

AMENDED IN SENATE JULY 2, 2015

AMENDED IN SENATE JUNE 23, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1520

**Introduced by Committee on Judiciary (Assembly Members
Mark Stone (Chair), Alejo, Chau, Chiu, Cristina Garcia, ~~Holden,~~
and ~~O'Donnell and Holden~~)**

March 10, 2015

An act to amend Section 6254.16 of the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1520, as amended, Committee on Judiciary. Public Records.

The California Public Records Act requires that public records, as defined, be open to inspection at all times during the office hours of ~~the~~ a state or local agency and that every person has a right to inspect any public record, with specified exceptions. Existing law provides that the act shall not be construed to require the disclosure of specified information concerning utility customers of local agencies, except for certain purposes.

This bill would, instead, provide that the act shall not be construed to require the disclosure of specified information concerning residential utility customers of local agencies. By increasing the duties of local officials, the bill would impose a state-mandated local program.

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.

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.

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 6254.16 of the Government Code is
2 amended to read:

3 6254.16. Nothing in this chapter shall be construed to require
4 the disclosure of the names, credit histories, utility usage data,
5 home addresses, or telephone numbers of residential utility
6 customers of local agencies, except that disclosure of the names,
7 utility usage data, and home addresses of residential utility
8 customers of local agencies shall be made available upon request
9 as follows:

10 (a) To an agent or authorized family member of the person to
11 whom the information pertains.

12 (b) To an officer or employee of another governmental agency
13 when necessary for the performance of its official duties.

14 (c) Upon court order or the request of a law enforcement agency
15 relative to an ongoing investigation.

16 (d) Upon determination by the local agency that the residential
17 utility customer who is the subject of the request has used utility
18 services in a manner inconsistent with applicable local utility usage
19 policies.

20 (e) Upon determination by the local agency that the residential
21 utility customer who is the subject of the request is an elected or
22 appointed official with authority to determine the utility usage
23 policies of the local agency, provided that the home address of an
24 appointed official shall not be disclosed without his or her consent.

25 (f) Upon determination by the local agency that the public
26 interest in disclosure of the information clearly outweighs the
27 public interest in nondisclosure.

1 SEC. 2. The Legislature finds and declares that Section 1 of
2 this act, which amends Section 6254.16 of the Government Code,
3 furthers, within the meaning of paragraph (7) of subdivision (b)
4 of Section 3 of Article I of the California Constitution, the purposes
5 of that constitutional section as it relates to the right of public
6 access to the meetings of local public bodies or the writings of
7 local public officials and local agencies. Pursuant to paragraph (7)
8 of subdivision (b) of Section 3 of Article I of the California
9 Constitution, the Legislature makes the following findings:

10 ~~In light of recurrent shortages of water and energy in California~~
11 ~~and the prospect that climate change will likely increase the~~
12 ~~intensity and frequency of these shortages, the~~

13 *The Legislature finds that it is in the public's interest to know*
14 ~~that the usage rates of industrial, institutional, and commercial~~
15 ~~water and energy users are responsibly meeting conservation goals.~~
16 ~~Moreover, unlike users. Unlike residential utility users, the privacy~~
17 ~~interests of industrial, institutional, and commercial users are not~~
18 ~~sufficient to justify granting an exemption from the public~~
19 ~~disclosure requirements, in this context.~~

20 SEC. 3. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district under this act would result from a legislative mandate that
24 is within the scope of paragraph (7) of subdivision (b) of Section
25 3 of Article I of the California Constitution.