

AMENDED IN SENATE JANUARY 4, 2006

AMENDED IN SENATE APRIL 13, 2005

SENATE BILL

No. 740

Introduced by Senator Romero

February 22, 2005

An act to add Section 8314.5 to the Government Code, relating to public agencies.

LEGISLATIVE COUNSEL'S DIGEST

SB 740, as amended, Romero. Public agencies.

Existing law provides that it is unlawful for any elected state or local officer, including any state or local appointee, employee, or consultant, to use or permit others to use public resources for a campaign activity, or personal or other purposes that are not authorized by law.

This bill would provide that, ~~whenever any state or local agency uses or permits others to use public resources for the creation of a video news release, that video news release shall contain a legible printed statement that it was created and paid for by that state or local agency. It would require that this statement appear on all portions of the video news release except for portions that contain only the image of a state or local agency officer or employee, in which case it would require that a statement be included identifying that officer or employee by name and title or position~~ *notwithstanding any other provision of law, it shall be unlawful under these provisions for a state or local officer to use public resources for the creation of a video news release that advocates a position in a rulemaking proceeding.*

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

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

1 SECTION 1. Section 8314.5 is added to the Government
2 Code, to read:

3 ~~8314.5. (a) (1) For purposes of this section the definitions~~
4 ~~set forth in subdivision (b) of Section 8314 shall apply.~~

5 ~~(2) “Video news release” means any communication~~
6 ~~incorporating video images intended for distribution or~~
7 ~~transmission to the public or to an entity that distributes or~~
8 ~~transmits video communication to the public.~~

9 ~~(b) Whenever any state or local agency uses or permits others~~
10 ~~to use public resources for the creation of a video news release,~~
11 ~~that video news release shall contain a legible printed statement~~
12 ~~that the video news release was created and paid for by that state~~
13 ~~or local agency. This statement shall appear on all portions of the~~
14 ~~video news release except for portions that contain only the~~
15 ~~image of a state or local agency officer or employee, in which~~
16 ~~case a statement shall be included identifying that officer or~~
17 ~~employee by name and title or position.~~

18 *8314.5. Notwithstanding any other provision of law, it shall*
19 *be unlawful under Section 8314 for a state or local officer to use*
20 *public resources for the creation of a video news release that*
21 *advocates a position in a rulemaking proceeding in which that*
22 *officer is exercising quasi-legislative authority to implement*
23 *policies for which he or she was previously elected or appointed*
24 *and where he or she will implement the policies through*
25 *regulations adopted in that rulemaking without submitting them*
26 *to voters for approval in an election.*