

AMENDED IN ASSEMBLY APRIL 18, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 141

Introduced by Assembly Member Bowen

January 13, 1995

An act to add Section 6270 to the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 141, as amended, Bowen. California Public Records Act: sale of records.

The California Public Records Act requires state and local agencies to make records subject to disclosure under the act available to the public upon request, subject to certain conditions.

This bill would prohibit state and local agencies from selling, exchanging, furnishing, or otherwise providing a public record subject to disclosure under the act to a private entity in a manner that ~~would result in the record no longer being available under~~ *prevents a state or local agency from providing the record pursuant to the act. The bill would state that it does not require a state or local agency to use the State Printer to print public records.*

~~By requiring a higher level of service of local agencies in implementing the California Public Records Act, this bill would impose a state-mandated local program.~~

~~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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$1,000,000, shall be made from the State Mandates Claims Fund.~~

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

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

1 SECTION 1. Section 6270 is added to the
2 Government Code, to read:

3 6270. Notwithstanding any other provision of law, no
4 state or local agency shall sell, exchange, furnish, or
5 otherwise provide a public record subject to disclosure
6 pursuant to this chapter to a private entity in a manner
7 ~~that results in the record no longer being available~~
8 ~~pursuant to this chapter.~~ *that prevents a state or local*
9 *agency from providing the record directly pursuant to*
10 *this chapter. Nothing in this section requires a state or*
11 *local agency to use the State Printer to print public*
12 *records.*

13 ~~SEC. 2. Notwithstanding Section 17610 of the~~
14 ~~Government Code, if the Commission on State Mandates~~
15 ~~determines that this act contains costs mandated by the~~
16 ~~state, reimbursement to local agencies and school~~
17 ~~districts for those costs shall be made pursuant to Part 7~~
18 ~~(commencing with Section 17500) of Division 4 of Title~~
19 ~~2 of the Government Code. If the statewide cost of the~~
20 ~~claim for reimbursement does not exceed one million~~
21 ~~dollars (\$1,000,000), reimbursement shall be made from~~
22 ~~the State Mandates Claims Fund. Notwithstanding~~
23 ~~Section 17580 of the Government Code, unless otherwise~~
24 ~~specified in this act, the provisions of this act shall become~~



1 ~~operative on the same date that the act takes effect~~
2 ~~pursuant to the California Constitution.~~

O

