

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE JUNE 13, 2006

AMENDED IN ASSEMBLY MAY 1, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2404**

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**Introduced by Assembly Member Klehs  
(Coauthor: Assembly Member Evans)**

February 23, 2006

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An act to add Section 7550.7 to the Government Code, relating to state reports.

LEGISLATIVE COUNSEL'S DIGEST

AB 2404, as amended, Klehs. State government: reports: declarations.

~~(1) Existing~~

*Existing* law generally sets out the requirements for the submission of written reports by public agencies to the Legislature, the Governor, the Controller, and state legislative and other executive entities.

This bill would additionally require any of these written reports required to be submitted by any state agency, board, or commission and specified reports required to be submitted to the Controller by any city, county, city and county, or transit district, to include a signed statement by the head of the agency, the chair of the board or commission, or the officer of the local agency, except as specified, ~~declaring under penalty of perjury~~, that the contents of the report are true, accurate, and complete to the best of his or her knowledge. ~~By expanding the scope of the existing crime of perjury, this bill would impose a state-mandated local program.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

*This bill would also make any person who declares as true any material matter pursuant to this section that he or she knows to be false liable for a civil penalty not to exceed \$20,000, to be assessed and recovered exclusively in the name of the people of the State of California by the Attorney General.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes~~-no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 7550.7 is added to the Government  
2 Code, to read:

3 7550.7. (a) (1) Notwithstanding any other provision of law,  
4 every written report, as defined in paragraph (2) of subdivision  
5 (a) of Section 7550.5, required to be submitted to the Legislature  
6 by any state agency, board, or commission, shall include a signed  
7 statement by the head of that agency, or chair of the board or  
8 commission, as described in subdivision (b), declaring ~~under~~  
9 ~~penalty of perjury~~ that the contents of the report are true,  
10 accurate, and complete to the best of his or her knowledge.

11 (2) In the case of a board or commission whose chair is subject  
12 to paragraph (1), as described in subdivision (b), if the board or  
13 commission has an executive officer or executive director, the  
14 signed statement described in paragraph (1) shall be made by the  
15 executive officer or executive director.

16 (3) With respect to the Franchise Tax Board, the signed  
17 statement described in paragraph (1) shall be made by the  
18 executive officer of that board, and with respect to the State  
19 Board of Equalization, the statement shall be made by the  
20 executive director of that board.

21 (b) Paragraph (1) of subdivision (a) shall apply ~~only to those~~  
22 ~~individuals appointed by the Governor and confirmed by the~~  
23 ~~Senate.~~ *to elected officials of the state and any official whose*  
24 *duties are prescribed by the California Constitution.*

1 (c) Notwithstanding any other provision of law, every written  
2 report required to be submitted to the Controller pursuant to the  
3 following provisions shall include a signed statement by the  
4 officer of the local agency, ~~declaring under penalty of perjury,~~  
5 that the contents of the report are true, accurate, and complete to  
6 the best of his or her knowledge:

7 (1) Reports submitted by a city, county, city and county, or  
8 transit district pursuant to Section 53891.

9 (2) Reports submitted by a city, county, or city and county  
10 pursuant to Section 2151 of the Streets and Highways Code.

11 (3) Reports submitted by a transit district pursuant to Sections  
12 99243 and 99406 of the Public Utilities Code.

13 (d) Any person who declares as true any material matter  
14 pursuant to this section that he or she knows to be false ~~is guilty~~  
15 ~~of a misdemeanor, punishable by a fine not exceeding five~~  
16 ~~thousand dollars (\$5,000), by imprisonment in a county jail not~~  
17 ~~exceeding six months, or by both that fine and imprisonment.~~  
18 *shall be liable for a civil penalty not to exceed twenty thousand*  
19 *dollars (\$20,000). The civil penalties provided for in this section*  
20 *shall be exclusively assessed and recovered in a civil action*  
21 *brought in the name of the people of the State of California in*  
22 *any court of competent jurisdiction by the Attorney General.*

23 SEC. 2. No reimbursement is required by this act pursuant to  
24 Section 6 of Article XIII B of the California Constitution for  
25 certain costs that may be incurred by a local agency or school  
26 district because, in that regard, this act creates a new crime or  
27 infraction, eliminates a crime or infraction, or changes the  
28 penalty for a crime or infraction, within the meaning of Section  
29 17556 of the Government Code, or changes the definition of a  
30 crime within the meaning of Section 6 of Article XIII B of the  
31 California Constitution.