

AMENDED IN SENATE JUNE 21, 2012

AMENDED IN ASSEMBLY APRIL 16, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2144

**Introduced by Assembly Members John A. Pérez and, Atkins, and
Dickinson**
(Principal coauthor: Assembly Member Bonilla)

February 23, 2012

An act to amend Sections 53395.1, 53395.2, 53395.3, 53395.4, 53395.5, 53395.10, 53395.14, 53395.15, 53395.19, 53395.23, 53395.24, and 53397.6, and 53397.10 of, and to add Sections 53395.1.5, 53395.3.1, and 53395.26 to, the Government Code, and to amend Section 33459 of the Health and Safety Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2144, as amended, John A. Pérez. Local government: infrastructure and revitalization financing districts.

Existing law authorizes the creation of infrastructure financing districts, as defined, for the sole purpose of financing public facilities, subject to adoption of a resolution by the legislative body and affected taxing entities proposed to be subject to division of taxes and $\frac{2}{3}$ voter approval. Existing law authorizes the legislative body to, by majority vote, initiate proceedings to issue bonds for the financing of district projects by adopting a resolution, subject to specified procedures and $\frac{2}{3}$ voter approval. Existing law requires an infrastructure financing plan to include the date on which an infrastructure financing district will cease to exist, which may not be more than 30 years from the date on

which the ordinance forming the district is adopted. Existing law prohibits a district from including any portion of a redevelopment project area. Existing law, the Polanco Redevelopment Act, authorizes a redevelopment agency to take any action that the agency determines is necessary and consistent with state and federal laws to remedy or remove a release of hazardous substances on, under, or from property within a project area, whether the agency owns that property or not, subject to specified conditions. *Existing law also declares the intent of the Legislature that the areas of the district created be substantially undeveloped, and that the establishment of a district should not ordinarily lead to the removal of dwelling units.*

This bill would authorize the creation of an infrastructure and revitalization financing district and the issuance of debt with 55% voter approval. The bill would authorize the creation of a district for up to 40 years and the issuance of debt with a final maturity date of up to 30 years, *as specified*. The bill would delete the prohibition on a district including any portion of a redevelopment project area, *as defined*, and authorize a district to finance projects in redevelopment project areas and former redevelopment project areas and former military bases. *The bill would authorize the legislative body of a city to dedicate any portion of its funds received from the Redevelopment Property Tax Fund to the district, if specified criteria are met.* The bill would authorize a city to form a district to finance a project or projects on a former military base, if specified conditions are met. The bill would provide that the issuance of debt by such a district on land of a former military base that is publicly owned is not subject to voter approval, *as specified*.

The bill would expand the projects that a district may fund to include watershed land used for the collection and treatment of water for urban uses, flood management, levees, bypasses, open space, habitat restoration, brownfields restoration, environmental mitigation, purchase of land and property for development purposes, including commercial property, hazardous cleanup, former military bases, and specified transportation purposes. The bill would authorize a district to implement hazardous cleanup pursuant to the Polanco Redevelopment Act, as specified. The bill would impose a specified reporting requirement on districts. *The bill would delete the statement of the intent of the Legislature that the area of the district be substantially undeveloped, and would instead state that it is the intent of the Legislature that the establishment of a district should not ordinarily lead to the removal of existing functional, habitable, and safe dwelling units, as specified.* The

bill would make a *further* statement of legislative intent and would change the name of an “infrastructure financing district” to “infrastructure and revitalization financing district.”

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. It is the intent of the Legislature to enact
2 legislation during the 2011–12 Regular Session that establishes
3 long-term, targeted programs that provide local governments with
4 tools and resources for specified purposes, including, but not
5 limited to, public infrastructure, affordable housing, economic
6 development and job creation, and environmental protection and
7 remediation, in a manner that encourages local cooperation and
8 includes appropriate protections for state and local taxpayers.

9 SEC. 2. Section 53395.1 of the Government Code is amended
10 to read:

11 53395.1. Unless the context otherwise requires, the definitions
12 contained in this article shall govern the construction of this
13 chapter.

14 (a) “Affected taxing entity” means any governmental taxing
15 agency that levied or had levied on its behalf a property tax on all
16 or a portion of the property located in the proposed district in the
17 fiscal year prior to the designation of the district, but not including
18 any county office of education, school district, or community
19 college district.

20 (b) “City” means a city, a county, or a city and county.

21 (c) “Debt” means any binding obligation to repay a sum of
22 money, including obligations in the form of bonds, certificates of
23 participation, long-term leases, loans from government agencies,
24 or loans from banks, other financial institutions, private businesses,
25 or individuals.

26 (d) “Designated official” means the city engineer or other
27 appropriate official designated pursuant to Section 53395.13.

28 (e) (1) “District” means an infrastructure and revitalization
29 financing district.

30 (2) An infrastructure and revitalization financing district is a
31 “district” within the meaning of Section 1 of Article XIII A of the
32 California Constitution.

1 (f) “Infrastructure and revitalization financing district” means
2 a legally constituted governmental entity established pursuant to
3 this chapter for the sole purpose of financing ~~public~~ facilities
4 *authorized by this chapter.*

5 (g) “Landowner” or “owner of land” means any person shown
6 as the owner of land on the last equalized assessment roll or
7 otherwise known to be the owner of the land by the legislative
8 body. The legislative body has no obligation to obtain other
9 information as to the ownership of land, and its determination of
10 ownership shall be final and conclusive for the purposes of this
11 chapter. A public agency is not a landowner or owner of land for
12 purposes of this chapter, unless the public agency owns all of the
13 land to be included within the proposed district.

14 (h) “Legislative body” means the city council or board of
15 supervisors.

16 (i) “Project area” means a defined area within a district in
17 which the activities of the district share a common purpose or goal
18 and an overall financing plan.

19 (j) “Net available revenue” means periodic distributions to the
20 city from the Redevelopment Property Tax Trust Fund, created
21 pursuant to Section 34170.5 of the Health and Safety Code, that
22 are available to the city after all preexisting legal commitments
23 and statutory obligations funded from that revenue are made
24 pursuant to Part 1.85 (commencing with Section 34170) of Division
25 24 of the Health and Safety Code. Net available revenue shall only
26 include revenue remaining after all current distributions, including,
27 but not limited to, payment of enforceable obligations, all
28 distributions to other taxing entities, and applicable administrative
29 fees, have been made.

30 SEC. 3. Section 53395.1.5 is added to the Government Code,
31 to read:

32 53395.1.5. Notwithstanding any other law, any reference in
33 this title to an “infrastructure financing district” or “district” shall
34 instead be deemed to refer to an “infrastructure and revitalization
35 financing district.”

36 SEC. 4. Section 53395.2 of the Government Code is amended
37 to read:

38 53395.2. (a) The revenues available pursuant to Article 3
39 (commencing with Section 53396) may be used directly for work
40 allowed pursuant to Section 53395.3, may be accumulated for a

period not to exceed five years to provide a fund for that work, may be pledged to pay the principal of, and interest on, bonds issued pursuant to Article 4 (commencing with Section 53397), or may be pledged to pay the principal of, and interest on, bonds issued pursuant to the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code) or the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5 (commencing with Section 53311)), the proceeds of which have been or will be used entirely for allowable purposes of the district. The revenue of the district may also be advanced for allowable purposes of the district to an Integrated Financing District established pursuant to Chapter 1.5 (commencing with Section 53175), in which case the district may be party to a reimbursement agreement established pursuant to that chapter. The revenues of the district may also be committed to paying for any completed public facility acquired pursuant to Section 53395.3 over a period of time, including the payment of a rate of interest not to exceed the bond buyer index rate on the day that the agreement to repay is entered into by the city.

(b) The legislative body may enter into an agreement with any affected taxing entity providing for the construction of, or assistance in, financing public facilities.

~~SEC. 4.~~

SEC. 5. Section 53395.3 of the Government Code is amended to read:

53395.3. (a) A district may finance (1) the purchase, construction, expansion, improvement, seismic retrofit, or rehabilitation of any real or other tangible property with an estimated useful life of 15 years or longer which satisfies the requirements of subdivision (b), (2) may finance planning and design work which is directly related to the purchase, construction, expansion, ~~or improvement~~, rehabilitation, or seismic retrofit of that property, and (3) the costs described in Sections 53395.5 and 53396.5. The facilities need not be physically located within the boundaries of the district. A district may not finance routine maintenance, repair work, or the costs of ongoing operation or providing services of any kind.

(b) The district shall finance only ~~public capital~~ facilities or projects of communitywide significance, including, but not limited to, any of the following:

- 1 (1) Highways, interchanges, ramps and bridges, arterial streets,
2 parking facilities, and transit facilities.
- 3 (2) Sewage treatment and water reclamation plants and
4 interceptor pipes.
- 5 (3) Facilities and watershed lands used for the collection and
6 treatment of water for urban uses.
- 7 (4) Flood management, including levees, bypasses, dams,
8 retention basins, and drainage channels.
- 9 (5) Child care facilities.
- 10 (6) Libraries.
- 11 (7) Parks, recreational facilities, open space, and habitat
12 restoration.
- 13 (8) Facilities for the transfer and disposal of solid waste,
14 including transfer stations and vehicles.
- 15 (9) Brownfields restoration and other environmental mitigation.
- 16 (10) Purchase of land and property for development purposes
17 and related site improvements.
- 18 (11) Acquisition, construction, or repair of housing for rental
19 or purchase, including multipurpose facilities.
- 20 (12) Acquisition, construction, or repair of commercial or
21 industrial structures for private use.
- 22 (13) The repayment of the transfer of funds to a military base
23 reuse authority pursuant to Section 67851.
- 24 (c) Any district that constructs dwelling units shall set aside not
25 less than 20 percent of those units to increase and improve the
26 community's supply of low- and moderate-income housing
27 available at an affordable housing cost, as defined by Section
28 50052.5 of the Health and Safety Code, to persons and families of
29 low- and moderate-income, as defined in Section 50093 of the
30 Health and Safety Code.
- 31 (d) A district may utilize any powers under the Polanco
32 Redevelopment Act (Article 12.5 (commencing with Section
33 33459) of Chapter 4 of Part 1 of Division 24 of the Health and
34 Safety Code), and finance any action necessary to implement that
35 act.
- 36 (e) A district may finance any project that implements a
37 sustainable communities strategy prepared pursuant to Section
38 65074.

1 ~~SEC. 5.~~

2 SEC. 6. Section 53395.3.1 is added to the Government Code,
3 to read:

4 53395.3.1. (a) A city may form a district to finance a project
5 or projects on a former military base pursuant to the requirements
6 set forth in this chapter.

7 (b) A district formed under this section may finance a project
8 pursuant to Section 53395.3 or this section only if the project is
9 consistent with the authority reuse plan and is approved by the
10 military base reuse authority, if applicable.

11 (c) Notwithstanding Section 53397.6, the issuance of debt by a
12 district formed under this section to finance ~~a project on land of a~~
13 ~~former military base that is publicly owned~~ *facilities described in*
14 *the infrastructure financing plan* shall not be subject to voter
15 approval, *provided that, at the time of approval of the formation*
16 *of the district, all of the land within the proposed district, or a*
17 *designated project area within the district on which the facilities*
18 *to be financed with the bonds will be located is owned by one or*
19 *more public entities, military base reuse authorities, or entities*
20 *controlled by governmental agencies.*

21 ~~SEC. 6.~~

22 SEC. 7. Section 53395.4 of the Government Code is amended
23 to read:

24 53395.4. (a) A district may finance only the facilities or
25 services authorized in this chapter ~~to the extent that the facilities~~
26 ~~or services are in addition to those provided in the territory of the~~
27 ~~district before the district was created.~~ The additional facilities or
28 services may not supplant facilities or services already available
29 within that territory when the district was created ~~but, except if~~
30 ~~those facilities or services are essentially nonfunctional, obsolete,~~
31 ~~or hazardous. The additional facilities or services may supplement~~
32 those facilities and services as needed to serve new developments.

33 (b) A district may include areas that are not contiguous. A
34 *district may be divided into project areas, each of which may be*
35 *subject to distinct limitations established under this chapter. The*
36 *legislative body may, at any time, add territory to a district or*
37 *amend the infrastructure financing plan for the district by*
38 *conducting the same procedures for the formation of a district or*
39 *approval of bonds, if applicable, as provided pursuant to this*
40 *chapter.*

1 (c) Any district may finance any project or portion of a project
2 that is located in, or overlaps with, any redevelopment project area
3 or former redevelopment project area or former military base.

4 (d) Notwithstanding subdivision (c), any debt or obligation of
5 a district shall be subordinate to an enforceable obligation of a
6 former redevelopment agency, as defined in Section 34171 of the
7 Health and Safety Code.

8 (e) *The legislative body of the city forming the district may*
9 *choose to dedicate any portion of its net available revenue to the*
10 *district through the financing plan described in Section 53395.14.*

11 SEC. 8. Section 53395.5 of the Government Code is amended
12 to read:

13 53395.5. It is the intent of the Legislature that ~~the area of the~~
14 ~~districts created be substantially undeveloped, and~~ the
15 establishment of a district should not ordinarily lead to the removal
16 of existing *functional, habitable, and safe* dwelling units. If,
17 however, any dwelling units are proposed to be removed or
18 destroyed in the course of private development or public works
19 construction within the area of the district, the legislative body
20 shall do all of the following:

21 (a) Within four years of the removal or destruction, cause or
22 require the construction or rehabilitation, for rental or sale to
23 persons or families of low or moderate income, of an equal number
24 of replacement dwelling units at affordable housing cost, as defined
25 in Section 50052.5 *of the Health and Safety Code, or affordable*
26 *rent, as defined in Section 50053* of the Health and Safety Code,
27 within the territory of the district if the dwelling units removed
28 were inhabited by persons or families of low or moderate income,
29 as defined in Section 50093 of the Health and Safety Code.

30 (b) Within four years of the removal or destruction, cause or
31 require the construction or rehabilitation, for rental or sale to
32 persons of low or moderate income, a number of dwelling units
33 which is at least one unit but not less than 20 percent of the total
34 dwelling units removed at affordable housing cost, as defined in
35 Section 50052.5 *of the Health and Safety Code, or affordable rent,*
36 *as defined in Section 50053* of the Health and Safety Code, within
37 the territory of the district if the dwelling units removed or
38 destroyed were not inhabited by persons of low or moderate
39 income, as defined in Section 50093 of the Health and Safety Code.

1 (c) Provide relocation assistance and make all the payments
2 required by Chapter 16 (commencing with Section 7260) of
3 Division 7 of Title 1, to persons displaced by any public or private
4 development occurring within the territory of the district. This
5 displacement shall be deemed to be the result of public action.

6 (d) Ensure that removal or destruction of any dwelling units
7 occupied by persons or families of low or moderate income not
8 take place unless and until there are suitable housing units, at
9 comparable cost to the units from which the persons or families
10 were displaced, available and ready for occupancy by the residents
11 of the units at the time of their displacement. The housing units
12 shall be suitable to the needs of these displaced persons or families
13 and shall be decent, safe, sanitary, and otherwise standard
14 dwellings.

15 *SEC. 9. Section 53395.10 of the Government Code is amended*
16 *to read:*

17 53395.10. A legislative body of a city may designate one or
18 more proposed infrastructure financing districts pursuant to this
19 chapter. Proceedings for the establishment of a district shall be
20 instituted by the adoption of a resolution of intention to establish
21 the proposed district and shall do all of the following:

22 (a) State that an infrastructure financing district is proposed to
23 be established under the terms of this chapter and describe the
24 boundaries of the proposed district, which may be accomplished
25 by reference to a map on file in the office of the clerk of the city.

26 (b) State the type of ~~public~~ facilities proposed to be financed
27 by the district. The district may only finance ~~public~~ facilities
28 authorized by Section 53395.3.

29 (c) State that incremental property tax revenue from the city
30 and some or all affected taxing entities within the district may be
31 used to finance these ~~public~~ facilities.

32 (d) *State that net available revenue from the city may be used*
33 *to finance these facilities and state the maximum portion of the*
34 *net available revenue to be committed to the district for each year*
35 *during which the district will receive these revenues.*

36 ~~(d)~~

37 (e) Fix a time and place for a public hearing on the proposal.

38 ~~SEC. 7.~~

39 *SEC. 10. Section 53395.14 of the Government Code is amended*
40 *to read:*

1 53395.14. After receipt of a copy of the resolution of intention
2 to establish a district, the official designated pursuant to Section
3 53395.13 shall prepare a proposed infrastructure financing plan.
4 The infrastructure financing plan shall be consistent with the
5 general plan of the city within which the district is located and
6 shall include all of the following:

7 (a) A map and legal description of the proposed district, which
8 may include all or a portion of the district designated by the
9 legislative body in its resolution of intention.

10 (b) A description of the public facilities required to serve the
11 development proposed in the area of the district including those
12 to be provided by the private sector, those to be provided by
13 governmental entities without assistance under this chapter, those
14 public improvements and facilities to be financed with assistance
15 from the proposed district, and those to be provided jointly. The
16 description shall include the proposed location, timing, and costs
17 of the public improvements and facilities.

18 (c) A finding that the public facilities are of communitywide
19 significance and provide significant benefits to an area larger than
20 the area of the district.

21 (d) A financing section, which shall contain all of the following
22 information:

23 (1) A specification of the maximum portion of the incremental
24 tax revenue of the city and of each affected taxing entity proposed
25 to be committed to the district for each year during which the
26 district will receive incremental tax revenue. The portion need not
27 be the same for all affected taxing entities. The portion may change
28 over time.

29 (2) A projection of the amount of tax revenues expected to be
30 received by the district in each year during which the district will
31 receive tax revenues, including an estimate of the amount of tax
32 revenues attributable to each affected taxing entity for each year.
33 *If applicable, the plan shall also include a specification of the*
34 *maximum portion of the net available revenue of the city proposed*
35 *to be committed to the district for each year during which the*
36 *district will receive revenue. The portion may vary over time.*

37 (3) A plan for financing the public facilities to be assisted by
38 the district, including a detailed description of any intention to
39 incur debt.

1 (4) A limit on the total number of dollars of taxes that may be
2 allocated to the district pursuant to the plan.

3 (5) A date on which the district shall cease to exist, by which
4 time all tax allocation, *including any allocation of net available*
5 *revenue*, to the district will end. The date shall not be more than
6 40 years from the date on which the ordinance forming the district
7 is adopted pursuant to Section 53395.23, *or a later date, if specified*
8 *by the ordinance, on which the allocation of tax increment will*
9 *begin*. The district may issue debt with a final maturity date of up
10 to 30 years *from the date of issuance of each debt issue, subject*
11 *to the time limit on tax allocation to the district*.

12 (6) An analysis of the costs to the city of providing facilities
13 and services to the area of the district while the area is being
14 developed and after the area is developed. The plan shall also
15 include an analysis of the tax, fee, charge, and other revenues
16 expected to be received by the city as a result of expected
17 development in the area of the district.

18 (7) An analysis of the projected fiscal impact of the district and
19 the associated development upon each affected taxing entity.

20 (8) A plan for financing any potential costs that may be incurred
21 by reimbursing a developer of a project that is both located entirely
22 within the boundaries of that district and qualifies for the Transit
23 Priority Project Program, pursuant to Section 65470, including
24 any permit and affordable housing expenses related to the project.

25 (e) If any dwelling units occupied by persons or families of low
26 or moderate income are proposed to be removed or destroyed in
27 the course of private development or public works construction
28 within the area of the district, a plan providing for replacement of
29 those units and relocation of those persons or families consistent
30 with the requirements of Section 53395.5.

31 *SEC. 11. Section 53395.15 of the Government Code is amended*
32 *to read:*

33 53395.15. The infrastructure financing plan shall be sent to
34 each owner of land within the proposed district and to each affected
35 taxing entity together with any report required by the California
36 Environmental Quality Act (Division 13 (commencing with Section
37 21000) of the Public Resources Code) that pertains to the proposed
38 ~~public~~ facilities or the proposed development project for which
39 the ~~public~~ facilities are needed, and shall be made available for

1 public inspection. The report shall also be sent to the planning
2 commission and the legislative body.

3 *SEC. 12. Section 53395.19 of the Government Code is amended*
4 *to read:*

5 53395.19. (a) The legislative body shall not enact a resolution
6 proposing formation of a district and providing for the division of
7 taxes of any affected taxing entity pursuant to Article 3
8 (commencing with Section 53396) unless a resolution approving
9 the plan has been adopted by the governing body of each affected
10 taxing entity which is proposed to be subject to division of taxes
11 pursuant to Article 3 (commencing with Section 53396) has been
12 filed with the legislative body at or prior to the time of the hearing.

13 (b) *In the case of an affected taxing entity that is a special*
14 *district that provides fire protection services and where the county*
15 *board of supervisors is the governing authority or has appointed*
16 *itself as the governing board of the district, the plan shall be*
17 *adopted by a separate resolution approved by the district's*
18 *governing authority or governing board.*

19 ~~(b)~~

20 (c) Nothing in this section shall be construed to prevent the
21 legislative body from amending its infrastructure financing plan
22 and adopting a resolution proposing formation of the infrastructure
23 financing district without allocation of the tax revenues of any
24 affected taxing entity which has not approved the infrastructure
25 financing plan by resolution of the governing body of the affected
26 taxing entity.

27 ~~SEC. 8.~~

28 *SEC. 13. Section 53395.23 of the Government Code is amended*
29 *to read:*

30 53395.23. After the canvass of returns of any election pursuant
31 to Section 53395.20, the legislative body may, by ordinance, adopt
32 the infrastructure financing plan and create the district with full
33 force and effect of law, if 55 percent of the votes upon the question
34 of creating the district are in favor of creating the district.

35 ~~SEC. 9.~~

36 *SEC. 14. Section 53395.24 of the Government Code is amended*
37 *to read:*

38 53395.24. After the canvass of returns of any election
39 conducted pursuant to Section 53395.20, the legislative body shall
40 take no further action with respect to the proposed infrastructure

1 financing district for one year from the date of the election if the
2 question of creating the district fails to receive approval of 55
3 percent of the votes cast upon the question.

4 ~~SEC. 10.~~

5 *SEC. 15.* Section 53395.26 is added to the Government Code,
6 to read:

7 53395.26. No later than June 30 of each year after the adoption
8 of an infrastructure financing plan, the legislative body shall post
9 an annual report in an easily identifiable and accessible location
10 on the legislative body's Internet Web site. The annual report shall
11 contain all of the following:

12 (a) A summary of the district's expenditures.

13 (b) A description of the progress made towards the district's
14 adopted goals.

15 (c) An assessment of the status regarding completion of the
16 district's projects.

17 ~~SEC. 11.~~

18 *SEC. 16.* Section 53397.6 of the Government Code is amended
19 to read:

20 53397.6. (a) ~~The~~ *Except as provided in Section 53395.3.1,*
21 bonds may be issued if 55 percent of the voters voting on the
22 proposition vote in favor of ~~issuing~~ *authorizing the issuance of*
23 the bonds.

24 (b) If the voters ~~approve~~ *authorize* the issuance of the bonds as
25 provided by subdivision (a), the legislative body ~~shall may~~
26 *subsequently* proceed with the issuance of the bonds by adopting
27 a resolution which shall provide for all of the following:

28 (1) The issuance of the bonds in one or more series.

29 (2) The principal amount of the bonds, which shall be consistent
30 with the amount specified in subdivision (b) of Section 53397.2.

31 (3) The date the bonds will bear.

32 (4) The date of maturity of the bonds.

33 (5) The denomination of the bonds.

34 (6) The form of the bonds.

35 (7) The manner of execution of the bonds.

36 (8) The medium of payment in which the bonds are payable.

37 (9) The place or manner of payment and any requirements for
38 registration of the bonds.

39 (10) The terms of call or redemption, with or without premium.

1 SEC. 17. Section 53397.10 of the Government Code is amended
2 to read:

3 53397.10. The bonds may be sold at discount not to exceed 5
4 percent of par at a *negotiated or* public sale. At least five days
5 prior to ~~the~~ a public sale, notice shall be published, pursuant to
6 Section 6061, in a newspaper of general circulation and in a
7 financial newspaper published in the City and County of San
8 Francisco and in the City of Los Angeles. The bonds may be sold
9 at not less than par to the federal government at private sale without
10 any public advertisement.

11 ~~SEC. 12.~~

12 SEC. 18. Section 33459 of the Health and Safety Code is
13 amended to read:

14 33459. For purposes of this article, the following terms shall
15 have the following meanings:

16 (a) "Department" means the Department of Toxic Substances
17 Control.

18 (b) "Director" means the Director of Toxic Substances Control.

19 (c) "Hazardous substance" means any hazardous substance as
20 defined in subdivision (h) of Section 25281, and any reference to
21 hazardous substance in the definitions referenced in this section
22 shall be deemed to refer to hazardous substance, as defined in this
23 subdivision.

24 (d) "Local agency" means a single local agency that is one of
25 the following:

26 (1) A local agency authorized pursuant to Section 25283 to
27 implement Chapter 6.7 (commencing with Section 25280) of, and
28 Chapter 6.75 (commencing with Section 25299.10) of, Division
29 20.

30 (2) A local officer who is authorized pursuant to Section 101087
31 to supervise a remedial action.

32 (3) An infrastructure and revitalization financing district.

33 (e) "Qualified independent contractor" means an independent
34 contractor who is any of the following:

35 (1) An engineering geologist who is certified pursuant to
36 Section 7842 of the Business and Professions Code.

37 (2) A geologist who is registered pursuant to Section 7850 of
38 the Business and Professions Code.

39 (3) A civil engineer who is registered pursuant to Section 6762
40 of the Business and Professions Code.

- 1 (f) “Release” means any release, as defined in Section 25320.
- 2 (g) “Remedy” or “remove” means any action to assess, evaluate,
- 3 investigate, monitor, remove, correct, clean up, or abate a release
- 4 of a hazardous substance or to develop plans for those actions.
- 5 “Remedy” includes any action set forth in Section 25322 and
- 6 “remove” includes any action set forth in Section 25323.
- 7 (h) “Responsible party” means any person described in
- 8 subdivision (a) of Section 25323.5 of this code or subdivision (a)
- 9 of Section 13304 of the Water Code.