

AMENDED IN SENATE JULY 16, 2015

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 (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 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.

~~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.~~

Existing law, upon the request of any person furnishing any report, notice, application, plan, or other document required by the California Integrated Waste Management Act of 1989, provides that neither the department nor an enforcement agency shall make available for inspection by the public any portion of the report, notice, application, plan, or other document that contains a trade secret, as specified.

This bill would make certain waste disposal records subject to this provision, including waste disposal records subject to inspection and copying by the department or a government entity.

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:~~

- 1 ~~(1) Applications filed with any state agency responsible for the~~
2 ~~regulation or supervision of the issuance of securities or of financial~~
3 ~~institutions, including, but not limited to, banks, savings and loan~~
4 ~~associations, industrial loan companies, credit unions, and~~
5 ~~insurance companies.~~
- 6 ~~(2) Examination, operating, or condition reports prepared by,~~
7 ~~on behalf of, or for the use of, any state agency referred to in~~
8 ~~paragraph (1).~~
- 9 ~~(3) Preliminary drafts, notes, or interagency or intra-agency~~
10 ~~communications prepared by, on behalf of, or for the use of, any~~
11 ~~state agency referred to in paragraph (1).~~
- 12 ~~(4) Information received in confidence by any state agency~~
13 ~~referred to in paragraph (1).~~
- 14 ~~(e) Geological and geophysical data, plant production data, and~~
15 ~~similar information relating to utility systems development, or~~
16 ~~market or crop reports, that are obtained in confidence from any~~
17 ~~person.~~
- 18 ~~(f) Records of complaints to, or investigations conducted by,~~
19 ~~or records of intelligence information or security procedures of,~~
20 ~~the office of the Attorney General and the Department of Justice,~~
21 ~~the Office of Emergency Services and any state or local police~~
22 ~~agency, or any investigatory or security files compiled by any other~~
23 ~~state or local police agency, or any investigatory or security files~~
24 ~~compiled by any other state or local agency for correctional, law~~
25 ~~enforcement, or licensing purposes. However, state and local law~~
26 ~~enforcement agencies shall disclose the names and addresses of~~
27 ~~persons involved in, or witnesses other than confidential informants~~
28 ~~to, the incident, the description of any property involved, the date,~~
29 ~~time, and location of the incident, all diagrams, statements of the~~
30 ~~parties involved in the incident, the statements of all witnesses,~~
31 ~~other than confidential informants, to the victims of an incident,~~
32 ~~or an authorized representative thereof, an insurance carrier against~~
33 ~~which a claim has been or might be made, and any person suffering~~
34 ~~bodily injury or property damage or loss, as the result of the~~
35 ~~incident caused by arson, burglary, fire, explosion, larceny,~~
36 ~~robbery, earjacking, vandalism, vehicle theft, or a crime as defined~~
37 ~~by subdivision (b) of Section 13951, unless the disclosure would~~
38 ~~endanger the safety of a witness or other person involved in the~~
39 ~~investigation, or unless disclosure would endanger the successful~~
40 ~~completion of the investigation or a related investigation. However,~~

1 nothing in this division shall require the disclosure of that portion
2 of those investigative files that reflects the analysis or conclusions
3 of the investigating officer.

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

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

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

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

1 person is a victim of a crime defined in any of the sections of the
2 Penal Code set forth in this subdivision may be deleted at the
3 request of the victim, or the victim's parent or guardian if the
4 victim is a minor, in making the report of the crime, or of any
5 crime or incident accompanying the crime, available to the public
6 in compliance with the requirements of this paragraph.

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

30 ~~(g) Test questions, scoring keys, and other examination data~~
31 ~~used to administer a licensing examination, examination for~~
32 ~~employment, or academic examination, except as provided for in~~
33 ~~Chapter 3 (commencing with Section 99150) of Part 65 of Division~~
34 ~~14 of Title 3 of the Education Code.~~

35 ~~(h) The contents of real estate appraisals or engineering or~~
36 ~~feasibility estimates and evaluations made for or by the state or~~
37 ~~local agency relative to the acquisition of property, or to~~
38 ~~prospective public supply and construction contracts, until all of~~
39 ~~the property has been acquired or all of the contract agreement~~

1 obtained. However, the law of eminent domain shall not be affected
2 by this provision.

3 (i) Information required from any taxpayer in connection with
4 the collection of local taxes that is received in confidence and the
5 disclosure of the information to other persons would result in unfair
6 competitive disadvantage to the person supplying the information.

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

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

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

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

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

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

38 (p) Records of state agencies related to activities governed by
39 Chapter 10.3 (commencing with Section 3512), Chapter 10.5
40 (commencing with Section 3525), and Chapter 12 (commencing

1 with Section 3560) of Division 4, that reveal a state agency's
2 deliberative processes, impressions, evaluations, opinions,
3 recommendations, meeting minutes, research, work products,
4 theories, or strategy, or that provide instruction, advice, or training
5 to employees who do not have full collective bargaining and
6 representation rights under these chapters. Nothing in this
7 subdivision shall be construed to limit the disclosure duties of a
8 state agency with respect to any other records relating to the
9 activities governed by the employee relations acts referred to in
10 this subdivision.

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

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

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

37 (4) Notwithstanding any other law, the entire contract or
38 amendment shall be open to inspection by the Joint Legislative
39 Audit Committee and the Legislative Analyst's Office. The
40 committee and that office shall maintain the confidentiality of the

1 contracts and amendments until the time a contract or amendment
2 is fully open to inspection by the public.

3 ~~(r) Records of Native American graves, cemeteries, and sacred
4 places and records of Native American places, features, and objects
5 described in Sections 5097.9 and 5097.993 of the Public Resources
6 Code maintained by, or in the possession of, the Native American
7 Heritage Commission, another state agency, or a local agency.~~

8 ~~(s) A final accreditation report of the Joint Commission on
9 Accreditation of Hospitals that has been transmitted to the State
10 Department of Health Care Services pursuant to subdivision (b)
11 of Section 1282 of the Health and Safety Code.~~

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

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

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

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

1 ~~(v) (1) Records of the Managed Risk Medical Insurance Board~~
2 ~~and the State Department of Health Care Services related to~~
3 ~~activities governed by Part 6.3 (commencing with Section 12695),~~
4 ~~Part 6.5 (commencing with Section 12700), Part 6.6 (commencing~~
5 ~~with Section 12739.5), or Part 6.7 (commencing with Section~~
6 ~~12739.70) of Division 2 of the Insurance Code, or Chapter 2~~
7 ~~(commencing with Section 15810) or Chapter 4 (commencing with~~
8 ~~Section 15870) of Part 3.3 of Division 9 of the Welfare and~~
9 ~~Institutions Code, and that reveal any of the following:~~

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

18 ~~(B) The impressions, opinions, recommendations, meeting~~
19 ~~minutes, research, work product, theories, or strategy of the board~~
20 ~~or its staff or the department or its staff, or records that provide~~
21 ~~instructions, advice, or training to their employees.~~

22 ~~(2) (A) Except for the portion of a contract that contains the~~
23 ~~rates of payment, contracts entered into pursuant to Part 6.3~~
24 ~~(commencing with Section 12695), Part 6.5 (commencing with~~
25 ~~Section 12700), Part 6.6 (commencing with Section 12739.5), or~~
26 ~~Part 6.7 (commencing with Section 12739.70) of Division 2 of the~~
27 ~~Insurance Code, or Chapter 2 (commencing with Section 15810)~~
28 ~~or Chapter 4 (commencing with Section 15870) of Part 3.3 of~~
29 ~~Division 9 of the Welfare and Institutions Code, on or after July~~
30 ~~1, 1991, shall be open to inspection one year after their effective~~
31 ~~dates.~~

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

36 ~~(3) Three years after a contract or amendment is open to~~
37 ~~inspection pursuant to this subdivision, the portion of the contract~~
38 ~~or amendment containing the rates of payment shall be open to~~
39 ~~inspection.~~

1 ~~(4) Notwithstanding any other law, the entire contract or~~
2 ~~amendments to a contract shall be open to inspection by the Joint~~
3 ~~Legislative Audit Committee. The committee shall maintain the~~
4 ~~confidentiality of the contracts and amendments thereto, until the~~
5 ~~contracts or amendments to the contracts are open to inspection~~
6 ~~pursuant to paragraph (3).~~

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

16 ~~(2) Except for the portion of a contract that contains the rates~~
17 ~~of payment, contracts for health coverage entered into pursuant to~~
18 ~~Chapter 8 (commencing with Section 10700) of Part 2 of Division~~
19 ~~2 of the Insurance Code, on or after January 1, 1993, shall be open~~
20 ~~to inspection one year after they have been fully executed.~~

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

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

34 ~~(y) (1) Records of the Managed Risk Medical Insurance Board~~
35 ~~and the State Department of Health Care Services related to~~
36 ~~activities governed by Part 6.2 (commencing with Section 12693)~~
37 ~~or Part 6.4 (commencing with Section 12699.50) of Division 2 of~~
38 ~~the Insurance Code or Sections 14005.26 and 14005.27 of, or~~
39 ~~Chapter 3 (commencing with Section 15850) of Part 3.3 of Division~~

1 9 of, the Welfare and Institutions Code, if the records reveal any
2 of the following:

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

10 (B) The impressions, opinions, recommendations, meeting
11 minutes, research, work product, theories, or strategy of the board
12 or its staff, or the department or its staff, or records that provide
13 instructions, advice, or training to employees.

14 (2) (A) Except for the portion of a contract that contains the
15 rates of payment, contracts entered into pursuant to Part 6.2
16 (commencing with Section 12693) or Part 6.4 (commencing with
17 Section 12699.50) of Division 2 of the Insurance Code, on or after
18 January 1, 1998, or Sections 14005.26 and 14005.27 of, or Chapter
19 3 (commencing with Section 15850) of Part 3.3 of Division 9 of,
20 the Welfare and Institutions Code shall be open to inspection one
21 year after their effective dates.

22 (B) If a contract entered into pursuant to Part 6.2 (commencing
23 with Section 12693) or Part 6.4 (commencing with Section
24 12699.50) of Division 2 of the Insurance Code or Sections
25 14005.26 and 14005.27 of, or Chapter 3 (commencing with Section
26 15850) of Part 3.3 of Division 9 of, the Welfare and Institutions
27 Code, is amended, the amendment shall be open to inspection one
28 year after the effective date of the amendment.

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

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

39 (5) The exemption from disclosure provided pursuant to this
40 subdivision for the contracts, deliberative processes, discussions,

1 communications, — negotiations, — impressions, — opinions,
2 recommendations, meeting minutes, research, work product,
3 theories, or strategy of the board or its staff, or the department or
4 its staff, shall also apply to the contracts, deliberative processes,
5 discussions, communications, negotiations, impressions, opinions,
6 recommendations, meeting minutes, research, work product,
7 theories, or strategy of applicants pursuant to Part 6.4 (commencing
8 with Section 12699.50) of Division 2 of the Insurance Code or
9 Chapter 3 (commencing with Section 15850) of Part 3.3 of Division
10 9 of the Welfare and Institutions Code.

11 ~~(z) Records obtained pursuant to paragraph (2) of subdivision~~
12 ~~(f) of Section 2891.1 of the Public Utilities Code.~~

13 ~~(aa) A document prepared by or for a state or local agency that~~
14 ~~assesses its vulnerability to terrorist attack or other criminal acts~~
15 ~~intended to disrupt the public agency’s operations and that is for~~
16 ~~distribution or consideration in a closed session.~~

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

27 ~~(ac) All information provided to the Secretary of State by a~~
28 ~~person for the purpose of registration in the Advance Health Care~~
29 ~~Directive Registry, except that those records shall be released at~~
30 ~~the request of a health care provider, a public guardian, or the~~
31 ~~registrant’s legal representative.~~

32 ~~(ad) The following records of the State Compensation Insurance~~
33 ~~Fund:~~

34 ~~(1) Records related to claims pursuant to Chapter 1~~
35 ~~(commencing with Section 3200) of Division 4 of the Labor Code,~~
36 ~~to the extent that confidential medical information or other~~
37 ~~individually identifiable information would be disclosed.~~

38 ~~(2) Records related to the discussions, communications, or any~~
39 ~~other portion of the negotiations with entities contracting or seeking~~
40 ~~to contract with the fund, and any related deliberations.~~

1 ~~(3) Records related to the impressions, opinions,~~
2 ~~recommendations, meeting minutes of meetings or sessions that~~
3 ~~are lawfully closed to the public, research, work product, theories,~~
4 ~~or strategy of the fund or its staff, on the development of rates,~~
5 ~~contracting strategy, underwriting, or competitive strategy pursuant~~
6 ~~to the powers granted to the fund in Chapter 4 (commencing with~~
7 ~~Section 11770) of Part 3 of Division 2 of the Insurance Code.~~

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

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

25 ~~(B) Notwithstanding subparagraph (A), the portions of records~~
26 ~~containing trade secrets shall be available for review by the Joint~~
27 ~~Legislative Audit Committee, the Bureau of State Audits, Division~~
28 ~~of Workers' Compensation, and the Department of Insurance to~~
29 ~~ensure compliance with applicable law.~~

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

32 ~~(i) Personal papers and correspondence of any person providing~~
33 ~~assistance to the fund when that person has requested in writing~~
34 ~~that his or her papers and correspondence be kept private and~~
35 ~~confidential. Those papers and correspondence shall become public~~
36 ~~records if the written request is withdrawn, or upon order of the~~
37 ~~fund.~~

38 ~~(ii) Papers, correspondence, memoranda, or any substantive~~
39 ~~information pertaining to any audit not completed or an internal~~
40 ~~audit that contains proprietary information.~~

1 ~~(B) Notwithstanding subparagraph (A), the portions of records~~
2 ~~containing proprietary information, or any information specified~~
3 ~~in subparagraph (A) shall be available for review by the Joint~~
4 ~~Legislative Audit Committee, the Bureau of State Audits, Division~~
5 ~~of Workers' Compensation, and the Department of Insurance to~~
6 ~~ensure compliance with applicable law.~~

7 ~~(7) (A) Except as provided in subparagraph (C), contracts~~
8 ~~entered into pursuant to Chapter 4 (commencing with Section~~
9 ~~11770) of Part 3 of Division 2 of the Insurance Code shall be open~~
10 ~~to inspection one year after the contract has been fully executed.~~

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

15 ~~(C) Three years after a contract or amendment is open to~~
16 ~~inspection pursuant to this subdivision, the portion of the contract~~
17 ~~or amendment containing the rates of payment shall be open to~~
18 ~~inspection.~~

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

25 ~~(E) This paragraph is not intended to apply to documents related~~
26 ~~to contracts with public entities that are not otherwise expressly~~
27 ~~confidential as to that public entity.~~

28 ~~(F) For purposes of this paragraph, "fully executed" means the~~
29 ~~point in time when all of the necessary parties to the contract have~~
30 ~~signed the contract.~~

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

38 ~~This section shall not prevent any agency from opening its~~
39 ~~records concerning the administration of the agency to public~~
40 ~~inspection, unless disclosure is otherwise prohibited by law.~~

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

5 SEC. 2.

6 SECTION 1. Section 41821.5 of the Public Resources Code is
7 amended to read:

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

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

34 (c) The department may adopt regulations pursuant to this
35 section requiring practices and procedures that are reasonable and
36 necessary to implement this section, and that provide a
37 representative accounting of solid wastes and recyclable materials
38 that are handled, processed, or disposed. Those regulations
39 approved by the department shall not impose an unreasonable
40 burden on waste and recycling handling, processing, or disposal

1 operations or otherwise interfere with the safe handling, processing,
2 and disposal of solid waste and recyclables. To the extent
3 regulations are adopted, the department shall include in those
4 regulations both of the following:

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

8 (2) Factors to be considered in determining penalty amounts
9 that are similar to those provided in Section 45016.

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

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

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

28 (g) (1) Notwithstanding Title 5 (commencing with Section
29 3426) of Part 1 of Division 4 of the Civil Code and Article 11
30 (commencing with Section 1060) of Chapter 4 of Division 8 of
31 the Evidence Code, all records required to be kept pursuant to this
32 section and implementing regulations shall be subject to inspection
33 and copying by the department, but shall not be subject to
34 disclosure under the California Public Records Act (Chapter 3.5
35 (commencing with Section 6250) of Division 7 of Title 1 of the
36 Government Code). *department.*

37 (2) In addition, an employee of a government entity may, at the
38 disposal facility, inspect and copy records related to tonnage
39 received at the facility and originating within its geographic
40 jurisdiction. Those records shall include weight tags that identify

1 the hauler, vehicle, quantity, date, type, and origin of waste
 2 disposed of at a landfill. Those records shall be available to those
 3 government entities for the purposes of subdivision (a) and as
 4 necessary to fund their local programs, but those records shall not
 5 be subject to disclosure under the California Public Records Act
 6 (~~Chapter 3.5 (commencing with Section 6250) of Division 7 of~~
 7 ~~Title 1 of the Government Code~~); *programs*. Names of haulers
 8 using specific landfills shall not be disclosed by a government
 9 entity unless necessary as part of an administrative or judicial
 10 enforcement proceeding to fund local programs or enforce local
 11 franchises.

12 (3) A government entity may petition the superior court for
 13 injunctive or declaratory relief to enforce its authority under
 14 paragraph (2). The times for responsive pleadings and hearings in
 15 these proceedings shall be set by the judge of the court with the
 16 object of securing a decision as to these matters at the earliest
 17 possible time.

18 (4) For purposes of this section, a government entity is an entity
 19 identified in Section 40145 or an entity formed pursuant to Section
 20 40976.

21 (h) Notwithstanding the Uniform Electronic Transactions Act
 22 (Title 2.5 (commencing with Section 1633.1) of Part 2 of Division
 23 3 of the Civil Code), reports required by this section shall be
 24 submitted electronically, using an electronic reporting format
 25 system established by the department.

26 (i) *All records provided in accordance with this section shall*
 27 *be subject to Section 40062.*

28 ~~SEC. 3.~~

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

31 41821.9. To assist market development efforts by the
 32 department, local agencies, and the private sector, the department
 33 shall use existing data resources.

34 ~~SEC. 4.~~

35 *SEC. 3.* Section 41821.6 is added to the Public Resources Code,
 36 to read:

37 41821.6. In order to ensure that records required pursuant to
 38 this article are properly maintained, in addition to inspecting all
 39 records, the department may conduct audits, perform site
 40 inspections, observe facility operations, and otherwise investigate

1 the recordkeeping and reporting of persons subject to the
2 requirements of this article.

3 ~~SEC. 5.~~

4 *SEC. 4.* Section 41821.7 is added to the Public Resources Code,
5 to read:

6 41821.7. (a) The department may issue an administrative
7 complaint to any person on whom civil liability may be imposed
8 pursuant to this article. The complaint shall allege the acts or
9 failures to act that constitute the basis for liability and the amount
10 of the proposed civil liability. The complaint shall be served by
11 personal service or certified mail and shall inform the party so
12 served that a hearing shall be conducted within 60 days after the
13 party has been served, unless the party waives the right to a hearing.

14 (b) If the party waives the right to a hearing, the department
15 shall issue an order setting liability in the amount proposed in the
16 complaint unless the department and the party have entered into
17 a settlement agreement, in which case the department shall issue
18 an order setting liability in the amount specified in the settlement
19 agreement. If the party has waived the right to a hearing or if the
20 department and the party have entered into a settlement agreement,
21 the order shall not be subject to review by any court or agency.

22 (c) Any hearing required under this section shall be conducted
23 by an independent hearing officer according to the procedures
24 specified in Chapter 5 (commencing with Section 11500) of Part
25 1 of Division 3 of Title 2 of the Government Code, except as
26 otherwise specified in this section.

27 ~~SEC. 6.~~

28 *SEC. 5.* Section 41821.8 is added to the Public Resources Code,
29 to read:

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

36 (b) Within 30 days after service of a copy of a decision, any
37 person so served may file with the superior court a petition for
38 writ of mandate for review of the decision. Any person who fails
39 to file the petition within the 30-day period may not challenge the
40 reasonableness or validity of a decision or order of the hearing

1 officer in any judicial proceedings brought to enforce the decision
2 or order or for other remedies.

3 (c) Except as otherwise provided in this section, Section 1094.5
4 of the Code of Civil Procedure governs any proceedings conducted
5 pursuant to this subdivision.

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

8 (e) All penalties collected under this article shall be deposited
9 in the Integrated Waste Management Account created pursuant to
10 Section 48001.

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