

ASSEMBLY BILL

No. 202

**Introduced by Assembly Member Donnelly
(Coauthors: Assembly Members Grove, Hagman, Harkey, Jones,
and Wagner)**

January 29, 2013

An act to add Section 38010 to the Education Code, and to amend Section 6254 of the Government Code, relating to school security.

LEGISLATIVE COUNSEL'S DIGEST

AB 202, as introduced, Donnelly. School security: School Marshal Program.

(1) Existing law authorizes the governing board of a school district to establish a security department or a school police department and authorizes specified moneys transferred into the general fund of any school district to be used for the training of persons employed and compensated as members of a police department of a school district, as specified.

This bill would establish the School Marshal Program and would authorize school districts, county offices of education, and charter schools to use general purpose funds to provide training to a school marshal. The bill would define a school marshal as a school employee who, in accordance with the Gun-Free School Zone Act of 1995 and pursuant to locally adopted policies, is authorized to possess a firearm at a schoolsite or designated school activities.

(2) Existing law, the California Public Records Act, requires state and local agencies to make public records available for inspection, subject to specified criteria, and with certain exceptions. Existing law excludes from disclosure certain information contained in applications

for licenses to, and licenses to, carry firearms submitted by prosecutors, public defenders, peace officers, judges, court commissioners, and magistrates, to county sheriffs and the chiefs or other heads of municipal police departments.

This bill would exclude from disclosure the personally identifiable information set forth in applications for a license to, and the license to, carry firearms submitted by a school marshal to the sheriff of a county or the chief or other head of a municipal police department. By increasing duties on county sheriffs and the chiefs or other heads of municipal police departments, the bill would impose a state-mandated local program.

(3) 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 these statutory provisions.

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

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

- 1 SECTION 1. Section 38010 is added to the Education Code,
- 2 to read:
- 3 38010. (a) This section shall be known, and may be cited, as
- 4 the School Marshal Program.
- 5 (b) School districts, county offices of education, and charter
- 6 schools may use general purpose funds to provide training for
- 7 school marshals.
- 8 (c) As used in this section, “school marshal” means a school
- 9 employee who, in accordance with Section 626.9 of the Penal Code
- 10 and pursuant to locally adopted policies, is authorized to possess
- 11 a firearm at a schoolsite or designated school activities.
- 12 SEC. 2. Section 6254 of the Government Code is amended to
- 13 read:
- 14 6254. Except as provided in Sections 6254.7 and 6254.13,
- 15 nothing in this chapter shall be construed to require disclosure of
- 16 records that are any of the following:

- 1 (a) Preliminary drafts, notes, or interagency or intra-agency
2 memoranda that are not retained by the public agency in the
3 ordinary course of business, if the public interest in withholding
4 those records clearly outweighs the public interest in disclosure.
- 5 (b) Records pertaining to pending litigation to which the public
6 agency is a party, or to claims made pursuant to Division 3.6
7 (commencing with Section 810), until the pending litigation or
8 claim has been finally adjudicated or otherwise settled.
- 9 (c) Personnel, medical, or similar files, the disclosure of which
10 would constitute an unwarranted invasion of personal privacy.
- 11 (d) Contained in or related to any of the following:
- 12 (1) Applications filed with any state agency responsible for the
13 regulation or supervision of the issuance of securities or of financial
14 institutions, including, but not limited to, banks, savings and loan
15 associations, industrial loan companies, credit unions, and
16 insurance companies.
- 17 (2) Examination, operating, or condition reports prepared by,
18 on behalf of, or for the use of, any state agency referred to in
19 paragraph (1).
- 20 (3) Preliminary drafts, notes, or interagency or intra-agency
21 communications prepared by, on behalf of, or for the use of, any
22 state agency referred to in paragraph (1).
- 23 (4) Information received in confidence by any state agency
24 referred to in paragraph (1).
- 25 (e) Geological and geophysical data, plant production data, and
26 similar information relating to utility systems development, or
27 market or crop reports, that are obtained in confidence from any
28 person.
- 29 (f) Records of complaints to, or investigations conducted by,
30 or records of intelligence information or security procedures of,
31 the office of the Attorney General and the Department of Justice,
32 the ~~California Office of Emergency Management Agency Services,~~
33 and any state or local police agency, or any investigatory or security
34 files compiled by any other state or local police agency, or any
35 investigatory or security files compiled by any other state or local
36 agency for correctional, law enforcement, or licensing purposes.
37 However, state and local law enforcement agencies shall disclose
38 the names and addresses of persons involved in, or witnesses other
39 than confidential informants to, the incident, the description of
40 any property involved, the date, time, and location of the incident,

1 all diagrams, statements of the parties involved in the incident, the
2 statements of all witnesses, other than confidential informants, to
3 the victims of an incident, or an authorized representative thereof,
4 an insurance carrier against which a claim has been or might be
5 made, and any person suffering bodily injury or property damage
6 or loss, as the result of the incident caused by arson, burglary, fire,
7 explosion, larceny, robbery, carjacking, vandalism, vehicle theft,
8 or a crime as defined by subdivision (b) of Section 13951, unless
9 the disclosure would endanger the safety of a witness or other
10 person involved in the investigation, or unless disclosure would
11 endanger the successful completion of the investigation or a related
12 investigation. However, nothing in this division shall require the
13 disclosure of that portion of those investigative files that reflects
14 the analysis or conclusions of the investigating officer.

15 Customer lists provided to a state or local police agency by an
16 alarm or security company at the request of the agency shall be
17 construed to be records subject to this subdivision.

18 Notwithstanding any other provision of this subdivision, state
19 and local law enforcement agencies shall make public the following
20 information, except to the extent that disclosure of a particular
21 item of information would endanger the safety of a person involved
22 in an investigation or would endanger the successful completion
23 of the investigation or a related investigation:

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

33 (2) Subject to the restrictions imposed by Section 841.5 of the
34 Penal Code, the time, substance, and location of all complaints or
35 requests for assistance received by the agency and the time and
36 nature of the response thereto, including, to the extent the
37 information regarding crimes alleged or committed or any other
38 incident investigated is recorded, the time, date, and location of
39 occurrence, the time and date of the report, the name and age of
40 the victim, the factual circumstances surrounding the crime or

1 incident, and a general description of any injuries, property, or
2 weapons involved. The name of a victim of any crime defined by
3 Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a,
4 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285,
5 286, 288, 288a, 288.2, 288.3 (as added by Chapter 337 of the
6 Statutes of 2006), 288.3 (as added by Section 6 of Proposition 83
7 of the November 7, 2006, statewide general election), 288.5, 288.7,
8 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code may
9 be withheld at the victim's request, or at the request of the victim's
10 parent or guardian if the victim is a minor. When a person is the
11 victim of more than one crime, information disclosing that the
12 person is a victim of a crime defined in any of the sections of the
13 Penal Code set forth in this subdivision may be deleted at the
14 request of the victim, or the victim's parent or guardian if the
15 victim is a minor, in making the report of the crime, or of any
16 crime or incident accompanying the crime, available to the public
17 in compliance with the requirements of this paragraph.

18 (3) Subject to the restrictions of Section 841.5 of the Penal Code
19 and this subdivision, the current address of every individual
20 arrested by the agency and the current address of the victim of a
21 crime, where the requester declares under penalty of perjury that
22 the request is made for a scholarly, journalistic, political, or
23 governmental purpose, or that the request is made for investigation
24 purposes by a licensed private investigator as described in Chapter
25 11.3 (commencing with Section 7512) of Division 3 of the Business
26 and Professions Code. However, the address of the victim of any
27 crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1,
28 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a,
29 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3 (as added by
30 Chapter 337 of the Statutes of 2006), 288.3 (as added by Section
31 6 of Proposition 83 of the November 7, 2006, statewide general
32 election), 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6
33 of the Penal Code shall remain confidential. Address information
34 obtained pursuant to this paragraph may not be used directly or
35 indirectly, or furnished to another, to sell a product or service to
36 any individual or group of individuals, and the requester shall
37 execute a declaration to that effect under penalty of perjury.
38 Nothing in this paragraph shall be construed to prohibit or limit a
39 scholarly, journalistic, political, or government use of address
40 information obtained pursuant to this paragraph.

1 (g) Test questions, scoring keys, and other examination data
2 used to administer a licensing examination, examination for
3 employment, or academic examination, except as provided for in
4 Chapter 3 (commencing with Section 99150) of Part 65 of Division
5 14 of Title 3 of the Education Code.

6 (h) The contents of real estate appraisals or engineering or
7 feasibility estimates and evaluations made for or by the state or
8 local agency relative to the acquisition of property, or to
9 prospective public supply and construction contracts, until all of
10 the property has been acquired or all of the contract agreement
11 obtained. However, the law of eminent domain shall not be affected
12 by this provision.

13 (i) Information required from any taxpayer in connection with
14 the collection of local taxes that is received in confidence and the
15 disclosure of the information to other persons would result in unfair
16 competitive disadvantage to the person supplying the information.

17 (j) Library circulation records kept for the purpose of identifying
18 the borrower of items available in libraries, and library and museum
19 materials made or acquired and presented solely for reference or
20 exhibition purposes. The exemption in this subdivision shall not
21 apply to records of fines imposed on the borrowers.

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

25 (l) Correspondence of and to the Governor or employees of the
26 Governor's office or in the custody of or maintained by the
27 Governor's Legal Affairs Secretary. However, public records shall
28 not be transferred to the custody of the Governor's Legal Affairs
29 Secretary to evade the disclosure provisions of this chapter.

30 (m) In the custody of or maintained by the Legislative Counsel,
31 except those records in the public database maintained by the
32 Legislative Counsel that are described in Section 10248.

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

37 (o) Financial data contained in applications for financing under
38 Division 27 (commencing with Section 44500) of the Health and
39 Safety Code, where an authorized officer of the California Pollution
40 Control Financing Authority determines that disclosure of the

1 financial data would be competitively injurious to the applicant
2 and the data is required in order to obtain guarantees from the
3 United States Small Business Administration. The California
4 Pollution Control Financing Authority shall adopt rules for review
5 of individual requests for confidentiality under this section and for
6 making available to the public those portions of an application that
7 are subject to disclosure under this chapter.

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

21 (q) (1) Records of state agencies related to activities governed
22 by Article 2.6 (commencing with Section 14081), Article 2.8
23 (commencing with Section 14087.5), and Article 2.91
24 (commencing with Section 14089) of Chapter 7 of Part 3 of
25 Division 9 of the Welfare and Institutions Code, that reveal the
26 special negotiator's deliberative processes, discussions,
27 communications, or any other portion of the negotiations with
28 providers of health care services, impressions, opinions,
29 recommendations, meeting minutes, research, work product,
30 theories, or strategy, or that provide instruction, advice, or training
31 to employees.

32 (2) Except for the portion of a contract containing the rates of
33 payment, contracts for inpatient services entered into pursuant to
34 these articles, on or after April 1, 1984, shall be open to inspection
35 one year after they are fully executed. If a contract for inpatient
36 services that is entered into prior to April 1, 1984, is amended on
37 or after April 1, 1984, the amendment, except for any portion
38 containing the rates of payment, shall be open to inspection one
39 year after it is fully executed. If the California Medical Assistance
40 Commission enters into contracts with health care providers for

1 other than inpatient hospital services, those contracts shall be open
2 to inspection one year after they are fully executed.

3 (3) Three years after a contract or amendment is open to
4 inspection under this subdivision, the portion of the contract or
5 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 amendment shall be open to inspection by the Joint
9 Legislative Audit Committee and the Legislative Analyst's Office.
10 The committee and that office shall maintain the confidentiality
11 of the contracts and amendments until the time a contract or
12 amendment is fully open to inspection by the public.

13 (r) Records of Native American graves, cemeteries, and sacred
14 places and records of Native American places, features, and objects
15 described in Sections 5097.9 and 5097.993 of the Public Resources
16 Code maintained by, or in the possession of, the Native American
17 Heritage Commission, another state agency, or a local agency.

18 (s) A final accreditation report of the Joint Commission on
19 Accreditation of Hospitals that has been transmitted to the State
20 Department of Health Care Services pursuant to subdivision (b)
21 of Section 1282 of the Health and Safety Code.

22 (t) Records of a local hospital district, formed pursuant to
23 Division 23 (commencing with Section 32000) of the Health and
24 Safety Code, or the records of a municipal hospital, formed
25 pursuant to Article 7 (commencing with Section 37600) or Article
26 8 (commencing with Section 37650) of Chapter 5 of Part 2 of
27 Division 3 of Title 4 of this code, that relate to any contract with
28 an insurer or nonprofit hospital service plan for inpatient or
29 outpatient services for alternative rates pursuant to Section 10133
30 of the Insurance Code. However, the record shall be open to
31 inspection within one year after the contract is fully executed.

32 (u) (1) Information contained in applications for licenses to
33 carry firearms issued pursuant to Section 26150, 26155, 26170,
34 or 26215 of the Penal Code by the sheriff of a county or the chief
35 or other head of a municipal police department that indicates when
36 or where the applicant is vulnerable to attack or that concerns the
37 applicant's medical or psychological history or that of members
38 of his or her family.

39 (2) The home address and telephone number of prosecutors,
40 public defenders, peace officers, judges, court commissioners, and

1 magistrates that are set forth in applications for licenses to carry
2 firearms issued pursuant to Section 26150, 26155, 26170, or 26215
3 of the Penal Code by the sheriff of a county or the chief or other
4 head of a municipal police department.

5 (3) The home address and telephone number of prosecutors,
6 public defenders, peace officers, judges, court commissioners, and
7 magistrates that are set forth in licenses to carry firearms issued
8 pursuant to Section 26150, 26155, 26170, or 26215 of the Penal
9 Code by the sheriff of a county or the chief or other head of a
10 municipal police department.

11 (4) *The personally identifiable information of a school marshal,*
12 *as defined in Section 38010 of the Education Code, that is set forth*
13 *in an application for a license to carry a firearm, or in a license*
14 *to carry a firearm, issued pursuant to Section 26150, 26155, 26170,*
15 *or 26215 of the Penal Code by the sheriff of a county or the chief*
16 *or other head of a municipal police department.*

17 (v) (1) Records of the Managed Risk Medical Insurance Board
18 related to activities governed by Part 6.3 (commencing with Section
19 12695), Part 6.5 (commencing with Section 12700), Part 6.6
20 (commencing with Section 12739.5), and Part 6.7 (commencing
21 with Section 12739.70) of Division 2 of the Insurance Code, and
22 that reveal any of the following:

23 (A) The deliberative processes, discussions, communications,
24 or any other portion of the negotiations with entities contracting
25 or seeking to contract with the board, entities with which the board
26 is considering a contract, or entities with which the board is
27 considering or enters into any other arrangement under which the
28 board provides, receives, or arranges services or reimbursement.

29 (B) The impressions, opinions, recommendations, meeting
30 minutes, research, work product, theories, or strategy of the board
31 or its staff, or records that provide instructions, advice, or training
32 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 6.3
35 (commencing with Section 12695), Part 6.5 (commencing with
36 Section 12700), Part 6.6 (commencing with Section 12739.5), or
37 Part 6.7 (commencing with Section 12739.70) of Division 2 of the
38 Insurance Code, on or after July 1, 1991, shall be open to inspection
39 one year after their effective dates.

1 (B) If a contract that is entered into prior to July 1, 1991, is
2 amended on or after July 1, 1991, the amendment, except for any
3 portion containing the rates of payment, shall be open to inspection
4 one year after the effective date of the amendment.

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

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

15 (w) (1) Records of the Managed Risk Medical Insurance Board
16 related to activities governed by Chapter 8 (commencing with
17 Section 10700) of Part 2 of Division 2 of the Insurance Code, and
18 that reveal the deliberative processes, discussions, communications,
19 or any other portion of the negotiations with health plans, or the
20 impressions, opinions, recommendations, meeting minutes,
21 research, work product, theories, or strategy of the board or its
22 staff, or records that provide instructions, advice, or training to
23 employees.

24 (2) Except for the portion of a contract that contains the rates
25 of payment, contracts for health coverage entered into pursuant to
26 Chapter 8 (commencing with Section 10700) of Part 2 of Division
27 2 of the Insurance Code, on or after January 1, 1993, shall be open
28 to inspection one year after they have been fully executed.

29 (3) Notwithstanding any other law, the entire contract or
30 amendments to a contract shall be open to inspection by the Joint
31 Legislative Audit Committee. The committee shall maintain the
32 confidentiality of the contracts and amendments thereto, until the
33 contracts or amendments to the contracts are open to inspection
34 pursuant to paragraph (2).

35 (x) Financial data contained in applications for registration, or
36 registration renewal, as a service contractor filed with the Director
37 of Consumer Affairs pursuant to Chapter 20 (commencing with
38 Section 9800) of Division 3 of the Business and Professions Code,
39 for the purpose of establishing the service contractor's net worth,

1 or financial data regarding the funded accounts held in escrow for
2 service contracts held in force in this state by a service contractor.

3 (y) (1) Records of the Managed Risk Medical Insurance Board
4 related to activities governed by Part 6.2 (commencing with Section
5 12693) or Part 6.4 (commencing with Section 12699.50) of
6 Division 2 of the Insurance Code, and that reveal any of the
7 following:

8 (A) The deliberative processes, discussions, communications,
9 or any other portion of the negotiations with entities contracting
10 or seeking to contract with the board, entities with which the board
11 is considering a contract, or entities with which the board is
12 considering or enters into any other arrangement under which the
13 board provides, receives, or arranges services or reimbursement.

14 (B) The impressions, opinions, recommendations, meeting
15 minutes, research, work product, theories, or strategy of the board
16 or its staff, or records that provide instructions, advice, or training
17 to employees.

18 (2) (A) Except for the portion of a contract that contains the
19 rates of payment, contracts entered into pursuant to Part 6.2
20 (commencing with Section 12693) or Part 6.4 (commencing with
21 Section 12699.50) of Division 2 of the Insurance Code, on or after
22 January 1, 1998, shall be open to inspection one year after their
23 effective dates.

24 (B) If a contract entered into pursuant to Part 6.2 (commencing
25 with Section 12693) or Part 6.4 (commencing with Section
26 12699.50) of Division 2 of the Insurance Code is amended, the
27 amendment shall be open to inspection one year after the effective
28 date of the amendment.

29 (3) Three years after a contract or amendment is open to
30 inspection pursuant to this subdivision, the portion of the contract
31 or amendment containing the rates of payment shall be open to
32 inspection.

33 (4) Notwithstanding any other law, the entire contract or
34 amendments to a contract shall be open to inspection by the Joint
35 Legislative Audit Committee. The committee shall maintain the
36 confidentiality of the contracts and amendments thereto until the
37 contract or amendments to a contract are open to inspection
38 pursuant to paragraph (2) or (3).

39 (5) The exemption from disclosure provided pursuant to this
40 subdivision for the contracts, deliberative processes, discussions,

1 communications, negotiations, impressions, opinions,
2 recommendations, meeting minutes, research, work product,
3 theories, or strategy of the board or its staff shall also apply to the
4 contracts, deliberative processes, discussions, communications,
5 negotiations, impressions, opinions, recommendations, meeting
6 minutes, research, work product, theories, or strategy of applicants
7 pursuant to Part 6.4 (commencing with Section 12699.50) of
8 Division 2 of the Insurance Code.

9 (z) Records obtained pursuant to paragraph (2) of subdivision
10 (f) of Section 2891.1 of the Public Utilities Code.

11 (aa) A document prepared by or for a state or local agency that
12 assesses its vulnerability to terrorist attack or other criminal acts
13 intended to disrupt the public agency’s operations and that is for
14 distribution or consideration in a closed session.

15 (ab) Critical infrastructure information, as defined in Section
16 131(3) of Title 6 of the United States Code, that is voluntarily
17 submitted to the ~~California Office of Emergency Management~~
18 ~~Agency Services~~ for use by that office, including the identity of
19 the person who or entity that voluntarily submitted the information.
20 As used in this subdivision, “voluntarily submitted” means
21 submitted in the absence of the office exercising any legal authority
22 to compel access to or submission of critical infrastructure
23 information. This subdivision shall not affect the status of
24 information in the possession of any other state or local
25 governmental agency.

26 (ac) All information provided to the Secretary of State by a
27 person for the purpose of registration in the Advance Health Care
28 Directive Registry, except that those records shall be released at
29 the request of a health care provider, a public guardian, or the
30 registrant’s legal representative.

31 (ad) The following records of the State Compensation Insurance
32 Fund:

33 (1) Records related to claims pursuant to Chapter 1
34 (commencing with Section 3200) of Division 4 of the Labor Code,
35 to the extent that confidential medical information or other
36 individually identifiable information would be disclosed.

37 (2) Records related to the discussions, communications, or any
38 other portion of the negotiations with entities contracting or seeking
39 to contract with the fund, and any related deliberations.

1 (3) Records related to the impressions, opinions,
2 recommendations, meeting minutes of meetings or sessions that
3 are lawfully closed to the public, research, work product, theories,
4 or strategy of the fund or its staff, on the development of rates,
5 contracting strategy, underwriting, or competitive strategy pursuant
6 to the powers granted to the fund in Chapter 4 (commencing with
7 Section 11770) of Part 3 of Division 2 of the Insurance Code.

8 (4) Records obtained to provide workers' compensation
9 insurance under Chapter 4 (commencing with Section 11770) of
10 Part 3 of Division 2 of the Insurance Code, including, but not
11 limited to, any medical claims information, policyholder
12 information provided that nothing in this paragraph shall be
13 interpreted to prevent an insurance agent or broker from obtaining
14 proprietary information or other information authorized by law to
15 be obtained by the agent or broker, and information on rates,
16 pricing, and claims handling received from brokers.

17 (5) (A) Records that are trade secrets pursuant to Section
18 6276.44, or Article 11 (commencing with Section 1060) of Chapter
19 4 of Division 8 of the Evidence Code, including without limitation,
20 instructions, advice, or training provided by the State Compensation
21 Insurance Fund to its board members, officers, and employees
22 regarding the fund's special investigation unit, internal audit unit,
23 and informational security, marketing, rating, pricing, underwriting,
24 claims handling, audits, and collections.

25 (B) Notwithstanding subparagraph (A), the portions of records
26 containing trade secrets shall be available for review by the Joint
27 Legislative Audit Committee, the Bureau of State Audits, Division
28 of Workers' Compensation, and the Department of Insurance to
29 ensure compliance with applicable law.

30 (6) (A) Internal audits containing proprietary information and
31 the following records that are related to an internal audit:

32 (i) Personal papers and correspondence of any person providing
33 assistance to the fund when that person has requested in writing
34 that his or her papers and correspondence be kept private and
35 confidential. Those papers and correspondence shall become public
36 records if the written request is withdrawn, or upon order of the
37 fund.

38 (ii) Papers, correspondence, memoranda, or any substantive
39 information pertaining to any audit not completed or an internal
40 audit that contains proprietary information.

1 (B) Notwithstanding subparagraph (A), the portions of records
2 containing proprietary information, or any information specified
3 in subparagraph (A) shall be available for review by the Joint
4 Legislative Audit Committee, the Bureau of State Audits, Division
5 of Workers' Compensation, and the Department of Insurance to
6 ensure compliance with applicable law.

7 (7) (A) Except as provided in subparagraph (C), contracts
8 entered into pursuant to Chapter 4 (commencing with Section
9 11770) of Part 3 of Division 2 of the Insurance Code shall be open
10 to inspection one year after the contract has been fully executed.

11 (B) If a contract entered into pursuant to Chapter 4 (commencing
12 with Section 11770) of Part 3 of Division 2 of the Insurance Code
13 is amended, the amendment shall be open to inspection one year
14 after the amendment has been fully executed.

15 (C) Three years after a contract or amendment is open to
16 inspection pursuant to this subdivision, the portion of the contract
17 or amendment containing the rates of payment shall be open to
18 inspection.

19 (D) Notwithstanding any other law, the entire contract or
20 amendments to a contract shall be open to inspection by the Joint
21 Legislative Audit Committee. The committee shall maintain the
22 confidentiality of the contracts and amendments thereto until the
23 contract or amendments to a contract are open to inspection
24 pursuant to this paragraph.

25 (E) This paragraph is not intended to apply to documents related
26 to contracts with public entities that are not otherwise expressly
27 confidential as to that public entity.

28 (F) For purposes of this paragraph, "fully executed" means the
29 point in time when all of the necessary parties to the contract have
30 signed the contract.

31 This section shall not prevent any agency from opening its
32 records concerning the administration of the agency to public
33 inspection, unless disclosure is otherwise prohibited by law.

34 This section shall not prevent any health facility from disclosing
35 to a certified bargaining agent relevant financing information
36 pursuant to Section 8 of the National Labor Relations Act (29
37 U.S.C. Sec. 158).

38 SEC. 3. If the Commission on State Mandates determines that
39 this act contains costs mandated by the state, reimbursement to
40 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O