

AMENDED IN SENATE MAY 31, 2012
AMENDED IN SENATE JUNE 21, 2011
AMENDED IN ASSEMBLY MAY 10, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1181

Introduced by Assembly Member Butler

February 18, 2011

An act to amend ~~Sections 12210.5, 12509, 12511.1, and 12512 of the Business and Professions Code, relating to weights and measures~~ *Section 95.31 of the Revenue and Taxation Code, relating to local government finance, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1181, as amended, Butler. ~~Weights and measures. Property tax administration: loan program.~~

Existing property tax law had authorized an eligible county, as defined, upon the recommendation of the assessor and by resolution of its board of supervisors, to elect to participate in the State-County Property Tax Administration Loan Program, pursuant to which a participating county received, in specified fiscal years, a loan from the state, as specified, for the purposes of providing supplemental funding for that county's local administration of the ad valorem property tax.

This bill would reauthorize the State-County Property Tax Administration Loan Program to allow counties to elect to participate in the program to receive a loan in each fiscal year from the 2012–13 fiscal year to the 2015–16 fiscal year, inclusive. This bill would also require the California Assessors' Association to report to the Senate

Committee on Budget and Fiscal Review and the Assembly Committee on Budget regarding participating counties, as specified.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law makes it a crime for a person, firm, corporation, or association to advertise, solicit, or represent by any means a product for sale or purchase if it is intended to entice a consumer into a transaction different from that originally represented. When the sale of any commodity is based upon a quantity representation either furnished by the purchaser or obtained through the use of equipment supplied by the purchaser, the purchaser is prohibited from buying the commodity according to any quantity which is less than the true quantity. A violation of these provisions is a misdemeanor.~~

~~This bill would revise the latter provision by prohibiting the purchaser from buying the commodity according to any quantity which is less than the true quantity or computing the purchase price of the commodity according to a unit price that is less than the highest applicable price per unit, that is advertised, posted, marked, displayed, or quoted for the commodity. Because the bill would change the definition of a crime, the bill would impose a state-mandated local program.~~

~~Existing law also prohibits a person from engaging in business as a service agency for the repair of weights and measures, unless that person registers with the Secretary of Food and Agriculture, as specified.~~

~~This bill would make technical and conforming changes to related provisions.~~

~~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.~~

Vote: ~~majority~~^{2/3}. 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 95.31 of the Revenue and Taxation Code
- 2 is amended to read:
- 3 95.31. (a) ~~(1)~~Notwithstanding any other provision of law,
- 4 any ~~eligible~~ county may, upon the recommendation of the county
- 5 assessor, and by resolution of the board of supervisors of that

1 county adopted not later than ~~December~~ *February* 1 of the fiscal
2 year for which it is to first apply, elect to participate in the
3 State-County Property Tax Administration Loan Program.

4 ~~(2) Except as specified in paragraph (3), for the purposes of this~~
5 ~~section, an eligible county shall mean a county in which additional~~
6 ~~property tax revenue allocated to school entities would reduce the~~
7 ~~amount of General Fund moneys apportioned to school entities.~~
8 ~~However, eligibility shall be terminated when, in combination with~~
9 ~~resources in the Educational Revenue Augmentation Fund,~~
10 ~~additional property tax revenues allocated to school entities will~~
11 ~~not result in a reduction in the General Fund apportionments.~~

12 ~~(3) Notwithstanding paragraph (2), both the County of Solano~~
13 ~~and the County of San Benito shall be deemed eligible counties~~
14 ~~that may, upon the recommendation of the county assessor, and~~
15 ~~by resolution of the board of supervisors of the county adopted on~~
16 ~~or before March 31, 1996, elect to participate in the State-County~~
17 ~~Property Tax Administration Loan Program.~~

18 ~~(4) Notwithstanding paragraph (1), any county in which a new~~
19 ~~assessor is elected in 1998 may, upon the recommendation of the~~
20 ~~county assessor, and by resolution of the board of supervisors of~~
21 ~~the county adopted on or before January 31, 1999, elect to~~
22 ~~participate in the State-County Property Tax Administration Loan~~
23 ~~Program commencing with the 1998-99 fiscal year.~~

24 (b) (1) In each fiscal year from the ~~1995-96~~ *2012-13* fiscal
25 year to the ~~2001-02~~ *2015-16* fiscal year, inclusive, ~~an eligible a~~
26 county participating in the State-County Property Tax
27 Administration Loan Program may receive a loan for up to the
28 amount listed in paragraph (3). *However, for the 2012-13 fiscal*
29 *year, a county participating in the State-County Property Tax*
30 *Administration Loan Program may receive a loan for up to one-half*
31 *of the amount listed in paragraph (3).* The loan shall be repaid by
32 June 30 of the fiscal year following the year in which the loan is
33 made. However, at the discretion of the Director of Finance, the
34 loan may be renewed once for an additional 12-month period at
35 the request of the participating county board of supervisors. ~~For~~
36 ~~the Counties of Fresno, Orange, San Benito, and Solano any loan~~
37 ~~agreement signed on or before July 31, 1996, shall be deemed a~~
38 ~~loan agreement for the 1995-96 fiscal year for the purposes of this~~
39 ~~section. For any county in which a new assessor is elected in 1998,~~
40 ~~any loan agreement signed on or before January 31, 1999, shall~~

1 ~~be deemed a loan agreement for the 1998–99 fiscal year for the~~
2 ~~purposes of this section.~~
3 (2) ~~(A) If an eligible~~ a county elects to participate in the
4 State-County Property Tax Administration Loan Program, it shall
5 enter into a contractual agreement with the Department of Finance.
6 At a minimum, the contractual agreement shall include the
7 following:
8 ~~(A)~~
9 (i) The loan amount, as determined by the Director of Finance.
10 ~~(B)~~
11 (ii) Repayment provisions, ~~including the interception of Motor~~
12 ~~Vehicle License Fee Account moneys apportioned pursuant to~~
13 ~~Section 11005 to repay the General Fund.~~
14 ~~(C)~~
15 (iii) A listing of the proposed use of the additional resources
16 including, but not limited to:
17 ~~(i)~~
18 (I) Proposed new positions.
19 ~~(ii)~~
20 (II) Increased automation costs.
21 ~~(D) An~~
22 (iv) *Commencing in the 2012–13 fiscal year, an agreement to*
23 *provide to the Department of Finance, by March 31 of the fiscal*
24 *year in which the loan is made, a report projecting the impact of*
25 *the increased funding in the current and subsequent fiscal year.*
26 (v) *An agreement to provide the Department of Finance an audit*
27 *report detailing the county’s basis for satisfying the terms of the*
28 *loan agreement. The report shall be provided by October 1 of the*
29 *fiscal year following the year in which the loan is made.*
30 (vi) *An agreement to use the funds for the purposes stated, and,*
31 *should any portion of the funds be diverted to a different,*
32 *unapproved use, to return an amount equal to the diverted funds*
33 *to the state regardless of whether or not other terms of the*
34 *agreement are satisfied.*
35 (B) *The terms of the contract and the loan amount shall be*
36 *determined by standardized criteria.*
37 (3) Upon request of the Department of Finance, the Controller
38 shall provide a loan to the following counties for ~~up to the an~~
39 amount specified by the Director of Finance, ~~not to exceed the~~

1 following amounts. The following amounts are targeted loan
2 amounts:

	Jurisdiction	Amount
4		
5	Alameda	\$ 2,152,429
6		2,199,786
7	Alpine	3,124
8		100,000
9	Amador	80,865
10		100,000
11	Butte	381,956
12		207,431
13	Calaveras	109,897
14		100,000
15	Colusa	53,957
16		100,000
17	Contra Costa	2,022,088
18		1,627,492
19	Del Norte	36,203
20		100,000
21	El Dorado	302,795
22		305,855
23	Fresno	1,165,249
24		654,693
25	Glenn	59,197
26		100,000
27	Humboldt	210,806
28		122,349
29	Imperial	231,673
30		118,682
31	Inyo	100,080
32		100,000
33	Kern	1,211,318
34		844,381
35	Kings	138,653
36		100,000
37	Lake	117,376
38		100,000
39	Lassen	54,699
40		100,000

1	Los Angeles	13,451,670
2		11,949,154
3	Madera	212,991
4		123,737
5	Marin	790,490
6		632,279
7	Mariposa	46,476
8		100,000
9	Mendocino	160,435
10		113,255
11	Merced	298,004
12		189,021
13	Modoc	24,022
14		100,000
15	Mono	47,778
16		100,000
17	Monterey	795,819
18		557,393
19	Napa	366,020
20		302,698
21	Nevada	234,292
22		187,802
23	Orange	6,826,325
24		4,674,190
25	Placer	628,047
26		637,598
27	Plumas	80,606
28		100,000
29	Riverside	2,358,068
30		2,382,914
31	Sacramento	1,554,245
32		1,411,399
33	San Benito	90,408
34		100,000
35	San Bernardino	2,139,938
36		1,904,245
37	San Diego	5,413,943
38		4,346,770
39	San Francisco	1,013,332
40		1,672,609

1	San Joaquin	818,686
2		625,915
3	San Luis Obispo	736,288
4		445,928
5	San Mateo	2,220,001
6		1,608,858
7	Santa Barbara	926,817
8		681,538
9	Santa Clara	4,213,639
10		3,391,387
11	Santa Cruz	565,328
12		372,719
13	Shasta	342,399
14		174,472
15	Sierra	7,383
16		100,000
17	Siskiyou	91,164
18		100,000
19	Solano	469,207
20		461,156
21	Sonoma	1,035,049
22		762,342
23	Stanislaus	866,155
24		411,622
25	Sutter	147,436
26		100,000
27	Tehama	97,222
28		100,000
29	Trinity	24,913
30		100,000
31	Tulare	501,907
32		305,188
33	Tuolumne	126,067
34		100,000
35	Ventura	1,477,789
36		1,164,648
37	Yolo	278,309
38		228,498
39	Yuba	88,968
40		100,000

1 (4) The Department of Finance shall consider any or all of the
2 following items in determining the extent to which a county has
3 satisfied the terms and repaid the loan, pursuant to the contract, as
4 offered under this part:

5 (A) County performance as indicated by the State Board of
6 Equalization's sample survey required pursuant to Section 15640
7 of the Government Code.

8 (B) Performance measures adopted by the California Assessors'
9 Association.

10 (C) Reduction of backlog of assessment appeals ~~and~~, Proposition
11 8 declines in value, *and restorations in value*.

12 (D) County compliance with mandatory audits required by
13 Section 469 *and nonmandatory audits*.

14 (E) Reduction of backlogs in new construction, changes in
15 ownership, *unsecured roll*, and supplemental roll.

16 (F) Other measures, as determined by the Director of Finance.

17 (5) The Director of Finance shall notify the Controller of any
18 participating county that fails to comply with the terms of the
19 agreement, including the repayment of the loan. When the
20 Controller receives notice from the Director of Finance, the
21 Controller shall make an apportionment to the General Fund on
22 behalf of the participating county in the amount of that required
23 payment for the purpose of making that payment. ~~The Controller~~
24 ~~shall make that payment only from moneys credited to the Motor~~
25 ~~Vehicle License Fee Account in the Transportation Tax Fund to~~
26 ~~which the participating county is entitled at that time under Chapter~~
27 ~~5 (commencing with Section 11001) of Part 5 of Division 2, and~~
28 ~~shall thereupon reduce, by the amount of the payment, the~~
29 ~~subsequent allocation or allocations to which the county would~~
30 ~~otherwise be entitled under that chapter.~~

31 (c) (1) Funds appropriated for purposes of this section shall be
32 used to enhance the property tax administration system by
33 providing supplemental resources. Amounts provided to any county
34 as a loan pursuant to this section shall not be used to supplant the
35 current level of funding. In order to participate in the State-County
36 Property Tax Administration Loan Program, a participating county
37 shall maintain a base staffing, including contract staff, and total
38 funding level in the county assessor's office, independent of the
39 loan proceeds provided pursuant to this act, equal to the levels in
40 the ~~1994-95 2011-12~~ fiscal year ~~exclusive of amounts provided~~

1 to the assessor's office pursuant to Item 9100-102-001 of the
2 Budget Act of 1994. However, in a county in which the 1994-95
3 funding level for the assessor's office was higher than the 1993-94
4 level, the 1993-94 fiscal year staffing and funding levels shall be
5 considered the base year for purposes of this section. Commencing
6 with the 1996-97 fiscal year, if a county was otherwise eligible
7 but was unable to participate in this program in the 1995-96 fiscal
8 year because it did not meet the funding level and staffing
9 requirements of this paragraph, that county shall maintain a base
10 staffing, including contract staff, and total funding level in the
11 county assessor's office equal to the levels in the 1995-96 fiscal
12 year.

13 (2) Prior to the assessor's recommendation for participation in
14 the State-County Property Tax Administration Loan Program, the
15 assessor shall consult with the county tax collector, and any other
16 county agency directly involved in property tax administration, to
17 discuss the needs of the program for the duration of the contractual
18 agreement.

19 (d) A participating county may establish a tracking system
20 whereby a work or function number is assigned to each appraisal
21 or administrative activity. That system should provide statistical
22 data on the number of production units performed by each
23 employee and the positive and negative change in assessed value
24 attributable to the activities performed by each employee.

25 (e) Notwithstanding Section 95.3, no amount of funds provided
26 to an eligible county pursuant to this section shall result in any
27 deduction from those property tax administrative costs that are
28 eligible for reimbursement pursuant to Section 95.3.

29 (f) At the request of the Department of Finance, the board shall
30 assist the Department of Finance in evaluating contracts entered
31 into pursuant to this section.

32 (g) *On or before December 1, 2014, the California Assessors'*
33 *Association shall provide to the Senate Committee on Budget and*
34 *Fiscal Review and the Assembly Committee on Budget a report*
35 *summarizing the reports provided by participating counties.*

36 *SEC. 2. This act is an urgency statute necessary for the*
37 *immediate preservation of the public peace, health, or safety within*
38 *the meaning of Article IV of the Constitution and shall go into*
39 *immediate effect. The facts constituting the necessity are:*

1 *In order to preserve funding for vital programs for education,*
2 *health, and public safety, it is necessary that this act take effect*
3 *immediately.*

4 SECTION 1. Section 12210.5 of the Business and Professions
5 Code is amended to read:

6 12210.5. ~~(a) Any county which inspects or tests any weighing~~
7 ~~or measuring device or instrument used commercially, at the~~
8 ~~request of the owner or user of that device, when inspection or~~
9 ~~testing of the device could legally be performed by a registered~~
10 ~~service agency, as defined in Section 12531, may, if authorized~~
11 ~~by the county board of supervisors, collect from the requesting~~
12 ~~owner or user thereof a fee.~~

13 ~~(b) That fee shall be based upon a uniform schedule of fees,~~
14 ~~which shall be prescribed by the secretary for use by the counties.~~
15 ~~The secretary shall prepare the schedule of fees to be comparable~~
16 ~~with the rates charged by the industry’s registered service agencies.~~
17 ~~All fees collected shall be credited to the general fund of the county~~
18 ~~in which collected and used only for the administration and~~
19 ~~enforcement of laws pertaining to weights and measures.~~

20 SEC. 2. Section 12509 of the Business and Professions Code
21 is amended to read:

22 12509. ~~(a) When any weight, measure, or weighing or~~
23 ~~measuring instrument has been repaired and corrected, and has~~
24 ~~been reinspected and found correct, the sealer shall remove the~~
25 ~~tag or device with the words “out of order,” and shall seal and~~
26 ~~mark that weight, measure, or weighing or measuring instrument~~
27 ~~in the manner provided for the marking of the same where, upon~~
28 ~~inspection, it is found correct.~~

29 ~~(b) Upon completion of corrective repairs or adjustments, and~~
30 ~~with the authorization from the sealer, a registered service agency,~~
31 ~~as defined in Section 12531, may remove an “out of order” tag or~~
32 ~~device, and the weight, measure, or weighing or measuring~~
33 ~~instrument may be placed in service pending reinspection by the~~
34 ~~sealer.~~

35 SEC. 3. Section 12511.1 of the Business and Professions Code
36 is amended to read:

37 12511.1. Notwithstanding any other provisions of this division,
38 any weight or measure, or weighing or measuring instrument,
39 found correct or corrected by a registered service agency, as defined

1 in Section 12531, authorized pursuant to Section 12509, may be
2 used commercially pending reinspection by a scaler.

3 ~~SEC. 4. Section 12512 of the Business and Professions Code~~
4 ~~is amended to read:~~

5 ~~12512. When the sale of any commodity is based upon a~~
6 ~~quantity representation either furnished by the purchaser or~~
7 ~~obtained through the use of equipment supplied by the purchaser,~~
8 ~~the purchaser shall in no case buy the commodity according to any~~
9 ~~quantity which is less than the true quantity or compute the~~
10 ~~purchase price of the commodity according to a unit price that is~~
11 ~~less than the highest applicable price per unit, that is advertised,~~
12 ~~posted, marked, displayed, or quoted for the commodity. Violation~~
13 ~~of this section is a misdemeanor.~~

14 ~~SEC. 5. No reimbursement is required by this act pursuant to~~
15 ~~Section 6 of Article XIII B of the California Constitution because~~
16 ~~the only costs that may be incurred by a local agency or school~~
17 ~~district will be incurred because this act creates a new crime or~~
18 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
19 ~~for a crime or infraction, within the meaning of Section 17556 of~~
20 ~~the Government Code, or changes the definition of a crime within~~
21 ~~the meaning of Section 6 of Article XIII B of the California~~
22 ~~Constitution.~~