

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 169

Introduced by Assembly Member Maienschein

January 22, 2015

An act to ~~amend~~ *add* Section ~~66430~~ of 6253.7 to the Government Code, relating to ~~land use~~: *local government*.

LEGISLATIVE COUNSEL'S DIGEST

AB 169, as amended, Maienschein. ~~Land use: subdivisions. Local government: public records: Internet.~~

(1) *The California Public Records Act requires a state or local agency, as defined, to make public records available for inspection, subject to certain exceptions. The act requires any agency that has any information that constitutes a public record not exempt from disclosure in an electronic format to make that public record available in an electronic format when requested by a person, and requires the agency to, among other things, make the information available in any electronic format in which the information is held.*

This bill would require a local agency, except a school district, that chooses to post a public record on its Internet Web site to post the public record in a format that meets specified requirements, including, among others, that the format is able to be retrieved, downloaded, indexed, and searched by a commonly used Internet search application.

(2) *The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or*

open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(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 no reimbursement is required by this act for a specified reason.

~~The Subdivision Map Act prohibits a final or parcel map that creates a subdivision from being filed with the relevant local agency without the written consent of all parties having any record title interest in the real property proposed to be subdivided.~~

~~This bill would make nonsubstantive changes to this provision.~~

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

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

1 *SECTION 1. Section 6253.7 is added to the Government Code,*
2 *immediately following Section 6253.6, to read:*

3 *6253.7. A local agency, except a school district, that posts a*
4 *public record on its Internet Web site shall post the public record*
5 *in an open file format that meets all of the following requirements:*

6 *(a) Retrievable, downloadable, indexable, and electrically*
7 *searchable by commonly used Internet search applications.*

8 *(b) Platform independent and machine readable.*

9 *(c) Available to the public free of charge and without any*
10 *restriction that would impede the reuse or redistribution of the*
11 *public record.*

12 *(d) Retains the data definitions and structure present when the*
13 *data was compiled, if applicable.*

14 *SEC. 2. The Legislature finds and declares that Section 1 of*
15 *this act, which adds Section 6253.7 to the Government Code,*
16 *further, within the meaning of paragraph (7) of subdivision (b)*
17 *of Section 3 of Article I of the California Constitution, the purposes*
18 *of that constitutional section as it relates to the right of public*
19 *access to the meetings of local public bodies or the writings or*
20 *subdivision (b) of Section 3 of Article I of the California*
21 *Constitution, the Legislature makes the following findings:*

1 *Because California’s local agencies are increasingly releasing*
2 *information in an open format, because open format is not defined*
3 *in current law, and because data released by local agencies in an*
4 *open format should be as uniform and usable as possible, requiring*
5 *local agencies to follow standardized requirements when they elect*
6 *to release information in an open format furthers the purpose of*
7 *Section 3 of Article I of the California Constitution.*

8 *SEC. 3. No reimbursement is required by this act pursuant to*
9 *Section 6 of Article XIII B of the California Constitution because*
10 *the only costs that my be incurred by a local agency or school*
11 *district under this act would result from a legislative mandate that*
12 *is within the scope of paragraph (7) of subdivision (b) of Section*
13 *3 of Article I of the California Constitution.”*

14 ~~SECTION 1. Section 66430 of the Government Code is~~
15 ~~amended to read:~~

16 ~~66430. A final map or parcel map required by this chapter or~~
17 ~~by a local ordinance that creates a subdivision shall not be filed~~
18 ~~with the local agency without the written consent of every party~~
19 ~~that has any record title interest in the real property proposed to~~
20 ~~be subdivided, except as otherwise provided in this division.~~