

ASSEMBLY BILL

No. 1135

Introduced by Assembly Member Strickland

February 23, 2007

An act to add Section 7550.7 to the Government Code, relating to state reports.

LEGISLATIVE COUNSEL'S DIGEST

AB 1135, as introduced, Strickland. State government: reports: declarations.

Existing law generally sets out the requirements for the submission of written reports by public agencies to the Legislature, the Governor, the Controller, and state legislative and other executive entities.

This bill would require any of these written reports required to be submitted by any state agency, board, or commission, local governmental entity, school district, and special district, and specified reports required to be submitted to the Controller by any city, county, city and county, or transit district, to include a signed statement by the head of the agency, the chair of the board or commission, or the officer of the local agency, except as specified, declaring that the contents of the report are true, accurate, and complete to the best of his or her knowledge.

This bill would also make any person who declares as true any material matter pursuant to these provisions that he or she knows to be false liable for a civil penalty not to exceed \$20,000. By imposing new duties on local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

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

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

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

1 SECTION 1. Section 7550.7 is added to the Government Code,
2 to read:

3 7550.7. (a) (1) Notwithstanding any other provision of law,
4 every written report, as defined in paragraph (2) of subdivision (a)
5 of Section 7550.5, required to be submitted to the Legislature by
6 any state agency, board, or commission, local governmental entity,
7 school district, and special district shall include a signed statement
8 by the head of that agency, entity, or district, or chair of the board
9 or commission, declaring that the contents of the report are true,
10 accurate, and complete to the best of his or her knowledge.

11 (2) In the case of a board or commission whose chair is subject
12 to paragraph (1), as described in subdivision (b), if the board or
13 commission has an executive officer or executive director, the
14 signed statement described in paragraph (1) shall be made by the
15 executive officer or executive director.

16 (3) With respect to the Franchise Tax Board, the signed
17 statement described in paragraph (1) shall be made by the executive
18 officer of that board, and with respect to the State Board of
19 Equalization, the statement shall be made by the executive director
20 of that board.

21 (b) Paragraph (1) of subdivision (a) applies to the head of every
22 state agency, board, or commission, local governmental entity,
23 school district, and special district, including, but not limited to,
24 elected officials of state and local government, and any state official
25 whose duties are prescribed by the California Constitution.

26 (c) Notwithstanding any other provision of law, every written
27 report required to be submitted to the Controller pursuant to the
28 following provisions shall include a signed statement by the officer

1 of the local agency, declaring that the contents of the report are
2 true, accurate, and complete to the best of his or her knowledge:

3 (1) Reports submitted by a city, county, city and county, or
4 transit district pursuant to Section 53891.

5 (2) Reports submitted by a city, county, or city and county
6 pursuant to Section 2151 of the Streets and Highways Code.

7 (3) Reports submitted by a transit district pursuant to Sections
8 99243 and 99406 of the Public Utilities Code.

9 (d) Any person who declares as true any material matter pursuant
10 to this section that he or she knows to be false shall be liable for
11 a civil penalty not to exceed twenty thousand dollars (\$20,000).
12 The civil penalties provided for in this section shall be exclusively
13 assessed and recovered in a civil action brought in the name of the
14 people of the State of California in any court of competent
15 jurisdiction by the Attorney General.

16 SEC. 2. If the Commission on State Mandates determines that
17 this act contains costs mandated by the state, reimbursement to
18 local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.