

Frequently Asked Questions Regarding AB 1887 Requirements

- Does AB 1887 prohibit all travel to states on the Attorney General's list?

No. AB 1887 prohibits the use of state funds to pay for travel to a state on the Attorney General's list, except where one of the statutory exceptions applies. It does not affect travel that is paid for or reimbursed using non-state funds.

- What are the states that the California Attorney General Identified as Subject to the Travel Prohibition?

The Attorney General lists the states impacted by this legislation on their website, whose office is responsible for updates as necessary: <https://oag.ca.gov/ab1887>

These states were on the initial list posted when the law was published:

- Kansas
- Mississippi
- North Carolina
- Tennessee

On June 23, 2017 the Attorney General published four additional states to the list:

- Alabama
- Kentucky
- South Dakota
- Texas

On June 1, 2018 the Attorney General published an additional state to the list:

- Oklahoma

On April 15, 2019, the Attorney General added an additional state to the list:

- South Carolina

How are "state funds" defined?

"State funds" include funds in the following fund group codes:

- 401 – General Funds (fund numbers 199XX, excluding UCGF)
- 40411 – State Specific Funds (fund numbers 18000-18069)
- 41412 – State Special Funds (fund numbers 18070-18199)
- 40421 – State Contracts, Grants, and Cooperative Agreements (fund numbers designated by campus)
- 1003 – Plant Funds State Appropriations (fund numbers 00800-00999)

Campuses should consult with their respective budget offices to determine the funds that fall within the fund groups mentioned above.

Approximately 45% of the Systemwide Assessment Fund (Fund 69085) is from state funds. Therefore, fund 69085 may be used to reimburse otherwise allowed travel to one of these states as long as the total expenditures for a department's travel to any of these states do not exceed 55% of the department's total 69085 fund allocation.

- What does it mean for travel to be "state funded"?

The statute does not define the term "state funded." OGC has interpreted the restriction on the use of state funds to apply to direct expenditures for travel-related costs (e.g., hotel and transportation) but not to the salaries or time spent by employees who travel to one of the identified states.

- What are the exceptions where state-funded travel will be allowed to states on the Attorney General's list?

The law does not apply to travel that is required for any of the following purposes:

- 1) Enforcement of California law, including auditing and revenue collection.
- 2) Litigation.
- 3) To meet contractual obligations incurred before January 1, 2017.
- 4) To comply with requests by the federal government to appear before committees.
- 5) To participate in meetings or training required by a grant or required to maintain grant funding.
- 6) To complete job-required training necessary to maintain licensure or similar standards required for holding a position, in the event that comparable training cannot be obtained in California or a different state not affected by subdivision (b).
- 7) For the protection of public health, welfare, or safety, as determined by the affected agency, department, board, authority, or commission, or by the affected legislative office.

- What if an athletic team has committed to participate in a bowl game or other competition in an affected state?

If a contract to participate in an event was entered into before January 1, 2017, then it would be permissible to use state funds to travel to participate in a bowl game or other type of sporting competition. If the contract was entered into on or after January 1, 2017, then state funds should not be used for the travel.

- Does the law prohibit travel to an affected state for research purposes?

If the travel is necessary to participate in meetings or training required by a grant, or required to maintain grant funding, then reimbursement with state funds is permitted. Otherwise, non-state funds should be used to pay for or reimburse the travel expenses.

- Does the law prohibit admissions or athletics recruiters from traveling to states on the Attorney General's list?

No. Non-state funds should be used to pay for the travel expenses.

- Does UC have a responsibility to continue to monitor the Attorney General’s website for additional states that are added to the list of those where state-funded travel is prohibited?

Yes. UC has the responsibility to consult the list on the Attorney General’s website in order to comply with the travel and funding restrictions imposed by the law. However, UC has no obligation to make a determination about whether a state that is not included on the Attorney General list should be.

- How is travel that is reimbursed after it occurred handled under this new law?

If travel occurring after January 1, 2017 does not meet one of the exceptions noted above, then it should not be reimbursed with state funds.

- May state funds be used for reimbursement of travel to contractors?

Yes. But not for travel expenses *to or within* the prohibited state if such travel reimbursement is not covered in a contract entered into prior to January 1, 2017. Reimbursement for travel *from* the prohibited state may be reimbursed in all instances. Travel from a prohibited state, including the return flight back, shall be construed as travel “to” the original destination.

- May state funds be used for reimbursement of travel to recruits regarding faculty and staff appointments?

Yes, as long as the travel expenses were not incurred for travel to and within the prohibited state. Reimbursement for travel from the prohibited state may be reimbursed in all instances. Travel from a prohibited state, including the return flight back, shall be construed as travel “to” the original destination.

- Can an employee be required to travel to one of the prohibited states on the AG list?

No. California Government Code Section 11139.8(b)(1) prohibits UC from requiring any employee to travel to one of the states on the AG’s list (absent applicability of one of the statutory exceptions listed in Government Code Section 11139.8(c) {see FAQ # 5 above}.