

AMENDED IN ASSEMBLY APRIL 7, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1292

Introduced by Assembly Member Roger Hernández

February 18, 2011

An act to add Sections 84215.5 and 87501 to the Government Code, relating to the Political Reform Act of 1974. An act to amend Section 63024 of, and to add Article 6.3 (commencing with Section 63048.55) to Chapter 2 of Division 1 of Title 6.7 of, the Government Code, and to amend Section 116760.40 of the Health and Safety Code, relating to drinking water, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1292, as amended, Roger Hernández. ~~Political Reform Act of 1974: campaign reports and statements of economic interest: local disclosure. Safe Drinking Water State Revolving Fund: revenue bonds.~~

The Bergeson-Peace Infrastructure and Economic Development Bank Act establishes the California Infrastructure and Economic Development Bank for the purpose of funding specified types of infrastructure development projects, including public development facilities, that are defined to include sewage collection and treatment facilities and water treatment and distribution facilities. The act authorizes the bank to issue revenue bonds for prescribed purposes.

Existing law, the Safe Drinking Water State Revolving Fund Law, establishes the Safe Drinking Water State Revolving Fund and continuously appropriates money in the fund to the department to finance the design and construction of projects for public water systems that will enable suppliers to meet safe drinking water standards.

This bill would authorize the bank to issue taxable or tax-exempt revenue bonds for deposit into the Safe Drinking Water State Revolving Fund in accordance with prescribed provisions. By providing for the deposit of additional funds into a continuously appropriated fund, the bill would make an appropriation.

~~Existing law requires that candidates for and current officeholders of specified elected or appointed local offices file certain campaign reports and statements with the county elections official.~~

~~This bill would require the county elections official to annually post on his or her county's Internet Web site those campaign reports or statements:~~

~~Existing law requires that current holders of specified elected or appointed local offices and designated employees of those elected or appointed offices file statements of economic interests with the county or city clerk.~~

~~This bill would require the county or city clerk to annually post those statements of economic interest on his or her county's or city's Internet Web site.~~

~~This bill would impose a state-mandated local program by creating additional responsibilities for local governmental agencies.~~

~~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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions:~~

~~The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements:~~

~~This bill would declare that it furthers the purposes of the act.~~

~~Vote: $\frac{2}{3}$ -majority. Appropriation: ~~no~~-yes. Fiscal committee: yes. State-mandated local program: ~~yes~~-no.~~

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

- 1 *SECTION 1. Section 63024 of the Government Code is*
- 2 *amended to read:*

1 63024. The executive director may contract with the
2 Department of Finance, the State Department of Health Care
3 Services, *the State Department of Public Health*, the Department
4 of Transportation, the Department of Water Resources, ~~the~~
5 ~~California Integrated Waste Management Board~~ *the Department*
6 *of Resources Recycling and Recovery*, the State Water Resources
7 Control Board, the Governor’s Office of Planning and Research,
8 and any other necessary agencies, persons, or firms to enable the
9 agency to properly perform the duties imposed by this division.

10 SEC. 2. Article 6.3 (commencing with Section 63048.55) is
11 added to Chapter 2 of Division 1 of Title 6.7 of the Government
12 Code, to read:

13

14 Article 6.3. *Safe Drinking Water State Revolving Fund*

15

16 63048.55. *For the purposes of this article, the following terms*
17 *have the following meanings:*

18 (a) *“Department” means the State Department of Public Health.*

19 (b) *“Revolving fund” means the Safe Drinking Water State*
20 *Revolving Fund established pursuant to Section 116760.30 of the*
21 *Health and Safety Code.*

22 63048.56. *Notwithstanding any other law, Article 3*
23 *(commencing with Section 63040), Article 4 (commencing with*
24 *Section 63042), and Article 5 (commencing with Section 63043),*
25 *shall not apply to any financing provided by the bank to, or at the*
26 *request of, the department in connection with the revolving fund.*

27 63048.57. (a) *The bank may issue taxable or tax-exempt*
28 *revenue bonds pursuant to Chapter 5 (commencing with Section*
29 *63070) and deposit the proceeds from the bonds into the revolving*
30 *fund or use the proceeds to refund bonds previously issued under*
31 *this article. Bond proceeds may also be used to fund necessary*
32 *reserves, capitalized interest, or costs of issuance.*

33 (b) *Except as may be provided in the governing documents with*
34 *respect to bond anticipation notes, each of the bonds issued under*
35 *this article shall, to the extent provided in the governing documents,*
36 *be payable from, and secured by, all or a portion of the revenues*
37 *in the revolving fund and the assets of the revolving fund, to the*
38 *extent the revenues and assets are pledged by the department for*
39 *those purposes.*

1 (c) Bonds issued under this article shall not be deemed to
2 constitute a debt or liability of the state or of any political
3 subdivision of the state, but shall be payable solely from the
4 revolving fund and the assets of the revolving fund, and the security
5 provided by the revolving fund. All bonds issued under this article
6 shall contain on the face of the bonds a statement to that effect.

7 SEC. 3. Section 116760.40 of the Health and Safety Code is
8 amended to read:

9 116760.40. The department may undertake any of the following
10 actions to implement the Safe Drinking Water State Revolving
11 Fund:

12 (a) Enter into agreements with the federal government for federal
13 contributions to the fund.

14 (b) Accept federal contributions to the fund.

15 (c) Use moneys in the fund for the purposes permitted by the
16 federal act.

17 (d) Provide for the deposit of matching funds and other available
18 and necessary moneys into the fund.

19 (e) Make requests, on behalf of the state, for deposit into the
20 fund of available federal moneys under the federal act.

21 (f) Determine, on behalf of the state, that public water systems
22 that receive financial assistance from the fund will meet the
23 requirements of, and otherwise be treated as required by, the federal
24 act.

25 (g) Provide for appropriate audit, accounting, and fiscal
26 management services, plans, and reports relative to the fund.

27 (h) Take additional incidental action as may be appropriate for
28 adequate administration and operation of the fund.

29 (i) Enter into an agreement with, and accept matching funds
30 from, a public water system. A public water system that seeks to
31 enter into an agreement with the department and provide matching
32 funds pursuant to this subdivision shall provide to the department
33 evidence of the availability of those funds in the form of a written
34 resolution, or equivalent document, from the public water system
35 before it requests a preliminary loan commitment.

36 (j) Charge public water systems that elect to provide matching
37 funds a fee to cover the actual cost of obtaining the federal funds
38 pursuant to Section 1452(e) of the federal act (42 U.S.C. Sec.
39 300j-12) and to process the loan application. The fee shall be

1 waived by the department if sufficient funds to cover those costs
2 are available from other sources.

3 (k) Use money returned to the fund under Section 116761.85
4 and any other source of matching funds, if not prohibited by statute,
5 as matching funds for the federal administrative allowance under
6 Section 1452(g) of the federal act (42 U.S.C. Sec. 300j-12).

7 (l) Establish separate accounts or subaccounts as required or
8 allowed in the federal act and related guidance, for funds to be
9 used for administration of the fund and other purposes. Within the
10 fund the department shall establish the following accounts,
11 including, but not limited to:

12 (1) A fund administration account for state expenses related to
13 administration of the fund pursuant to Section 1452(g)(2) of the
14 federal act.

15 (2) A water system reliability account for department expenses
16 pursuant to Section 1452(g)(2)(A), (B), (C), or (D) of the federal
17 act.

18 (3) A source protection account for state expenses pursuant to
19 Section 1452(k) of the federal act.

20 (4) A small system technical assistance account for department
21 expenses pursuant to Section 1452(g)(2) of the federal act.

22 (5) A state revolving loan account pursuant to Section 1452(a)(2)
23 of the federal act.

24 (6) A wellhead protection account established pursuant to
25 Section 1452(a)(2) of the federal act.

26 (m) Deposit federal funds for administration and other purposes
27 into separate accounts or subaccounts as allowed by the federal
28 act.

29 (n) Determine, on behalf of the state, whether sufficient progress
30 is being made toward compliance with the enforceable deadlines,
31 goals, and requirements of the federal act and the California Safe
32 Drinking Water Act, Chapter 4 (commencing with Section 116270).

33 (o) *To the extent permitted under federal law, including, but*
34 *not limited to, Section 1453(a)(2) of the federal Safe Drinking*
35 *Water Act, as amended (42 U.S.C. Sec. 300j-13(a)(2)), use any*
36 *and all amounts deposited in the fund, including, but not limited*
37 *to, loan repayments and interest earned on the loans, as a source*
38 *of reserve and security for the payment of principal and interest*
39 *on revenue bonds, the proceeds of which are deposited in the fund.*

1 SECTION 1. ~~Section 84215.5 is added to the Government~~
2 ~~Code, to read:~~

3 ~~84215.5. (a) The county elections official shall annually post~~
4 ~~on the Internet Web site of his or her county the campaign reports~~
5 ~~or statements required to be filed pursuant to this article by county~~
6 ~~elected officers, candidates for those offices, their controlled~~
7 ~~committees, committees formed or existing primarily to support~~
8 ~~or oppose candidates or local measures to be voted upon by any~~
9 ~~number of jurisdictions within that county, and county general~~
10 ~~purpose committees.~~

11 ~~(b) The county elections official of the county in which city~~
12 ~~elected officers, candidates for city office, their controlled~~
13 ~~committees, committees formed or existing primarily to support~~
14 ~~or oppose candidates or local measures to be voted upon in one~~
15 ~~city, and city general purpose committees are domiciled shall~~
16 ~~annually post on his or her Internet Web site the campaign reports~~
17 ~~or statements required to be filed pursuant to this article by those~~
18 ~~persons or committees.~~

19 SEC. 2. ~~Section 87501 is added to the Government Code, to~~
20 ~~read:~~

21 ~~87501. The city or county clerk shall annually post on the~~
22 ~~Internet Web site of his or her city or county all statements of~~
23 ~~economic interest required be filed with the city or county clerk~~
24 ~~pursuant to subdivisions (e) and (f) of Section 87500 and the~~
25 ~~statements of economic interest required to be filed with the city~~
26 ~~or county clerk by the designated employees of those local entities~~
27 ~~pursuant to subdivision (o) of Section 87500.~~

28 SEC. 3. ~~If the Commission on State Mandates determines that~~
29 ~~this act contains costs mandated by the state, reimbursement to~~
30 ~~local agencies and school districts for those costs shall be made~~
31 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
32 ~~4 of Title 2 of the Government Code.~~

33 SEC. 4. ~~The Legislature finds and declares that this bill furthers~~
34 ~~the purposes of the Political Reform Act of 1974 within the~~
35 ~~meaning of subdivision (a) of Section 81012 of the Government~~
36 ~~Code.~~