

AMENDED IN SENATE APRIL 25, 2001

AMENDED IN SENATE APRIL 4, 2001

SENATE BILL

No. 392

Introduced by Senator Oller

February 21, 2001

An act to amend Sections 12168.5, ~~12233, and 14746~~ and 12233 of, and to repeal ~~Section 12170~~ Sections 12170 and 14760 of, the Government Code, and to amend Section 2807 of the Penal Code, relating to state agencies and officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 392, as amended, Oller. State agencies and officers.

~~(1) Existing~~

Existing law requires the Secretary of State to prepare and submit various reports to the Legislature or Governor. Existing law also requires various state agencies and officers to report to the Director of General Services and to the Chairperson of the Joint Legislative Budget Committee specified information regarding goods and services provided by the Prison Industry Authority. *The State Records Management Act* requires the Director of General Services to report annually to the Governor on the status and progress of programs related to management of records in state government.

This bill would delete these reporting requirements.

~~(2) The State Records Management Act requires the Director of General Services to establish and administer in the executive branch a records management program and prescribes the duties of the director in this regard.~~

~~The bill would include among the duties of the director the development of a cost allocation formula based upon state agency reports during the past 5 years to assign costs associated with records retention for that 5-year period.~~

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 12168.5 of the Government Code is
2 amended to read:

3 12168.5. (a) When not inconsistent with other provisions of
4 law, in lieu of filing or recording documents presented in paper
5 format, the Secretary of State may adopt rules and regulations to
6 authorize the electronic filing, including filing by facsimile, of any
7 document required to be filed with the Secretary of State under any
8 act administered by the Secretary of State. The rules and
9 regulations may set forth standards for the acceptance of a
10 signature in a form other than the proper handwriting of the person
11 filing a document that requires his or her signature. A signature on
12 a document electronically filed or filed by facsimile in accordance
13 with those rules and regulations is prima facie evidence for all
14 purposes that the document actually was signed by the person
15 whose signature appears on the electronically filed document or
16 facsimile.

17 The filing or recording shall constitute a unique computerized
18 informational record. The record need not be retained in the form
19 in which it is received, if the technology used to retain the record
20 results in a permanent record that does not permit additions,
21 deletions, or changes in the original document and from which an
22 accurate image may be created during the period for which the
23 record is required to be retained.

24 The filing officer may employ a system of microphotography,
25 optical disk, or reproduction by other techniques that do not permit
26 additions, deletions, or changes to the original document.

27 (b) All film used in the microphotography process shall comply
28 with minimum standards of quality approved by the United States
29 Bureau of Standards and the American National Standards
30 Institute. A true copy of the microfilm, optical disk, or other
31 storage medium shall be kept in a safe and separate place for



1 security purposes. A reproduction of any document filed,
2 recorded, stored, or retained on microfilm, optical disk, or by other
3 technology pursuant to this section shall be as admissible in any
4 court as the original itself.

5 (c) The Secretary of State shall obtain the approval of the Fair
6 Political Practices Commission before applying this section to a
7 filing or recording under the Political Reform Act of 1974 (Title
8 9 (commencing with Section 81000)).

9 SEC. 2. Section 12170 of the Government Code is repealed.

10 SEC. 3. Section 12233 of the Government Code is amended
11 to read:

12 12233. The Secretary of State shall conduct under the
13 administration of the State Archives a regular governmental
14 history documentation program to provide through the use of oral
15 history a continuing documentation of state policy development as
16 reflected in California's legislative and executive history. The
17 secretary may contract with oral history units affiliated with public
18 or private nonprofit colleges, universities, or historical societies
19 located in California to perform selected program activities. The
20 secretary shall prescribe professional standards for the
21 accomplishment and governance of the program.

22 ~~SEC. 4. Section 14746 of the Government Code is amended~~
23 ~~to read:~~

24 ~~14746. The duties of the director shall include but not be~~
25 ~~limited to:~~

26 ~~(a) Establishing standards, procedures, and techniques for~~
27 ~~effective management of records.~~

28 ~~(b) Providing appropriate protection for records designated by~~
29 ~~state agencies, with the concurrence of the director, as essential to~~
30 ~~the functioning of state government in the event of a major~~
31 ~~disaster.~~

32 ~~(c) Except as provided under subdivision (d), obtaining from~~
33 ~~agencies reports required for the administration of the program.~~

34 ~~(d) Developing a cost allocation formula based upon state~~
35 ~~agency reports issued during the last five years to assign costs~~
36 ~~associated with records retention for that five-year period for the~~
37 ~~purposes of allocating those costs. At the discretion of the director,~~
38 ~~a survey of state agencies may be conducted at five-year intervals~~
39 ~~for the purpose of adjusting the cost allocation formula.~~

40 SEC. 4. Section 14760 of the Government Code is repealed.



1 ~~14760. The director shall, through the Secretary of the State~~
2 ~~and Consumer Services Agency, make an annual written report to~~
3 ~~the Governor. The report shall describe the status and progress of~~
4 ~~programs established pursuant to this chapter and shall include the~~
5 ~~recommendations of the director for improvements in the~~
6 ~~management of records in the state government.~~

7 SEC. 5. Section 2807 of the Penal Code is amended to read:

8 2807. (a) The authority is hereby authorized and empowered
9 to operate industrial, agricultural, and service enterprises that will
10 provide products and services needed by the state, or any political
11 subdivision thereof, or by the federal government, or any
12 department, agency, or corporation thereof, or for any other public
13 use. Products may be purchased by state agencies to be offered for
14 sale to inmates of the department and to any other person under the
15 care of the state who resides in state-operated institutional
16 facilities. Fresh meat may be purchased by food service operations
17 in state-owned facilities and sold for onsite consumption.

18 (b) All things authorized to be produced under subdivision (a)
19 shall be purchased by the state, or any agency thereof, and may be
20 purchased by any county, city, district, or political subdivision, or
21 any agency thereof, or by any state agency to offer for sale to
22 persons residing in state-operated institutions, at the prices fixed
23 by the board. State agencies shall make maximum utilization of
24 these products, and shall consult with the staff of the authority to
25 develop new products and adapt existing products to meet their
26 needs.

