

AMENDED IN SENATE JULY 2, 2015
AMENDED IN ASSEMBLY APRIL 20, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 901

**Introduced by Assembly Member Gordon
(Coauthor: Assembly Member Williams)**

February 26, 2015

An act to *amend Section 6254 of the Government Code*, and to amend Section 41821.5 of, to amend and renumber Section 41821.6 of, and to add Sections 41821.6, 41821.7, and 41821.8 to, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 901, as amended, Gordon. Solid waste: reporting requirements: enforcement.

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 would delete* (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 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 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 ~~provide for local agencies, on request, to be designated by the department to exercise the enforcement authority.~~ *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 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 if recovered by action of the department, or to be retained by the local agency taking the enforcement action, as applicable. The bill would require moneys retained by a local agency pursuant to these provisions to be expended on specified solid waste activities. Account.

The California Public Records Act provides that public records are open to inspection at all times during the office hours of the state or local agency that retains those records, and that every person has a right to inspect any public record, but exempts certain records from these requirements.

This bill would exempt certain waste disposal records subject to inspection and copying by the department or a government entity from disclosure under the California Public Records Act.

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

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

- 1 SECTION 1. Section 6254 of the Government Code is amended
- 2 to read:
- 3 6254. Except as provided in Sections 6254.7 and 6254.13, this
- 4 chapter does not require the disclosure of any of the following
- 5 records:
- 6 (a) Preliminary drafts, notes, or interagency or intra-agency
- 7 memoranda that are not retained by the public agency in the
- 8 ordinary course of business, if the public interest in withholding
- 9 those records clearly outweighs the public interest in disclosure.
- 10 (b) Records pertaining to pending litigation to which the public
- 11 agency is a party, or to claims made pursuant to Division 3.6
- 12 (commencing with Section 810), until the pending litigation or
- 13 claim has been finally adjudicated or otherwise settled.
- 14 (c) Personnel, medical, or similar files, the disclosure of which
- 15 would constitute an unwarranted invasion of personal privacy.
- 16 (d) Contained in or related to any of the following:
- 17 (1) Applications filed with any state agency responsible for the
- 18 regulation or supervision of the issuance of securities or of financial
- 19 institutions, including, but not limited to, banks, savings and loan
- 20 associations, industrial loan companies, credit unions, and
- 21 insurance companies.

1 (2) Examination, operating, or condition reports prepared by,
2 on behalf of, or for the use of, any state agency referred to in
3 paragraph (1).
4 (3) Preliminary drafts, notes, or interagency or intra-agency
5 communications prepared by, on behalf of, or for the use of, any
6 state agency referred to in paragraph (1).
7 (4) Information received in confidence by any state agency
8 referred to in paragraph (1).
9 (e) Geological and geophysical data, plant production data, and
10 similar information relating to utility systems development, or
11 market or crop reports, that are obtained in confidence from any
12 person.
13 (f) Records of complaints to, or investigations conducted by,
14 or records of intelligence information or security procedures of,
15 the office of the Attorney General and the Department of Justice,
16 the Office of Emergency Services and any state or local police
17 agency, or any investigatory or security files compiled by any other
18 state or local police agency, or any investigatory or security files
19 compiled by any other state or local agency for correctional, law
20 enforcement, or licensing purposes. However, state and local law
21 enforcement agencies shall disclose the names and addresses of
22 persons involved in, or witnesses other than confidential informants
23 to, the incident, the description of any property involved, the date,
24 time, and location of the incident, all diagrams, statements of the
25 parties involved in the incident, the statements of all witnesses,
26 other than confidential informants, to the victims of an incident,
27 or an authorized representative thereof, an insurance carrier against
28 which a claim has been or might be made, and any person suffering
29 bodily injury or property damage or loss, as the result of the
30 incident caused by arson, burglary, fire, explosion, larceny,
31 robbery, carjacking, vandalism, vehicle theft, or a crime as defined
32 by subdivision (b) of Section 13951, unless the disclosure would
33 endanger the safety of a witness or other person involved in the
34 investigation, or unless disclosure would endanger the successful
35 completion of the investigation or a related investigation. However,
36 nothing in this division shall require the disclosure of that portion
37 of those investigative files that reflects the analysis or conclusions
38 of the investigating officer.

1 Customer lists provided to a state or local police agency by an
2 alarm or security company at the request of the agency shall be
3 construed to be records subject to this subdivision.

4 Notwithstanding any other provision of this subdivision, state
5 and local law enforcement agencies shall make public the following
6 information, except to the extent that disclosure of a particular
7 item of information would endanger the safety of a person involved
8 in an investigation or would endanger the successful completion
9 of the investigation or a related investigation:

10 (1) The full name and occupation of every individual arrested
11 by the agency, the individual's physical description including date
12 of birth, color of eyes and hair, sex, height and weight, the time
13 and date of arrest, the time and date of booking, the location of
14 the arrest, the factual circumstances surrounding the arrest, the
15 amount of bail set, the time and manner of release or the location
16 where the individual is currently being held, and all charges the
17 individual is being held upon, including any outstanding warrants
18 from other jurisdictions and parole or probation holds.

19 (2) Subject to the restrictions imposed by Section 841.5 of the
20 Penal Code, the time, substance, and location of all complaints or
21 requests for assistance received by the agency and the time and
22 nature of the response thereto, including, to the extent the
23 information regarding crimes alleged or committed or any other
24 incident investigated is recorded, the time, date, and location of
25 occurrence, the time and date of the report, the name and age of
26 the victim, the factual circumstances surrounding the crime or
27 incident, and a general description of any injuries, property, or
28 weapons involved. The name of a victim of any crime defined by
29 Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a,
30 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285,
31 286, 288, 288a, 288.2, 288.3 (as added by Chapter 337 of the
32 Statutes of 2006), 288.3 (as added by Section 6 of Proposition 83
33 of the November 7, 2006, statewide general election), 288.5, 288.7,
34 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code may
35 be withheld at the victim's request, or at the request of the victim's
36 parent or guardian if the victim is a minor. When a person is the
37 victim of more than one crime, information disclosing that the
38 person is a victim of a crime defined in any of the sections of the
39 Penal Code set forth in this subdivision may be deleted at the
40 request of the victim, or the victim's parent or guardian if the

1 victim is a minor, in making the report of the crime, or of any
2 crime or incident accompanying the crime, available to the public
3 in compliance with the requirements of this paragraph.

4 (3) Subject to the restrictions of Section 841.5 of the Penal Code
5 and this subdivision, the current address of every individual
6 arrested by the agency and the current address of the victim of a
7 crime, where the requester declares under penalty of perjury that
8 the request is made for a scholarly, journalistic, political, or
9 governmental purpose, or that the request is made for investigation
10 purposes by a licensed private investigator as described in Chapter
11 11.3 (commencing with Section 7512) of Division 3 of the Business
12 and Professions Code. However, the address of the victim of any
13 crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1,
14 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a,
15 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3 (as added by
16 Chapter 337 of the Statutes of 2006), 288.3 (as added by Section
17 6 of Proposition 83 of the November 7, 2006, statewide general
18 election), 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6
19 of the Penal Code shall remain confidential. Address information
20 obtained pursuant to this paragraph may not be used directly or
21 indirectly, or furnished to another, to sell a product or service to
22 any individual or group of individuals, and the requester shall
23 execute a declaration to that effect under penalty of perjury.
24 Nothing in this paragraph shall be construed to prohibit or limit a
25 scholarly, journalistic, political, or government use of address
26 information obtained pursuant to this paragraph.

27 (g) Test questions, scoring keys, and other examination data
28 used to administer a licensing examination, examination for
29 employment, or academic examination, except as provided for in
30 Chapter 3 (commencing with Section 99150) of Part 65 of Division
31 14 of Title 3 of the Education Code.

32 (h) The contents of real estate appraisals or engineering or
33 feasibility estimates and evaluations made for or by the state or
34 local agency relative to the acquisition of property, or to
35 prospective public supply and construction contracts, until all of
36 the property has been acquired or all of the contract agreement
37 obtained. However, the law of eminent domain shall not be affected
38 by this provision.

39 (i) Information required from any taxpayer in connection with
40 the collection of local taxes that is received in confidence and the

1 disclosure of the information to other persons would result in unfair
2 competitive disadvantage to the person supplying the information.

3 (j) Library circulation records kept for the purpose of identifying
4 the borrower of items available in libraries, and library and museum
5 materials made or acquired and presented solely for reference or
6 exhibition purposes. The exemption in this subdivision shall not
7 apply to records of fines imposed on the borrowers.

8 (k) Records, the disclosure of which is exempted or prohibited
9 pursuant to federal or state law, including, but not limited to,
10 provisions of the Evidence Code relating to privilege.

11 (l) Correspondence of and to the Governor or employees of the
12 Governor's office or in the custody of or maintained by the
13 Governor's Legal Affairs Secretary. However, public records shall
14 not be transferred to the custody of the Governor's Legal Affairs
15 Secretary to evade the disclosure provisions of this chapter.

16 (m) In the custody of or maintained by the Legislative Counsel,
17 except those records in the public database maintained by the
18 Legislative Counsel that are described in Section 10248.

19 (n) Statements of personal worth or personal financial data
20 required by a licensing agency and filed by an applicant with the
21 licensing agency to establish his or her personal qualification for
22 the license, certificate, or permit applied for.

23 (o) Financial data contained in applications for financing under
24 Division 27 (commencing with Section 44500) of the Health and
25 Safety Code, where an authorized officer of the California Pollution
26 Control Financing Authority determines that disclosure of the
27 financial data would be competitively injurious to the applicant
28 and the data is required in order to obtain guarantees from the
29 United States Small Business Administration. The California
30 Pollution Control Financing Authority shall adopt rules for review
31 of individual requests for confidentiality under this section and for
32 making available to the public those portions of an application that
33 are subject to disclosure under this chapter.

34 (p) Records of state agencies related to activities governed by
35 Chapter 10.3 (commencing with Section 3512), Chapter 10.5
36 (commencing with Section 3525), and Chapter 12 (commencing
37 with Section 3560) of Division 4, that reveal a state agency's
38 deliberative processes, impressions, evaluations, opinions,
39 recommendations, meeting minutes, research, work products,
40 theories, or strategy, or that provide instruction, advice, or training

1 to employees who do not have full collective bargaining and
2 representation rights under these chapters. Nothing in this
3 subdivision shall be construed to limit the disclosure duties of a
4 state agency with respect to any other records relating to the
5 activities governed by the employee relations acts referred to in
6 this subdivision.

7 (q) (1) Records of state agencies related to activities governed
8 by Article 2.6 (commencing with Section 14081), Article 2.8
9 (commencing with Section 14087.5), and Article 2.91
10 (commencing with Section 14089) of Chapter 7 of Part 3 of
11 Division 9 of the Welfare and Institutions Code, that reveal the
12 special negotiator's deliberative processes, discussions,
13 communications, or any other portion of the negotiations with
14 providers of health care services, impressions, opinions,
15 recommendations, meeting minutes, research, work product,
16 theories, or strategy, or that provide instruction, advice, or training
17 to employees.

18 (2) Except for the portion of a contract containing the rates of
19 payment, contracts for inpatient services entered into pursuant to
20 these articles, on or after April 1, 1984, shall be open to inspection
21 one year after they are fully executed. If a contract for inpatient
22 services that is entered into prior to April 1, 1984, is amended on
23 or after April 1, 1984, the amendment, except for any portion
24 containing the rates of payment, shall be open to inspection one
25 year after it is fully executed. If the California Medical Assistance
26 Commission enters into contracts with health care providers for
27 other than inpatient hospital services, those contracts shall be open
28 to inspection one year after they are fully executed.

29 (3) Three years after a contract or amendment is open to
30 inspection under this subdivision, the portion of the contract or
31 amendment containing the rates of payment shall be open to
32 inspection.

33 (4) Notwithstanding any other law, the entire contract or
34 amendment shall be open to inspection by the Joint Legislative
35 Audit Committee and the Legislative Analyst's Office. The
36 committee and that office shall maintain the confidentiality of the
37 contracts and amendments until the time a contract or amendment
38 is fully open to inspection by the public.

39 (r) Records of Native American graves, cemeteries, and sacred
40 places and records of Native American places, features, and objects

1 described in Sections 5097.9 and 5097.993 of the Public Resources
2 Code maintained by, or in the possession of, the Native American
3 Heritage Commission, another state agency, or a local agency.

4 (s) A final accreditation report of the Joint Commission on
5 Accreditation of Hospitals that has been transmitted to the State
6 Department of Health Care Services pursuant to subdivision (b)
7 of Section 1282 of the Health and Safety Code.

8 (t) Records of a local hospital district, formed pursuant to
9 Division 23 (commencing with Section 32000) of the Health and
10 Safety Code, or the records of a municipal hospital, formed
11 pursuant to Article 7 (commencing with Section 37600) or Article
12 8 (commencing with Section 37650) of Chapter 5 of Part 2 of
13 Division 3 of Title 4 of this code, that relate to any contract with
14 an insurer or nonprofit hospital service plan for inpatient or
15 outpatient services for alternative rates pursuant to Section 10133
16 of the Insurance Code. However, the record shall be open to
17 inspection within one year after the contract is fully executed.

18 (u) (1) Information contained in applications for licenses to
19 carry firearms issued pursuant to Section 26150, 26155, 26170,
20 or 26215 of the Penal Code by the sheriff of a county or the chief
21 or other head of a municipal police department that indicates when
22 or where the applicant is vulnerable to attack or that concerns the
23 applicant's medical or psychological history or that of members
24 of his or her family.

25 (2) The home address and telephone number of prosecutors,
26 public defenders, peace officers, judges, court commissioners, and
27 magistrates that are set forth in applications for licenses to carry
28 firearms issued pursuant to Section 26150, 26155, 26170, or 26215
29 of the Penal Code by the sheriff of a county or the chief or other
30 head of a municipal police department.

31 (3) The home address and telephone number of prosecutors,
32 public defenders, peace officers, judges, court commissioners, and
33 magistrates that are set forth in licenses to carry firearms issued
34 pursuant to Section 26150, 26155, 26170, or 26215 of the Penal
35 Code by the sheriff of a county or the chief or other head of a
36 municipal police department.

37 (v) (1) Records of the Managed Risk Medical Insurance Board
38 and the State Department of Health Care Services related to
39 activities governed by Part 6.3 (commencing with Section 12695),
40 Part 6.5 (commencing with Section 12700), Part 6.6 (commencing

1 with Section 12739.5), or Part 6.7 (commencing with Section
2 12739.70) of Division 2 of the Insurance Code, or Chapter 2
3 (commencing with Section 15810) or Chapter 4 (commencing with
4 Section 15870) of Part 3.3 of Division 9 of the Welfare and
5 Institutions Code, and that reveal any of the following:

6 (A) The deliberative processes, discussions, communications,
7 or any other portion of the negotiations with entities contracting
8 or seeking to contract with the board or the department, entities
9 with which the board or the department is considering a contract,
10 or entities with which the board or department is considering or
11 enters into any other arrangement under which the board or the
12 department provides, receives, or arranges services or
13 reimbursement.

14 (B) The impressions, opinions, recommendations, meeting
15 minutes, research, work product, theories, or strategy of the board
16 or its staff or the department or its staff, or records that provide
17 instructions, advice, or training to their employees.

18 (2) (A) Except for the portion of a contract that contains the
19 rates of payment, contracts entered into pursuant to Part 6.3
20 (commencing with Section 12695), Part 6.5 (commencing with
21 Section 12700), Part 6.6 (commencing with Section 12739.5), or
22 Part 6.7 (commencing with Section 12739.70) of Division 2 of the
23 Insurance Code, or Chapter 2 (commencing with Section 15810)
24 or Chapter 4 (commencing with Section 15870) of Part 3.3 of
25 Division 9 of the Welfare and Institutions Code, on or after July
26 1, 1991, shall be open to inspection one year after their effective
27 dates.

28 (B) If a contract that is entered into prior to July 1, 1991, is
29 amended on or after July 1, 1991, the amendment, except for any
30 portion containing the rates of payment, shall be open to inspection
31 one year after the effective date of the amendment.

32 (3) Three years after a contract or amendment is open to
33 inspection pursuant to this subdivision, the portion of the contract
34 or amendment containing the rates of payment shall be open to
35 inspection.

36 (4) Notwithstanding any other law, the entire contract or
37 amendments to a contract shall be open to inspection by the Joint
38 Legislative Audit Committee. The committee shall maintain the
39 confidentiality of the contracts and amendments thereto, until the

1 contracts or amendments to the contracts are open to inspection
2 pursuant to paragraph (3).

3 (w) (1) Records of the Managed Risk Medical Insurance Board
4 related to activities governed by Chapter 8 (commencing with
5 Section 10700) of Part 2 of Division 2 of the Insurance Code, and
6 that reveal the deliberative processes, discussions, communications,
7 or any other portion of the negotiations with health plans, or the
8 impressions, opinions, recommendations, meeting minutes,
9 research, work product, theories, or strategy of the board or its
10 staff, or records that provide instructions, advice, or training to
11 employees.

12 (2) Except for the portion of a contract that contains the rates
13 of payment, contracts for health coverage entered into pursuant to
14 Chapter 8 (commencing with Section 10700) of Part 2 of Division
15 2 of the Insurance Code, on or after January 1, 1993, shall be open
16 to inspection one year after they have been fully executed.

17 (3) Notwithstanding any other law, the entire contract or
18 amendments to a contract shall be open to inspection by the Joint
19 Legislative Audit Committee. The committee shall maintain the
20 confidentiality of the contracts and amendments thereto, until the
21 contracts or amendments to the contracts are open to inspection
22 pursuant to paragraph (2).

23 (x) Financial data contained in applications for registration, or
24 registration renewal, as a service contractor filed with the Director
25 of Consumer Affairs pursuant to Chapter 20 (commencing with
26 Section 9800) of Division 3 of the Business and Professions Code,
27 for the purpose of establishing the service contractor's net worth,
28 or financial data regarding the funded accounts held in escrow for
29 service contracts held in force in this state by a service contractor.

30 (y) (1) Records of the Managed Risk Medical Insurance Board
31 and the State Department of Health Care Services related to
32 activities governed by Part 6.2 (commencing with Section 12693)
33 or Part 6.4 (commencing with Section 12699.50) of Division 2 of
34 the Insurance Code or Sections 14005.26 and 14005.27 of, or
35 Chapter 3 (commencing with Section 15850) of Part 3.3 of Division
36 9 of, the Welfare and Institutions Code, if the records reveal any
37 of the following:

38 (A) The deliberative processes, discussions, communications,
39 or any other portion of the negotiations with entities contracting
40 or seeking to contract with the board or the department, entities

1 with which the board or department is considering a contract, or
2 entities with which the board or department is considering or enters
3 into any other arrangement under which the board or department
4 provides, receives, or arranges services or reimbursement.

5 (B) The impressions, opinions, recommendations, meeting
6 minutes, research, work product, theories, or strategy of the board
7 or its staff, or the department or its staff, or records that provide
8 instructions, advice, or training to employees.

9 (2) (A) Except for the portion of a contract that contains the
10 rates of payment, contracts entered into pursuant to Part 6.2
11 (commencing with Section 12693) or Part 6.4 (commencing with
12 Section 12699.50) of Division 2 of the Insurance Code, on or after
13 January 1, 1998, or Sections 14005.26 and 14005.27 of, or Chapter
14 3 (commencing with Section 15850) of Part 3.3 of Division 9 of,
15 the Welfare and Institutions Code shall be open to inspection one
16 year after their effective dates.

17 (B) If a contract entered into pursuant to Part 6.2 (commencing
18 with Section 12693) or Part 6.4 (commencing with Section
19 12699.50) of Division 2 of the Insurance Code or Sections
20 14005.26 and 14005.27 of, or Chapter 3 (commencing with Section
21 15850) of Part 3.3 of Division 9 of, the Welfare and Institutions
22 Code, is amended, the amendment shall be open to inspection one
23 year after the effective date of the amendment.

24 (3) Three years after a contract or amendment is open to
25 inspection pursuant to this subdivision, the portion of the contract
26 or amendment containing the rates of payment shall be open to
27 inspection.

28 (4) Notwithstanding any other law, the entire contract or
29 amendments to a contract shall be open to inspection by the Joint
30 Legislative Audit Committee. The committee shall maintain the
31 confidentiality of the contracts and amendments thereto until the
32 contract or amendments to a contract are open to inspection
33 pursuant to paragraph (2) or (3).

34 (5) The exemption from disclosure provided pursuant to this
35 subdivision for the contracts, deliberative processes, discussions,
36 communications, negotiations, impressions, opinions,
37 recommendations, meeting minutes, research, work product,
38 theories, or strategy of the board or its staff, or the department or
39 its staff, shall also apply to the contracts, deliberative processes,
40 discussions, communications, negotiations, impressions, opinions,

1 recommendations, meeting minutes, research, work product,
2 theories, or strategy of applicants pursuant to Part 6.4 (commencing
3 with Section 12699.50) of Division 2 of the Insurance Code or
4 Chapter 3 (commencing with Section 15850) of Part 3.3 of Division
5 9 of the Welfare and Institutions Code.

6 (z) Records obtained pursuant to paragraph (2) of subdivision
7 (f) of Section 2891.1 of the Public Utilities Code.

8 (aa) A document prepared by or for a state or local agency that
9 assesses its vulnerability to terrorist attack or other criminal acts
10 intended to disrupt the public agency's operations and that is for
11 distribution or consideration in a closed session.

12 (ab) Critical infrastructure information, as defined in Section
13 131(3) of Title 6 of the United States Code, that is voluntarily
14 submitted to the California Emergency Management Agency for
15 use by that office, including the identity of the person who or entity
16 that voluntarily submitted the information. As used in this
17 subdivision, "voluntarily submitted" means submitted in the
18 absence of the office exercising any legal authority to compel
19 access to or submission of critical infrastructure information. This
20 subdivision shall not affect the status of information in the
21 possession of any other state or local governmental agency.

22 (ac) All information provided to the Secretary of State by a
23 person for the purpose of registration in the Advance Health Care
24 Directive Registry, except that those records shall be released at
25 the request of a health care provider, a public guardian, or the
26 registrant's legal representative.

27 (ad) The following records of the State Compensation Insurance
28 Fund:

29 (1) Records related to claims pursuant to Chapter 1
30 (commencing with Section 3200) of Division 4 of the Labor Code,
31 to the extent that confidential medical information or other
32 individually identifiable information would be disclosed.

33 (2) Records related to the discussions, communications, or any
34 other portion of the negotiations with entities contracting or seeking
35 to contract with the fund, and any related deliberations.

36 (3) Records related to the impressions, opinions,
37 recommendations, meeting minutes of meetings or sessions that
38 are lawfully closed to the public, research, work product, theories,
39 or strategy of the fund or its staff, on the development of rates,
40 contracting strategy, underwriting, or competitive strategy pursuant

1 to the powers granted to the fund in Chapter 4 (commencing with
2 Section 11770) of Part 3 of Division 2 of the Insurance Code.

3 (4) Records obtained to provide workers' compensation
4 insurance under Chapter 4 (commencing with Section 11770) of
5 Part 3 of Division 2 of the Insurance Code, including, but not
6 limited to, any medical claims information, policyholder
7 information provided that nothing in this paragraph shall be
8 interpreted to prevent an insurance agent or broker from obtaining
9 proprietary information or other information authorized by law to
10 be obtained by the agent or broker, and information on rates,
11 pricing, and claims handling received from brokers.

12 (5) (A) Records that are trade secrets pursuant to Section
13 6276.44, or Article 11 (commencing with Section 1060) of Chapter
14 4 of Division 8 of the Evidence Code, including without limitation,
15 instructions, advice, or training provided by the State Compensation
16 Insurance Fund to its board members, officers, and employees
17 regarding the fund's special investigation unit, internal audit unit,
18 and informational security, marketing, rating, pricing, underwriting,
19 claims handling, audits, and collections.

20 (B) Notwithstanding subparagraph (A), the portions of records
21 containing trade secrets shall be available for review by the Joint
22 Legislative Audit Committee, the Bureau of State Audits, Division
23 of Workers' Compensation, and the Department of Insurance to
24 ensure compliance with applicable law.

25 (6) (A) Internal audits containing proprietary information and
26 the following records that are related to an internal audit:

27 (i) Personal papers and correspondence of any person providing
28 assistance to the fund when that person has requested in writing
29 that his or her papers and correspondence be kept private and
30 confidential. Those papers and correspondence shall become public
31 records if the written request is withdrawn, or upon order of the
32 fund.

33 (ii) Papers, correspondence, memoranda, or any substantive
34 information pertaining to any audit not completed or an internal
35 audit that contains proprietary information.

36 (B) Notwithstanding subparagraph (A), the portions of records
37 containing proprietary information, or any information specified
38 in subparagraph (A) shall be available for review by the Joint
39 Legislative Audit Committee, the Bureau of State Audits, Division

1 of Workers' Compensation, and the Department of Insurance to
2 ensure compliance with applicable law.

3 (7) (A) Except as provided in subparagraph (C), contracts
4 entered into pursuant to Chapter 4 (commencing with Section
5 11770) of Part 3 of Division 2 of the Insurance Code shall be open
6 to inspection one year after the contract has been fully executed.

7 (B) If a contract entered into pursuant to Chapter 4 (commencing
8 with Section 11770) of Part 3 of Division 2 of the Insurance Code
9 is amended, the amendment shall be open to inspection one year
10 after the amendment has been fully executed.

11 (C) Three years after a contract or amendment is open to
12 inspection pursuant to this subdivision, the portion of the contract
13 or amendment containing the rates of payment shall be open to
14 inspection.

15 (D) Notwithstanding any other law, the entire contract or
16 amendments to a contract shall be open to inspection by the Joint
17 Legislative Audit Committee. The committee shall maintain the
18 confidentiality of the contracts and amendments thereto until the
19 contract or amendments to a contract are open to inspection
20 pursuant to this paragraph.

21 (E) This paragraph is not intended to apply to documents related
22 to contracts with public entities that are not otherwise expressly
23 confidential as to that public entity.

24 (F) For purposes of this paragraph, "fully executed" means the
25 point in time when all of the necessary parties to the contract have
26 signed the contract.

27 *(ae) Records relating to waste disposal required to be kept*
28 *pursuant to subdivision (b) or (g) of Section 41821.5 of the Public*
29 *Resources Code, and pursuant to any implementing regulations,*
30 *that are subject to inspection and copying by the Department of*
31 *Resources Recycling and Recovery, or a government entity as*
32 *defined in paragraph (4) of subdivision (g) of Section 41821.5 of*
33 *the Public Resources Code.*

34 This section shall not prevent any agency from opening its
35 records concerning the administration of the agency to public
36 inspection, unless disclosure is otherwise prohibited by law.

37 This section shall not prevent any health facility from disclosing
38 to a certified bargaining agent relevant financing information
39 pursuant to Section 8 of the National Labor Relations Act (29
40 U.S.C. Sec. 158).

1 SECTION 1.

2 SEC. 2. Section 41821.5 of the Public Resources Code is
 3 amended to read:

4 41821.5. (a) Disposal facility operators shall submit to counties
 5 information on the disposal tonnages by jurisdiction or region of
 6 origin that are disposed of at each disposal facility. *facility to the*
 7 *department, and to counties that request the information.* To enable
 8 disposal facility operators to provide that information, solid waste
 9 handlers and transfer station operators shall provide information
 10 to disposal facility operators on the origin of the solid waste that
 11 they deliver to the disposal facility.

12 (b) Recycling and composting operations and facilities shall
 13 submit periodic information to the department on the types and
 14 quantities of materials that are disposed of, ~~sold~~ *sold*, or transferred
 15 to other recycling or composting facilities, ~~sold to~~ end users inside
 16 of the state or outside of the state, or ~~that are sold to~~ exporters,
 17 brokers, or transporters for sale *inside of the state or* outside of
 18 the state. *Exporters, brokers, and transporters of recyclables or*
 19 *compost shall submit periodic information to the department on*
 20 *the types, quantities, and destinations of materials that are disposed*
 21 *of, sold, or transferred. The information in these reports may be*
 22 *provided on an aggregated facility-wide basis and need not include*
 23 *financial data, the jurisdiction of the origin of the materials, or*
 24 *information on the entities from which the materials are received.*
 25 The department may provide this information to ~~jurisdictions~~
 26 *jurisdictions, aggregated by company,* upon request. *Information*
 27 *submitted or provided pursuant to this subdivision shall not be*
 28 *subject to disclosure under the California Public Records Act*
 29 *(Chapter 3.5 (commencing with Section 6250) of Division 7 of*
 30 *Title 1 of the Government Code).*

31 (e) ~~Each county shall submit reports to the cities within the~~
 32 ~~county, to any regional agency of which it is a member agency,~~
 33 ~~and to the department, on the amounts of solid waste disposed by~~
 34 ~~jurisdiction or region of origin, as specified in subdivision (a).~~

35 (d)

36 (c) The department may adopt regulations pursuant to this
 37 section requiring practices and procedures that are reasonable and
 38 necessary to implement this section, and that provide a
 39 representative accounting of solid wastes and recyclable materials
 40 that are handled, processed, or disposed. Those regulations

1 approved by the department shall not impose an unreasonable
2 burden on waste and recycling handling, processing, or disposal
3 operations or otherwise interfere with the safe handling, processing,
4 and disposal of solid waste and recyclables. *To the extent*
5 *regulations are adopted, the department shall include in those*
6 *regulations both of the following:*

7 (1) *Procedures to ensure that an opportunity to comply is*
8 *provided prior to initiation of enforcement authorized by Section*
9 *41821.7.*

10 (2) *Factors to be considered in determining penalty amounts*
11 *that are similar to those provided in Section 45016.*

12 (e)

13 (d) Any person who refuses or fails to submit information
14 required by regulations adopted pursuant to this section is liable
15 for a civil penalty of not less than five hundred dollars (\$500) and
16 not more than five thousand dollars (\$5,000) for each violation of
17 a separate provision or, for continuing violations, for each day that
18 the violation continues.

19 (f)

20 (e) Any person who knowingly or willfully files a false report,
21 or any person who refuses to permit the department or any of its
22 representatives to make inspection or examination of records, or
23 who fails to keep any records for the inspection of the department,
24 or who alters, cancels, or obliterates entries in the records for the
25 purpose of falsifying the records as required by regulations adopted
26 pursuant to this section, is liable for a civil penalty of not less than
27 five hundred dollars (\$500) and not more than ten thousand dollars
28 (\$10,000) for each violation of a separate provision or, for
29 continuing violations, for each day that the violation continues.

30 (g)

31 (f) Liability under this section may be imposed in a civil action,
32 or liability may be imposed administratively pursuant to this article.

33 (h) ~~Upon request of a city, county, or city and county, that city,~~
34 ~~county, or city and county may be designated, in writing, by the~~
35 ~~department, to exercise the enforcement authority granted to the~~
36 ~~department under this article. Any city, county, or city and county~~
37 ~~so designated shall follow the same procedures set forth for the~~
38 ~~department under this article. This designation shall not limit the~~
39 ~~authority of the department to take action it deems necessary or~~
40 ~~proper to ensure enforcement of this article.~~

1 (i)

2 (g) (1) Notwithstanding Title 5 (commencing with Section
3 3426) of Part 1 of Division 4 of the Civil Code and Article 11
4 (commencing with Section 1060) of Chapter 4 of Division 8 of
5 the Evidence Code, all records required to be kept pursuant to this
6 section and implementing regulations shall be subject to inspection
7 and copying by the ~~department or by a governmental entity~~
8 ~~designated by the department.~~ *department, but shall not be subject*
9 *to disclosure under the California Public Records Act (Chapter*
10 *3.5 (commencing with Section 6250) of Division 7 of Title 1 of the*
11 *Government Code).*

12 (2) *In addition, an employee of a government entity may, at the*
13 *disposal facility, inspect and copy records related to tonnage*
14 *received at the facility and originating within its geographic*
15 *jurisdiction. Those records shall include weight tags that identify*
16 *the hauler, vehicle, quantity, date, type, and origin of waste*
17 *disposed of at a landfill. Those records shall be available to those*
18 *government entities for the purposes of subdivision (a) and as*
19 *necessary to fund their local programs, but those records shall*
20 *not be subject to disclosure under the California Public Records*
21 *Act (Chapter 3.5 (commencing with Section 6250) of Division 7*
22 *of Title 1 of the Government Code). Names of haulers using specific*
23 *landfills shall not be disclosed by a government entity unless*
24 *necessary as part of an administrative or judicial enforcement*
25 *proceeding to fund local programs or enforce local franchises.*

26 (3) *A government entity may petition the superior court for*
27 *injunctive or declaratory relief to enforce its authority under*
28 *paragraph (2). The times for responsive pleadings and hearings*
29 *in these proceedings shall be set by the judge of the court with the*
30 *object of securing a decision as to these matters at the earliest*
31 *possible time.*

32 (4) *For purposes of this section, a government entity is an entity*
33 *identified in Section 40145 or an entity formed pursuant to Section*
34 *40976.*

35 (j)

36 (h) Notwithstanding the Uniform Electronic Transactions Act
37 (Title 2.5 (commencing with Section 1633.1) of Part 2 of Division
38 3 of the Civil Code), reports required by this section shall be
39 submitted electronically, using an electronic reporting format
40 system established by the department.

1 ~~SEC. 2.~~

2 *SEC. 3.* Section 41821.6 of the Public Resources Code is
3 amended and renumbered to read:

4 41821.9. To assist market development efforts by the
5 department, local agencies, and the private sector, the department
6 shall use existing data resources.

7 ~~SEC. 3.~~

8 *SEC. 4.* Section 41821.6 is added to the Public Resources Code,
9 to read:

10 41821.6. In order to ensure that records required pursuant to
11 this article are properly maintained, in addition to inspecting *all*
12 records, the department ~~or its designee~~ may conduct audits, perform
13 site inspections, observe facility operations, and otherwise
14 investigate the recordkeeping and reporting of persons subject to
15 the requirements of this article.

16 ~~SEC. 4.~~

17 *SEC. 5.* Section 41821.7 is added to the Public Resources Code,
18 to read:

19 41821.7. (a) The department may issue an administrative
20 complaint to any person on whom civil liability may be imposed
21 pursuant to this article. The complaint shall allege the acts or
22 failures to act that constitute the basis for liability and the amount
23 of the proposed civil liability. The complaint shall be served by
24 personal service or certified mail and shall inform the party so
25 served that a hearing shall be conducted within 60 days after the
26 party has been served, unless the party waives the right to a hearing.

27 (b) If the party waives the right to a hearing, the department
28 shall issue an order setting liability in the amount proposed in the
29 complaint unless the department and the party have entered into
30 a settlement agreement, in which case the department shall issue
31 an order setting liability in the amount specified in the settlement
32 agreement. If the party has waived the right to a hearing or if the
33 department and the party have entered into a settlement agreement,
34 the order shall not be subject to review by any court or agency.

35 (c) Any hearing required under this section shall be conducted
36 by an independent hearing officer according to the procedures
37 specified in Chapter 5 (commencing with Section 11500) of Part
38 1 of Division 3 of Title 2 of the Government Code, except as
39 otherwise specified in this section.

1 ~~SEC. 5.~~

2 ~~SEC. 6.~~ Section 41821.8 is added to the Public Resources Code,
3 to read:

4 41821.8. (a) Orders setting civil liability issued under this
5 section shall become effective and final upon issuance thereof,
6 and payment shall be made within 30 days of issuance. Copies of
7 these orders shall be served by personal service or by certified
8 mail upon the party served with the complaint and upon other
9 persons who appeared at the hearing and requested a copy.

10 (b) Within 30 days after service of a copy of a decision, any
11 person so served may file with the superior court a petition for
12 writ of mandate for review of the decision. Any person who fails
13 to file the petition within the 30-day period may not challenge the
14 reasonableness or validity of a decision or order of the hearing
15 officer in any judicial proceedings brought to enforce the decision
16 or order or for other remedies.

17 (c) Except as otherwise provided in this section, Section 1094.5
18 of the Code of Civil Procedure governs any proceedings conducted
19 pursuant to this subdivision. ~~In all proceedings pursuant to this~~
20 ~~subdivision, the court shall uphold the decision, if the decision is~~
21 ~~based upon substantial evidence in the whole record.~~

22 (d) This section does not prohibit the court from granting any
23 appropriate relief within its jurisdiction.

24 (e) All penalties collected under this article shall be deposited
25 in the Integrated Waste Management Account created pursuant to
26 Section 48001 if the attorney who brought the action represented
27 the department, or shall be retained by a city, county, or city and
28 county designated pursuant to subdivision (c) of Section 41821.5,
29 if the attorney who brought the action represents the city, county,
30 or city and county. ~~The moneys retained by the city, county, or~~
31 ~~city and county shall be expended on duties required under this~~
32 ~~article and implementing regulations: 48001.~~