

AMENDED IN SENATE JUNE 30, 2016

AMENDED IN SENATE JUNE 9, 2016

AMENDED IN SENATE JUNE 1, 2016

AMENDED IN ASSEMBLY MAY 5, 2015

AMENDED IN ASSEMBLY APRIL 22, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 884

Introduced by Assembly Member Gordon
(Principal coauthor: Senator Wolk)

February 26, 2015

An act to ~~amend Section 10248 of,~~ *add Section 10248.5 to,* and to repeal and ~~add~~ Section 9026.5 of, the Government Code, relating to the Legislature, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 884, as amended, Gordon. Legislature: legislative ~~proceeding:~~ ~~audiovisual recordings.~~ *information: public use.*

Existing law prohibits a television signal generated by the Assembly from being used for any political or commercial purpose, including, but not limited to, any campaign for elective public office or any campaign supporting or opposing a ballot proposition submitted to the electors. Existing law provides that a person or organization who violates this prohibition is guilty of a misdemeanor.

This bill would repeal these provisions.

Existing law requires the Legislative Counsel, with the advice of the Assembly Committee on Rules and the Senate Committee on Rules, to make certain information available to the public in electronic form, including, among other things, the text of each bill introduced in each current legislative session, including each amended, enrolled, and chaptered form of each bill. Existing law provides that no actions taken pursuant to these requirements alter or relinquish any copyright or other proprietary interest or entitlement of the State of California in the information made available to the public.

~~This bill would repeal the prohibition against using Assembly-generated television signals for political or commercial purposes. The bill would require the Legislature to cause audiovisual recordings to be made of all open and public proceedings of each house of the Legislature and the committees thereof, as specified. The bill would require those recordings to be posted on the Internet by the Legislative Counsel within one business day after the proceeding being recorded has been recessed or adjourned for the day. The bill would require a recording posted on the Internet to be retrievable in a perceivable format for the duration of the biennial session in which the recording is made and the two biennial sessions immediately following. The bill would require the Legislative Counsel to preserve and secure these recordings in an electronic form and store them in an archive in a retrievable and perceivable format for not less than 20 years. The bill would also authorize the televised or other audiovisual recordings of the public proceedings of each house of the Legislature and the committees thereof to be used by the public without the imposition of any fee due to the State or any public agency or public corporation thereof.~~

~~The bill would recast the provisions relating to state copyright and proprietary interests in information made publicly available by the Legislative Counsel and would instead provide that the information made available to the public, as specified, is within the public domain.~~

~~This bill would specify that it is contingent upon voter approval of a specified constitutional amendment at the November 8, 2016, statewide general election.~~

This bill would place the information that the Legislative Counsel makes available to the public pursuant to these provisions within the public domain and would provide that the State of California retains no copyright or other proprietary interest in that information.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. 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 9026.5 of the Government Code is
2 repealed.

3 ~~SEC. 2. Section 9026.5 is added to the Government Code, to~~
4 ~~read:~~

5 ~~9026.5. (a) (1) Commencing on January 1, 2018, the~~
6 ~~Legislature shall do all of the following with respect to its open~~
7 ~~and public proceedings:~~

8 ~~(A) Cause audiovisual recordings to be made of all floor sessions~~
9 ~~of each house of the Legislature, the committee proceedings thereof~~
10 ~~at which a vote is taken or other action is recorded, and the~~
11 ~~committee proceedings thereof held in the State Capitol Building~~
12 ~~regardless of whether a vote is taken or an action is recorded.~~

13 ~~(B) Make reasonable efforts to cause audiovisual recordings to~~
14 ~~be made of all committee proceedings held outside of the State~~
15 ~~Capitol Building at which no vote is taken and no action is~~
16 ~~recorded.~~

17 ~~(C) Make reasonable efforts to broadcast to the public, in real~~
18 ~~time, all proceedings of the Legislature and the committees thereof~~
19 ~~that are held in the State Capitol Building.~~

20 ~~(2) The Legislative Counsel shall post all recordings made~~
21 ~~pursuant to subdivision (a) on the Internet within one business day~~
22 ~~after the proceeding being recording has been recessed or adjourned~~
23 ~~for the day. Recordings posted on the Internet shall be retrievable~~
24 ~~in a perceivable format for public use for the duration of both the~~
25 ~~biennial session of the Legislature in which the recording is made~~
26 ~~and the two biennial sessions immediately following.~~

27 ~~(3) The Legislative Counsel shall preserve and secure all~~
28 ~~recordings made pursuant to subdivision (a) in an electronic form~~
29 ~~and store them in an archive in a retrievable and perceivable format~~
30 ~~for not less than 20 years. Archived recordings shall be reasonably~~
31 ~~available for use by the public.~~

32 ~~(b) Televised or other audiovisual recordings of the public~~
33 ~~proceedings of each house of the Legislature and the standing~~

1 ~~committees thereof may be used by the public without the~~
2 ~~imposition of any fee due to the state or any public agency or public~~
3 ~~corporation thereof.~~

4 ~~SEC. 3. Section 10248 of the Government Code is amended~~
5 ~~to read:~~

6 ~~10248. (a) The Legislative Counsel shall, with the advice of~~
7 ~~the Assembly Committee on Rules and the Senate Committee on~~
8 ~~Rules, make all of the following information available to the public~~
9 ~~in electronic form:~~

10 ~~(1) The legislative calendar, the schedule of legislative~~
11 ~~committee hearings, a list of matters pending on the floors of both~~
12 ~~houses of the Legislature, and a list of the committees of the~~
13 ~~Legislature and their members.~~

14 ~~(2) The text of each bill introduced in each current legislative~~
15 ~~session, including each amended, enrolled, and chaptered form of~~
16 ~~each bill.~~

17 ~~(3) The bill history of each bill introduced and amended in each~~
18 ~~current legislative session.~~

19 ~~(4) The bill status of each bill introduced and amended in each~~
20 ~~current legislative session.~~

21 ~~(5) All bill analyses prepared by legislative committees in~~
22 ~~connection with each bill in each current legislative session.~~

23 ~~(6) All audiovisual recordings of legislative proceedings that~~
24 ~~are required to be posted in accordance with paragraph (2) of~~
25 ~~subdivision (a) of Section 9026.5.~~

26 ~~(7) All vote information concerning each bill in each current~~
27 ~~legislative session.~~

28 ~~(8) Any veto message concerning a bill in each current~~
29 ~~legislative session.~~

30 ~~(9) The California Codes.~~

31 ~~(10) The California Constitution.~~

32 ~~(11) All statutes enacted on or after January 1, 1993.~~

33 ~~(b) The information identified in subdivision (a) shall be made~~
34 ~~available to the public by means of access by way of the largest~~
35 ~~nonproprietary, nonprofit cooperative public computer network.~~
36 ~~The information shall be made available in one or more formats~~
37 ~~and by one or more means in order to provide the greatest feasible~~
38 ~~access to the general public in this state. Any person who accesses~~
39 ~~the information may access all or any part of the information. The~~
40 ~~information may also be made available by any other means of~~

1 access that would facilitate public access to the information. The
2 information that is maintained in the legislative information system
3 that is operated and maintained by the Legislative Counsel shall
4 be made available in the shortest feasible time after the information
5 is available in the information system. The information that is not
6 maintained in the information system shall be made available in
7 the shortest feasible time after it is available to the Legislative
8 Counsel.

9 ~~(e) Any documentation that describes the electronic digital~~
10 ~~formats of the information identified in subdivision (a) and is~~
11 ~~available to the public shall be made available by means of access~~
12 ~~by way of the computer network specified in subdivision (b).~~

13 ~~(d) Personal information concerning a person who accesses the~~
14 ~~information may be maintained only for the purpose of providing~~
15 ~~service to the person.~~

16 ~~(e) No fee or other charge may be imposed by the Legislative~~
17 ~~Counsel as a condition of accessing the information that is~~
18 ~~accessible by way of the computer network specified in subdivision~~
19 ~~(b).~~

20 ~~(f) The electronic public access provided by way of the computer~~
21 ~~network specified in subdivision (b) shall be in addition to other~~
22 ~~electronic or print distribution of the information.~~

23 ~~(g) The information made available to the public pursuant to~~
24 ~~this section is within the public domain.~~

25 ~~SEC. 4. This act shall become operative only if Senate~~
26 ~~Constitutional Amendment No. 14 of the 2015–16 Regular Session~~
27 ~~is approved by the voters at the November 8, 2016, statewide~~
28 ~~general election.~~

29 ~~SEC. 2. Section 10248.5 is added to the Government Code, to~~
30 ~~read:~~

31 ~~10248.5. Notwithstanding subdivision (g) of Section 10248,~~
32 ~~the information that the Legislative Counsel makes available to~~
33 ~~the public pursuant to Section 10248 is within the public domain~~
34 ~~and the State of California retains no copyright or other~~
35 ~~proprietary interest in that information.~~

36 ~~SEC. 5.~~

37 ~~SEC. 3. This act is an urgency statute necessary for the~~
38 ~~immediate preservation of the public peace, health, or safety within~~
39 ~~the meaning of Article IV of the Constitution and shall go into~~
40 ~~immediate effect. The facts constituting the necessity are:~~

1 ~~Because of the importance of ensuring public access to all~~
2 ~~legislative proceedings, it is necessary that this bill take effect~~
3 ~~immediately.~~

4 *Because of the importance of ensuring, without unnecessary and*
5 *undue delay, public access to and use of Assembly-generated*
6 *television signals and legislative information that the Legislative*
7 *Counsel makes available in electronic form, it is necessary that*
8 *this bill take effect immediately.*