

AMENDED IN ASSEMBLY APRIL 27, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2714

Introduced by Assembly Member Spitzer

February 20, 2004

An act to amend ~~Section 6252~~ of Sections 6252, 6253, and 6254 of, and to add Article 3.3 (commencing with Section 9080) to, and to repeal Article 3.5 (commencing with Section 9070) of, Chapter 1.5 of Part 1 of Division 2 of Title 2 of, the Government Code, relating to the Legislature.

LEGISLATIVE COUNSEL'S DIGEST

AB 2714, as amended, Spitzer. Legislative Open Records Act.

Under existing law, the Legislature is not subject to the California Public Records Act, pursuant to which the public is authorized to inspect government records. Records of the Legislature are accessible under the Legislative Open Records Act, a statutory scheme with provisions uniquely applicable to the Legislature.

This bill would repeal the Legislative Open Records Act ~~and~~, but would retain the provision of that act that requires that each committee of the Senate or Assembly and each joint committee maintain in official committee files legislative records relating to legislation assigned to the committee, and that those legislative records be open to public inspection.

This bill would make the Legislature subject to the California Public Records Act by revising the definition of "state agency" in the California Public Records Act to include the Legislature, as defined, and would specifically include records of complaints or investigations

conducted by the Legislature and correspondence of and to individual members of the Legislature and their staff within those records that are exempt from disclosure under the California Public Records Act.

The bill would require that all requests to inspect any public record of the Legislature be made to the Committee on Rules of the Senate or Assembly, or the Joint Committee on Rules, as appropriate, and would require each of those committees and the Joint Legislative Audit Committee to adopt guidelines stating the procedures to be followed when making public records of the Legislature available for inspection.

This bill would also make nonsubstantive, technical changes to those provisions.

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

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

- 1 SECTION 1. Section 6252 of the Government Code is
- 2 amended to read:
- 3 6252. As used in this chapter:
- 4 (a) “State agency” means every state office, officer,
- 5 department, division, bureau, board, and commission, or other
- 6 state body or agency, *including the Legislature*, except those
- 7 agencies provided for in Article VI of the California Constitution.
- 8 (b) “Local agency” includes a county; city, whether general
- 9 law or chartered; city and county; school district; municipal
- 10 corporation; district; political subdivision; or any board,
- 11 commission, or agency thereof; other local public agency; or
- 12 entities that are legislative bodies of a local agency pursuant to
- 13 subdivisions (c) and (d) of Section 54952.
- 14 (c) “Person” includes any natural person, corporation,
- 15 partnership, limited liability company, firm, or association.
- 16 (d) “Public agency” means any state or local agency.
- 17 (e) (1) “Public records” includes any writing containing
- 18 information relating to the conduct of the public’s business
- 19 prepared, owned, used, or retained by any state or local agency,
- 20 *including the Legislature*, regardless of physical form or
- 21 characteristics. ~~“Public~~
- 22 (2) “Public records” in the custody of, or maintained by, the
- 23 Governor’s office means any writing prepared on or after January
- 24 6, 1975.



1 (3) “Public records” in the custody of, or maintained by, the
2 Legislature means any writing prepared on or after December 2,
3 1974.

4 (f) “Writing” means any handwriting, typewriting, printing,
5 photostating, photographing, photocopying, transmitting by
6 electronic mail or facsimile, and every other means of recording
7 upon any tangible thing any form of communication or
8 representation, including letters, words, pictures, sounds, or
9 symbols, or combinations thereof, and any record thereby created,
10 regardless of the manner in which the record has been stored.

11 (g) “Member of the public” means any person, except a
12 member, agent, officer, or employee of a federal, state, or local
13 agency acting within the scope of his or her membership, agency,
14 office, or employment.

15 (h) “Legislature” includes any Member of the Legislature, any
16 legislative officer, any standing, joint, or select committee or
17 subcommittee of the Senate and Assembly, and any other agency
18 or employee of the Legislature.

19 SEC. 2. Section 6253 of the Government Code is amended to
20 read:

21 6253. (a) ~~Public~~—(1) Except as provided in paragraph (2),
22 public records are open to inspection at all times during the office
23 hours of the state or local agency and every person has a right to
24 inspect any public record, except as hereafter provided. Any
25 reasonably segregable portion of a record shall be available for
26 inspection by any person requesting the record after deletion of the
27 portions that are exempted by law.

28 (2) (A) Public records of the Legislature are open to inspection
29 at all times during the office hours of the Legislature and every
30 person has a right to inspect any public record, except as hereafter
31 provided. Any reasonably segregable portion of a record shall be
32 available for inspection by any person requesting the record after
33 deletion of the portions that are exempted by law.

34 (B) All requests to inspect any public record of the Legislature
35 made under this chapter shall be made to the appropriate
36 Committee on Rules of the Senate or Assembly or the Joint
37 Committee on Rules, except that all requests to inspect any public
38 record of the Legislature in the possession of the State Auditor
39 shall be made to the Joint Legislative Audit Committee. These
40 committees shall be considered to have custody of all public

1 records of the Legislature and shall be responsible for making all
 2 public records of the Legislature available for inspection pursuant
 3 to this section.

4 (C) The Committee on Rules of each house, the Joint
 5 Committee on Rules, and the Joint Legislative Audit Committee
 6 shall adopt written guidelines stating the procedures to be
 7 followed when making public records of the Legislature available
 8 for inspection.

9 (b) Except with respect to public records exempt from
 10 disclosure by express provisions of law, each state or local agency,
 11 upon a request for a copy of records that reasonably describes an
 12 identifiable record or records, shall make the records promptly
 13 available to any person upon payment of fees covering direct costs
 14 of duplication, or a statutory fee if applicable. Upon request, an
 15 exact copy shall be provided unless impracticable to do so.

16 (c) (1) Each agency, upon a request for a copy of records, shall,
 17 within 10 days from receipt of the request, determine whether the
 18 request, in whole or in part, seeks copies of disclosable public
 19 records in the possession of the agency and shall promptly notify
 20 the person making the request of the determination and the reasons
 21 therefor. ~~It~~

22 (2) (A) In unusual circumstances, the time limit prescribed in
 23 this section may be extended by written notice by the head of the
 24 agency or his or her designee, *or, if the request is made for public*
 25 *records of the Legislature, the appropriate Committee on Rules of*
 26 *the Senate or Assembly or the Joint Committee on Rules,* to the
 27 person making the request, setting forth the reasons for the
 28 extension and the date on which a determination is expected to be
 29 dispatched. ~~No~~ The notice ~~shall~~ may not specify a date that would
 30 result in an extension for more than 14 days. When the agency
 31 dispatches the determination, ~~and~~ if the agency determines that the
 32 request seeks disclosable public records, the agency shall state the
 33 estimated date and time when the records will be made available.

34 ~~As~~

35 (B) As used in this section, “unusual circumstances” means the
 36 following, but only to the extent reasonably necessary to *ensure* the
 37 proper processing of the particular request:

38 (±)



1 (i) The need to search for and collect the requested records from
2 field facilities or other establishments that are separate from the
3 office processing the request.

4 ~~(2)~~

5 (ii) The need to search for, collect, and appropriately examine
6 a voluminous amount of separate and distinct records that are
7 demanded in a single request.

8 ~~(3)~~

9 (iii) The need for consultation, which shall be conducted with
10 all practicable speed, with another agency having substantial
11 interest in the determination of the request or among two or more
12 components of the agency having substantial subject matter
13 interest ~~therein~~ in the request.

14 ~~(4)~~

15 (iv) The need to compile data, to write programming language
16 or a computer program, or to construct a computer report to extract
17 data.

18 (d) Nothing in this chapter shall be construed to permit an
19 agency to delay or obstruct the inspection or copying of public
20 records. The notification of denial of any request for records
21 required by Section 6255 shall set forth the names and titles or
22 positions of each person responsible for the denial.

23 (e) Except as otherwise prohibited by law, a state or local
24 agency may adopt requirements for itself that allow for faster,
25 more efficient, or greater access to records than prescribed by the
26 minimum standards set forth in this chapter.

27 *SEC. 3. Section 6254 of the Government Code is amended to*
28 *read:*

29 6254. Except as provided in Sections 6254.7 and 6254.13,
30 nothing in this chapter shall be construed to require disclosure of
31 records that are any of the following:

32 (a) Preliminary drafts, notes, or interagency or intra-agency
33 memoranda, *except as provided in Section 9080*, that are not
34 retained by the public agency in the ordinary course of business,
35 provided that the public interest in withholding those records
36 clearly outweighs the public interest in disclosure.

37 (b) Records pertaining to pending litigation to which the public
38 agency is a party, or to claims made pursuant to Division 3.6
39 (commencing with Section 810), until the pending litigation or
40 claim has been finally adjudicated or otherwise settled.



- 1 (c) Personnel, medical, or similar files, the disclosure of which
2 would constitute an unwarranted invasion of personal privacy.
- 3 (d) ~~Contained~~ *Records contained* in or related to any of the
4 following:
- 5 (1) Applications filed with any state agency responsible for the
6 regulation or supervision of the issuance of securities or of
7 financial institutions, including, but not limited to, banks, savings
8 and loan associations, industrial loan companies, credit unions,
9 and insurance companies.
- 10 (2) Examination, operating, or condition reports prepared by,
11 on behalf of, or for the use of, any state agency referred to in
12 paragraph (1).
- 13 (3) Preliminary drafts, notes, or interagency or intra-agency
14 communications prepared by, on behalf of, or for the use of, any
15 state agency referred to in paragraph (1).
- 16 (4) Information received in confidence by any state agency
17 referred to in paragraph (1).
- 18 (e) Geological and geophysical data, plant production data, and
19 similar information relating to utility systems development, or
20 market or crop reports, that are obtained in confidence from any
21 person.
- 22 (f) (1) Records of complaints to, or investigations conducted
23 by, or records of intelligence information or security procedures
24 of, the office of the Attorney General and the Department of
25 Justice, *the Legislature*, and any state or local police agency, or any
26 investigatory or security files compiled by any other state or local
27 police agency, or any investigatory or security files compiled by
28 any other state or local agency for correctional, law enforcement,
29 or licensing purposes, except that state and local law enforcement
30 agencies shall disclose the names and addresses of persons
31 involved in, or witnesses other than confidential informants to, the
32 incident, the description of any property involved, the date, time,
33 and location of the incident, all diagrams, statements of the parties
34 involved in the incident, the statements of all witnesses, other than
35 confidential informants, to the victims of an incident, or an
36 authorized representative thereof, an insurance carrier against
37 which a claim has been or might be made, and any person suffering
38 bodily injury or property damage or loss, as the result of the
39 incident caused by arson, burglary, fire, explosion, larceny,
40 robbery, carjacking, vandalism, vehicle theft, or a crime as defined



1 by subdivision (b) of Section 13951, unless the disclosure would
2 endanger the safety of a witness or other person involved in the
3 investigation, or unless disclosure would endanger the successful
4 completion of the investigation or a related investigation.
5 However, nothing in this division shall require the disclosure of
6 that portion of those investigative files that reflect the analysis or
7 conclusions of the investigating officer.

8 (2) Customer lists provided to a state or local police agency by
9 an alarm or security company at the request of the agency shall be
10 construed to be records subject to this subdivision.

11 (3) Notwithstanding any other provision of this subdivision,
12 state and local law enforcement agencies shall make public the
13 following information, except to the extent that disclosure of a
14 particular item of information would endanger the safety of a
15 person involved in an investigation or would endanger the
16 successful completion of the investigation or a related
17 investigation:

18 (1)

19 (A) The full name and occupation of every individual arrested
20 by the agency, the individual's physical description including date
21 of birth, color of eyes and hair, sex, height and weight, the time and
22 date of arrest, the time and date of booking, the location of the
23 arrest, the factual circumstances surrounding the arrest, the
24 amount of bail set, the time and manner of release or the location
25 where the individual is currently being held, and all charges the
26 individual is being held upon, including any outstanding warrants
27 from other jurisdictions and parole or probation holds.

28 (2)

29 (B) Subject to the restrictions imposed by Section 841.5 of the
30 Penal Code, the time, substance, and location of all complaints or
31 requests for assistance received by the agency and the time and
32 nature of the response thereto, including, to the extent the
33 information regarding crimes alleged or committed or any other
34 incident investigated is recorded, the time, date, and location of
35 occurrence, the time and date of the report, the name and age of the
36 victim, the factual circumstances surrounding the crime or
37 incident, and a general description of any injuries, property, or
38 weapons involved. The name of a victim of any crime defined by
39 Section 220, 261, 261.5, 262, 264, 264.1, 273a, 273d, 273.5, 286,
40 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9 of the Penal Code



1 may be withheld at the victim's request, or at the request of the
2 victim's parent or guardian if the victim is a minor. When a person
3 is the victim of more than one crime, information disclosing that
4 the person is a victim of a crime defined by Section 220, 261,
5 261.5, 262, 264, 264.1, 273a, 273d, 286, 288, 288a, 289, 422.6,
6 422.7, 422.75, or 646.9 of the Penal Code may be deleted at the
7 request of the victim, or the victim's parent or guardian if the
8 victim is a minor, in making the report of the crime, or of any crime
9 or incident accompanying the crime, available to the public in
10 compliance with the requirements of this paragraph.

11 ~~(3)~~

12 (C) Subject to the restrictions of Section 841.5 of the Penal
13 Code and this subdivision, the current address of every individual
14 arrested by the agency and the current address of the victim of a
15 crime, where the requester declares under penalty of perjury that
16 the request is made for a scholarly, journalistic, political, or
17 governmental purpose, or that the request is made for investigation
18 purposes by a licensed private investigator as described in Chapter
19 11.3 (commencing with Section 7512) of Division 3 of the
20 Business and Professions Code, except that the address of the
21 victim of any crime defined by Section 220, 261, 261.5, 262, 264,
22 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7,
23 422.75, or 646.9 of the Penal Code shall remain confidential.
24 Address information obtained pursuant to this paragraph shall not
25 be used directly or indirectly to sell a product or service to any
26 individual or group of individuals, and the requester shall execute
27 a declaration to that effect under penalty of perjury.

28 (g) Test questions, scoring keys, and other examination data
29 used to administer a licensing examination, examination for
30 employment, or academic examination, except as provided for in
31 Chapter 3 (commencing with Section 99150) of Part 65 of the
32 Education Code.

33 (h) The contents of real estate appraisals or engineering or
34 feasibility estimates and evaluations made for or by the state or
35 local agency relative to the acquisition of property, or to
36 prospective public supply and construction contracts, until all of
37 the property has been acquired or all of the contract agreement
38 obtained. However, the law of eminent domain shall not be
39 affected by this provision.



1 (i) Information required from any taxpayer in connection with
2 the collection of local taxes that is received in confidence and the
3 disclosure of the information to other persons would result in
4 unfair competitive disadvantage to the person supplying the
5 information.

6 (j) Library circulation records kept for the purpose of
7 identifying the borrower of items available in libraries, and library
8 and museum materials made or acquired and presented solely for
9 reference or exhibition purposes. The exemption in this
10 subdivision shall not apply to records of fines imposed on the
11 borrowers.

12 (k) Records, the disclosure of which is exempted or prohibited
13 pursuant to federal or state law, including, but not limited to,
14 provisions of the Evidence Code relating to privilege.

15 (l) (1) Correspondence of and to the Governor or employees
16 of the Governor's office or in the custody of or maintained by the
17 Governor's Legal Affairs Secretary, provided that public records
18 shall not be transferred to the custody of the Governor's Legal
19 Affairs Secretary to evade the disclosure provisions of this chapter.

20 (2) *Correspondence of and to individual Members of the*
21 *Legislature and their staff, except as provided in Section 9080.*

22 (m) ~~It~~ Records in the custody of or maintained by the
23 Legislative Counsel, except those records in the public database
24 maintained by the Legislative Counsel that are described in
25 Section 10248.

26 (n) Statements of personal worth or personal financial data
27 required by a licensing agency and filed by an applicant with the
28 licensing agency to establish his or her personal qualification for
29 the license, certificate, or permit applied for.

30 (o) Financial data contained in applications for financing under
31 Division 27 (commencing with Section 44500) of the Health and
32 Safety Code, where an authorized officer of the California
33 Pollution Control Financing Authority determines that disclosure
34 of the financial data would be competitively injurious to the
35 applicant and the data is required in order to obtain guarantees
36 from the United States Small Business Administration. The
37 California Pollution Control Financing Authority shall adopt rules
38 for review of individual requests for confidentiality under this
39 section and for making available to the public those portions of an
40 application that are subject to disclosure under this chapter.



1 (p) Records of state agencies related to activities governed by
2 Chapter 10.3 (commencing with Section 3512), Chapter 10.5
3 (commencing with Section 3525), and Chapter 12 (commencing
4 with Section 3560) of Division 4 of Title 1, that reveal a state
5 agency's deliberative processes, impressions, evaluations,
6 opinions, recommendations, meeting minutes, research, work
7 products, theories, or strategy, or that provide instruction, advice,
8 or training to employees who do not have full collective bargaining
9 and representation rights under these chapters. Nothing in this
10 subdivision shall be construed to limit the disclosure duties of a
11 state agency with respect to any other records relating to the
12 activities governed by the employee relations acts referred to in
13 this subdivision.

14 (q) Records of state agencies related to activities governed by
15 Article 2.6 (commencing with Section 14081), Article 2.8
16 (commencing with Section 14087.5), and Article 2.91
17 (commencing with Section 14089) of Chapter 7 of Part 3 of
18 Division 9 of the Welfare and Institutions Code, that reveal the
19 special negotiator's deliberative processes, discussions,
20 communications, or any other portion of the negotiations with
21 providers of health care services, impressions, opinions,
22 recommendations, meeting minutes, research, work product,
23 theories, or strategy, or that provide instruction, advice, or training
24 to employees.

25 (1) Except for the portion of a contract containing the rates of
26 payment, contracts for inpatient services entered into pursuant to
27 these articles, on or after April 1, 1984, shall be open to inspection
28 one year after they are fully executed. In the event that a contract
29 for inpatient services that is entered into prior to April 1, 1984, is
30 amended on or after April 1, 1984, the amendment, except for any
31 portion containing the rates of payment, shall be open to inspection
32 one year after it is fully executed. If the California Medical
33 Assistance Commission enters into contracts with health care
34 providers for other than inpatient hospital services, those contracts
35 shall be open to inspection one year after they are fully executed.

36 (2) Three years after a contract or amendment is open to
37 inspection under this subdivision, the portion of the contract or
38 amendment containing the rates of payment shall be open to
39 inspection.



1 (3) Notwithstanding any other provision of law, the entire
2 contract or amendment shall be open to inspection by the Joint
3 Legislative Audit Committee. The committee shall maintain the
4 confidentiality of the contracts and amendments until the time a
5 contract or amendment is fully open to inspection by the public.

6 (r) Records of Native American graves, cemeteries, and sacred
7 places maintained by the Native American Heritage Commission.

8 (s) A final accreditation report of the Joint Commission on
9 Accreditation of Hospitals that has been transmitted to the State
10 Department of Health Services pursuant to subdivision (b) of
11 Section 1282 of the Health and Safety Code.

12 (t) Records of a local hospital district, formed pursuant to
13 Division 23 (commencing with Section 32000) of the Health and
14 Safety Code, or the records of a municipal hospital, formed
15 pursuant to Article 7 (commencing with Section 37600) or Article
16 8 (commencing with Section 37650) of Chapter 5 of Division 3 of
17 Title 4 of this code, that relate to any contract with an insurer or
18 nonprofit hospital service plan for inpatient or outpatient services
19 for alternative rates pursuant to Section 10133 ~~or 11512~~ of the
20 Insurance Code. However, the record shall be open to inspection
21 within one year after the contract is fully executed.

22 (u) (1) Information contained in applications for licenses to
23 carry firearms issued pursuant to Section 12050 of the Penal Code
24 by the sheriff of a county or the chief or other head of a municipal
25 police department that indicates when or where the applicant is
26 vulnerable to attack or that concerns the applicant's medical or
27 psychological history or that of members of his or her family.

28 (2) The home address and telephone number of peace officers,
29 judges, court commissioners, and magistrates that are set forth in
30 applications for licenses to carry firearms issued pursuant to
31 Section 12050 of the Penal Code by the sheriff of a county or the
32 chief or other head of a municipal police department.

33 (3) The home address and telephone number of peace officers,
34 judges, court commissioners, and magistrates that are set forth in
35 licenses to carry firearms issued pursuant to Section 12050 of the
36 Penal Code by the sheriff of a county or the chief or other head of
37 a municipal police department.

38 (v) (1) Records of the Major Risk Medical Insurance Program
39 related to activities governed by Part 6.3 (commencing with
40 Section 12695) and Part 6.5 (commencing with Section 12700) of



1 Division 2 of the Insurance Code, and that reveal the deliberative
2 processes, discussions, communications, or any other portion of
3 the negotiations with health plans, or the impressions, opinions,
4 recommendations, meeting minutes, research, work product,
5 theories, or strategy of the board or its staff, or records that provide
6 instructions, advice, or training to employees.

7 (2) (A) Except for the portion of a contract that contains the
8 rates of payment, contracts for health coverage entered into
9 pursuant to Part 6.3 (commencing with Section 12695) or Part 6.5
10 (commencing with Section 12700) of Division 2 of the Insurance
11 Code, on or after July 1, 1991, shall be open to inspection one year
12 after they have been fully executed.

13 (B) In the event that a contract for health coverage that is
14 entered into prior to July 1, 1991, is amended on or after July 1,
15 1991, the amendment, except for any portion containing the rates
16 of payment, shall be open to inspection one year after the
17 amendment has been fully executed.

18 (3) Three years after a contract or amendment is open to
19 inspection pursuant to this subdivision, the portion of the contract
20 or amendment containing the rates of payment shall be open to
21 inspection.

22 (4) Notwithstanding any other provision of law, the entire
23 contract or amendments to a contract shall be open to inspection
24 by the Joint Legislative Audit Committee. The committee shall
25 maintain the confidentiality of the contracts and amendments
26 thereto, until the contract or amendments to a contract is open to
27 inspection pursuant to paragraph (3).

28 (w) (1) Records of the Major Risk Medical Insurance Program
29 related to activities governed by Chapter ~~14~~ 8 (commencing with
30 Section 10700) of Part 2 of Division 2 of the Insurance Code, and
31 that reveal the deliberative processes, discussions,
32 communications, or any other portion of the negotiations with
33 health plans, or the impressions, opinions, recommendations,
34 meeting minutes, research, work product, theories, or strategy of
35 the board or its staff, or records that provide instructions, advice,
36 or training to employees.

37 (2) Except for the portion of a contract that contains the rates
38 of payment, contracts for health coverage entered into pursuant to
39 Chapter ~~14~~ 8 (commencing with Section 10700) of Part 2 of



1 Division 2 of the Insurance Code, on or after January 1, 1993, shall
2 be open to inspection one year after they have been fully executed.

3 (3) Notwithstanding any other provision of law, the entire
4 contract or amendments to a contract shall be open to inspection
5 by the Joint Legislative Audit Committee. The committee shall
6 maintain the confidentiality of the contracts and amendments
7 thereto, until the contract or amendments to a contract is open to
8 inspection pursuant to paragraph (2).

9 (x) Financial data contained in applications for registration, or
10 registration renewal, as a service contractor filed with the Director
11 of the Department of Consumer Affairs pursuant to Chapter 20
12 (commencing with Section 9800) of Division 3 of the Business and
13 Professions Code, for the purpose of establishing the service
14 contractor's net worth, or financial data regarding the funded
15 accounts held in escrow for service contracts held in force in this
16 state by a service contractor.

17 (y) (1) Records of the Managed Risk Medical Insurance Board
18 related to activities governed by Part 6.2 (commencing with
19 Section 12693) or Part 6.4 (commencing with Section 12699.50)
20 of Division 2 of the Insurance Code, and that reveal the
21 deliberative processes, discussions, communications, or any other
22 portion of the negotiations with health plans, or the impressions,
23 opinions, recommendations, meeting minutes, research, work
24 product, theories, or strategy of the board or its staff, or records
25 that provide instructions, advice, or training to employees.

26 (2) (A) Except for the portion of a contract that contains the
27 rates of payment, contracts entered into pursuant to Part 6.2
28 (commencing with Section 12693) or Part 6.4 (commencing with
29 Section 12699.50) of Division 2 of the Insurance Code, on or after
30 January 1, 1998, shall be open to inspection one year after they
31 have been fully executed.

32 (B) In the event that a contract entered into pursuant to Part 6.2
33 (commencing with Section 12693) or Part 6.4 (commencing with
34 Section 12699.50) of Division 2 of the Insurance Code is amended,
35 the amendment shall be open to inspection one year after the
36 amendment has been fully executed.

37 (3) Three years after a contract or amendment is open to
38 inspection pursuant to this subdivision, the portion of the contract
39 or amendment containing the rates of payment shall be open to
40 inspection.



1 (4) Notwithstanding any other provision of law, the entire
2 contract or amendments to a contract shall be open to inspection
3 by the Joint Legislative Audit Committee. The committee shall
4 maintain the confidentiality of the contracts and amendments
5 thereto until the contract or amendments to a contract are open to
6 inspection pursuant to paragraph (2) or (3).

7 (5) The exemption from disclosure provided pursuant to this
8 subdivision for the contracts, deliberative processes, discussions,
9 communications, negotiations with health plans, impressions,
10 opinions, recommendations, meeting minutes, research, work
11 product, theories, or strategy of the board or its staff shall also
12 apply to the contracts, deliberative processes, discussions,
13 communications, negotiations with health plans, impressions,
14 opinions, recommendations, meeting minutes, research, work
15 product, theories, or strategy of applicants pursuant to Part 6.4
16 (commencing with Section 12699.50) of Division 2 of the
17 Insurance Code.

18 (z) Records obtained pursuant to paragraph (2) of subdivision
19 (c) of Section 2891.1 of the Public Utilities Code.

20 (aa) A document prepared by or for a state or local agency that
21 assesses its vulnerability to terrorist attack or other criminal acts
22 intended to disrupt the public agency's operations and that is for
23 distribution or consideration in a closed session.

24 (bb) (1) Records of the Managed Risk Medical Insurance
25 Board related to activities governed by Part 8.7 (commencing with
26 Section 2120) of Division 2 of the Labor Code, and that reveal the
27 deliberative processes, discussions, communications, or any other
28 portion of the negotiations with entities contracting or seeking to
29 contract with the board, or the impressions, opinions,
30 recommendations, meeting minutes, research, work product,
31 theories, or strategy of the board or its staff, or records that provide
32 instructions, advice, or training to employees.

33 (2) (A) Except for the portion of a contract that contains the
34 rates of payment, contracts entered into pursuant to Part 8.7
35 (commencing with Section 2120) of Division 2 of the Labor Code
36 on or after January 1, 2004, shall be open to inspection one year
37 after they have been fully executed.

38 (B) In the event that a contract entered into pursuant to Part 8.7
39 (commencing with Section 2120) of Division 2 of the Labor Code



1 is amended, the amendment shall be open to inspection one year
2 after the amendment has been fully executed.

3 (3) Three years after a contract or amendment is open to
4 inspection pursuant to this subdivision, the portion of the contract
5 or amendment containing the rates of payment shall be open to
6 inspection.

7 (4) Notwithstanding any other provision of law, the entire
8 contract or amendments to a contract shall be open to inspection
9 by the Joint Legislative Audit Committee. The committee shall
10 maintain the confidentiality of the contracts and amendments
11 thereto until the contract or amendments to a contract are open to
12 inspection pursuant to paragraph (2) or (3).

13 Nothing in this section prevents any agency from opening its
14 records concerning the administration of the agency to public
15 inspection, unless disclosure is otherwise prohibited by law.

16 Nothing in this section prevents any health facility from
17 disclosing to a certified bargaining agent relevant financing
18 information pursuant to Section 8 of the National Labor Relations
19 Act (29 U.S.C. Sec. 158).

20 SEC. 4. Article 3.5 (commencing with Section 9070) of
21 Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
22 Code is repealed.

23 SEC. 5. Article 3.3 (commencing with Section 9080) is added
24 to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
25 Code, to read:

26
27 *Article 3.3. Legislative Records*

28
29 9080. (a) *The Legislature finds and declares that legislative*
30 *records relating to bills, resolutions, or proposed constitutional*
31 *amendments before the Legislature provide evidence of legislative*
32 *intent that may be important in the subsequent interpretation of*
33 *laws enacted in the Legislature. The Committee on Rules of each*
34 *house of the Legislature and the Joint Committee on Rules shall*
35 *inform each committee of the Senate and Assembly, and each joint*
36 *committee of the Legislature, of the responsibility of those*
37 *committees to preserve legislative records and make them*
38 *available to the public.*

39 (b) *Each committee of the Senate or Assembly, and each joint*
40 *committee of the Legislature, having custody of legislative records*

1 relating to a bill, resolution, or proposed constitutional
2 amendment assigned to that committee, shall maintain the
3 legislative records described in subdivision (d) in an official
4 committee file. The committee shall preserve those records in its
5 custody, or, in the alternative, may arrange with the State Archives
6 to lodge some or all of the records there under the condition that
7 the records be preserved.

8 (c) “Committee,” for purposes of this section, includes any
9 entity of the Senate or Assembly responsible for preparing analyses
10 of bills, resolutions, or proposed constitutional amendments that
11 are to be put to a vote by a quorum of the members of the Senate
12 or Assembly.

13 (d) “Legislative records,” for purposes of this section, means
14 records contained in an official committee file, including, but not
15 limited to, all of the following:

16 (1) Committee staff analyses.

17 (2) Written testimony.

18 (3) Background material submitted to the committee.

19 (4) Press releases.

20 (5) Written commentary submitted to the committee on a bill,
21 resolution, or proposed constitutional amendment. For purposes
22 of this paragraph, “written commentary” does not include the
23 following:

24 (A) Material not utilized by the staff of a fiscal committee in the
25 preparation of any analysis for the members of that committee.

26 (B) Communications determined by the committee or its staff
27 to be confidential.

28 (6) Versions of bills, resolutions, or proposed constitutional
29 amendments assigned to the committee.

30 (7) Relevant interim hearing materials, studies, case materials,
31 and articles.

32 (e) Legislative records contained in an official committee file
33 shall be open to inspection and copying by the public. Each
34 committee of the Senate or Assembly, and each joint committee of
35 the Legislature, shall adopt and implement written procedures for
36 the public’s access to official committee files maintained in the
37 committee’s office. The procedures shall provide for the time,
38 place, and other conditions under which committee files may be
39 inspected and copied. Each committee shall make copies of its
40 written procedures available to the public.



1 (f) *The Committee on Rules of each house of the Legislature or;*
2 *alternatively, the Joint Committee on Rules shall provide for the*
3 *storage of any official committee file that is not maintained in the*
4 *office of the committee that created the file or lodged with the State*
5 *Archives. The Committee on Rules of each house of the Legislature*
6 *or the Joint Committee on Rules, as the case may be, shall adopt*
7 *and implement written procedures for the public's access to official*
8 *committee files so stored in its custody. The procedures shall*
9 *provide for the time, place, and other conditions under which*
10 *committee files may be inspected and copied, and the committee*
11 *shall make copies of its written procedures available to the public.*

12 (g) *Nothing in this section requires making any legislative*
13 *record available for inspection that relates to any unchaptered bill,*
14 *resolution, or proposed constitutional amendment introduced in*
15 *the current legislative session, except in accordance with the*
16 *requirements and limitations specified in the California Public*
17 *Records Act (Chapter 3.5 (commencing with Section 6250) of*
18 *Division 7 of Title 1).*

