

AMENDED IN ASSEMBLY MARCH 15, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1648**

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**Introduced by Assembly Member Wilk**  
**(Coauthors: Assembly Members Brough and Mayes)**  
**(Coauthor: Senator Anderson)**

January 12, 2016

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An act to amend Section ~~6270~~ of 14902 of, and to add Section 14900.5 to, the Government Code, relating to ~~public records; state publications.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1648, as amended, Wilk. ~~Public records.~~ *State publications: distribution.*

*Existing law requires the distribution of state publications, as defined, to specific libraries and depositories, and establishes the policy of the state to make freely available all state publications.*

*This bill would modify the definition of "state publication" to specify that publications issued by the state on the Internet are included within its meaning. The bill would authorize a member of the public, as defined, to copy, share, distribute, or republish a state publication authored by the state.*

~~(1) The California Public Records Act requires state and local agencies to make public records available for inspection by the public, subject to specified criteria and with specified exceptions. The act prohibits a state or local agency from selling, exchanging, furnishing, or otherwise providing a public record subject to disclosure to a private entity in a manner that prevents a state or local agency from providing the public record directly.~~

~~This bill would additionally prohibit a state or local agency from selling, exchanging, furnishing, or otherwise providing a public record subject to disclosure to a private entity in a manner that prevents a member of the public from sharing, distributing, or publishing the public record subject to disclosure.~~

~~(2) 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.~~

~~(3) 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.~~

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

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

1     SECTION 1. Section 14900.5 is added to the Government Code,  
2     to read:

3     14900.5. A member of the public, as defined by Section 6252,  
4     may copy, share, distribute, or republish a state publication  
5     authored by the state.

6     SEC. 2. Section 14902 of the Government Code is amended to  
7     read:

8     14902. "State publication" or "publication" as herein employed  
9     is defined to include any document, compilation, journal, law,  
10    resolution, Blue Book, statute, code, register, pamphlet, list, book,  
11    report, memorandum, hearing, legislative bill, leaflet, order,  
12    regulation, directory, ~~periodical~~ *periodical*, or magazine issued by  
13    the state, the Legislature, constitutional officers, or any department,  
14    ~~commission~~ *commission*, or other agency ~~thereof~~ *thereof*, or  
15    prepared for the state by private individual or organization and  
16    issued *on the Internet* or in print, and "print" is defined to include  
17    all forms of duplicating other than by the use of carbon paper. The  
18    publications of the University of California, however, and

1 intraoffice or interoffice publications and forms shall not be  
2 included.

3 ~~SECTION 1. Section 6270 of the Government Code is amended~~  
4 ~~to read:~~

5 ~~6270. (a) Notwithstanding any other law, no state or local~~  
6 ~~agency shall sell, exchange, furnish, or otherwise provide a public~~  
7 ~~record subject to disclosure pursuant to this chapter to a private~~  
8 ~~entity in a manner that either:~~

9 ~~(1) Prevents a state or local agency from providing the record~~  
10 ~~directly pursuant to this chapter.~~

11 ~~(2) Prevents a member of the public from sharing, distributing,~~  
12 ~~or publishing a record provided pursuant to this chapter.~~

13 ~~(b) Nothing in this section requires a state or local agency to~~  
14 ~~use the State Printer to print public records. Nothing in this section~~  
15 ~~prevents the destruction of records pursuant to law.~~

16 ~~(c) This section shall not apply to contracts entered into prior~~  
17 ~~to January 1, 1996, between the County of Santa Clara and a private~~  
18 ~~entity for the provision of public records subject to disclosure~~  
19 ~~under this chapter.~~

20 ~~SEC. 2. 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.~~

26 ~~SEC. 3. The Legislature finds and declares that Section 1 of~~  
27 ~~this act, which amends Section 6270 of the Government Code,~~  
28 ~~further, within the meaning of paragraph (7) of subdivision (b)~~  
29 ~~of Section 3 of Article I of the California Constitution, the purposes~~  
30 ~~of that constitutional section as it relates to the right of public~~  
31 ~~access to the meetings of local public bodies or the writings of~~  
32 ~~local public officials and local agencies. Pursuant to paragraph (7)~~  
33 ~~of subdivision (b) of Section 3 of Article I of the California~~  
34 ~~Constitution, the Legislature makes the following findings:~~

35 ~~It is in the public interest to ensure that members of the public~~  
36 ~~can share, distribute, or publish a public record subject to disclosure~~  
37 ~~by the California Public Records Act.~~