STATE of CALIFORNIA
COMMISSION ON STATE MANDATES

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November 3, 2026

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Re: **Notice of Incomplete Test Claim Pursuant to Section 1183.1(g) of the Commission's Regulations**
Emergency Communications in Non-English Languages, 25-TC-03
Government Code § 7299.7; Statutes of 2023, Chapter 587 (AB 1638), Effective January 1, 2024
County of Sonoma, Claimant

Dear Mr. Hill, Mr. Rodriguez, and Mr. Roeser:

On December 29, 2025, the claimant filed the above-stated Test Claim. The Test Claim was deemed complete during an initial completeness review on April 7, 2026.[1] However, upon further legal review and as explained below, staff finds this Test Claim is incomplete for the following reasons:

1. The *Test Claim Form* in *Section 4* indicates this Test Claim is timely filed on December 29, 2025, because the Test Claim was filed "not later than 12 months (365 days) following […] the effective date of the statute(s) or executive order(s) pled," but incorrectly identifies January 1, 2025 as the test claim statute's effective date; and
2. The Test Claim Form, Written Narrative, Declarations, and Documentation do not contain any allegations or evidence of when costs were first incurred to support this Test Claim was timely filed within 12 months (365 days) of "the date of first incurring costs as a result of the statute(s) or executive order(s) pled."[2]

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[1] A completeness review conducted under section 1183.1(g) of the Commission's regulations determines if the Test Claim complies with and contains the information required by Government Code section 17553. The completeness review is performed by non-legal staff and is not intended to constitute a legal analysis of the issues.

[2] Government Code section 17551(c); California Code of Regulations, title 2, section 1183.1(d).

A. The Test Claim Statute.

The Test Claim pleads Government Code section 7299.7, as added by Statutes 2023, chapter 587, section 1 (AB 1638). The Test Claim states the following:

> This test claim by County of Sonoma ("Sonoma") addresses the requirements of Assembly Bill ("A.B.") 1638. This Test Claim is filed on behalf of counties and cities (including departments of counties/cities) that provide emergency response services and are therefore "local agencies" within the meaning of Government Code section 7299.7(e)(3). This test claim is filed pursuant to California Code of Regulations, title 2, section 1183.1.[3]

Government Code section 7299.7, as added by the 2023 test claim statute, states the following:

> (a) Notwithstanding any other provision of this chapter, and commencing January 1, 2025, in the event of an emergency within the jurisdiction of a local agency that provides emergency response services and that serves a population within which 5 percent or more of the people speak English less than "very well" according to data from the American Community Survey and jointly speak a language other than English, the local agency shall provide information related to the emergency in English and in all languages spoken jointly by the 5 percent or more of the population that speaks English less than "very well."
>
> (b)(1) By January 1, 2025, each local agency shall use data from the American Community Survey or data from an equally reliable source to determine which languages meet the requirements of subdivision (a) in the local agency's jurisdiction.
>
> (2) Each local agency shall reassess the data every five years to ensure that the language or languages in which the local agency provides information are consistent with the requirements of subdivision (a).
>
> (c) A local agency providing information pursuant to this section shall do both of the following:
>
> (1) Ensure that the quality of information translated and provided to individuals that speak English less than "very well" is as comprehensive, actionable, and timely as the information provided to English-speaking persons.
>
> (2) Endeavor to utilize community members with the cultural competencies and language skills necessary to effectively communicate with those that speak English less than "very well" using, whenever feasible, native speakers of the relevant languages who also speak English fluently.
>
> (d) Commencing January 1, 2027, the Office of Planning and Research shall survey a sample of local agencies every three years to determine the

[3] Test Claim, page 8.

extent to which local agencies are complying with the requirements of this section and shall report the findings to the Legislature pursuant to Section 9795.

(e) For purposes of this section, the following definitions apply:

(1) “Emergency” means a situation that calls for immediate action to respond to the threat of serious harm or mass casualties, including conditions of natural disaster or conditions posing extreme peril to the safety of persons and property in the territorial limits of the local agency.

(2) “Emergency response services” means police, fire, or emergency medical services.

(3) “Local agency” means a city, county, city and county, or a department of a city or county.

(f) This section does not relieve a local agency of its responsibilities under the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2).[4]

The Test Claim alleges the requirements in subdivisions (a)-(c) of section 7299.7 impose reimbursable state-mandated activities on counties and cities.[5]

B. The Test Claim Statute Became Effective on January 1, 2024, and Only the Requirement in Section 7299.7(a) Has a Delayed Operative Date Commencing January 1, 2025.

Generally, and except for urgency statutes, a newly enacted statute’s effective date is the first January 1st following a 90-day period if the statute was enacted during regular session.[6] However, statutes may be worded to provide for a delayed operative date in order to provide local agencies time to comply with the requirements.[7] The courts explain the following:

> [The] Legislature may delay the operation of a statute to allow ‘persons and agencies affected by it to become aware of its existence and to comply with its terms.’ In addition, the Legislature may wish ‘to give lead time to the governmental authorities to establish machinery for the operation of or implementation of the new law.’ A later operative date may also ‘provide time for emergency clean-up amendments and the passage

[4] The claimant claimed all of Government Code section 7299.7, but the alleged mandated activities are only based on requirements imposed by subdivisions (a)-(c).

[5] Test Claim, pages 9-10.

[6] California Constitution article IV, section 8(c); Government Code section 9600.

[7] *Preston v. State Board of Equalization* (2001) 25 Cal.4th 197, 223.

> of interrelated legislation.' Finally, a later operative date may simply be 'a date of convenience for bookkeeping, retirement or other reasons.'[8]

In this case, the test claim statute (Statutes 2023, chapter 587, section 1), which added Government Code section 7299.7, was not an urgency statute and, thus, has an effective date of January 1, 2024.[9] Government Code section 7299.7(a) requires local agencies that provide emergency response services and serve a population in which five percent or more of the population speak English less than "very well" and jointly speak the same language, shall, *commencing January 1, 2025*, provide information related to an emergency in English and in all other languages spoken by the five percent or more of the population that speak English less than "very well."[10]

Government Code section 7299.7(b) requires that *by January 1, 2025*, the local agencies shall use American Community Survey data or an equally reliable source to determine which languages meet this requirement, and shall reassess the data every five years.[11] Government Code section 7299.7(c) states that the local agencies shall ensure the quality of the translated information provided is as "comprehensive, actionable, and timely," as the information provided in English, and shall endeavor to utilize community members with the cultural competencies and language skills necessary to effectively communicate with those that speak English less than "very well," using native speakers of the relevant language that also speak English fluently whenever feasible.[12]

Thus, Government Code section 7299.7 has an effective date of January 1, 2024, but section 7299.7(a) within it has an operative date beginning January 1, 2025. Section 7299.7(b)(1) must be completed *by January 1, 2025,* thus it imposes required duties beginning the effective date of January 1, 2024.

C. The Government Code Imposes a Period of Limitations to File a Test Claim and If the Test Claim is Not Timely Filed, It Must Be Dismissed.

The law is clear that quasi-judicial administrative agencies, such as the Commission, have only the limited authority that is conferred upon them by law, and the courts will set aside their acts that are beyond their statutory jurisdiction.[13] In this respect, submitting a test claim to the Commission in accordance with Government Code sections 17500 et seq. is the exclusive method for resolving whether a cost is or is not a reimbursable

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[8] *People v. Alford* (2007) 42 Cal.4th 749, 754 quoting *Preston v. State Board of Equalization* (2001) 25 Cal.4th 197, 223-224, internal citations omitted.

[9] Test Claim, pages 49-51 (Test Claim Statute, AB 1638).

[10] Government Code section 7299.7(a).

[11] Government Code section 7299.7(b)(1)-(2).

[12] Government Code section 7299.7(c)(1)-(2).

[13] *American Federation of Labor v. Unemployment Insurance Appeals Board* (1996) 13 Cal.4th 1017, 1023; *City and County of San Francisco v. Ang* (1979) 97 Cal.App.3d 673, 679.

state mandate.[14] Pursuant to Government Code section 17551(b), the Commission's review of a test claim "may be had *only if*" the test claim is filed within the time limits specified in sections 17551(c).[15]

Government Code section 17551(c) establishes a period of limitations to file a test claim: "Local agency and school district 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." The Commission's regulations explain that within 12 months of incurring increased costs means "within 12 months (365 days) of *first incurring increased costs* as a result of a statute or executive order."[16] Any test claim, or portion of a test claim, that the Commission lacks jurisdiction to hear for any reason, including that the test claim was not filed within the period of limitation, may be rejected or dismissed by the executive director with a written notice stating the reason therefor.[17]

The courts have explained the purpose of a limitations period is to prevent stale claims and to promote justice as follows:

> Civil statutes of limitations protect defendants from the necessity of defending stale claims and require plaintiffs to pursue their claims diligently. . . . They are " 'designed to promote justice by preventing surprises through the revival of claims that have been allowed to slumber until evidence has been lost, memories have faded, and witnesses have disappeared. The theory is that even if one has a just claim it is unjust not to put the adversary on notice to defend within the period of limitation and that the right to be free of stale claims in time comes to prevail over the right to prosecute them.[18]

The timely filing of a test claim commences the action for all members of the class, which in this case includes all counties and cities as eligible claimants.[19]

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[14] *Grossmont Union High School Dist. v. State Board of Education* (2008) 169 Cal.App.4th 869, 884 citing *Lucia Mar Unified School Dist. v. Honig* (1988) 44 Cal.3d 830, 833-834; see also, Government Code section 17552 ("This chapter shall provide the sole and exclusive procedure by which a local agency or school district may claim reimbursement for costs mandated by the state as required by Section 6 of Article XIII B of the California Constitution.").

[15] Emphasis added.

[16] California Code of Regulations, title 2, section 1183.1(d).

[17] California Code of Regulations, title 2, section 1183.1(h).

[18] *Romano v. Rockwell International, Inc. (*1996) 14 Cal.4th 479, 488.

[19] Government Code section 17521 states that a test claim is "the first claim filed with the commission alleging that a particular statute or executive order imposes costs mandated by the state."

Statutes of limitation do not begin to run until a cause of action accrues, and a cause of action accrues "when the cause of action is complete with all of its elements."[20] Thus, pursuant to the plain language of section 17551(c), a cause of action accrues when statute or executive order alleged to impose a reimbursable state-mandated program becomes effective. At that point, a test claim can be immediately filed and a claimant can estimate costs mandated by the state of at least $1,000 to comply with the alleged state-mandated program.[21] Alternatively, the accrual of the cause of action pursuant to Government Code section 17551(c) can be delayed to a later date when increased costs alleged to be mandated by the state are *first* incurred as a result of the statute or executive order.[22]

The purpose of the delayed accrual date for filing a test claim is to provide relief in those situations where the plain language requirements imposed by the statute or executive order do not have to be complied with immediately, but instead are triggered by a later event, for example, when a specific crime has been committed within the claimant's jurisdiction, or when its population reaches a certain size. It is not intended to apply when the claimant delays the actual performance of the program despite a duty to comply with the statute's requirements upon the effective date of the statute.[23]

Thus, the claimant has 12 months from the accrual period (either within 12 months of the effective date or 12 months after first incurring increased costs as a result of the statute or executive order) to file the test claim pursuant to Government Code section 17551(c). The Commission does not have the authority to hear and determine test claims filed beyond the period of limitation identified in Government Code section 17551 and any late filings must be dismissed.[24]

D. This Test Claim Was Not Timely Filed Within 12 Months of the Test Claim Statute's Effective Date, and the Claimant's Evidence Does Not Support It Was Filed Within 12 Months of First Incurring Costs.

The Test Claim in this case was filed on December 29, 2025, which is more than 12 months following the statute's effective date of January 1, 2024.[25] In *Section 4* of the claimant's *Test Claim Form*, the claimant acknowledged the test claim statute was "effective January 1, 2024; operative/commencing January 1, 2025," but when asked on

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[20] *Rubenstein v. Doe No. 1* (2017) 3 Cal.5th 903, 911.

[21] Government Code section 17564.

[22] California Code of Regulations, title 2, section 1183.1(d).

[23] See Commission On State Mandates, *Decision on 05-TC-02, 05-TC-03, and 08-TC-06, Standardized Testing and Reporting II and III,* pages 19-20 (Finding that the test claim was not timely filed by a newly formed unified school district claimant based on when the unified district first incurred increased costs, because the individual school districts that made up the unified school district were already required by law to incur those costs as provided in the statutes).

[24] California Code of Regulations, title 2, section 1183.1(h).

[25] Test Claim, page 1.

which grounds the Test Claim was timely filed, the claimant asserted it was filed within 12 months of January 1, 2025 "the effective date of the statute…pled."[26] As stated above this is factually incorrect; the test claim statute's effective date is January 1, 2024, not January 1, 2025, and the Test Claim was not filed within 12 months of January 1, 2024.

Thus, in order for this Test Claim filed on December 29, 2025, to be deemed timely based on first incurring costs pursuant to Government Code section 17551(c) and section 1183.1(d) of the Commission's regulations means that the test claimant had to first incur costs to comply with the statute ***on December 29, 2024, or later***.[27] This Test Claim cannot be deemed timely if costs to comply with the test claim statute were incurred *before* December 29, 2024. All representations of fact, including the date when costs were first incurred, shall be supported by documentary or testimonial evidence in accordance with section 1187.5 of the Commission's regulations.[28]

However, there are no assertions in the Test Claim Form, Written Narrative, Declarations, or Documentation, and it is not clear from the record or evidence provided, as to the date when the claimant first incurred increased costs to comply with the test claim statute.

The first requirement to be completed pursuant to Government code section 7299.7(b)(1), is to determine *by January 1, 2025,* which languages must be provided in translated emergency communications using data from the American Community Survey or an equally reliable source. The Test Claim alleges that this is a "new activity: prior law did not require a formal, data-driven, ACS-based demographic analysis for language access purposes in emergency services."[29] A declaration submitted by the claimant states that costs were incurred to comply with this requirement in fiscal year 2023-2024.[30] However, no information is provided regarding the date costs were first incurred to comply with this requirement.

The claimant also provides declarations of costs for fiscal year 2025-2026, beginning July 1, 2025, and estimated costs for fiscal year 2026-2027.[31] However, there is no assertion or evidence in the record of the date when costs were first incurred to comply with the test claim statute.

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[26] Test Claim, page 2.

[27] Government Code section 17551(c); California Code of Regulations, title 2, section 1183.1(d).

[28] California Code of Regulations, title 2, sections 1183.1(f); 1187.5(b).

[29] Test Claim, pages 18-20 (Written Narrative).

[30] Test Claim, page 32 (Declaration of Jose Rodriguez, Community Alert and Warning Program Manager).

[31] Test Claim, pages 22-24 (Written Narrative); 31-32 (Declaration of Jose Rodriguez, Community Alert and Warning Program Manager); 42-43 (Declaration of Eric Roser, Auditor-Controller-Treasurer-Tax Collector).

Accordingly, there is no evidence in the record that the Test Claim was timely filed.

E. Opportunity to Cure

Section 1183.1(g) of the Commission's regulations allows the claimant an opportunity to cure a filing defect if the requirements in that regulation have not been met.

Accordingly, please provide information supported by evidence in the record of the date costs were first incurred to comply with the test claim statute. Please note that all assertions of fact shall be supported by documentary or testimonial evidence in accordance with section 1187.5 of the Commission's regulations, and shall comply with the Commission's regulations regarding the filing of written materials located in section 1181.3.

The claimant has 30 days from the date of this letter, to file the necessary information by **December 3, 2026**. If the evidence filed does not demonstrate this Test Claim was timely filed within the period of limitation required by Government Code section 17551(c) and section 1183.1(d) of the Commission's regulations within 30 calendar days from the date of this letter, the executive director will dismiss this Test Claim. (Cal. Code Regs., tit. 2, § 1183.1(h).)

As provided in the Commission's regulations, a party or interested parties to a matter may appeal to the Commission for review of the actions and decisions of the executive director on that matter. Please refer to California Code of Regulations, title 2, section 1181.1(c).

Very truly yours,

Juliana F. Gmur
Executive Director

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.

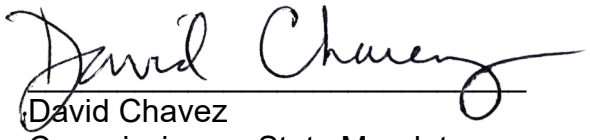
On November 4, 2026, I served the:

- **Current Mailing List dated November 4, 2026**
- **Notice of Incomplete Test Claim Pursuant to Section 1183.1(g) of the Commission's Regulations issued November 4, 2026**

  Emergency Communications in Non-English Languages, 25-TC-03
  Government Code § 7299.7; Statutes of 2023, Chapter 587 (AB 1638); effective January 1, 2024 and operative January 1, 2025
  County of Sonoma, 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 November 4, 2026 at Sacramento, California.



David Chavez
Commission on State Mandates
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 11/4/26

Claim Number: 25-TC-03

Matter: Emergency Communications in Non-English Languages

Claimant: County of Sonoma

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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