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SB-1172 High-Speed Rail Authority: property acquisition: capital outlays: public contracts: county assessor's records. (2017-2018)

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Senate Bill No. 1172

CHAPTER 790

An act to amend Section 1245.210 of the Code of Civil Procedure, to amend Sections 11005, 11005.2, 13332.11, 13332.12, 15853, and 15855 of the Government Code, to amend Sections 10106 and 10107 of the Public Contract Code, and to amend Section 408 of the Revenue and Taxation Code, relating to high-speed rail.

[Approved by Governor September 26, 2018. Filed with Secretary of State September 26, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1172, Beall. High-Speed Rail Authority: property acquisition: capital outlays: public contracts: county assessor's records.

(1) Existing law creates the High-Speed Rail Authority with specified powers and duties relative to the development and implementation of a high-speed train system, including the acquisition of rights-of-way through purchase and eminent domain. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, approved by the voters at the November 4, 2008, general election, provides for the issuance of \$9.95 billion in bonds for high-speed rail train capital projects and other associated purposes.

The California Constitution permits the taking of private property for public use only when just compensation is paid. The Eminent Domain Law prescribes the procedures for the exercise of that constitutionally authorized power. Under that law, a public entity may not commence an eminent domain proceeding until its governing body has adopted a resolution of necessity that meets specified requirements. Existing law defines "governing body" for these purposes with respect to various state and local public entities.

This bill would specify that the State Public Works Board is the "governing body" for these purposes for a taking by the High-Speed Rail Authority.

(2) Existing law generally requires the approval of the Director of Finance before the state may accept a gift or dedication of personal or real property and the approval of the Director of General Services before a state agency may acquire, hire, dispose, or let real property in fee or in a lesser interest. Existing law specifies that those provisions do not apply in certain circumstances, including the acquisition or hiring of real property by the Department of Transportation.

This bill would enact similar exceptions relative to property obtained for high-speed rail purposes by the High-Speed Rail Authority. The bill would make various additional conforming changes.

(3) Existing law, except as specified, prohibits the expenditure of funds for capital outlay by any state agency until the Department of Finance and the State Public Works Board have approved preliminary plans for the project to be funded from a capital outlay appropriation. Existing law authorizes the State Public Works Board to augment a major project of up to 20% of the total capital outlay appropriations for the project, as provided, but also authorizes the Department of Finance to change the administratively or

legislatively approved scope for major capital outlay projects. Under existing law, these provisions do not limit or control the Department of Transportation or the California Exposition and State Fair in the expenditure of all funds appropriated to those entities for capital outlay purposes.

This bill would additionally state that these provisions do not limit or control the High-Speed Rail Authority in the expenditure of all funds appropriated to the authority for capital outlay purposes.

(4) Existing law requires that any acquisition of land or other real property authorized in any appropriation be subject to the Property Acquisition Law, except for an appropriation from the California Water Fund or an appropriation to the Department of Transportation for capital outlay purposes.

This bill would additionally exempt from this requirement an appropriation to the High-Speed Rail Authority for capital outlay purposes.

(5) The Property Acquisition Law requires that all land and other real property to be acquired by or for any state agency, with specified exceptions, be acquired by the State Public Works Board in accordance with that law, except for land and other real property to be acquired by or for specified agencies. That law specifies that, with certain exceptions, the State Public Works Board is the only state agency that may exercise the power of eminent domain to acquire property needed by any state agency for any state purpose or function.

This bill would exempt land and other real property acquired by or for, and the exercise of the power of eminent domain by, the High-Speed Rail Authority from these provisions.

(6) Under the State Contract Act, projects that are not under the jurisdiction of specified departments are under the charge and control of the Department of General Services.

This bill would add the High-Speed Rail Authority as an agency whose projects are not under the charge and control of the Department of General Services.

(7) Existing property tax law requires a county assessor to disclose information, furnish abstracts, or permit access to all records in his or her office to specified state and local public entities. Whenever the assessor discloses information, furnishes abstracts, or permits access to records in his or her office to staff appraisers of specified state agencies, existing property tax law requires those agencies to reimburse the assessor for any cost incurred.

This bill would additionally require the county assessor to disclose information, furnish abstracts, or permit access to records in his or her office to the High-Speed Rail Authority and require the authority to reimburse the assessor for costs.

By adding to the duties of county assessors, this bill would impose a state-mandated local program.

(8) This bill would require the High-Speed Rail Authority to submit a report to specified committees of the Legislature on or before January 1, 2020, detailing how the provisions of this bill have affected the authority's property acquisition process.

(9) This bill would incorporate additional changes to Section 408 of the Revenue and Taxation Code proposed by AB 2425 to be operative only if this bill and AB 2425 are enacted and this bill is enacted last.

(10) 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 the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1245.210 of the Code of Civil Procedure is amended to read:

1245.210. As used in this article, "governing body" means:

(a) In the case of a taking by a local public entity, the legislative body of the local public entity.

(b) In the case of a taking by the Sacramento and San Joaquin Drainage District, the Central Valley Flood Protection Board.

(c) In the case of a taking by the State Public Works Board pursuant to the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code), the State Public Works Board.

(d) In the case of a taking by the Department of Fish and Wildlife pursuant to Section 1348 of the Fish and Game Code, the Wildlife Conservation Board.

(e) In the case of a taking by the Department of Transportation (other than a taking pursuant to Section 21633 of the Public Utilities Code or Section 30100 of the Streets and Highways Code), the California Transportation Commission.

(f) In the case of a taking by the Department of Transportation pursuant to Section 21633 of the Public Utilities Code, the California Transportation Commission.

(g) In the case of a taking by the Department of Transportation pursuant to Section 30100 of the Streets and Highways Code, the California Transportation Commission.

(h) In the case of a taking by the Department of Water Resources, the California Water Commission.

(i) In the case of a taking by the University of California, the Regents of the University of California.

(j) In the case of a taking by the State Lands Commission, the State Lands Commission.

(k) In the case of a taking by Hastings College of Law, the board of directors of that college.

(l) In the case of a taking by the High-Speed Rail Authority, the State Public Works Board.

SEC. 2. Section 11005 of the Government Code is amended to read:

11005. (a) Unless the Legislature specifically provides that approval is not required, every gift or dedication to the state of personal property, or every gift to the state of real property in fee or in any lesser estate or interest, shall be approved by the Director of Finance, and every contract for the acquisition or hiring of real property in fee or in any lesser estate or interest, entered into by or on behalf of the state, shall be approved by the Director of General Services. Any contract entered into in violation of this section is void. This section applies to any state agency that, by general or specific statute, is expressly or impliedly authorized to enter into transactions referred to in this section.

(b) This section does not apply to any of the following:

(1) Unconditional gifts of money.

(2) The acquisition or hiring by the Department of Transportation of real property in fee or in any lesser estate or interest for highway purposes, but this section does apply to the hiring by that department of office space in any office building.

(3) Contracts entered into under the authority of Chapter 4 (commencing with Section 11770) of Part 3 of Division 2 of the Insurance Code.

(4) The receipt of donated, unencumbered personal property from private sources received in conjunction with the administration of the Federal Surplus Personal Property Program by the Department of General Services.

(5) The receipt of gifts of personal property in the form of interpretive or historical objects, each valued at fifteen thousand dollars (\$15,000) or less, by the Department of Parks and Recreation.

(6) The acceptance by the State Coastal Conservancy of offers to dedicate public accessways made pursuant to Division 20 (commencing with Section 30000) of the Public Resources Code.

(7) The acquisition or hiring by the High-Speed Rail Authority of real property in fee or in any lesser estate or interest for high-speed rail purposes, but this section does apply to the hiring by that authority of office space in any office building.

SEC. 3. Section 11005.2 of the Government Code is amended to read:

11005.2. (a) Unless the Legislature specifically provides that approval by the Director of General Services is not required, every conveyance, contract, or agreement whereby an interest of the state in any real property is conveyed, demised, or let to any person, shall, before the conveyance, contract, or agreement is executed or entered into, be approved by the Director of General Services. Any conveyance, contract, or agreement executed or entered into in violation of this section is void. This section shall apply to any state agency which, by general or specific statute, is expressly or impliedly authorized to enter into transactions referred to in this section.

(b) This does not apply to real property acquired by the Department of Transportation for highway purposes, real property acquired by the High-Speed Rail Authority for high-speed rail purposes, or real property administered by the State Lands Commission, the Controller, or the State Compensation Insurance Fund.

SEC. 4. Section 13332.11 of the Government Code is amended to read:

13332.11. (a) (1) Except as otherwise specified in paragraph (2), funds appropriated for capital outlay shall not be expended by any state agency, including, but not limited to, the University of California, the California State University, the California Community Colleges, and the Judicial Council, until the Department of Finance and the State Public Works Board have approved preliminary plans for the project to be funded from a capital outlay appropriation.

(2) Paragraph (1) shall not apply to any of the following:

(A) Amounts for acquisition of real property in fee, or any other lesser interest.

(B) Amounts for equipment or minor capital outlay projects.

(C) Amounts appropriated for preliminary plans, surveys, and studies.

(b) Notwithstanding subdivision (a), approvals by the State Public Works Board and the Department of Finance for the University of California and the California Community Colleges shall apply only to the allocation of state capital outlay funds appropriated by the Legislature, including land acquisition and equipment funds.

(c) Any appropriated amounts for working drawings or construction where the working drawings or construction have been started by any state agency prior to approval of the preliminary plans by the State Public Works Board shall be reverted to the fund from which the appropriation was made, as approved by the Department of Finance. A major project for which a capital outlay appropriation is made shall not be put out to bid until the working drawings have been approved by the Department of Finance. A substantial change shall not be made to the approved preliminary plans or approved working drawings without written approval by the Department of Finance. The Department of Finance shall approve any proposed construction bid alternates.

(d) The Department of Finance shall approve the use of funds from a capital outlay appropriation for the purchase of any significant unit of equipment.

(e) The State Public Works Board may augment a major project in an amount of up to 20 percent of the total of the capital outlay appropriations for the project, irrespective of whether any such appropriation has reverted. For projects authorized through multiple fund sources, including, but not limited to, general obligation bonds and lease-revenue bonds, to the extent otherwise permissible, the Department of Finance shall have full authority to determine which of the fund sources will bear all or part of an augmentation. The board shall defer all augmentations in excess of 20 percent of the amount appropriated for each capital outlay project until the Legislature makes additional funds available for the specific project.

(f) In addition to the powers provided by Section 15849.6, the State Public Works Board may further increase the additional amount in Section 15849.6 to include a reasonable construction reserve within the construction fund for any capital outlay project without augmenting the project. The amount of the construction reserve shall be within the 20 percent augmentation limitation. The board may use this amount to augment the project, when and if necessary, after the lease-revenue bonds are sold to ensure completion of the project.

(g) Augmentations in excess of 10 percent of the amount appropriated for each capital outlay project shall be reported to the Chairperson of the Joint Legislative Budget Committee, or his or her designee, 20 days prior to board approval, or not sooner than whatever lesser time the chairperson, or his or her designee, may in each instance determine.

(h) (1) The Department of Finance may change the administratively or legislatively approved scope for major capital outlay projects.

(2) If the Department of Finance changes the approved scope pursuant to paragraph (1), the department shall report the changes and associated cost implications to the Chairperson of the Joint Legislative Budget Committee, the chairpersons of the respective fiscal committees, and the legislative advisers of the State Public Works Board 20 days prior to the proposed board action to recognize the scope change.

(i) The State Public Works Board shall defer action with respect to approval of an acquisition project, when it is determined that the estimated cost of the total acquisition project, as approved by the Legislature is in excess of 20 percent of the amount appropriated, unless it is determined that a lesser portion of the property is sufficient to meet the objectives of the project approved by the Legislature, and the Chairperson of the Joint Legislative Budget Committee, or his or her designee, is provided a 20-day prior notification of the proposed reductions in the acquisition project, or whatever lesser period the chairperson, or his or her designee, may in each instance determine.

(j) The Department of Finance shall report to the Chairperson of the Joint Legislative Budget Committee, the chairpersons of the respective fiscal committees, and legislative advisers of the State Public Works Board 20 days prior to the proposed board

approval of preliminary plans when it is determined that the estimated cost of the total capital outlay construction project is in excess of 20 percent of the amount recognized by the Legislature.

(k) Nothing in this section shall be construed to limit or control the Department of Transportation, the High-Speed Rail Authority, or the California Exposition and State Fair in the expenditure of all funds appropriated to those entities for capital outlay purposes.

SEC. 5. Section 13332.12 of the Government Code is amended to read:

13332.12. (a) Any acquisition of land or other real property authorized in any appropriation, except an appropriation from the California Water Fund or an appropriation to the Department of Transportation or the High-Speed Rail Authority for capital outlay purposes, shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850)). Nothing in this section shall be construed as exempting the California Coastal Commission from this section.

(b) All property acquisitions, including those exempted pursuant to subdivision (a), shall be reported to the State Public Works Board.

SEC. 6. Section 15853 of the Government Code is amended to read:

15853. (a) The board may select and acquire, in the name of and on behalf of the state, with the consent of the state agency concerned, the fee or any lesser right or interest in any real property necessary for any state purpose or function.

(b) If moneys are appropriated by the Budget Act for any fiscal year or by any other act for the acquisition of land or other real property, either (1) subject to this part or (2) for any state agency for whom property is acquired by the board, the moneys and acquisitions are subject to this part and the moneys shall be expended in accordance with this part, notwithstanding any other law.

(c) Notwithstanding any other law, all land and other real property to be acquired by or for any state agency, other than the Department of Transportation, the High-Speed Rail Authority, the Department of Water Resources, the Central Valley Flood Protection Board, the Department of Fish and Wildlife, the Wildlife Conservation Board, the Public Employees' Retirement System, the State Teachers' Retirement System, the Department of Housing and Community Development, the State Lands Commission, except for property to be acquired for the State Lands Commission pursuant to an appropriation from the General Fund, and the State Coastal Conservancy with respect to acceptance of offers to dedicate public accessways made pursuant to the California Coastal Act (Division 20 (commencing with Section 30000)) of, and for the purposes of Chapter 10 (commencing with Section 31411) of Division 21 of, the Public Resources Code, shall be acquired by the State Public Works Board in accordance with this part.

(d) (1) Notwithstanding subdivision (a), the board shall acquire, on behalf of and for the Department of Parks and Recreation, in accordance with this part, any interests in real property, including options to purchase, which have been appraised, selected, and settled through purchase negotiations by the Department of Parks and Recreation pursuant to subdivision (b) of Section 5006 of the Public Resources Code. Out of moneys appropriated for the acquisition of options to purchase, no more than ten thousand dollars (\$10,000) may be expended for the acquisition of any single option unless otherwise provided by the Legislature.

(2) Notwithstanding Section 15854, purchase negotiations for interests in real property for the state park system pursuant to subdivision (d) of Section 5006 of the Public Resources Code shall be initiated within six months of the effective date of the act that appropriates funds for the acquisition. Purchase negotiations on all projects not proposed pursuant to subdivision (d) of Section 5006 of the Public Resources Code shall be initiated within 12 months of the effective date of the act appropriating funds for the acquisition. Either title shall be conveyed or a written agreement to transfer title shall be executed within the appropriate authorization period unless the Department of Parks and Recreation formally abandons the acquisition prior to the conclusion of the appropriate authorization period. For the purposes of this section, in order for the Department of Parks and Recreation to "formally abandon" an acquisition, it shall transmit written notification to the board of its intent not to proceed with the acquisition.

(3) The board, at any time during the periods specified in paragraph (2), may commence condemnation proceedings if it finds it to be appropriate. However, if during the appropriate authorization period title is not conveyed or a written agreement to transfer title is not signed, the acquisition has not been formally abandoned, or condemnation proceedings have not been commenced, the Department of Parks and Recreation shall notify, by letter, the chair of the committee in each house of the Legislature that considers appropriations, the Chair of the Joint Legislative Budget Committee, and the Members of the Legislature within whose district any part of the land or other real property is located of the status of the acquisition. For the purpose of this paragraph, condemnation proceedings shall be deemed to be commenced as of the date the board authorizes acquisition by condemnation.

(4) The board may schedule special meetings as are necessary to expedite the acquisition of options to purchase real property for the state park system.

(e) The board may acquire furnishings that the owner thereof agrees to sell and that are contained within improvements acquired by the board. The cost of acquisition of furnishings shall be charged to the appropriation available for acquisition of the real property.

(f) This section shall not apply to the acquisition of conservation easements made pursuant to the California Forest Legacy Program Act of 2007 (Division 10.5 (commencing with Section 12200) of the Public Resources Code).

SEC. 7. Section 15855 of the Government Code is amended to read:

15855. (a) Notwithstanding any other law, except as provided in subdivision (b), the State Public Works Board is the only state agency that may exercise the power of eminent domain to acquire property needed by any state agency for any state purpose or function.

(b) Subdivision (a) does not affect or limit the right of the Department of Transportation, High-Speed Rail Authority, Department of Water Resources, State Lands Commission, Central Valley Flood Protection Board, Hastings College of the Law, or the Regents of the University of California to exercise the power of eminent domain. Subdivision (a) does not affect or limit the exercise of the power of eminent domain by the Department of Fish and Wildlife pursuant to Section 1348 of the Fish and Game Code.

(c) (1) Any eminent domain proceeding commenced by the State Public Works Board for an acquisition for high-speed train system purposes prior to, and pending after, January 1, 2019, shall be deemed to have been commenced by the High-Speed Rail Authority, and the High-Speed Rail Authority shall be automatically substituted for the State Public Works Board as a party in any such action. All subsequent proceedings shall be in the name of the High-Speed Rail Authority. However, any misnomer not affecting the parties' substantial rights shall be disregarded. The court may order substitution at any time, but the absence of such an order does not affect the substitution.

(2) The State Public Works Board shall file with the court and serve on all parties to an action described in paragraph (1) a notice that the High-Speed Rail Authority is automatically substituted in place of the State Public Works Board and is the agency exercising the power of eminent domain on behalf of the state in the action.

SEC. 8. Section 10106 of the Public Contract Code is amended to read:

10106. For purposes of this chapter:

(a) "Department" means any of the following:

(1) The Department of Water Resources as to any project under the jurisdiction of that department.

(2) The Department of Transportation as to any project under the jurisdiction of that department.

(3) The Department of Parks and Recreation as to any project under the jurisdiction of that department.

(4) The Department of Corrections and Rehabilitation with respect to any project under its jurisdiction pursuant to Chapter 11 (commencing with Section 7000) of Title 7 of Part 3 of the Penal Code.

(5) The Military Department as to any project under the jurisdiction of that department.

(6) The High-Speed Rail Authority as to any project under the jurisdiction of that authority.

(7) The Department of General Services as to all other projects.

(b) "Director" means the director of each department as defined in this section respectively or the executive director, also known as the chief executive officer, in the case of the High-Speed Rail Authority.

SEC. 9. Section 10107 of the Public Contract Code is amended to read:

10107. Whenever provision is made by law for any project that is not under the jurisdiction of the Department of Water Resources, the Department of Parks and Recreation, the Department of Corrections and Rehabilitation pursuant to Chapter 11 (commencing with Section 7000) of Title 7 of Part 3 of the Penal Code, the Department of Transportation, the High-Speed Rail Authority, or the Military Department, the project shall be under the sole charge and direct control of the Department of General Services.

SEC. 10. Section 408 of the Revenue and Taxation Code is amended to read:

408. (a) Except as otherwise provided in subdivisions (b), (c), (d), (e), and (g), any information and records in the assessor's office that are not required by law to be kept or prepared by the assessor, disabled veterans' exemption claims, and homeowners' exemption claims are not public documents and shall not be open to public inspection. Property receiving the homeowners' exemption shall be clearly identified on the assessment roll. The assessor shall maintain records that shall be open to public inspection to identify those claimants who have been granted the homeowners' exemption.

(b) (1) The assessor may provide any appraisal data in his or her possession to the assessor of any county.

(2) The assessor shall disclose information, furnish abstracts, or permit access to all records in his or her office to law enforcement agencies, the county grand jury, the board of supervisors or their duly authorized agents, employees, or representatives when conducting an investigation of the assessor's office pursuant to Section 25303 of the Government Code, the county recorder when conducting an investigation to determine whether a documentary transfer tax is imposed, the Controller, employees of the Controller for property tax postponement purposes, probate referees, employees of the Franchise Tax Board for tax administration purposes only, staff appraisers of the Division of Financial Institutions, the Department of Transportation, the Department of General Services, the High-Speed Rail Authority, the State Board of Equalization, the State Lands Commission, the State Department of Social Services, the Department of Child Support Services, the Department of Water Resources, and other duly authorized legislative or administrative bodies of the state pursuant to their authorization to examine the records. Whenever the assessor discloses information, furnishes abstracts, or permits access to records in his or her office to staff appraisers of the Department of Business Oversight, the Department of Transportation, the Department of General Services, the High-Speed Rail Authority, the State Lands Commission, or the Department of Water Resources pursuant to this section, the department, commission, or authority shall reimburse the assessor for any costs incurred as a result.

(c) Upon the request of the tax collector, the assessor shall disclose and provide to the tax collector information used in the preparation of that portion of the unsecured roll for which the taxes thereon are delinquent. The tax collector shall certify to the assessor that he or she needs the information requested for the enforcement of the tax lien in collecting those delinquent taxes. Information requested by the tax collector may include social security numbers, and the assessor shall recover from the tax collector his or her actual and reasonable costs for providing the information. The tax collector shall add the costs described in the preceding sentence to the assessee's delinquent tax lien and collect those costs subject to subdivision (e) of Section 2922.

(d) The assessor shall, upon the request of an assessee or his or her designated representative, permit the assessee or representative to inspect or copy any market data in the assessor's possession. For purposes of this subdivision, "market data" means any information in the assessor's possession, whether or not required to be prepared or kept by him or her, relating to the sale of any property comparable to the property of the assessee, if the assessor bases his or her assessment of the assessee's property, in whole or in part, on that comparable sale or sales. The assessor shall provide the names of the seller and buyer of each property on which the comparison is based, the location of that property, the date of the sale, and the consideration paid for the property, whether paid in money or otherwise. However, for purposes of providing market data, the assessor shall not display any document relating to the business affairs or property of another.

(e) (1) With respect to information, documents, and records, other than market data as defined in subdivision (d), the assessor shall, upon request of an assessee of property or his or her designated representative, permit the assessee or representative to inspect or copy all information, documents, and records, including auditors' narrations and workpapers, whether or not required to be kept or prepared by the assessor, relating to the appraisal and the assessment of the assessee's property, and any penalties and interest.

(2) After enrolling an assessment, the assessor shall respond to a written request for information supporting the assessment, including, but not limited to, any appraisal and other data requested by the assessee.

(3) Except as provided in Section 408.1, an assessee or his or her designated representative shall not be permitted to inspect or copy information and records that also relate to the property or business affairs of another, unless that disclosure is ordered by a competent court in a proceeding initiated by a taxpayer seeking to challenge the legality of the assessment of his or her property.

(f) (1) Permission for the inspection or copying requested pursuant to subdivision (d) or (e) shall be granted as soon as reasonably possible to the assessee or his or her designated representative.

(2) If the assessee or his or her designated representative requests the assessor to make copies of any of the requested records, the assessee shall reimburse the assessor for the reasonable costs incurred in reproducing and providing the copies.

(3) If the assessor fails to permit the inspection or copying of materials or information as requested pursuant to subdivision (d) or (e) and the assessor introduces any requested materials or information at any assessment appeals board hearing, the assessee or his or her representative may request and shall be granted a continuance for a reasonable period of time. The

continuance shall extend the two-year period specified in subdivision (c) of Section 1604 for a period of time equal to the period of continuance.

(g) Upon the written request of the tax collector, the assessor shall provide to the tax collector information for the preparation and enforcement of Part 6 (commencing with Section 3351). The tax collector shall certify to the assessor that he or she needs the contact information to assist with the preparation and enforcement of Part 6 (commencing with Section 3351). The assessor shall provide the information, which may not include social security numbers. Any information provided to the tax collector pursuant to this subdivision shall not become a public record and shall not be open to public inspection. The tax collector shall reimburse the assessor for the actual and reasonable costs incurred by the assessor for providing the information to administer this subdivision. The tax collector shall add the costs described in the preceding sentence to the assessee's delinquent taxes and include the costs incurred subject to Sections 4112 and 4672.2. The tax collector or his or her designated employee shall, under penalty of perjury, certify to the assessor that he or she needs the information to assist with the preparation and enforcement of Part 6 (commencing with Section 3351), and that the information provided pursuant to this subdivision that is not a public record and that is not open to public inspection shall not become a public record and shall not be open to public inspection.

SEC. 10.5. Section 408 of the Revenue and Taxation Code is amended to read:

408. (a) Except as otherwise provided in subdivisions (b), (c), (d), (e), and (g), any information and records in the assessor's office that are not required by law to be kept or prepared by the assessor, disabled veterans' exemption claims, and homeowners' exemption claims are not public documents and shall not be open to public inspection. Property receiving the homeowners' exemption shall be clearly identified on the assessment roll. The assessor shall maintain records that shall be open to public inspection to identify those claimants who have been granted the homeowners' exemption.

(b) (1) The assessor may provide any appraisal data in his or her possession to the assessor of any county.

(2) The assessor shall disclose information, furnish abstracts, or permit access to all records in his or her office to law enforcement agencies, the county grand jury, the board of supervisors or their duly authorized agents, employees, or representatives when conducting an investigation of the assessor's office pursuant to Section 25303 of the Government Code, the county recorder when conducting an investigation to determine whether a documentary transfer tax is imposed, the Controller, employees of the Controller for property tax postponement purposes, probate referees, employees of the Franchise Tax Board for tax administration purposes only, staff appraisers of the Division of Financial Institutions, the Department of Transportation, the Department of General Services, the High-Speed Rail Authority, the State Board of Equalization, the State Lands Commission, the State Department of Social Services, the Department of Child Support Services, the Department of Water Resources, and other duly authorized legislative or administrative bodies of the state pursuant to their authorization to examine the records. Whenever the assessor discloses information, furnishes abstracts, or permits access to records in his or her office to staff appraisers of the Department of Business Oversight, the Department of Transportation, the Department of General Services, the High-Speed Rail Authority, the State Lands Commission, or the Department of Water Resources pursuant to this section, the department, commission, or authority shall reimburse the assessor for any costs incurred as a result.

(c) Upon the request of the tax collector, the assessor shall disclose and provide to the tax collector information used in the preparation of that portion of the unsecured roll for which the taxes thereon are delinquent. The tax collector shall certify to the assessor that he or she needs the information requested for the enforcement of the tax lien in collecting those delinquent taxes. Information requested by the tax collector may include social security numbers, and the assessor shall recover from the tax collector his or her actual and reasonable costs for providing the information. The tax collector shall add the costs described in the preceding sentence to the assessee's delinquent tax lien and collect those costs subject to subdivision (e) of Section 2922.

(d) The assessor shall, upon the request of an assessee or his or her designated representative, permit the assessee or representative to inspect or copy any market data in the assessor's possession. For purposes of this subdivision, "market data" means any information in the assessor's possession, whether or not required to be prepared or kept by him or her, relating to the sale of any property comparable to the property of the assessee, if the assessor bases his or her assessment of the assessee's property, in whole or in part, on that comparable sale or sales. The assessor shall provide the names of the seller and buyer of each property on which the comparison is based, the location of that property, the date of the sale, and the consideration paid for the property, whether paid in money or otherwise. However, for purposes of providing market data, the assessor shall not display any document relating to the business affairs or property of another.

(e) (1) With respect to information, documents, and records, other than market data as defined in subdivision (d), the assessor shall, upon request of an assessee of property or his or her designated representative, permit the assessee or representative to inspect or copy all information, documents, and records, including auditors' narrations and workpapers, whether or not required to be kept or prepared by the assessor, relating to the appraisal and the assessment of the assessee's property, and any penalties and interest.

(A) Upon written request of an assessee or the assessee's designated representative, the assessor shall transmit the information, documents, or records described in paragraph (1) by mail, or in electronic format if the information, documents, or records are available in electronic format or have been previously digitized. This subparagraph shall not be construed or interpreted to limit the authority of the assessee or the assessee's designated representative to also inspect or copy information, documents, or records described in paragraph (1).

(B) Information, documents, and records requested by an assessee, or the assessee's representative, shall be transmitted pursuant to subparagraph (A) within a reasonable time period.

(C) The costs enumerated in subdivision (a) of Section 409 shall not apply to information, documents, or records requested by the assessee or the assessee's designated representative if that information is transmitted in electronic format, except that any developmental or indirect costs to provide that information, such as costs to acquire or compile data that is not required to be kept or prepared by the assessor, may be recovered pursuant to Section 409.

(2) After enrolling an assessment, the assessor shall respond to a written request for information supporting the assessment, including, but not limited to, any appraisal and other data requested by the assessee.

(3) Except as provided in Section 408.1, an assessee or his or her designated representative shall not be permitted to inspect or copy information and records that also relate to the property or business affairs of another, unless that disclosure is ordered by a competent court in a proceeding initiated by a taxpayer seeking to challenge the legality of the assessment of his or her property.

(f) (1) Permission for the inspection or copying requested pursuant to subdivision (d) or (e) shall be granted as soon as reasonably possible to the assessee or his or her designated representative.

(2) If the assessee or his or her designated representative requests the assessor to make copies of any of the requested records, the assessee shall reimburse the assessor for the reasonable costs incurred in reproducing and providing the copies.

(3) If the assessor fails to permit the inspection or copying of materials or information as requested pursuant to subdivision (d) or (e) and the assessor introduces any requested materials or information at any assessment appeals board hearing, the assessee or his or her representative may request and shall be granted a continuance for a reasonable period of time. The continuance shall extend the two-year period specified in subdivision (c) of Section 1604 for a period of time equal to the period of continuance.

(g) Upon the written request of the tax collector, the assessor shall provide to the tax collector information for the preparation and enforcement of Part 6 (commencing with Section 3351). The tax collector shall certify to the assessor that he or she needs the contact information to assist with the preparation and enforcement of Part 6 (commencing with Section 3351). The assessor shall provide the information, which may not include social security numbers. Any information provided to the tax collector pursuant to this subdivision shall not become a public record and shall not be open to public inspection. The tax collector shall reimburse the assessor for the actual and reasonable costs incurred by the assessor for providing the information to administer this subdivision. The tax collector shall add the costs described in the preceding sentence to the assessee's delinquent taxes and include the costs incurred subject to Sections 4112 and 4672.2. The tax collector or his or her designated employee shall, under penalty of perjury, certify to the assessor that he or she needs the information to assist with the preparation and enforcement of Part 6 (commencing with Section 3351), and that the information provided pursuant to this subdivision that is not a public record and that is not open to public inspection shall not become a public record and shall not be open to public inspection.

SEC. 11. (a) The High-Speed Rail Authority shall submit a report to the transportation committees and the budget committees of both houses of the Legislature on or before January 1, 2020, detailing how the provisions of this act have affected the authority's property acquisition process including, but not limited to, changes in time frames, costs, and staffing. The authority shall also post this report on its Internet Web site.

(b) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2024.

SEC. 12. Section 10.5 of this bill incorporates amendments to Section 408 of the Revenue and Taxation Code proposed by both this bill and Assembly Bill 2425. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 408 of the Revenue and Taxation Code, and (3) this bill is enacted after Assembly Bill 2425, in which case Section 10 of this bill shall not become operative.

SEC. 13. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.