

AMENDED IN SENATE MARCH 31, 2009

SENATE BILL

No. 567

Introduced by Senator Dutton

February 27, 2009

~~An act to add Section 5255 to the Business and Professions Code and to add Section 87314 to the Government Code, relating to outdoor advertising. An act to add Section 5442.14 to the Business and Professions Code, relating to outdoor advertising.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 567, as amended, Dutton. ~~The Outdoor Advertising Act. Outdoor advertising displays.~~

The Outdoor Advertising Act regulates placement of advertising signs adjacent to and within specified distances of highways that are part of the national system of interstate and defense highways and federal aid highways. That act prohibits advertising displays from being placed or maintained on property adjacent to a section of a freeway that has been landscaped, with certain exceptions.

This bill would authorize an advertising display adjacent to a section of a landscaped freeway by a city, county, or public education facility subject to specified conditions.

~~Existing law authorizes the State Auditor to conduct financial and performance audits as directed by statute.~~

~~This bill would require the Bureau of State Audits to conduct a financial and performance audit of the administration of the Outdoor Advertising Act every 3 years, and to report its findings to the Legislature by December 31 of the year in which the audit is performed.~~

~~Existing law requires every agency to adopt and promulgate a Conflict of Interest Code that contains a specific enumeration of the positions~~

~~within the agency, except as specified, which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest and for each such enumerated position, the specific types of investments, business positions, interests in real property, and sources of income which are reportable. Existing law also requires the Conflict of Interest Code to require each designated employee, except as specified, to file statements at times and under circumstances described in this section, disclosing reportable investments, business positions, interests in real property and income.~~

~~This bill would provide that for the purposes of those provisions, any employee who is involved in the implementation of the Outdoor Advertising Act would be considered a designated employee and would be required to annually file a statement of economic interests disclosing reportable investments, business positions, interests in real property and income.~~

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 5442.14 is added to the Business and*
- 2 *Professions Code, to read:*
- 3 *5442.14. Notwithstanding any other provision of this chapter,*
- 4 *Section 5440 shall not prohibit an advertising display by a city,*
- 5 *county, or public education facility if all of the following conditions*
- 6 *are met:*
- 7 *(a) The governing body of the city or county has authorized*
- 8 *placement of the display by an ordinance or resolution adopted*
- 9 *following a duly noticed public hearing regarding the display. For*
- 10 *displays by public education facilities located in a city, the*
- 11 *governing body of the city shall authorize placement of the display*
- 12 *by ordinance or resolution adopted following a duly noticed public*
- 13 *hearing regarding the display. For displays by public education*
- 14 *facilities outside city jurisdiction, the governing body of the county*
- 15 *shall authorize placement of the display by ordinance or resolution*
- 16 *adopted following a duly noticed public hearing regarding the*
- 17 *display.*
- 18 *(b) The advertising display does not advertise products, goods,*
- 19 *or services that are directed at an adult population, including, but*

1 *not limited to, alcohol, tobacco, gambling, or sexually explicit*
2 *material.*

3 *(c) The advertising display shall not cause a reduction in federal*
4 *aid highway funds as provided in Section 131 of Title 23 of the*
5 *United States Code.*

6 ~~SECTION 1. Section 5255 is added to the Business and~~
7 ~~Professions Code, to read:~~

8 ~~5255. The Bureau of State Audits shall conduct a financial and~~
9 ~~performance audit of the administration of this act every three~~
10 ~~years, and shall report its findings to the Legislature by December~~
11 ~~31 of the year in which the audit is performed.~~

12 ~~SEC. 2. Section 87314 is added to the Government Code, to~~
13 ~~read:~~

14 ~~87314. For purposes of this article, any employee who is~~
15 ~~involved in the implementation of the Outdoor Advertising Act,~~
16 ~~Article 1 (commencing with Section 5200) of Chapter 2 of Division~~
17 ~~3 of the Business and Professions Code, shall be considered a~~
18 ~~designated employee and shall annually file a statement of~~
19 ~~economic interests disclosing reportable investments, business~~
20 ~~positions, interests in real property and income, as described in~~
21 ~~Section 87302.~~