

AMENDED IN ASSEMBLY JULY 27, 1998
AMENDED IN ASSEMBLY JULY 19, 1998
AMENDED IN ASSEMBLY JUNE 24, 1998
AMENDED IN ASSEMBLY JUNE 22, 1998
AMENDED IN SENATE MAY 5, 1998
AMENDED IN SENATE APRIL 13, 1998
AMENDED IN SENATE MARCH 23, 1998

SENATE BILL

No. 2174

Introduced by Senator Rainey

February 20, 1998

An act to add Section 6257.5 to, and to add Chapter 3 (commencing with Section 15650) to Part 9 of Division 3 of Title 2 of, the Government Code, relating to the State Board of Equalization.

LEGISLATIVE COUNSEL'S DIGEST

SB 2174, as amended, Rainey. State Board of Equalization: records.

The California Public Records Act provides that except for exempt records, every state or local agency, upon request, shall make records available to any person upon payment of fees to cover costs.

Existing law generally prohibits members, employees, and agents of the State Board of Equalization from divulging or making known in any manner not provided by law specified

information concerning the business affairs of companies reporting to the board.

This bill would ~~provide certain criteria with regard to the release of records by all agencies under the act specify that the act does not allow limitations on access to a public record based upon the purpose for which the record is being requested, if the record is otherwise subject to disclosure.~~ It would also require, in light of the holding in *State Board of Equalization v. Superior Court* (1992) 10 Cal.App.4th 1177, the State Board of Equalization to adopt regulations to establish procedures and guidelines to access public records, and to study and report to the Legislature by January 1, 2000, concerning the feasibility and cost of indexing its public records.

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. It is the intent of the Legislature in~~
 2 ~~enacting this act to codify the ruling of State Board of~~
 3 ~~Equalization v. Superior Court (1992) 10 Cal.App.4th~~
 4 ~~1177, and to apply provisions from the decision to all~~
 5 ~~agencies subject to the California Public Records Act (Ch.~~
 6 ~~3.5 (commencing with Sec. 6250), Div. 7, Title 1, Gov. C.):~~

7 ~~SEC. 2. Section 6257.5 is added to the Government~~
 8 ~~Code, to read:~~

9 ~~6257.5. (a) The size of a request for documents under~~
 10 ~~this chapter may not by itself be used as a justification to~~
 11 ~~deny the request if the request reasonably describes~~
 12 ~~identifiable records. A request reasonably describes~~
 13 ~~identifiable records if the records can be located with~~
 14 ~~reasonable effort.~~

15 ~~(b)~~
 16 ~~SECTION 1. Section 6257.5 is added to the~~
 17 ~~Government Code, to read:~~

18 ~~6257.5. This chapter does not allow limitations on~~
 19 ~~access to a public record based upon the purpose for~~
 20 ~~which the record is being requested, if the record is~~
 21 ~~otherwise subject to disclosure.~~



1 ~~SEC. 3.—~~

2 SEC. 2. Chapter 3 (commencing with Section 15650)
3 is added to Part 9 of Division 3 of Title 2 of the
4 Government Code, to read:

5

6 CHAPTER 3. ACCESS TO PUBLIC RECORDS

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8 15650. For purposes of this chapter, “public record”
9 means any public record as defined in subdivision (d) of
10 Section 6252.

11 15651. (a) In light of State Board of Equalization v.
12 Superior Court, 10 Cal.App.4th 1177, in which the Court
13 of Appeal affirmed an order of the superior court that the
14 State Board of Equalization disclose its working law, it is
15 the intent of the Legislature, in enacting this chapter, to
16 establish procedures and mechanisms that facilitate
17 maximum accessibility to the public records maintained
18 by the board.

19 (b) The Legislature finds and declares that greater
20 disclosure and better understanding of tax laws and
21 regulations will encourage increased tax compliance.

22 15652. Pursuant to Section 6253, the State Board of
23 Equalization shall adopt regulations to establish
24 procedures and guidelines to access public records. These
25 regulations shall facilitate maximum public accessibility
26 to the board’s public records. These regulations shall
27 specifically identify and describe the types of public
28 records pertaining to the tax and the fee programs
29 maintained by the board.

30 15653. Notwithstanding Section 7550.5, the State
31 Board of Equalization shall study and report to the
32 Legislature, on or before January 1, 2000, on the feasibility
33 and cost of creating and maintaining a subject matter
34 index of public records pertaining to the tax and fee
35 program administered by the board.

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