

AMENDED IN SENATE APRIL 9, 2014

SENATE BILL

No. 1462

Introduced by Committee on Governance and Finance (Senators Wolk (Chair), Beall, DeSaulnier, Hernandez, Knight, Liu, and Vidak)

March 10, 2014

An act to amend Section 6348.4 of the Business and Professions Code, to amend Sections 5903 and 53395.10 of the Government Code, and to amend Sections 670 and 671 of the Revenue and Taxation Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 1462, as amended, Committee on Governance and Finance. Local government: omnibus bill.

(1) Existing law establishes a system of county law libraries and provides for a board of law library trustees in each county to govern the law library established for the county. Existing law authorizes real property acquired by the board to be sold, with the proceeds to be deposited in the law library fund.

This bill would additionally authorize real property acquired by the board to be leased, rented, or licensed, with the proceeds to be deposited in the law library fund.

(1)

(2) Existing law authorizes a legislative body, as defined, that determines prior to issuing any bonds that the interest payable on the bonds will be subject to federal income taxation under the law in effect on the date of issuance, to require in the ordinance, resolution, indenture, agreement, or other instrument providing for the issuance of the bonds,

that the bonds be denominated, payable, and redeemable in accordance with certain standards.

This bill would also authorize the legislative body to include the maturity or maturities of the bonds in the ordinance, resolution, indenture, agreement, or other instrument providing for issuance.

(2)

(3) Existing law authorizes the legislative body of a city or county to establish an infrastructure financing district, and requires proceedings for the establishment of a district to be instituted by the adoption of a resolution of intention to establish the proposed district that, among other things, describes the boundaries of the proposed district as referenced in a map on file in the office of the clerk of the city.

This bill would specify that the description of the boundaries of the proposed district may be accomplished by reference to a map on file in the office of the clerk of either the city or county that is proposing to establish the district.

(4) *Existing law prohibits any person from performing the duties or exercising the authority of an appraiser for property tax purposes, as specified, unless he or she holds a valid appraiser's certificate issued by the State Board of Equalization. Existing law requires the board to hold appraiser examinations, prepared by the board with the assistance of 5 assessors selected by the State Association of County Assessors. Existing law provides that an appraiser, after holding a valid appraiser's certificate for at least 3 years, be issued an advanced appraiser's certificate by the board when they have completed a course of study, passed an examination, and hold a valid professional designation from a recognized professional organization. Existing law requires the board, with the advice and assistance of 5 assessors selected by the State Association of County Assessors of California, to prescribe the course of study, prepare the examination, and approve of the professional designation.*

This bill would change an obsolete reference in these provisions from the State Association of County Assessors to the California Assessors' Association.

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

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

1 SECTION 1. (a) This act shall be known, and may be cited,
2 as the Local Government Omnibus Act of 2014.

3 (b) The Legislature finds and declares that Californians want
4 their governments to be run efficiently and economically and that
5 public officials should avoid waste and duplication whenever
6 possible. The Legislature further finds and declares that it desires
7 to control its own costs by reducing the number of separate bills.
8 Therefore, it is the intent of the Legislature in enacting this act to
9 combine several minor, noncontroversial statutory changes relating
10 to the common theme, purpose, and subject of local government
11 into a single measure.

12 *SEC. 2. Section 6348.4 of the Business and Professions Code*
13 *is amended to read:*

14 6348.4. Real property acquired by a board may be sold, *leased,*
15 *rented, or licensed* with the proceeds to be deposited in the law
16 library fund.

17 ~~SEC. 2.~~

18 *SEC. 3.* Section 5903 of the Government Code is amended to
19 read:

20 5903. If, prior to issuing any bonds, the legislative body
21 determines that the interest payable on the bonds to be issued by
22 the state or local government will be subject to federal income
23 taxation under the law in existence on the date of issuance or
24 pending on the date of issuance with an effective date preceding
25 the date of issuance, then notwithstanding any other provision of
26 law, the ordinance, resolution, indenture, agreement, or other
27 instrument providing for the issuance of the bonds may provide
28 for any of the following:

29 (a) The bonds shall be in the denominations, in the form, either
30 bearer or registered, and payable at the place or places, either
31 within or without the United States, at the time or times, in lawful
32 money of the United States of America, with the maturity or
33 maturities, with the terms of redemption, and at the interest rate
34 or rates, either fixed or variable, including methods of determining
35 the rate or rates if variable, as the legislative body shall determine.

36 (b) The bonds shall be sold at public or private sale, in such
37 manner and place or places, either within or without the United

1 States, and at the price or prices, above or below par, as the
2 legislative body shall determine.

3 (c) In connection with, or incidental to, the sale and issuance
4 of the bonds, the state or local government may offer, sell, and
5 issue warrants for additional bonds, as well as issue additional
6 bonds pursuant to these warrants on terms consistent with this
7 chapter, and may enter into any contracts which the legislative
8 body determines to be necessary or appropriate to place the
9 obligation of the state or local government, as represented by the
10 bonds and the contract or contracts, in whole or in part on the
11 interest rate, cash flow, or other basis desired by the legislative
12 body, including, without limitation, contracts commonly known
13 as interest rate swap agreements, forward payment conversion
14 agreements, futures, or contracts providing for payments based on
15 levels of or changes in interest rates, or contracts to exchange cash
16 flows or a series of payments, or contracts, including, without
17 limitation, options, puts or calls to hedge payment, rate, spread,
18 or similar exposure. These contracts or arrangements may also be
19 entered into by state or local governments in connection with, or
20 incidental to, entering into any agreement which secures bonds,
21 including bonds issued by private entities. These contracts and
22 arrangements shall be made upon the terms and conditions
23 established by the legislative body, after giving due consideration
24 for the creditworthiness of the counterparties, where applicable,
25 including any rating by a nationally recognized rating agency or
26 any other criteria as may be appropriate. In addition, these contracts
27 and arrangements may be made only if the bonds are rated in one
28 of the three highest rating categories by two nationally recognized
29 rating agencies, and if there has been receipt, from any rating
30 agency rating the bonds, of written evidence that the contract or
31 agreement will not adversely affect the rating.

32 (d) In connection with, or incidental to, the sale and issuance
33 of the bonds, or entering into any of the contracts or arrangements
34 referred to in subdivision (c), the state or local government may
35 enter into credit enhancement or liquidity agreements, with
36 payment, interest rate, security, default, remedy, and other terms
37 and conditions as the legislative body shall determine.

38 (e) Proceeds of the bonds and any moneys set aside or pledged
39 to secure payment of the bonds, or any of the contracts entered
40 into pursuant to subdivision (c), may be invested in securities or

1 obligations described in the ordinance, resolution, indenture,
2 agreement, or other instrument providing for the issuance of the
3 bonds and may be pledged to and used to service any of the
4 contracts or agreements entered into pursuant to this section.

5 ~~SEC. 3.~~

6 *SEC. 4.* Section 53395.10 of the Government Code is amended
7 to read:

8 53395.10. A legislative body of a city or county may designate
9 one or more proposed infrastructure financing districts pursuant
10 to this chapter. Proceedings for the establishment of a district shall
11 be instituted by the adoption of a resolution of intention to establish
12 the proposed district and shall do all of the following:

13 (a) State that an infrastructure financing district is proposed to
14 be established under the terms of this chapter and describe the
15 boundaries of the proposed district, which may be accomplished
16 by reference to a map on file in the office of the clerk of the city
17 or county that is proposing to establish the district.

18 (b) State the type of public facilities proposed to be financed
19 by the district. The district may only finance public facilities
20 authorized by Section 53395.3.

21 (c) State that incremental property tax revenue from the city or
22 county and some or all affected taxing entities within the district
23 may be used to finance these public facilities.

24 (d) Fix a time and place for a public hearing on the proposal.

25 *SEC. 5. Section 670 of the Revenue and Taxation Code is*
26 *amended to read:*

27 670. (a) No person shall perform the duties or exercise the
28 authority of an appraiser for property tax purposes as an employee
29 of the state, any county or city and county, unless he or she is the
30 holder of a valid appraiser's or advanced appraiser's certificate
31 issued by the State Board of Equalization.

32 (b) The board shall provide for the examination of applicants
33 for these certificates and may contract with the State Personnel
34 Board to give the examinations. Examinations shall be prepared
35 by the board with the advice and assistance of a committee of five
36 assessors selected by the ~~State Association of County Assessors~~
37 *California Assessors' Association* for this purpose. No certificate
38 shall be issued to any person who has not attained a passing grade
39 in the examination and demonstrated to the board that he or she is
40 competent to perform the work of an appraiser as that competency

1 is defined in regulations duly adopted by the board. However, any
2 applicant for a certificate who is denied the same shall have a right
3 to a review of that denial in accordance with the State
4 Administrative Procedure Act contained in Chapter 5 (commencing
5 with Section 11500) of Part 1 of Division 3 of Title 2 of the
6 Government Code.

7 (c) Passage of a civil service or merit system examination for
8 appraiser given by the state, or any county or city and county, shall
9 suffice to meet the requirements of this section. The scope of the
10 examination shall be approved by the State Board of Equalization.

11 (d) No employee of the state, or any county or city and county
12 shall perform the duties or exercise the authority of an auditor or
13 an auditor-appraiser under Section 469 or Section 15624 of the
14 Government Code, unless he or she holds a degree with a
15 specialization in accounting from a recognized institution of higher
16 education, or is a licensed accountant in the State of California, or
17 has passed the state, or a county, or city and county, or city civil
18 service or merit system examination regularly given for the position
19 of accountant or auditor by the testing body, or holds the office of
20 assessor.

21 (e) Except for persons holding the office of assessor, this section
22 does not apply to elected officials.

23 (f) No charge shall be made to counties or to applicants for
24 examinations and certifications under this section or for training
25 conducted by the board under Section 671.

26 *SEC. 6. Section 671 of the Revenue and Taxation Code is*
27 *amended to read:*

28 671. (a) In order to retain a valid appraiser's certificate every
29 holder shall complete at least 24 hours of training conducted or
30 approved by the State Board of Equalization in each one-year
31 period.

32 Any excess in training time over the 24-hour minimum
33 accumulated in any one year shall be carried over as credit for
34 future training requirements with a limit of three years in which
35 the carryover time may be credited.

36 Failure to receive such training shall constitute grounds for
37 revocation of an appraiser's certificate; provided, however, that
38 proceedings to revoke shall be conducted in accordance with the
39 Administrative Procedure Act contained in Chapter 5 (commencing

1 with Section 11500) of Part 1 of Division 3 of Title 2 of the
2 Government Code.

3 Training shall include, but not be limited to, new developments
4 in the case and statutory law and administrative rules.

5 (b) An advanced appraiser’s certificate shall be issued by the
6 board after an applicant has held an appraiser’s certificate for at
7 least three years and:

8 (1) Has successfully completed a course of study; or

9 (2) Has passed an advanced level examination; or

10 (3) Holds a valid professional designation from a recognized
11 professional organization.

12 The board, with the advice and assistance of five assessors
13 selected by the ~~State Association of County Assessors of California~~
14 *California Assessors’ Association*, shall prescribe the course of
15 study, prepare the advanced level examination, and approve the
16 professional designation.

17 In order to retain a valid advanced appraiser’s certificate, every
18 holder shall complete at least 12 hours of training in each one-year
19 period.

20 Any excess in training time for the advanced appraiser’s
21 certificate over the 12-hour minimum accumulated in any one year
22 shall be carried over as a credit for future training requirements
23 with a limit of two years in which the carryover time may be
24 credited.

25 Failure to receive such training shall constitute grounds for
26 revocation of an advanced appraiser’s certificate; provided,
27 however, that proceedings to revoke shall be conducted in
28 accordance with the Administrative Procedure Act contained in
29 Chapter 5 (commencing with Section 11500) of Part 1 of Division
30 3 of Title 2 of the Government Code.

31 Training to retain the advanced appraiser’s certificate shall
32 include, but not be limited to, new developments in the case and
33 statutory law and administrative rules.