

AMENDED IN ASSEMBLY SEPTEMBER 8, 1997

AMENDED IN ASSEMBLY AUGUST 28, 1997

AMENDED IN ASSEMBLY JULY 14, 1997

SENATE BILL

No. 1273

Introduced by Senator Hurtt

(Principal coauthor: Assembly Member Alquist)

February 28, 1997

An act to add Section 11104.5 to the Government Code, relating to state agencies.

LEGISLATIVE COUNSEL'S DIGEST

SB 1273, as amended, Hurtt. State agencies: electronic mail.

Existing law provides for the establishment and operation of various state agencies.

This bill would provide that notwithstanding any other provision of law, any requirement that a state agency send material, information, notices, correspondence, or other communication through the United States mail shall be deemed to include the authority for the state agency to send that material, information, notice, correspondence, or other communication by electronic mail upon the request of the recipient, unless impracticable to do so, *or unless contrary to state or federal law*. This bill would authorize a state agency to require that all costs incurred by the agency involving the electronic transmission of requested information shall be paid by the requester, as specified.

This bill would state that nothing in its provisions shall be construed to permit an agency to act in a manner inconsistent with the standards adopted pursuant to specified existing law relating to the availability of public records and information.

Vote: majority. 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 11104.5 is added to the
2 Government Code, to read:

3 11104.5. (a) Notwithstanding any other provision of
4 law, any requirement that a state agency send material,
5 information, notices, correspondence, or other
6 communication through the United States mail shall be
7 deemed to include the authority for the state agency to
8 send that material, information, notice, correspondence,
9 or other communication by electronic mail upon the
10 request of the recipient, unless impracticable to do so, *or*
11 *unless contrary to state or federal law.*

12 (b) Any state agency may require that all costs
13 incurred by the agency involving the electronic
14 transmission of information be paid by the requester
15 prior to release of the information requested *pursuant to*
16 *the California Public Records Act (Chapter 3.5*
17 *(commencing with Section 6250) of Division of Title 1).*

18 (c) Nothing in this section shall be construed to permit
19 an agency to act in a manner inconsistent with the
20 standards adopted pursuant to the California Public
21 Records Act (Chapter 3.5 (commencing with Section
22 6250) of Division 7 of Title 1) and the Information
23 Practices Act of 1977 (Chapter 1 (commencing with
24 Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil
25 Code).

O

