hearing on December 4, 2026 as follows:

Member	**Vote**
Lee Adams, County Supervisor	
Karen Greene Ross, Public Member	
Deborah Gallegos, Representative of the State Controller	
William Pahland, Representative of the State Treasurer, Vice Chairperson	
Michele Perrault, Representative of the Director of the Department of Finance, Chairperson	
Alexander Powell, Representative of the Director of the Office of Land Use and Climate Innovation	

STAFF ANALYSIS

Summary of the Mandate, Eligible Claimants, and Period of Reimbursement

This Statewide Cost Estimate addresses state-mandated activities arising from Government Code section 50034(a)(1)-(2) and (b), as added by Statutes 2023, chapter 586, effective January 1, 2024.

The Commission adopted the Test Claim Decision on December 5, 2025,[1] and the Decision and Parameters and Guidelines on February 13, 2026, approving reimbursement beginning January 1, 2024, for any city, county, or city and county

[1] Exhibit A, Test Claim Decision.

whose costs for this program are paid from proceeds of taxes and that incurs increased costs as a result of this mandate, is eligible to claim reimbursement.[2]

The initial reimbursement period is January 1, 2024 through June 30, 2025. Eligible claimants were required to file initial claims with the State Controller's Office (Controller) by September 16, 2026. Late initial reimbursement claims may be filed until September 16, 2027, but will incur a 10 percent late filing penalty of the total amount of the initial claim without limitation.[3]

Reimbursable Activities

The Commission approved the following reimbursable activities for this program:

1. Ensure that the Internet website used by the public (including any webpages, web applications, or other related resources within the website) utilizes either a ".gov" top-level domain name or a ".ca.gov" second-level domain name by January 1, 2029.[4]
2. Ensure any websites (including any webpages, web applications, or other related resources within the website) with a non-compliant domain name the city or county continues to maintain after January 1, 2029 redirects users to a website with a compliant domain name.[5]
3. Ensure that each public email address provided for the city's or county's employees utilizes a ".gov" or ".ca.gov" domain name by January 1, 2029.[6]

Offsetting Revenues and Reimbursements

The Decision and Parameters and Guidelines specify that any offsetting revenues (i.e., funds that are not a claimant's proceeds of taxes), are required to be identified and deducted from the costs claimed, including but not limited to, state and federal funds, any service charge, fee, or assessment authority to offset all or part of the costs of this program, and any other funds that are not the claimant's proceeds of taxes shall be identified and deducted from any claim submitted for reimbursement.

Only the County of Orange claimed offsetting revenues in the initial filings in the amount of $1,097.

Statewide Cost Estimate

Staff reviewed 50 unaudited reimbursement claims submitted by 41 claimants—12 counties and 29 cities and towns—as compiled by the Controller. Staff developed the Statewide Cost Estimate based on the assumptions and methodology discussed herein.

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[2] Exhibit B, Decision and Parameters and Guidelines.

[3] Government Code section 17561(d)(3).

[4] Government Code section 50034(a)(1).

[5] Government Code section 50034(a)(2).

[6] Government Code section 50034(b).

Table 1. Initial Reimbursement Period Cost Estimate

1. Ensure that the Internet website used by the public (including any webpages, web applications, or other related resources within the website) utilizes either a ".gov" top-level domain name or a ".ca.gov" second-level domain name by January 1, 2029.	$1,919,628 - $24,533,688
2. Ensure any websites (including any webpages, web applications, or other related resources within the website) with a non-compliant domain name the city or county continues to maintain after January 1, 2029 redirects users to a website with a compliant domain name.	$569,729 - $1,518,266
3. Ensure that each public email address provided for the city's or county's employees utilizes a ".gov" or ".ca.gov" domain name by January 1, 2029.	$770,685 - $9,849,636
Total Direct Costs	$3,260,042 - $35,901,590
Indirect Costs identified	$226,601 - $2,513,111
Offsetting Revenues or Other Reimbursements	-($1,097 - $0)
Subtotal	$3,485,546 - $38,414,701
10 Percent Late Filing Penalty	-($0 - $3,541,182)
Total Costs	**$3,485,546 - $34,873,519**

Table 2. Estimated Annual Costs for Fiscal Year 2025-2026 and Following

1. Ensure that the Internet website used by the public (including any webpages, web applications, or other related resources within the website) utilizes either a ".gov" top-level domain name or a ".ca.gov" second-level domain name by January 1, 2029.	$1,763,085 - $23,598,066
2. Ensure any websites (including any webpages, web applications, or other related resources within the website) with a non-compliant domain name the city or county continues to maintain after January 1, 2029 redirects users to a website with a compliant domain name.	$94,483 - $1,295,221
3. Ensure that each public email address provided for the city's or county's employees utilizes a ".gov" or ".ca.gov" domain name by January 1, 2029.	$665,038 - $8,901,154
Total Direct Costs	$2,522,606 - $33,794,441
Indirect Costs identified	$196,594 - $2,703,555
Offsetting Revenue	-($0)
Subtotal	$2,719,200 - $36,497,996
Late Filing Penalty	-($0)
Total Costs	**$2,719,200 - $36,497,996**

Assumptions

1. The amount claimed for the initial period of reimbursement may be higher if late or amended claims are filed. Of the 58 eligible county and the 483 city claimants,[7] only 41 filed claims for the initial period of reimbursement from January 1, 2024 through June 30, 2025.
2. For purposes of calculating the high-end projection for the initial period of reimbursement of this Statewide Cost Estimate, it is presumed that no late or amended claims will be filed by the 41 claimants. This Statewide Cost Estimate is based on the initial claims filed and the claims which the eligible non-filer claimants could file late.
3. Costs may be lower than projected because some cities and counties are already in compliance with the requirements of the test claim statute and thus, will not incur costs for compliance. As noted by the Assembly Committee on Appropriations: "Of California's 14 urban counties, five have .gov websites, including the counties of Contra Costa, Los Angeles, San Bernardino, San Diego and San Francisco. Of the state's 13 largest cities, 10 have a .gov website. These cities include Fresno, Los Angeles, Long Beach, Oakland, Riverside, Sacramento, San Diego, San Francisco, San Jose and Stockton."[8]

   Further, since these 15 cities and counties did not file claims during the initial claiming period, it is assumed that they will not be filing claims and will not be counted as part of the eligible non-filers for all calculations.
4. Activity 2 is limited to the costs to "ensure any websites (including any webpages, web applications, or other related resources within the website) with a non-compliant domain name the city or county continues to maintain after January 1, 2029 redirects users to a website with a compliant domain name." While not all claimants included costs for this activity, those that did range from $73 to $23,793. However, the County of Alameda's claim for Activity 2 is $453,612. Thus, due to the unusually high number and the possibility of skewed projection results, the County's claim amounts for Activity 2 will not be included in the calculations for late, eligible non-filers for the initial claiming period nor for fiscal year 2025-2026 and following.
5. For purposes of calculating fiscal year 2025-2026 and following, it is presumed that the claimants that filed only for fiscal year 2023-2024 of the initial filing period and not for fiscal year 2024-2025, have filed for all costs under the

[7] Exhibit X (2), Review of Proposed Initiative Regarding Local Taxes, A.G. File No. 25-0004, Amendment #1, July 1, 2025, Legislative Analyst's Office, https://lao.ca.gov/BallotAnalysis/Initiative/2025-004 (accessed October 26, 2026) page 1.

[8] Exhibit X (1), Assembly Committee on Appropriations, Analysis of AB 1637, as amended April 27, 2023, pages 2-3.

program and will not file for any future costs. Thus, they will be excluded from the calculations for fiscal year 2025-2026 and following.

6. Costs may be lower than projected if either no reimbursable costs were incurred or if costs of less than $1,000 were incurred by non-filers, in which case a late reimbursement claim cannot be filed.[9]
7. Costs may be lower if the Controller audits the claims and determines that costs were improperly claimed or were not supported or that other offsetting revenues (i.e., funds that are not the claimant's proceeds of taxes) were used by a claimant to pay for the reimbursement activities. Future costs may be lower if claimants receive offsetting revenue from, for example, the State and Local Cybersecurity Grant Program (SLCGP) or other federal or state funding or grants.[10]
8. Future costs will taper off and end because the activities are required to be completed by January 1, 2029. As explained in the Test Claim Decision, "As Finance pointed out, the act of migrating an existing website or email address to a new domain name is a one-time requirement and should not include ongoing costs once migration is complete. The claimant agrees with this, asserting that all claimed costs were for one-time activities and it does not anticipate any ongoing costs after compliance is completed."[11] Thus, after fiscal year 2029-2030, no further claims should be filed.
9. Future costs may be higher because a Request for a Parameters and Guidelines Amendment was filed in this matter which may result in additional reimbursable activities. Any such request filed within 90 days of the claiming deadline for initial claims will apply to all years eligible for reimbursement in the original parameters and guidelines.[12] As noted above, the deadline for submitting initial reimbursement claims was September 16, 2026. The Request was filed on June 6, 2026, which is before the deadline to submit initial reimbursement claims. Thus, any additional activities approved by the Commission will be eligible for reimbursement as of January 1, 2024. The Request is currently scheduled to be heard on December 4, 2026.

Methodology

A. Initial Reimbursement Period Cost Estimate

As explained below, the low-end statewide cost estimate represents the costs actually claimed. The high-end statewide cost estimate, in addition to indirect costs actually claimed, represents the costs actually claimed plus the costs that could be claimed in late claims. These estimates are based on 524 eligible claimants, which is 541 total

[9] Government Code section 17564.

[10] Exhibit X (1), Assembly Committee on Appropriations, Analysis of AB 1637, as amended April 27, 2023, page 3.

[11] Exhibit A, Test Claim Decision, page 41, footnotes omitted.

[12] Government Code section 17557(d)(1).

eligible claimants minus the 15 non-filing claimants identified under Assumption no. 3 and minus the two claimants that only filed for 2023-2024 costs as explained under Assumption no. 5.

Activity 1. consists of ensuring that the Internet website used by the public utilizes either a ".gov" top-level domain name or a ".ca.gov" second-level domain name by January 1, 2029. Activity 1. estimated claims are calculated by using the average costs claimed per filer, multiplied by the eligible claimants that have not yet filed claims during the initial claiming period.

> Activity 1. actual costs claimed [$1,919,628] / the number of filers [41] = average Activity 1. cost per filer [$46,820]
>
> Average Activity 1. cost per filer [$46,820] x number of non-filers [483] = total estimated non-filer Activity 1. costs [$22,614,060]
>
> Activity 1. actual costs claimed [$1,919,628] + estimated non-filer Activity 1. costs that could be claimed in late claims [$22,614,060] = Total potential Activity 1. costs [$24,533,688]

Activity 2. consists of ensuring any websites (including any webpages, web applications, or other related resources within the website) with a non-compliant domain name the city or county continues to maintain after January 1, 2029 redirects users to a website with a compliant domain name. Activity 2. estimated claims are calculated by using the average costs claimed per filer (excluding the County of Alameda's figures), multiplied by the eligible claimants that have not yet filed claims during the initial claiming period.

> Activity 2. actual costs claimed [$116,117] / the number of filers [40] = average Activity 2. cost per filer [$2,903]
>
> Average Activity 2. cost per filer [$2,903] x number of non-filers [483] = total estimated non-filer Activity 2. costs [$1,402,149]
>
> Activity 2. actual costs claimed [$116,117] + estimated non-filer Activity 2. costs that could be claimed in late claims [$1,402,149] = Total potential Activity 2. costs [$1,518,266]

Activity 3. consists of ensuring that each public email address provided for the city's or county's employees utilizes a ".gov" or ".ca.gov" domain name by January 1, 2029. Activity 3. estimated claims are calculated by using the average costs claimed per filer, multiplied by the eligible claimants that have not yet filed claims during the initial claiming period.

> Activity 3. actual costs claimed [$770,685] / the number of filers [41] = average Activity 3. cost per filer [$18,797]
>
> Average Activity 3. cost per filer [$18,797] x number of non-filers [483] = total estimated non-filer Activity 3. costs [$9,078,951]
>
> Activity 3. actual costs claimed [$770,685] + estimated non-filer Activity 3. costs that could be claimed in late claims [$9,078,951] = Total potential Activity 3. costs [$9,849,636]

Indirect Costs: The low-end of the range for indirect costs is those indirect costs actually claimed. The high-end, in addition to indirect costs actually claimed, assumes that all eligible claimants who have not yet filed claims will file claims for indirect costs at the same average rate actually claimed, which is calculated by dividing indirect costs claimed by direct costs claimed equals average indirect cost rate (as a percentage). Then multiply the average indirect cost rate by the estimated direct costs.

> Indirect Costs Actually Claimed [$226,601] / Direct Costs Actually Claimed [$3,260,042] = Average Indirect Cost Rate [7%].
>
> Indirect Cost Rate [7%] x Estimated Direct Costs (sum of all estimated activity costs for the initial claim period) [$35,901,590] = High-End of the Estimated Indirect Costs [$2,513,111].

Offsetting Revenues: The low-end is $1,097, which is the offsetting revenue claimed by the County of Orange. However, because only one claimant claimed a small amount of offsetting revenue, there is no reliable basis to project the high-end. Thus, the high-end is projected to be $0.

Late Filing Penalties: The low-end is $0 because none of the initial claims compiled by the Controller were assessed a late filing penalty. The high-end assumes that all non-filers will file claims for the initial period of reimbursement, which will be subject to a late filing penalty of ten percent of non-filer direct plus indirect costs.

> Indirect Cost Rate [7%] x Estimated Non-filer Direct Costs [$33,095,160] = Estimated Non-filer Indirect Costs [$2,316,661].
>
> Estimated Non-filer Direct Costs [$33,095,160] + Estimated Non-filer Indirect Costs [$2,316,661] = Estimated Non-filer Direct and Indirect Costs [$35,411,821]
>
> Estimated Non-filer Direct and Indirect Costs [$35,411,821] x Late filing penalty [10%] = Estimated Non-filer Late Filing Penalties [$3,541,182].
>
> Actual Late Filing Penalties [$0] + Estimated Non-filer Late Filing Penalties [$3,541,182] = High-End of Estimated Late Filing Penalties [$3,541,182].

B. Projected Annual Costs for Fiscal Year 2025-2026 and Following

The low-end of the range assumes that the same claimants that filed reimbursement claims for the initial period of reimbursement will continue to file annual reimbursement claims and incur similar costs. The high-end of the range assumes that all eligible claimants, as calculated above, will file annual claims and is calculated by using the average costs claimed by the filers in fiscal 2024-2025 and the number of eligible claimants that have not yet filed claims. As explained above, costs will decline over time and no costs are expected to be claimed after fiscal year 2029-2030.

Activity 1. consists of ensuring that the Internet website used by the public utilizes either a ".gov" top-level domain name or a ".ca.gov" second-level domain name by January 1, 2029. Activity 1. estimated claims are calculated by using the average costs claimed per filer in fiscal year 2024-2025, multiplied by the eligible claimants that have not yet filed claims during fiscal year 2024-2025 (excluding the filers that only filed in 2023-2024).

Activity 1. actual costs claimed in fiscal year 2024-2025 [$1,763,085] / the number of filers in fiscal year 2024-2025 [39] = average Activity 1. cost per filer [$45,207]

Average Activity 1. cost per filer [$45,207] x number of non-filers [483] = total estimated non-filer Activity 1. costs [$21,834,981]

Activity 1. actual costs claimed in fiscal year 2024-2025 [$1,763,085] + estimated non-filer Activity 1. costs that could be claimed in late claims [$21,834,981] = Total potential Activity 1. costs [$23,598,066]

Activity 2. consists of ensuring any websites (including any webpages, web applications, or other related resources within the website) with a non-compliant domain name the city or county continues to maintain after January 1, 2029 redirects users to a website with a compliant domain name. Activity 2. estimated claims are calculated by using the average costs claimed per filer (excluding the County of Alameda) in fiscal 2024-2025, multiplied by the eligible claimants that have not yet filed claims during fiscal 2024-2025 (excluding the filers that only filed in 2023-2024).

Activity 2. actual costs claimed [$94,483] / the number of filers [38] = average Activity 2. cost per filer [$2,486]

Average Activity 2. cost per filer [$2,486] x number of non-filers [483] = total estimated non-filer Activity 2. costs [$1,200,738]

Activity 2. actual costs claimed [$94,483] + estimated non-filer Activity 2. costs that could be claimed in late claims [$1,200,738] = Total potential Activity 2. costs [$1,295,221]

Activity 3. consists of ensuring that each public email address provided for the city's or county's employees utilizes a ".gov" or ".ca.gov" domain name by January 1, 2029. Activity 3. estimated claims are calculated by using the average costs claimed per filer in fiscal year 2024-2025, multiplied by the eligible claimants that have not yet filed claims during fiscal year 2024-2025 (excluding the filers that only filed in 2023-2024).

Activity 3. actual costs claimed [$665,038] / the number of filers [39] = average Activity 3. cost per filer [$17,052]

Average Activity 3. cost per filer [$17,052] x number of non-filers [483] = total estimated non-filer Activity 3. costs [$8,236,116]

Activity 3. actual costs claimed [$665,038] + estimated non-filer Activity 3. costs that could be claimed in late claims [$8,236,116] = Total potential Activity 3. costs [$8,901,154]

Indirect Costs: The low-end of the range for indirect costs is those indirect costs actually claimed for fiscal year 2024-2025. The high-end, in addition to indirect costs actually claimed, assumes that all eligible claimants will file claims for indirect costs at the same average rate actually claimed for fiscal year 2024-2025.

Indirect Costs Actually Claimed [$196,594] / Direct Costs Actually Claimed [$2,522,606] = Average Indirect Cost Rate [8%].

Indirect Cost Rate [8%] x Estimated Direct Costs (sum of all estimated activity costs for the initial claim period) [$33,794,441] = High-End of the Estimated Indirect Costs [$2,703,555].

Offsetting Revenues: The low-end is $1,097, which is the offsetting revenue claimed by the County of Orange. However, because only one claimant claimed a small amount of offsetting revenue, there is no reliable basis to project future costs. Thus, both the low-end and the high-end are projected to be $0.

Late Filing Penalties: Both the low-end and the high-end are $0 because, in the future, these claims will be part of annual claiming. In addition, there is no basis upon which to predict the filing of late claims and a late filing penalty.

Draft Proposed Statewide Cost Estimate

On October 29, 2026, Commission staff issued the Draft Proposed Statewide Cost Estimate.[13]

Staff Recommendation

Staff recommends that the Commission adopt this Statewide Cost Estimate of $3,485,546 - $34,873,519 for the Initial Claim Period that began on January 1, 2023 and ends on June 30, 2025 and $2,719,200 - $36,497,996 plus the Implicit Price Deflator for fiscal year 2025-2026 and following.

[13] Exhibit C, Draft Proposed Statewide Cost Estimate.

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On October 29, 2026, I served the:

- **Current Mailing List dated October 22, 2026**
- **Draft Proposed Statewide Cost Estimate, Schedule for Comments, and Notice of Hearing issued October 29, 2026**

  Internet Websites and Email Addresses, 24-TC-04
  Statutes 2023, Chapter 586 (AB 1637); Government Code Section 50034(a)(1)-(2) and (b)

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on October 29, 2026 at Sacramento, California.

Jill Magee
_____

Jill Magee
Commission on State Mandates
980 Ninth Street, Suite 300
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 10/22/26

Claim Number: 24-TC-04

Matter: Internet Websites and Email Addresses

Claimant: County of Santa Clara

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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 provided 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, § 1181.3.)

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Date of Hearing: May 17, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Chris Holden, Chair
AB 1637 (Irwin) – As Amended April 27, 2023

Policy Committee:	Local Government	Vote: 6 - 0
	Privacy and Consumer Protection	9 - 0

Urgency: No State Mandated Local Program: Yes Reimbursable: No

SUMMARY:

This bill requires a local agency that maintains a website and email addresses accessible to the public to utilize a ".gov" or ".ca.gov" domain no later than January 1, 2026.

Specifically, this bill:

1) Requires, no later than January 1, 2026, any local agency that maintains an internet website for use by the public to ensure that the internet website utilizes a ".gov" top-level domain or a ".ca.gov" second-level domain.

2) Specifies that if a local agency currently maintains a website for use by the public that does not comply with 1) above by January 1, 2026, then that local agency shall redirect that website to a domain name that does comply with 1) above.

3) Requires, no later than January 1, 2026, a local agency that maintains public email addresses for its employees to ensure that each email address provided to its employees utilizes a ".gov" domain name or a ".ca.gov" domain name.

4) Defines "local agency" to mean a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

FISCAL EFFECT:

Costs to local agencies, including cities, counties, special districts and school districts, is unknown but likely in the millions of dollars statewide. Although this bill contains local mandate fee disclaimer language, it is unclear on what basis a local agency may charge a fee or other assessment to recover the costs of migrating to a .gov or .ca.gov domain. If this disclaimer does not apply, these costs would be reimbursable by the state, subject to a determination by the Commission on State Mandates.

Local agencies have also raised the concern the disclaimer may be in conflict with Article XIII C (Proposition 26 of 2010); fees cannot be charged for the ability to access a public agency website due to constitutional limitations on local agencies' authority to impose fees and taxes or they lack fee authority outright.

COMMENTS:

1) **Purpose.** According to the author:

> The public's trust in government is foundational for a healthy democracy. With rising levels of misinformation and fraud perpetrated online, and more sophisticated threat actors intending to confuse and mislead, we can no longer be haphazard about how governments are presented online. California's public agencies should take every effort to safeguard the public's trust in our institutions, especially when they are recommended and offered free of charge by federal and state authorities. [This bill] requires local agencies to transition their websites and e-mails to the .gov or ca.gov domain, so when Californians look for government information or services, they can know with confidence they are receiving official information.

2) **Background.** The top-level domain ".gov" was originally meant to be used by federal, state, and local government entities. The other original top-level domains each had their own particular functions: ".com" was meant for commercial use; ".org" was for nonprofits; ".edu" was for institutions of higher education; "net" was for internet service providers and other entities providing network infrastructure; and ".mil" was for the U.S. Department of Defense (DOD). Some of the original domain requirements remain strictly enforced; no one but the DOD can get a ".mil" domain, and it is difficult for non-educational institutions to obtain an ".edu" domain. Other requirements have not been strictly enforced; anyone can quickly obtain a ".com," ".net," or ".org" domain if it is available.

   It is relatively easy for a fraudulent actor to obtain a domain name similar to that of an existing local governmental agency, also using a non-.gov top level domain, and set up a fake website at that domain. If its content is sufficiently similar to a real website, search engines may pick up the fake website and display it when people search for the entity. There is no quick, convenient way for users to verify the authenticity of the website they are visiting. A fake website that lures in real users who believe they are visiting a legitimate government website could then convince those users to share personal information, make payments, and conduct other compromising activities.

   The Cybersecurity and Infrastructure Security Agency (CISA), part of the U.S. Department of Homeland Security (DHS), leads the federal government's effort to understand, manage, and reduce risk to cyber and physical infrastructure. In 2020, administration of the .gov domain program was transferred from the federal General Services Administration to CISA. ".gov" has been reserved for U.S.-based government organizations and publicly controlled entities. This includes state, tribal, interstate, independent intrastate, city, and county governments.

   The California Department of Technology (CDT) administers the .ca.gov second-level domain. ".ca.gov" may be used by any state entity, county, city, state-recognized tribal government, joint powers authority, or independent local district within the State of California. There is no annual fee associated with a .gov or .ca.gov domain name.

3) **Local Agencies.** Of California's 14 urban counties, five have .gov websites, including the counties of Contra Costa, Los Angeles, San Bernardino, San Diego and San Francisco. Of the state's 13 largest cities, 10 have a .gov website. These cities include Fresno, Los Angeles,

Long Beach, Oakland, Riverside, Sacramento, San Diego, San Francisco, San Jose and Stockton.

Sacramento County recently completed the migration to a .gov domain. It took the county 14 months to complete the project and dedicated staff of at least 15 full-time employees. The project included changing all the websites, web applications, emails, and active directory accounts of over 12,000 employees and contractors. It also included updated applications and systems access rights to accommodate the change.

Cost estimates to migrate to a .gov domain vary widely among local agencies. For small to medium single-focused special districts, an informal sample revealed estimates ranging from $6,000, for a very small sanitary district, to $100,000 for a mosquito and vector control district and several medium-sized water districts. For larger special districts, primarily water and sanitation districts, estimates ranged from $500,000 to $1 million. Estimates for larger counties were generally in the low millions of dollars. One district indicated difficulties obtaining a .gov or .ca.gov designation.

Local agency costs to migrate their systems include IT costs, often for vendors, as well as labor costs and indirect costs, such as changes to outreach and promotional materials, business cards, letter head, and elections materials. Some agencies may also have costs for media campaigns to alert the public to the changes.

In response, the author points to the State and Local Cybersecurity Grant Program (SLCGP). In September 2022, DHS announced the SLCGP funded through the 2022 Infrastructure Investment and Jobs Act to better address cybersecurity risks and threats to information systems to state, local and territorial governments. SLCGP will distribute funds over four years to support projects throughout the period of performance. On December 27, 2022, California was awarded nearly $8 million for SLCGP first-year funding (federal fiscal year 2022) with the California Office of Emergency Services formally accepting the award on January 23, 2022.

According to the author:

> Federal amounts are "likely to total $50 million over the 4 year program. Additional state matching fund requirements, increasing year over year (10% up to 40%), will also bring more state funds to the table to achieve local cybersecurity goals. The SLCGP requires certain critical activities of local agencies, this includes the transition to the .gov.

4) **Arguments in Support.** The bill is supported by the City of Agoura Hills, located in Los Angeles County. The city, who uses the .org domain, writes: "This bill creates cybersecurity benefits and gives our community the confidence and assurance that when they are accessing a ".gov" or ".ca.gov" website, that they are viewing official and accurate information, and are not visiting a fake website."

5) **Arguments in Opposition.** A coalition of local agencies, including the League of California Cities, the California State Association of Counties (CSAC), Urban Counties of California, the Rural County Representatives of California (RCRC), the California Special Districts Association (CSDA), the California Association of Recreation and Park Districts, the Association of California School Administrators, and the City Clerks Association of

California are opposed unless amended, expressing cost concerns in the absence of dedicated resources. The coalition writes:

> Initial sampling of local governments has identified considerable costs and programmatic impacts that would result from [this bill]. Extrapolated to all local agencies throughout the state, cumulative costs to local agencies (cities, counties, special districts, school districts) are likely in the hundreds of millions of dollars. Further, we know that smaller local entities will be challenged to meet the current deadline with existing staff. In this constrained fiscal climate, we are hard-pressed to consider a project of this scope as a statewide, jurisdiction-wide priority among other direct service responsibilities to local communities for which our members are already obligated.

Analysis Prepared by: Jennifer Swenson / APPR. / (916) 319-2081

July 1, 2025

Hon. Rob Bonta
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Anabel Renteria
Initiative Coordinator

Dear Attorney General Bonta:

Pursuant to Elections Code Section 9005, we have reviewed the proposed initiative regarding local taxes (A.G. File No. 25-0004, Amendment #1).

BACKGROUND

Charter Cities and Other Local Governments in California. California is composed of a large network of local governments. These include counties, cities, special districts, and school districts. The State Constitution allows for city (and county) local affairs to be governed under either the general laws of the state or under a charter adopted by local voters. Charter cities generally have authority to adopt their own local laws which generally supersede state law. Charter cities (and counties) are still subject to the U.S. Constitution, federal laws, the California Constitution, and state laws regarding matters of statewide concern. Of California's 483 cities, about one-quarter are charter cities.

Documentary Transfer Tax. Long-standing state law permits California's 58 counties to impose and collect a tax on the transfer of ownership in real estate. This is known as a documentary transfer tax. The tax is limited to 55 cents per $500 in property sale (or 0.11 percent). A city can opt to impose a documentary transfer tax of half that rate (that is, 27.5 cents per $500) when the property sale is within its boundaries. In those cases, the county and city each receives 27.5 cents per $500. Counties and cities can use revenues from documentary transfer taxes for any governmental purpose. All counties in California, except for one, impose a documentary transfer tax. (This one county is San Francisco, which instead imposes the tax discussed in the next paragraph.)

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Charter City-Only Transfer Taxes. Court decisions in the early 1990s determined charter cities could impose their own transfer tax on the sale of real property. Charter cities can set their own transfer tax rate. They are not limited to the statutory rate for documentary transfer taxes. This type of tax is not named in statute so we refer to it as the "charter city-only transfer tax." Pursuant to state law, if a charter city chooses to adopt its own transfer tax, the county retains all the revenue from the documentary transfer tax (that is, the entire 55 cents per $500). The charter city gets anything from its own transfer tax rate above the 55 cents per $500. As of January 2025, 26 charter cities (including San Francisco, which operates as both a charter city and a county) have established their own transfer tax. In most cases, these charter cities use the resulting revenues for general municipal purposes. In two charter cities (Los Angeles and Santa Monica), voters recently also have approved a transfer tax with revenues designated for specified purposes. The specifically-designated transfer taxes are on top of a "base" general-purpose transfer tax in those two cities.

Vote Thresholds for Local Taxes. State law permits local governments to impose various other types of taxes with local voter approval. These include property-related taxes (such as taxes on parcels of property) and nonproperty-related taxes (such as a tax on hotel stays). Tax increases can be put before local voters by residents (though a citizen initiative) or the local government (such as city council or board of supervisors). Under current law, local tax increases that are designated for specific purposes require two-thirds of local voters to approve them. These are called special taxes. Recent court decisions, however, have allowed voter-proposed special taxes to be approved with a majority vote.

PROPOSAL

Prohibits Charter City-Only Transfer Taxes. The measure would prohibit charter cities from having their own transfer taxes (above the statutory 27.5 cents per $500). Specifically, the measure would invalidate all existing charter city-only transfer taxes on December 31, two years following enactment of the measure by statewide voters. This includes those transfer taxes used by charter cities for general purposes as well as those designated for specified purposes. The measure also would prohibit charter cities from imposing any *new* charter city-only transfer taxes. The measure would continue to allow counties and cities to impose and split documentary transfer taxes consistent with current law.

Vote Threshold for Special Taxes. The measure also would require special taxes to receive a two-thirds vote for approval, regardless of whether the tax was put before voters through a citizen initiative or the local government. Existing *property-related* special taxes that were approved by less than two-thirds of voters would be invalidated. Such local measures would be invalidated on December 31, two years following enactment of the measure by statewide voters. Voters could reauthorize such taxes (or impose new ones) in the future, but only with a two-thirds vote. However, charter cities could not reauthorize charter city-only transfer taxes.

FISCAL EFFECTS

Lower Revenues for Local Governments. The measure would result in the annual loss of up to a couple of billion dollars in existing revenues to local governments. This loss in revenue is made up of a few components, including:

- Primarily the invalidation of charter city-only transfer taxes.
- A number of local jurisdictions (representing four types of local governments—city, county, special district, and school district) collectively losing roughly $300 million annually from the invalidation of existing property-related (parcel) taxes that were approved with less than a two-thirds vote.

Additionally, in future years, the measure could result in lower revenues to local governments than otherwise would be collected. This is because the measure would make it harder for local governments to increase or approve new taxes (due to a higher voting requirement) and would permit fewer types of taxes for local governments to adopt (for example, no longer permitting charter city-only transfer taxes). The actual revenue impact is unknown and would depend on future decisions by local governments and voters.

Finally, the measure could result in some charter cities experiencing some increase in property transactions. In the absence of the charter-city only transfer tax, property transactions would be somewhat less expensive, which could increase sales. An increase in property sales could increase local property tax revenue over time.

Summary of Fiscal Effects. We estimate that this measure would have the following major fiscal effects:

- Annual loss of revenues to local governments totaling up to a couple of billion dollars, predominantly affecting certain charter cities.
- Potential future reduction in what local governments would otherwise collect in revenues due to a higher vote threshold for certain taxes and fewer types of taxes that local governments can adopt.

Sincerely,

_____

for Gabriel Petek
Legislative Analyst

_____

for Joe Stephenshaw
Director of Finance