

**2015 Legislation of Interest
to County Auditors**

**State Association of County Auditors
Legislative Committee**

2015 State Controller's Conference
with County Auditors

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AB 2 (Alejo D) Community revitalization authority.

Chapter Number: 319

Status: 9/22/2015-Chaptered by Secretary of State - Chapter 319, Statutes of 2015.

Is Urgency: N

Summary: Would authorize certain local agencies to form a community revitalization authority (authority) within a community revitalization and investment area, as defined, to carry out provisions of the Community Redevelopment Law in that area for purposes related to, among other things, infrastructure, affordable housing, and economic revitalization.

Summary: The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities to address the effects of blight, as defined by means of redevelopment projects financed by the issuance of bonds serviced by tax increment revenues derived from the project area. Existing law dissolved redevelopment agencies and community development agencies, as of February 1, 2012, and provides for the designation of successor agencies to wind down the affairs of the dissolved agencies and to fulfill the enforceable obligations of those agencies. Existing law also provides for various economic development programs that foster community sustainability and community and economic development initiatives throughout the state. This bill would authorize certain local agencies to form a community revitalization authority (authority) within a community revitalization and investment area, as defined, to carry out provisions of the Community Redevelopment Law in that area for purposes related to, among other things, infrastructure, affordable housing, and economic revitalization. The bill would provide for the financing of these activities by, among other things, the issuance of bonds serviced by tax increment revenues, and would require the authority to adopt a community revitalization and investment plan for the community revitalization and investment area that includes elements describing and governing revitalization activities. The bill would also provide for periodic audits by the Controller. The bill would also require the Department of Housing and Community Development, advised by an advisory committee appointed by the Director of Housing and Community Development, to periodically review the calculation of surplus housing under these provisions. The bill would require certain funds allocated to the authority to be deposited into a separate Low and Moderate Income Housing Fund and used by the authority for the purposes of increasing, improving, and preserving the community's supply, as specified. The bill would, if an authority failed to expend or encumber surplus funds in the Low and Moderate Income Housing Fund, require those funds to be disbursed towards housing needs. The bill would require an authority to make relocation provisions for persons displaced by a plan and replace certain dwelling units that are destroyed or removed as part of a plan. The bill would authorize an authority to acquire interests in real property and exercise the power of eminent domain, as specified.

Laws: An act to add Chapter 2.6 (commencing with Section 53369) to Part 1 of Division 2 of Title 5 of the Government Code, and to amend Section 33459 of the Health and Safety Code, relating to local government.

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AB 169 (Maienschein R) Local government: public records: Internet.

Chapter Number: 737

Status: 10/10/2015-Chaptered by Secretary of State - Chapter 737, Statutes of 2015.

Is Urgency: N

Summary: Would, if a local agency, except a school district, maintains an Internet Resource, including, but not limited to an Internet Web site, Internet Web page, or Internet Web portal, which the local agency describes or titles as "open data," and the local agency voluntarily posts a public record on that Internet Resource, would require the local agency to post the public record in an open format that meets specified requirements, including, among others, that the format is able to be retrieved, downloaded, indexed, and searched by a commonly used Internet search application.

Summary: The California Public Records Act requires a state or local agency, as defined, to make public records available for inspection, subject to certain exceptions. The act requires any agency that has any information that constitutes a public record not exempt from disclosure in an electronic format to make that public record available in an electronic format when requested by a person, and requires the agency to, among other things, make the information available in any electronic format in which the information is held. This bill, if a local agency, except a school district, maintains an Internet Resource, including, but not limited to an Internet Web site, Internet Web page, or Internet Web portal, which the local agency describes or titles as "open data," and the local agency voluntarily posts a public record on that Internet Resource, would require the local agency to post the public record in an open format that meets specified requirements, including, among others, that the format is able to be retrieved, downloaded, indexed, and searched by a commonly used Internet search application. This bill contains other related provisions and other existing laws.

Laws: An act to add Section 6253.10 to the Government Code, relating to local government.

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AB 266 (Bonta D) Medical marijuana.

Chapter Number: 689

Status: 10/9/2015-Chaptered by Secretary of State - Chapter 689, Statutes of 2015.

Is Urgency: N

Summary: Would enact the Medical Marijuana Regulation and Safety Act for the licensure and regulation of medical marijuana and would establish within the Department of Consumer Affairs the Bureau of Medical Marijuana Regulation, under the supervision and control of the Director of Consumer Affairs. The bill would require the director to administer and enforce the provisions of the act.

Summary: Existing law, the Compassionate Use Act of 1996, an initiative measure enacted by the approval of Proposition 215 at the November 5, 1996, statewide general election, authorizes the use of marijuana for medical purposes. Existing law enacted by the Legislature requires the establishment of a program for the issuance of identification cards to qualified patients so that they may lawfully use marijuana for medical purposes, and requires the establishment of guidelines for the lawful cultivation of marijuana grown for medical use. Existing law provides for the licensure of various professions by boards or bureaus within the Department of Consumer Affairs. Existing law, the Sherman Food, Drug, and Cosmetic Law, provides for the regulation of food, drugs, devices, and cosmetics, as specified. A violation of that law is a crime. This bill, among other things, would enact the Medical Marijuana Regulation and Safety Act for the licensure and regulation of medical marijuana and would establish within the Department of Consumer Affairs the Bureau of Medical Marijuana Regulation, under the supervision and control of the Director of Consumer Affairs. The bill would require the director to administer and enforce the provisions of the act. This bill contains other related provisions and other existing laws.

Laws: An act to amend Sections 27 and 101 of, to add Section 205.1 to, and to add Chapter 3.5 (commencing with Section 19300) to Division 8 of, the Business and Professions Code, to amend Section 9147.7 of the Government Code, to amend Section 11362.775 of the Health and Safety Code, to add Section 147.5 to the Labor Code, and to add Section 31020 to the Revenue and Taxation Code, relating to medical marijuana.

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AB 313 (Atkins D) Enhanced infrastructure financing districts.

Chapter Number: 320

Status: 9/22/2015-Chaptered by Secretary of State - Chapter 320, Statutes of 2015.

Is Urgency: N

Summary: Would require, after the adoption of a resolution of intention to establish a proposed district, the legislative body to send a copy of the resolution to the public financing authority. This bill would revise the duties of the public financing authority after the resolution of intention to establish the proposed district has been adopted, so that the public financing authority, instead of the legislative body, will perform the specified duties related to the preparation, proposal, and adoption of the infrastructure financing plan and the adoption of the formation of the district.

Summary: Existing law authorizes the legislative body of a city or a county, defined to include a city and county, to establish an enhanced infrastructure financing district to finance public capital facilities or other specified projects of communitywide significance, including, but not limited to, the acquisition, construction, or rehabilitation of housing for persons of low and moderate income for rent or purchase. Existing law requires proceedings for the establishment of a district to be instituted by the adoption of a resolution of intention to establish the proposed district, and imposes specified duties on the legislative body with respect to the preparation, proposal, and adoption of an infrastructure financing plan after that resolution of intent is adopted. This bill would require, after the adoption of a resolution of intention to establish the proposed district, the legislative body to send a copy of the resolution to the public financing authority. This bill would revise the duties of the public financing authority after the resolution of intention to establish the proposed district has been adopted, so that the public financing authority, instead of the legislative body, will perform the specified duties related to the preparation, proposal, and adoption of the infrastructure financing plan and the adoption of the formation of the district. The bill would also require the legislative body to establish the public financing authority at the same time that it adopts a resolution of intention. This bill contains other related provisions and other existing laws.

Laws: An act to amend Sections 53398.51, 53398.51.1, 53398.52, 53398.56, 53398.57, 53398.62, 53398.63, 53398.64, 53398.66, 53398.67, 53398.68, 53398.69, and 53398.75 of, and to repeal and add Section 53398.74 of, the Government Code, relating to enhanced infrastructure financing districts.

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AB 325 (Wood D) Community Development Block Grant Program.

Chapter Number: 397

Status: 10/1/2015-Chaptered by Secretary of State - Chapter 397, Statutes of 2015.

Is Urgency: N

Summary: Current law requires the Department of Housing and Community Development to develop and use certain eligibility criteria and requirements for certain economic development fund applications. This bill would require the department, no later than 60 days, except as specified, after the department notifies an applicant that the department has approved the applicant's application for those grant funds, to provide a grant agreement to the applicant.

Summary: Existing law requires the Department of Housing and Community Development to allocate funds under the federal Community Development Block Grant Program to cities and counties. Existing law requires the department to determine and announce, in the applicable Notice of Funding Availability, the maximum amount of grant funds that may be used for economic development projects and programs, housing for persons and families of low or moderate income or for purposes directly related to the provision or improvement of housing opportunities for these persons and families, and for cities and counties that apply on behalf of certain Indian tribes. Existing law requires the department to develop and use certain eligibility criteria and requirements for certain economic development fund applications. This bill would require the department, no later than 60 days, except as specified, after the department notifies an applicant that the department has approved the applicant's application for those grant funds, to provide a grant agreement to the applicant. The bill would require the department, when the department enters into a grant agreement with an applicant, to provide the applicant with a complete and final list of activities the applicant must complete in order to receive a disbursement of funds pursuant to the agreement. The bill would authorize the department to make changes to the final list of activities if the applicant makes changes to the original application or the federal government or the Legislature requires changes. The bill would also require the department, no later than 30 days after receiving a grantee's request for disbursement of funds, to notify the grantee that the department has approved disbursement or to provide the grantee with a complete and final list of all of the remaining activities the grantee must complete, as specified

Laws: An act to add Section 50832.2 to the Health and Safety Code, relating to economic development.

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AB 402 (Dodd D) Local agency services: contracts.

Chapter Number: 431

Status: 10/2/2015-Chaptered by Secretary of State - Chapter 431, Statutes of 2015.

Is Urgency: N

Summary: Would establish a pilot program, until January 1, 2021, for the Napa and San Bernardino commissions that would permit those commissions to authorize a city or district to provide new or extended services outside both its jurisdictional boundaries and its sphere of influence under specified circumstances. This bill contains other related provisions.

Summary: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 governs the procedures for the formation and change of organization of cities and special districts. Existing law permits a city or district to provide extended services, as defined, outside its jurisdictional boundaries only if it first requests and receives written approval from the local agency formation commission in the affected county. Under existing law, the commission may authorize a city or district to provide new or extended services outside both its jurisdictional boundaries and its sphere of influence under specified circumstances, including when responding to an impending threat to the public health or safety of the residents in the affected territory where specified requirements are met. This bill would revise the circumstances under which the commission may authorize a city or district to provide new or extended services. This bill would additionally establish a pilot program, until January 1, 2021, for the Napa and San Bernardino commissions that would permit those commissions to authorize a city or district to provide new or extended services outside both its jurisdictional boundaries and its sphere of influence under specified circumstances. This bill contains other related provisions.

Laws: An act to amend Section 56133 of, and to add and repeal Section 56133.5 of, the Government Code, relating to local agency formation.

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AB 851 (Mayes R) Local government: organization: disincorporations.

Chapter Number: 304

Status: 9/21/2015-Chaptered by Secretary of State - Chapter 304, Statutes of 2015.

Is Urgency: N

Summary: Current law authorizes a local agency which is conducting proceedings for the incorporation of a city, formation of a district, change of organization, a reorganization, a change of organization of a city, or a municipal reorganization to propose the adoption of a special tax on behalf of the affected city or district in accordance with this procedure. This bill would additionally authorize a local agency conducting proceedings for the disincorporation of a city to propose the adoption of a special tax on behalf of an affected city in accordance with the above-described procedure.

Summary: Existing law specifies a procedure for the legislative body of a city, county, or district to propose to the voters an ordinance or resolution to adopt a special tax pursuant to constitutional requirements. Existing law authorizes a local agency which is conducting proceedings for the incorporation of a city, formation of a district, change of organization, a reorganization, a change of organization of a city, or a municipal reorganization to propose the adoption of a special tax on behalf of the affected city or district in accordance with this procedure. This bill would additionally authorize a local agency conducting proceedings for the disincorporation of a city to propose the adoption of a special tax on behalf of an affected city in accordance with the above-described procedure. This bill contains other related provisions and other existing laws.

Laws: An act to amend Sections 50077, 56658, 56885.5, 56886, and 57405 of, to add Sections 56045.5, 56653.1, 56770, 56804, 56813, 56814, 56816, 57401, and 57426 to, and to repeal Sections 57402, 57404, 57409, 57410, 57416, 57423, and 57424 of, the Government Code, and to amend Section 99 of the Revenue and Taxation Code, relating to local government.

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AB 896 (Wagner R) Counties: search or rescue: costs.

Chapter Number: 436

Status: 10/2/2015-Chaptered by Secretary of State - Chapter 436, Statutes of 2015.

Is Urgency: N

Summary: Would, notwithstanding the current provisions relating to liability for specified emergency response expenses, would provide that whenever a county or city and county either receives a reimbursement claim from another county or city and county for a search or rescue, or conducts its own search or rescue, of one of its residents who is 16 years of age or older, the county or city and county may in turn seek reimbursement for the actual costs incurred from that resident, if the need for the search or rescue necessitated the use of extraordinary methods and was caused by an intentional act in knowing violation of any federal or state law or local ordinance that resulted in a criminal conviction of that person for that act.

Summary: Existing law provides that persons whose specified actions cause an incident resulting in an appropriate emergency response are liable for the expenses of an emergency response by a public agency to the incident, up to \$12,000 per incident. This bill, notwithstanding the existing provisions relating to liability for specified emergency response expenses, would provide that whenever a county or city and county either receives a reimbursement claim from another county or city and county for a search or rescue, or conducts its own search or rescue, of one of its residents who is 16 years of age or older, the county or city and county may in turn seek reimbursement for the actual costs incurred from that resident, if the need for the search or rescue necessitated the use of extraordinary methods and was caused by an intentional act in knowing violation of any federal or state law or local ordinance that resulted in a criminal conviction of that person for that act. The bill would require the resident to pay within 30 days after being billed. This bill would prohibit the county or city and county from collecting reimbursement from persons whom the county or city and county determines are unable to pay the charges. The bill would prohibit a county or city and county from billing a resident more than \$12,000, adjusted annually for inflation as determined by the Department of Industrial Relations, for a search or rescue, unless the search or rescue was caused by an act that resulted in a felony conviction of that resident under federal or state law. This bill would provide that the county or city and county may only seek reimbursement if the board of supervisors of that county or city and county passes an ordinance consistent with this bill. This bill contains other existing laws.

Laws: An act to add Sections 26614.6 and 26614.7 to the Government Code, relating to local government.

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AB 1157 (Nazarian D) Property taxation: certificated aircraft assessment.

Chapter Number: 440

Status: 10/2/2015-Chaptered by Secretary of State - Chapter 440, Statutes of 2015.

Is Urgency: N

Summary: Current law requires, until December 31, 2015, the lead county assessor's office to lead a team to audit the books and records of commercial air carriers and authorizes these air carriers to file a property statement solely with the lead county assessor's office, as provided. This bill would extend the 2015-16 fiscal year termination date to the 2016-17 fiscal year and the December 31, 2015, inoperative or repeal date to December 31, 2016, for the above-described provisions relating to the determination of the fair market value and taxation of certificated aircraft.

Summary: Existing property tax law requires the personal property of an air carrier to be taxed at its fair market value, and the California Constitution requires property subject to ad valorem property taxation to be assessed in the county in which it is situated. Existing law, for the 2005-06 fiscal year to the 2015-16 fiscal year, inclusive, specifies a formula to determine the fair market value of certificated aircraft of a commercial air carrier, and rebuttably presumes that the amount determined pursuant to this formula is the fair market value of the certificated aircraft. Existing law further requires, until December 31, 2015, the Aircraft Advisory Subcommittee of the California Assessors' Association to designate, after soliciting input from commercial air carriers operating in the state, a lead county assessor's office for each commercial air carrier operating certificated aircraft in this state in an assessment year, and requires the lead county assessor to calculate the value of the air carrier's personal property and to transmit these calculations to other county assessors, but specifies that each county assessor is responsible for assessing and enrolling the taxable value of the property in his or her county, as provided. Existing law also requires, until December 31, 2015, the lead county assessor's office to lead a team to audit the books and records of commercial air carriers and authorizes these air carriers to file a property statement solely with the lead county assessor's office, as provided. This bill would extend the 2015-16 fiscal year termination date to the 2016-17 fiscal year and the December 31, 2015, inoperative or repeal date to December 31, 2016, for the above-described provisions relating to the determination of the fair market value and taxation of certificated aircraft. This bill contains other related provisions and other existing laws.

Laws: An act to amend Sections 401.17, 441, and 1153.5 of the Revenue and Taxation Code, relating to taxation.

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AB 1532 (Committee on Local Government) Local government: omnibus.

Chapter Number: 114

Status: 7/15/2015-Chaptered by Secretary of State - Chapter 114, Statutes of 2015.

Is Urgency: N

Summary: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, requires a local agency formation commission to notify specified state agencies having oversight or regulatory responsibility over, or a contractual relationship with, a local health care district when a proposal is made for any of specified changes of organization affecting that district. This bill would update obsolete references to a "hospital" district and replace outdated references to the State Department of Health Services with references to the State Department of Public Health and the State Department of Health Care Services.

Summary: Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, requires a local agency formation commission to notify specified state agencies having oversight or regulatory responsibility over, or a contractual relationship with, a local health care district when a proposal is made for any of specified changes of organization affecting that district. This bill would update obsolete references to a "hospital" district and replace outdated references to the State Department of Health Services with references to the State Department of Public Health and the State Department of Health Care Services. This bill contains other related provisions and other existing laws.

Laws: An act to amend Sections 56131.5, 56325, 56326, 56326.5, 56327, 56327.3, 56329, 56332, 56332.5, 56375.3, 56381.6, 56383, 56384, 57002, 57075, 57075.5, 57177.5, and 57179 of the Government Code, relating to local government.

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SB 63 (Hall D) Seaport infrastructure financing districts.

Chapter Number: 793

Status: 10/11/2015-Chaptered by Secretary of State - Chapter 793, Statutes of 2015.

Is Urgency: N

Summary: Would include port or harbor infrastructure, as defined, among the projects that may be financed by an enhanced infrastructure financing district. The bill would require a harbor agency to prepare an infrastructure financing plan for a seaport infrastructure financing district, defined as an enhanced infrastructure financing district that finances port or harbor infrastructure.

Summary: Existing law authorizes the legislative body of a city or county to establish an enhanced infrastructure financing district, adopt an infrastructure financing plan, and issue bonds, for which only the district is liable, upon approval by 55% of the voters and to finance public capital facilities or other specified projects of communitywide significance, including, but not limited to, among other things, environmental mitigation, military base reuse, low-income housing, and specified housing and transit projects. Existing law authorizes an enhanced infrastructure financing district to fund infrastructure projects through tax increment financing, pursuant to the infrastructure financing plan and the agreement of affected taxing entities. This bill would additionally include port or harbor infrastructure, as defined, among the projects that may be financed by an enhanced infrastructure financing district. The bill would require a harbor agency to prepare an infrastructure financing plan for a seaport infrastructure financing district, defined as an enhanced infrastructure financing district that finances port or harbor infrastructure. The bill would increase the vote threshold for a seaport infrastructure financing district to issue bonds to 2/3 of the voters, and would provide that for purposes of these voters, a "landowner" includes an entity paying possessory interest tax on state-owned land. The bill would prescribe additional procedures and requirements for the establishment of a seaport infrastructure financing district, including approval by the harbor agency and the State Lands Commission before the proposal is submitted to the voters for approval. The bill would require the harbor agency to reimburse the commission, for its administrative costs of considering the proposal, from bond proceeds, if any. The bill would specify that the commission shall retain absolute discretion over the determination of whether or not investment of local resources in port or harbor infrastructure, the actions of a harbor agency, or any other action taken by a seaport infrastructure financing district is consistent with the state's interest in tidelands and submerged lands. The bill would exclude from its provisions the Stockton Port District and river port districts. This bill contains other related provisions.

Laws: An act to amend Sections 53398.52, 53398.62, 53398.69, 53398.80, and 53398.81 of, and to add Section 53398.80.5 to, the Government Code, and to amend Sections 1690 and 1698 of, to add Section 1699 to, and to add Chapter 3 (commencing with Section 1710) to Part 1 of Division 6 of, the Harbors and Navigation Code, relating to seaport infrastructure financing.

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SB 107 (Committee on Budget and Fiscal Review) Local government.

Chapter Number: 325

Status: 9/22/2015-Chaptered by Secretary of State - Chapter 325, Statutes of 2015.

Is Urgency: N

Summary: Current law dissolved redevelopment agencies and community development agencies as of February 1, 2012, and provides for the designation of successor agencies to wind down the affairs of the dissolved redevelopment agencies and to, among other things, make payments due for enforceable obligations and to perform obligations required pursuant to any enforceable obligation. This bill would provide that any action by the Department of Finance, that occurred on or after June 28, 2011, carrying out the department's obligations under the provisions described above constitutes a department action for the preparation, development, or administration of the state budget and is exempt from the Administrative Procedures Act.

Summary: Existing law dissolved redevelopment agencies and community development agencies as of February 1, 2012, and provides for the designation of successor agencies to wind down the affairs of the dissolved redevelopment agencies and to, among other things, make payments due for enforceable obligations and to perform obligations required pursuant to any enforceable obligation. This bill would provide that any action by the Department of Finance, that occurred on or after June 28, 2011, carrying out the department's obligations under the provisions described above constitutes a department action for the preparation, development, or administration of the state budget and is exempt from the Administrative Procedure Act. This bill contains other related provisions and other existing laws.

Laws: An act to amend Sections 34171, 34173, 34176, 34176.1, 34177, 34177.3, 34177.5, 34178, 34179, 34179.7, 34180, 34181, 34183, 34186, 34187, 34189, 34191.3, 34191.4, and 34191.5 of, and to add Sections 34170.1, 34177.7, 34179.9, and 34191.6 to, the Health and Safety Code, and to amend Sections 96.11 and 98 of, and to add Section 96.24 to, the Revenue and Taxation Code, relating to local government, and making an appropriation therefor, to take effect immediately, bill related to the budget.

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SB 184 (Committee on Governance and Finance) Local government: omnibus bill.

Chapter Number: 269

Status: 9/4/2015-Chaptered by Secretary of State. Chapter 269, Statutes of 2015.

Is Urgency: N

Summary: Current law authorizes specified local entities, including cities, counties, special districts, and other authorized public corporations, to collect fees, tolls, rates, rentals, or other charges for water, sanitation, storm drainage, or sewerage system services and facilities. Under current law, a local entity may collect these charges on the property tax roll at the same time and in the same manner as its general property taxes, but is required to file a report on these collected charges. Current law requires the clerk or secretary to annually file the report with the auditor. This bill would define "clerk" to mean the clerk of the legislative body or secretary of the entity.

Summary: Existing law authorizes specified local entities, including cities, counties, special districts, and other authorized public corporations, to collect fees, tolls, rates, rentals, or other charges for water, sanitation, storm drainage, or sewerage system services and facilities. Under existing law, a local entity may collect these charges on the property tax roll at the same time and in the same manner as its general property taxes. If the entity collects these charges in this way, existing law requires the entity to prepare and file with its clerk or secretary a report describing each parcel of property receiving the above-described services and the amount charged. Existing law requires the clerk or secretary to annually file the report with the auditor. Existing law defines "clerk" for these purposes to mean the official clerk or secretary of the entity. Existing law also authorizes these local entities to fix fees or charges for the privilege of connecting parcels of property to their sanitation or sewerage facilities, subject to specified procedures. Existing law requires the legislative body of the local entity to annually file with the auditor a list of lots or parcels of land subject to these fees or charges and the amounts of the installments of the fees or charges to be entered against the affected lots or parcels of land. Existing law requires the auditor to enter on the assessment roll the amounts of installments of these fees or charges. Existing law defines the auditor, for the purposes of these provisions, as the financial officer of the local entity. This bill would instead define "clerk" to mean the clerk of the legislative body or secretary of the entity. The bill would clarify that the above-described provisions relating to the authority and duties of the auditor apply only to the county auditor. The bill would also make technical, nonsubstantive changes to these provisions. This bill contains other related provisions and other existing laws.

Laws: An act to amend Sections 27202, 27203, 27203.5, 27210, 27211, 27230, 27231, 27256, 27257, 27320, 27321, 27321.5, 27360, 66497, and 66499.7 of, and to repeal Section 27251 of, the Government Code, to amend Sections 5470, 5473.4, 5474.4, and 5474.5 of the Health and Safety Code, to amend Sections 20150.1, 20200, 22010, 22014, 22015, 22017, 22030, 22034, 22036, 22039, 22043, and 22044 of, and to add Section 22042.5 to, the Public Contract Code, to amend Sections 8333, 8335, 36627, 36705, and 36718 of, and to add Section 36509.5 to, the Streets and Highways Code, and to amend Sections 35406 and 37921 of the Water Code, relating to local government.

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SB 222 (Block D) Local agencies: school bonds: general obligation bonds: statutory lien.

Chapter Number: 78

Status: 7/13/2015-Chaptered by Secretary of State - Chapter 78, Statutes of 2015.

Is Urgency: N

Summary: If a bond measure is approved by the electors, current law requires the board of supervisors of the county whose county superintendent of schools has jurisdiction over the school district or community college district to annually, at the time of making the levy of taxes for county purposes, levy a tax for that year upon the property in the district for the interest and redemption of all outstanding bonds of the school district or community college district. Current law requires that all taxes levied, when collected, to be paid into the county treasury, as provided, to be used for the payment of the principal and interest of the bonds and for no other purpose. This bill would require bonds issued and sold pursuant to these provisions to be secured by a statutory lien on all revenues received pursuant to the levy and collection of the tax, as provided.

Summary: Except as otherwise provided by law, existing law provides that the governing board of a school district or community college district may, when in its judgment it is advisable, and shall, upon a petition of the majority of the qualified electors residing in the school district or community college district, order an election and submit to the electors of the district the question whether the bonds of the district shall be issued and sold for the purpose of raising money for certain school facilities purposes, including the purchasing of school lots and the building or purchasing of school buildings. This bill would require bonds issued and sold pursuant to these provisions to be secured by a statutory lien on all revenues received pursuant to the levy and collection of the tax, as provided. This bill contains other related provisions and other existing laws.

Laws: An act to amend Section 15251 of the Education Code, and to add Article 5.5 (commencing with Section 53515) to Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, relating to local government.

SACA: Legislation of Interest to County Auditors
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SB 272 (Hertzberg D) The California Public Records Act: local agencies: inventory.

Chapter Number: 795

Status: 10/11/2015-Chaptered by Secretary of State - Chapter 795, Statutes of 2015.

Is Urgency: N

Summary: Would require each local agency, except a local educational agency, in implementing the California Public Records Act, to create a catalog of enterprise systems, as defined, to make the catalog publicly available upon request in the office of the person or officer designated by the agency's legislative body, and to post the catalog on the local agency's Internet Web site.

Summary: Existing law, the California Public Records Act, requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. The act declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. This bill would require each local agency, except a local educational agency, in implementing the California Public Records Act, to create a catalog of enterprise systems, as defined, to make the catalog publicly available upon request in the office of the person or officer designated by the agency's legislative body, and to post the catalog on the local agency's Internet Web site. The bill would require the catalog to disclose a list of the enterprise systems utilized by the agency, and, among other things, the current system vendor and product, unless, on the facts of the particular case, the public interest served by not disclosing that information clearly outweighs the public interest served by disclosure, in which case the local agency may instead provide a system name, brief title, or identifier of the system. Because the bill would require local agencies to perform additional duties, it would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Laws: An act to add Section 6270.5 to the Government Code, relating to public records.

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SB 331 (Mendoza D) Public contracts: local agencies: negotiations.

Chapter Number: 714

Status: 10/9/2015-Chaptered by Secretary of State - Chapter 714, Statutes of 2015.

Is Urgency: N

Summary: Would enact the Civic Reporting Openness in Negotiations Efficiency Act to establish specific procedures for the negotiation and approval of certain contracts valued at \$250,000 or more for goods or services by cities, counties, cities and counties, or special districts that have adopted a civic openness in negotiations ordinance, or COIN ordinance, defined as an ordinance imposing specified requirements as part of any collective bargaining process undertaken pursuant to the Meyers-Milias-Brown Act. The act would require the designation of an independent auditor to review and report on the cost of any proposed contract.

Summary: Existing law relating to public contracts requires local agencies, including cities and counties, to comply with specified procedures for public contracting for public construction. This bill would enact the Civic Reporting Openness in Negotiations Efficiency Act to establish specific procedures for the negotiation and approval of certain contracts valued at \$250,000 or more for goods or services by cities, counties, cities and counties, or special districts that have adopted a civic openness in negotiations ordinance, or COIN ordinance, defined as an ordinance imposing specified requirements as part of any collective bargaining process undertaken pursuant to the Meyers-Milias-Brown Act. The act would require the designation of an independent auditor to review and report on the cost of any proposed contract. The act would require a city, county, city and county, or special district to disclose prescribed information relating to the contract and contract negotiations on its Internet Web site. The act would prohibit a final determination by the governing body regarding approval of any contract until the matter has been heard at a minimum of 2 public meetings of the governing body. This bill contains other related provisions and other existing laws.

Laws: An act to add Chapter 4.5 (commencing with Section 22175) to Part 3 of Division 2 of the Public Contract Code, relating to public contracts.

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SB 533 (Pan D) Cities and counties: sales and use tax agreements.

Chapter Number: 717

Status: 10/9/2015-Chaptered by Secretary of State - Chapter 717, Statutes of 2015.

Is Urgency: N

Summary: Would repeal a specified prohibition of the Bradley-Burns Uniform Local Sales and Use Tax Law and instead prohibit, on or after January 1, 2016, a local agency from entering into any form of agreement that would result, directly or indirectly, in the payment, transfer, diversion, or rebate of Bradley-Burns local tax revenues to any person, as defined, for any purpose, if the agreement results in a reduction in the amount of Bradley-Burns local tax revenues that, in the absence of the agreement, would be received by another local agency and the retailer continues to maintain a physical presence within the territorial jurisdiction of that other local agency, with specified exceptions.

Summary: The Bradley-Burns Uniform Local Sales and Use Tax Law authorizes counties and cities to impose local sales and use taxes in conformity with the Sales and Use Tax Law. That law provides that for the purpose of a local sales tax adopted pursuant to that law, all retail sales are consummated at the place of business of the retailer unless otherwise specified. This bill would repeal that prohibition and instead prohibit, on or after January 1, 2016, a local agency from entering into any form of agreement that would result, directly or indirectly, in the payment, transfer, diversion, or rebate of Bradley-Burns local tax revenues to any person, as defined, for any purpose, if the agreement results in a reduction in the amount of Bradley-Burns local tax revenues that, in the absence of the agreement, would be received by another local agency and the retailer continues to maintain a physical presence within the territorial jurisdiction of that other local agency, with specified exceptions. This bill would also impose specified notification and reporting requirements on a local agency entering into an agreement that results in a reduction of the amount of Bradley-Burns local tax revenues, that in the absence of the agreement, would be received by another local agency, prior to the ratification of that agreement. This bill would also require any local agency to post such an agreement on its Internet Web site, including any agreements entered into prior to January 1, 2016, that are still in effect. By imposing these notification and reporting requirements on a local agency, this bill would impose a state-mandated local program. This bill would exclude from these provisions any mutual tax revenue sharing agreement between local agencies to pay, transfer, or divert Bradley-Burns local tax revenues to another local agency, and where the agreement would not result, directly or indirectly, in the payment, transfer, diversion, or rebate of those tax revenues to a retailer. This bill contains other related provisions and other existing laws.

Laws: An act to repeal and add Section 53084.5 of the Government Code, relating to local government.

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SB 643 (McGuire D) Medical marijuana.

Chapter Number: 719

Status: 10/9/2015-Chaptered by Secretary of State - Chapter 719, Statutes of 2015.

Is Urgency: N

Summary: Would set forth standards for a physician and surgeon prescribing medical cannabis and require the Medical Board of California to prioritize its investigative and prosecutorial resources to identify and discipline physicians and surgeons that have repeatedly recommended excessive cannabis to patients for medical purposes or repeatedly recommended cannabis to patients for medical purposes without a good faith examination, as specified. The bill would require the Bureau of Medical Marijuana to require an applicant to furnish a full set of fingerprints for the purposes of conducting criminal history record checks.

Summary: Existing law, the Compassionate Use Act of 1996, an initiative measure enacted by the approval of Proposition 215 at the November 6, 1996, statewide general election, authorizes the use of marijuana for medical purposes. Existing law enacted by the Legislature requires the establishment of a program for the issuance of identification cards to qualified patients so that they may lawfully use marijuana for medical purposes, and requires the establishment of guidelines for the lawful cultivation of marijuana grown for medical use. Existing law provides for the licensure of various professions by the Department of Consumer Affairs. Existing law, the Sherman Food, Drug, and Cosmetic Law, provides for the regulation of food, drugs, devices, and cosmetics, as specified. A violation of that law is a crime. This bill would, among other things, set forth standards for a physician and surgeon prescribing medical cannabis and require the Medical Board of California to prioritize its investigative and prosecutorial resources to identify and discipline physicians and surgeons that have repeatedly recommended excessive cannabis to patients for medical purposes or repeatedly recommended cannabis to patients for medical purposes without a good faith examination, as specified. The bill would require the Bureau of Medical Marijuana to require an applicant to furnish a full set of fingerprints for the purposes of conducting criminal history record checks. The bill would prohibit a physician and surgeon who recommends cannabis to a patient for a medical purpose from accepting, soliciting, or offering any form of remuneration from a facility licensed under the Medical Marijuana Regulation and Safety Act. The bill would make a violation of this prohibition a misdemeanor, and by creating a new crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Laws: An act to amend Sections 144, 2220.05, 2241.5, and 2242.1 of, to add Sections 19302.1, 19319, 19320, 19322, 19323, 19324, and 19325 to, to add Article 25 (commencing with Section 2525) to Chapter 5 of Division 2 of, and to add Article 6 (commencing with Section 19331), Article 7.5 (commencing with Section 19335), Article 8 (commencing with Section 19337), and Article 11 (commencing with Section 19348) to Chapter 3.5 of Division 8 of, the Business and Professions Code, relating to medical marijuana.

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SB 704 (Gaines R) Public officers and employees: conflict of interest: contracts.

Chapter Number: 495

Status: 10/4/2015-Chaptered by Secretary of State - Chapter 495, Statutes of 2015.

Is Urgency: N

Summary: Current law prohibits Members of the Legislature, state, county, district, judicial district, and city officers or employees from being financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Current law identifies certain remote interests in contracts that are not subject to this prohibition and other situations in which an official is not deemed to be financially interested in a contract. This bill would include in the definition of "remote interest" the interest of a person who is an owner or partner of a firm serving as an appointed member of an unelected board or commission of the contracting agency, if the owner or partner recuses himself or herself from providing any advice to the contracting agency regarding the contract between the firm and the contracting agency, and from all participation in reviewing a project that results from that contract.

Summary: Existing law prohibits Members of the Legislature, state, county, district, judicial district, and city officers or employees from being financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Existing law identifies certain remote interests in contracts that are not subject to this prohibition and other situations in which an official is not deemed to be financially interested in a contract. Existing law makes a willful violation of this prohibition a crime. This bill would include in the definition of "remote interest" the interest of a person who is an owner or partner of a firm serving as an appointed member of an unelected board or commission of the contracting agency, if the owner or partner recuses himself or herself from providing any advice to the contracting agency regarding the contract between the firm and the contracting agency, and from all participation in reviewing a project that results from that contract. The bill would also include in the definition of "remote interest" the interest of a planner employed by a consulting engineering, architectural, or planning firm

Laws: An act to amend Section 1091 of the Government Code, relating to public officers and employees.

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SB 705 (Hill D) Transactions and use taxes: County of San Mateo: Transportation Agency for Monterey County.

Chapter Number: 579

Status: 10/7/2015-Chaptered by Secretary of State - Chapter 579, Statutes of 2015.

Is Urgency: N

Summary: Would authorize the County of San Mateo to, in accordance with the Bay Area County Traffic and Transportation Funding Act, impose a transactions and use tax for countywide transportation programs at a rate of no more than 0.5% that, in combination with other specified taxes, would exceed the combined rate limit. The bill would also authorize the Transportation Agency for Monterey County to impose a transactions and use tax for the support of countywide transportation programs at a rate of no more than 0.375% that, in combination with other specified taxes, would exceed the combined rate limit. This bill contains other related provisions and other existing laws.

Summary: Existing law authorizes various local governmental entities, subject to certain limitations and approval requirements, to levy a transactions and use tax for general purposes, in accordance with the procedures and requirements set forth in the Transactions and Use Tax Law, including a requirement that the combined rate of all taxes that may be imposed in accordance with that law in the county not exceed 2%. Existing law, the Bay Area County Traffic and Transportation Funding Act, authorizes nine specified counties in the San Francisco Bay Area, including the County of San Mateo, to establish a county transportation authority and levy a retail transactions and use tax of either 0.5% or 1% for specified transportation purposes if certain requirements are met, including that the ordinance levying the tax meets the requirements of the Transactions and Use Tax Law and is approved by 2/3 of the electors voting on the measure. This bill would authorize the County of San Mateo to, in accordance with the Bay Area County Traffic and Transportation Funding Act, impose a transactions and use tax for countywide transportation programs at a rate of no more than 0.5% that, in combination with other specified taxes, would exceed the combined rate limit. The bill would also authorize the Transportation Agency for Monterey County to impose a transactions and use tax for the support of countywide transportation programs at a rate of no more than 0.375% that, in combination with other specified taxes, would exceed the combined rate limit. This bill contains other related provisions and other existing laws.

Laws: An act to add Chapter 3.9 (commencing with Section 7295) and Chapter 3.91 (commencing with Section 7297) to Part 1.7 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Court Bills

AB 243 (Wood D) Medical marijuana.

Chapter Number: 688

Status: 10/9/2015-Chaptered by Secretary of State - Chapter 688, Statutes of 2015.

Is Urgency: N

Summary: Would require the Department of Food and Agriculture, the Department of Pesticide Regulation, the State Department of Public Health, the Department of Fish and Wildlife, and the State Water Resources Control Board to promulgate regulations or standards relating to medical marijuana and its cultivation, as specified. The bill would also require various state agencies to take specified actions to mitigate the impact that marijuana cultivation has on the environment.

Summary: Existing law, the Compassionate Use Act of 1996, an initiative measure enacted by the approval of Proposition 215 at the November 5, 1996, statewide general election, authorizes the use of marijuana for medical purposes. Existing law enacted by the Legislature requires the establishment of a program for the issuance of identification cards to qualified patients so that they may lawfully use marijuana for medical purposes, and requires the establishment of guidelines for the lawful cultivation of marijuana grown for medical use. Existing law provides for the licensure of various professions by boards or bureaus within the Department of Consumer Affairs. Existing law, the Sherman Food, Drug, and Cosmetic Law, provides for the regulation of food, drugs, devices, and cosmetics, as specified. A violation of that law is a crime. This bill would require the Department of Food and Agriculture, the Department of Pesticide Regulation, the State Department of Public Health, the Department of Fish and Wildlife, and the State Water Resources Control Board to promulgate regulations or standards relating to medical marijuana and its cultivation, as specified. The bill would also require various state agencies to take specified actions to mitigate the impact that marijuana cultivation has on the environment. By requiring cities, counties, and their local law enforcement agencies to coordinate with state agencies to enforce laws addressing the environmental impacts of medical marijuana cultivation, and by including medical marijuana within the Sherman Act, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Laws: An act to add Article 6 (commencing with Section 19331), Article 13 (commencing with Section 19350), and Article 17 (commencing with Section 19360) to Chapter 3.5 of Division 8 of the Business and Professions Code, to add Section 12029 to the Fish and Game Code, to add Sections 11362.769 and 11362.777 to the Health and Safety Code, and to add Section 13276 to the Water Code, relating to medical marijuana, and making an appropriation therefor.

Court Bills

AB 276 (Committee on Environmental Safety and Toxic Materi) Department of Toxic Substances Control: response actions: cleanup ability information.

Chapter Number: 459

Status: 10/2/2015-Chaptered by Secretary of State - Chapter 459, Statutes of 2015.

Is Urgency: N

Summary: Would authorize the Department of Toxic Substances or local officer or agency to require specified parties to furnish and transmit any information relating to the parties' abilities to pay for or perform a response action if there is a reasonable basis to believe that there has been or may be a release or threatened release of a hazardous substance, and only for the purpose of determining under the Hazardous Waste Control Law how to finance a response action or otherwise for the purpose of enforcing the Hazardous Waste Control Law.

Summary: (1) The Hazardous Waste Control Law regulates the use and disposal of hazardous materials. Existing law permits the Department of Toxic Substances Control or any local officer or agency authorized to enforce the Hazardous Waste Control Law to require specified parties to furnish and transmit certain information relating to hazardous substances, hazardous wastes, and hazardous materials. A violation of the Hazardous Waste Control Law is a crime. This bill would authorize the department or local officer or agency to require those parties to furnish and transmit any information relating to the parties' abilities to pay for or perform a response action if there is a reasonable basis to believe that there has been or may be a release or threatened release of a hazardous substance, and only for the purpose of determining under the Hazardous Waste Control Law how to finance a response action or otherwise for the purpose of enforcing the Hazardous Waste Control Law. The bill would also authorize the department to require any person who has information regarding the activities of one of those parties relating to hazardous substances, hazardous wastes, or hazardous materials to furnish and transmit that information. The bill would authorize the department to require any person who has information regarding the activities of one of those parties relating to the ability of the party to pay for or perform a response action to furnish and transmit that information if there is a reasonable basis to believe that there has been or may be a release or threatened release of a hazardous substance, and only for the purpose of determining under the Hazardous Waste Control Law how to finance a response action or otherwise for the purpose of enforcing the Hazardous Waste Control Law. By expanding the scope of a crime, this bill would impose a state-mandated local program. The bill would authorize the department to issue an order directing compliance if a person intentionally or negligently fails to furnish and transmit the above-described information. This bill contains other related provisions and other existing laws.

Laws: An act to amend Sections 25185.6, 25190, 25358.1, 25358.2, and 25367 of the Health and Safety Code, relating to hazardous materials.

Court Bills

AB 901 (Gordon D) Solid waste: reporting requirements: enforcement.

Chapter Number: 746

Status: 10/10/2015-Chaptered by Secretary of State - Chapter 746, Statutes of 2015.

Is Urgency: N

Summary: The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste. This bill would revise specified provisions by, among other things, (1) requiring recycling and composting operations and facilities to submit specified information directly to the department, rather than to counties, (2) requiring disposal facility operators to submit tonnage information to the department, and to counties only on request, and (3) deleting the requirement for counties to submit that information to cities, regional agencies, and the department.

Summary: The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste. Existing law requires disposal facility operators to submit information to counties from periodic tracking surveys on the disposal tonnages that are disposed of at the disposal facility by jurisdiction or region of origin. Existing law requires solid waste handlers and transfer station operators to provide information to the disposal facility on the origin of the solid waste they deliver to the disposal facility. Existing law requires recycling and composting facilities to submit periodic information to counties on the types and quantities of materials that are disposed of, sold to end users, or sold to exporters or transporters for sale outside of the state, by county of origin. Existing law requires counties to submit periodic reports to the cities within the county, to any regional agency of which the county is a member, and to the Department of Resources Recycling and Recovery on the amounts of solid waste disposed of by jurisdiction or region of origin, and on the categories and amounts of solid waste diverted to recycling and composting facilities within the county or region. Existing law authorizes the department to adopt regulations in this regard. This bill would revise these provisions by, among other things, (1) requiring recycling and composting operations and facilities to submit specified information directly to the department, rather than to counties, (2) requiring disposal facility operators to submit tonnage information to the department, and to counties only on request, and (3) deleting the requirement for counties to submit that information to cities, regional agencies, and the department. The bill would delete references to periodic tracking surveys. The bill would require exporters, brokers, and transporters of recyclables or compost to submit periodic information to the department on the types, quantities, and destinations of materials that are disposed of, sold, or transferred inside or outside of the state, and would authorize the department to provide this information, on an aggregated basis, to jurisdictions, as specified. The bill would make the aggregated information, other than that aggregated by company, public information. The bill would make other related changes to the various reporting requirements. The bill would provide for imposition of civil penalties on any person who refuses or fails to submit information required by the governing regulations, and on any person who

Court Bills

Summary continued: knowingly or willfully files a false report, refuses to permit the department to inspect or examine associated records, or alters, cancels, or obliterates entries in the records, as specified. The bill would provide that the civil penalties may be imposed either in a civil action or administratively pursuant to procedures specified in the bill. The bill would specify the types of waste disposal records that are subject to inspection and copying by the department, and also by an employee of a government entity, as defined, with respect to tonnage received at a disposal facility on or after July 1, 2015, that originates within the government entity's geographic jurisdiction. The bill, with respect to those records, would prohibit a government entity from disclosing the name of a waste hauler using a specific landfill unless necessary as part of an administrative or judicial proceeding, as specified. The bill would also authorize a government entity to petition the superior court for injunctive or declaratory relief to enforce these provisions. The bill would require recovered civil penalties to be deposited in the Integrated Waste Management Account. This bill contains other related provisions and other existing laws.

Laws: An act to amend Section 41821.5 of, to amend, renumber, and add Section 41821.6 of, and to add Sections 41821.7 and 41821.8 to, the Public Resources Code, relating to solid waste.

Court Bills

SB 165 (Monning D) Production or cultivation of a controlled substance: civil penalties.

Chapter Number: 139

Status: 8/7/2015-Chaptered by Secretary of State - Chapter 139, Statutes of 2015.

Is Urgency: N

Summary: Current law imposes various civil penalties for violations of specified provisions of the Fish and Game Code in connection with the production or cultivation of a controlled substance. Current law authorizes the Department of Fish and Wildlife to impose those civil penalties administratively. Current law authorizes the department to adopt regulations to implement these provisions and requires the administrative penalties collected to be apportioned in a specified manner. This bill would impose various additional civil penalties, subject to these provisions, for violations of specified provisions of the Penal Code and the Public Resources Code, in connection with the production or cultivation of a controlled substance.

Summary: Existing law imposes various civil penalties for violations of specified provisions of the Fish and Game Code in connection with the production or cultivation of a controlled substance. Existing law requires all civil penalties collected to be apportioned as provided, including 30% of the funds to be distributed to the investigating agency to be used to reimburse the cost of any investigation directly related to the violations described in these provisions. This bill would impose various additional civil penalties, subject to these provisions, for violations of specified provisions of the Penal Code and the Public Resources Code, in connection with the production or cultivation of a controlled substance. This bill contains other existing laws.

Laws: An act to amend Section 12025 of the Fish and Game Code, relating to controlled substances.