

**State of California**

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**Legislative Change No.**

**05-06**

Bill Number: AB 346 Author: Chu Chapter Number: 05-184

Laws Affecting Franchise Tax Board: Government Code Section 905.2, 910.8, 911, and 911.2

Date Filed with the Secretary of the State: September 9, 2005

SUBJECT: State Claims/Filing Fee

**Assembly Bill 346 (Chu), as enacted September 9, 2005, made the following changes to California law:**

Government Code Section 905.2 is amended.

This act provides for waivers of the filing fee on claims filed against state entities with the California Victims Compensation and Government Claims Board (Claims Board) in certain circumstances. The following individuals are eligible for a fee waiver:

- Persons receiving benefits pursuant to Supplemental Security Income or State Supplemental Payments Programs,
- Persons whose monthly income is 125% or less of the current monthly poverty line annually established by the Secretary of California Health and Human Services Agency, and
- Persons who are sentenced to imprisonment in a state prison, confined in a county jail, or are residents in a state institution, and within 90 days prior to the date the claim is filed, have a balance of \$100 or less credited to the inmate's or resident's trust account.

This act provides that individuals requesting the waiver must include with their claim a signed affidavit requesting the waiver and verification of benefits or income and any other required financial information in support of the request for the waiver. There is no hearing held on denials of the waiver requests.

Except for fees charged for the reimbursement of expired warrants, fees are refunded if the claim is approved. If the claimant was granted a fee waiver, the amount of the fee on an approved claim is paid by the state entity to the Claims Board. The act provides that upon request, the State Controller is to transfer the surcharges and fees from the state entity's appropriations to the appropriation for support of the Claims Board.

Government Code Sections 910.8 and 911 are amended.

This act removed provisions requiring the Claims Board to notify the applicant of the insufficiency of a claim if the claim is submitted without a filing fee.

Bureau Director

Jana Howard for Brian Putler

Date

10/21/05

Government Code Section 911.2 is amended.

This act provides that for purposes of determining whether a claim was initiated within the period provided by law, the date the claim was presented to the Claims Board with a paid filing fee will be the operative date. If a fee waiver is granted, the date the claim was submitted with the affidavit requesting the fee waiver will be the operative date. If the fee waiver is denied, the date the claim was presented will be the operative date as long the fee was paid within 10 calendar days of the mailing of the notice of denial of the fee waiver.

This act appropriated \$1,082,007.08 from various funds to the Claims Board for payment of claims accepted by the Claims Board.

This act is effective immediately upon passage of the bill.

This act will not require any reports by the department to the Legislature.