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September 5, 2013
COMMISSION ON
STATE MANDATES

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September 5, 2013

Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

RE: Commission Request for Comments on New Substantive Issue (Interagency Child Abuse and Neglect Investigation Reports, 00-TC-22)

Dear Ms. Halsey:

The Commission on State Mandates, in its letter to Mr. Leonard Kaye dated June 14, 2013, requested comments on the following questions. After deliberating the questions, as well as the ICAN activities, below are Finance's responses.

1. **Are the approved activities under the ICAN statutes part of "child abuse prevention, intervention, and treatment services as those costs and services are described in statute and regulation," for purposes of the funding directed to the Child Abuse Prevention subaccount?**

The short answer to this question is no. Child welfare statutes provide broad policy and funding direction by grouping various programs into categories. Some, but not all, of these categories are further broken down into sub-components which provide a general description of what each one does. However, there is no statute that identifies and/or describes specific funding for ICAN activities.

2. **Does the shift of complete or partial funding responsibility from the state to local government of existing approved mandated activities result in a mandate "imposed by the 2011 Realignment Legislation" within the meaning of paragraph (3)?**

In regards to the approved activities under the ICAN statutes, Finance does not believe that the 2011 Realignment Legislation shifted complete or partial funding responsibility from the state to local government.

3. **Does Article XIII, section 36 require, as suggested by DOF, that an existing mandated program funded under the 2011 Realignment is mandated only to the extent of funding, or does that limitation apply only to future new programs or increases in levels of service related to a funded program?**

Programs or levels of service mandated by the 2011 Realignment Legislation are not mandates for purposes of Article XIII B, Section 6 of the California Constitution. Legislation enacted after September 30th, 2012 that has the overall effect of increasing costs already incurred by a local agency for programs or levels of service mandated by 2011 Realignment Legislation apply to local agencies only to the extent the State provides annual funding for the cost increase.

After completing our additional review of the ICAN activities, Finance reiterates its conclusion that the approved activities under the ICAN statutes are reimbursable under the law.

If you have any questions regarding this letter, please contact Michael Byrne, Principal Program Budget Analyst, at (916) 445-3274.

Sincerely,



FD
TOM DYER
Assistant Program Budget Manager

Enclosure

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Enclosure A

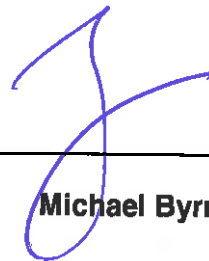
DECLARATION OF MICHAEL BYRNE
DEPARTMENT OF FINANCE
CLAIM NO. 00-TC-22

1. I am currently employed by the State of California, Department of Finance (Finance), I am familiar with the duties of Finance, and I am authorized to make this declaration on behalf of Finance.

I certify under penalty of perjury that the facts set forth in the foregoing are true and correct of my own knowledge except as to the matters therein stated as information or belief and, as to those matters, I believe them to be true.

9/5/2013

at Sacramento, CA



Michael Byrne