

AMENDED IN ASSEMBLY MARCH 29, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2100

Introduced by Assembly Members Dutra and Honda

February 22, 2000

An act to repeal Sections 27 and 2027 of the Business and Professions Code, to amend Section 1798.16 of the Civil Code, to amend Sections 16.5, 6254.20, 6276.26, 11340.1, 11344, 11711, and 14825.1 of, to add Chapter 7.5 (commencing with Section 11790) to Division 3 of Title 2 of, to repeal Sections 6254.21, 11015.5, and 11018.5 of, and to repeal Chapter 5.1 (commencing with Section 8330) and Chapter 5.2 (commencing with Section 8333) of Division 1 of Title 2 of, the Government Code, to amend Section 25534.06 of the Health and Safety Code, to amend Section 12921.15 of the Insurance Code, and to amend Sections 311.5 and 324.5 of the Public Utilities Code, relating to information technology.

LEGISLATIVE COUNSEL'S DIGEST

AB 2100, as amended, Dutra. California Electronic Government and Information Act.

Existing law generally provides for the oversight of state information technology programs by the Department of Information Technology. The department is under the direction of the Director of Information Technology, who is also authorized to act as the Chief Information Officer of the state.

Existing law requires various public entities to post certain information and conduct certain activities on the Internet, and generally sets forth criteria for the collecting, disseminating, and sharing of data over the Internet.

This bill would enact the California Electronic Government and Information Act, to establish the California Internet Portal Management Authority within the Department of Information Technology, under the direction of the Chief Information Officer. It would set forth the duties of the authority in administering, managing, maintaining, and establishing policies for the use of, the domain of the State of California on the Internet. It would repeal provisions requiring the posting of specified information on the Internet, and instead provide that the authority would post information on the Internet, or direct a state agency to post that information, should there be an appropriation in the annual Budget Act directing the posting of specific content on the Internet. The bill would specify, with certain exceptions, that after June 30, 2002, no state agency may post information on the Internet unless a proposal for posting has been approved by the authority, according to specified procedures. It would require the Chief Information Officer to convene an Electronic Government Task Force, which would convene a business advisory council and develop a strategic plan for the development of a policy to create an enterprise system environment for all electronic government initiatives.

This bill would make various conforming changes.

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 27 of the Business and
- 2 Professions Code is repealed.
- 3 SEC. 2. Section 2027 of the Business and Professions
- 4 Code is repealed.
- 5 SEC. 3. Section 1798.16 of the Civil Code is amended
- 6 to read:
- 7 1798.16. (a) Whenever an agency collects personal
- 8 information, the agency shall maintain the source or



1 sources of the information, unless the source is the data
2 subject or he or she has received a copy of the source
3 document, including, but not limited to, the name of any
4 source who is an individual acting in his or her own
5 private or individual capacity. If the source is an agency,
6 governmental entity or other organization, such as a
7 corporation or association, this requirement can be met
8 by maintaining the name of the agency, governmental
9 entity, or organization, as long as the smallest reasonably
10 identifiable unit of that agency, governmental entity, or
11 organization is named.

12 (b) On or after July 1, 2001, unless otherwise
13 authorized by the Department of Information
14 Technology pursuant to Executive Order D-3-99,
15 whenever an agency electronically collects personal
16 information, as defined by ~~Section 11790.40 of the~~
17 ~~Government Code~~ *the California Electronic*
18 *Government and Information Act (Chapter 7.5*
19 *(commencing with Section 11790) of Division 3 of Title*
20 *2 of the Government Code)*, the agency shall retain the
21 source or sources or any intermediate form of the
22 information, if either are created or possessed by the
23 agency, unless the source is the data subject that has
24 requested that the information be discarded or the data
25 subject has received a copy of the source document.

26 (c) The agency shall maintain the source or sources of
27 the information in a readily accessible form so as to be
28 able to provide it to the data subject when they inspect
29 any record pursuant to Section 1798.34. This section shall
30 not apply if the source or sources are exempt from
31 disclosure under the provisions of this chapter.

32 SEC. 4. Section 16.5 of the Government Code is
33 amended to read:

34 16.5. "Digital signature" means an electronic
35 identifier intended by the party using it to have the same
36 force and effect as the use of a manual signature.

37 SEC. 5. Section 6254.20 of the Government Code is
38 amended to read:

39 6254.20. Nothing in this chapter shall be construed to
40 require the disclosure of records that relate to



1 electronically collected personal information, as defined
2 by ~~Section 11790.40~~ *the California Electronic*
3 *Government and Information Act (Chapter 7.5*
4 *(commencing with Section 11790) of Division 3 of Title*
5 *2 of the Government Code)*, received, collected, or
6 compiled by a state agency.

7 SEC. 6. Section 6254.21 of the Government Code is
8 repealed.

9 *SEC. 6.5. Section 6276.26 of the Government Code is*
10 *amended to read:*

11 6276.26. Improper obtaining or distributing of
12 information from Department of Motor Vehicles,
13 Sections 1808.46 and 1808.47, Vehicle Code.

14 Improper governmental activities reporting,
15 confidentiality of identity of persons providing
16 information, Section 8547.5, Government Code.

17 Improper governmental activities reporting,
18 disclosure of information, Section 8547.6, Government
19 Code.

20 Industrial accident reports, confidentiality of
21 information, Section 129, Labor Code.

22 Industrial loan companies, confidentiality of financial
23 information, Section 18496, Financial Code.

24 Industrial loan companies, confidentiality of
25 investigation and examination reports, Section 18394,
26 Financial Code.

27 In forma pauperis litigant, rules governing
28 confidentiality of financial information, Section 68511.3,
29 Government Code.

30 Initiative, referendum, recall, and other petitions,
31 confidentiality of names of signers, Section 6253.5,
32 Government Code.

33 Inspector General, Youth and Adult Correctional
34 Agency, confidentiality of records of employee
35 interviews, Section 6127, Penal Code.

36 Insurance claims analysis, confidentiality of
37 information, Section 1875.16, Insurance Code.

38 Insurance Commissioner, confidential information,
39 Sections 735.5, 1077.3, and 12919, Insurance Code.



1 Insurance Commissioner, informal conciliation of
2 complaints, confidential communications, Section
3 1858.02, Insurance Code.
4 Insurance Commissioner, information from
5 examination or investigation, confidentiality of, Sections
6 1215.7, 1433, and 1759.3, Insurance Code.
7 Insurance Commissioner, report to Legislature,
8 confidential information, Section 12961, Insurance Code.
9 Insurance Commissioner, writings filed with
10 nondisclosure, Section 855, Insurance Code.
11 Insurance fraud reporting, information acquired not
12 part of public record, Section 1873.1, Insurance Code.
13 Insurance Holding Company System Regulatory Act,
14 examinations, Section 1215.7, Insurance Code.
15 Insurance licensee, confidential information, Section
16 1666.5, Insurance Code.
17 Insurer application information, confidentiality of,
18 Section 925.3, Insurance Code.
19 Insurer financial analysis ratios and examination
20 synopses, confidentiality of, Section 933, Insurance Code.
21 Insurer, request for examination of, confidentiality of,
22 Section 1067.11, Insurance Code.
23 Integrated Waste Management Board information,
24 prohibition against disclosure, Section 45982, Revenue
25 and Taxation Code.
26 *Internet Security Policy guidelines, Section 11790.31,*
27 *Government Code.*
28 Intervention in regulatory and ratemaking
29 proceedings, audit of customer seeking and award,
30 Section 1804, Public Utilities Code.
31 Investigative consumer reporting agency, limitations
32 on furnishing an investigative consumer report, Section
33 1786.12, Civil Code.
34 SEC. 7. Chapter 5.1 (commencing with Section 8330)
35 of Division 1 of Title 2 of the Government Code is
36 repealed.
37 SEC. 8. Chapter 5.2 (commencing with Section 8333)
38 of Division 1 of Title 2 of the Government Code is
39 repealed.



1 SEC. 9. Section 11015.5 of the Government Code is
2 repealed.

3 SEC. 10. Section 11018.5 of the Government Code is
4 repealed.

5 SEC. 11. Section 11340.1 of the Government Code is
6 amended to read:

7 11340.1. (a) The Legislature declares that it is in the
8 public interest to establish an Office of Administrative
9 Law which shall be charged with the orderly review of
10 adopted regulations. It is the intent of the Legislature that
11 the purpose of this review shall be to reduce the number
12 of administrative regulations and to improve the quality
13 of those regulations which are adopted. It is the intent of
14 the Legislature that agencies shall actively seek to reduce
15 the unnecessary regulatory burden on private individuals
16 and entities by substituting performance standards for
17 prescriptive standards wherever performance standards
18 can be reasonably expected to be as effective and less
19 burdensome, and that this substitution shall be
20 considered during the course of the agency rulemaking
21 process. It is the intent of the Legislature that neither the
22 Office of Administrative Law nor the court should
23 substitute its judgment for that of the rulemaking agency
24 as expressed in the substantive content of adopted
25 regulations. It is the intent of the Legislature that while
26 the Office of Administrative Law shall be part of the
27 executive branch of state government, that the office
28 work closely with, and upon request report directly to,
29 the Legislature in order to accomplish regulatory reform
30 in California.

31 (b) It is the intent of the Legislature that the California
32 Code of Regulations made available on the Internet by
33 the office pursuant to ~~Section 11790.45~~ *the California*
34 *Electronic Government and Information Act (Chapter*
35 *7.5 (commencing with Section 11790))* include complete
36 authority and reference citations and history notes.

37 SEC. 12. Section 11344 of the Government Code is
38 amended to read:

39 11344. The office shall do all of the following:



1 (a) Provide for the official compilation, printing, and
2 publication of adoption, amendment, or repeal of
3 regulations, which shall be known as the California Code
4 of Regulations.

5 (b) Provide for the compilation, printing, and
6 publication of weekly updates of the California Code of
7 Regulations. This publication shall be known as the
8 California Regulatory Code Supplement and shall
9 contain amendments to the code.

10 (c) Provide for the publication dates and manner and
11 form in which regulations shall be printed and distributed
12 and ensure that regulations are available in printed form
13 at the earliest practicable date after filing with the
14 Secretary of State.

15 (d) Ensure that each regulation is printed together
16 with a reference to the statutory authority pursuant to
17 which it was enacted and the specific statute or other
18 provision of law which the regulation is implementing,
19 interpreting, or making specific.

20 SEC. 13. Section 11711 of the Government Code is
21 amended to read:

22 11711. The director shall be responsible for all of the
23 following:

24 (a) Developing plans and policies to support and
25 promote the effective application of information
26 technology within state government as a means of saving
27 money, increasing employee productivity, and
28 improving state services to the public, including public
29 electronic access to state information.

30 (b) Overseeing the management of information
31 technology in state agencies, the development and
32 management of information technology projects, and the
33 acquisition of information technology, to ensure
34 compliance with statewide strategies, policies, and
35 standards.

36 (c) Preparing annual reports to the Governor and the
37 Legislature as to the status and result of the state's specific
38 information technology plans.

39 (d) Developing and maintaining a computer based
40 file, for use by the department and the Legislature, of all



1 information technology projects for which a feasibility
2 study report has been approved.

3 (e) Recommending to the Governor and Legislature
4 changes needed in state policies and laws to accomplish
5 the purposes of this chapter.

6 (f) Identifying which applications of information
7 technology should be statewide in scope, and ensure that
8 these applications are not developed independently or
9 duplicated by individual state agencies.

10 (g) Establishing policies and procedures, where
11 appropriate, to ensure that major projects are scheduled
12 and funded in phases and that authority to proceed to the
13 next phase of a project will be contingent upon successful
14 completion of the prior phase. The policies and
15 procedures to be developed by the director shall include
16 the identification of one or more specific results
17 deliverable for each phase that will provide the basis for
18 assessing the extent to which a phase has been completed
19 successfully.

20 (h) Managing the California Internet Portal
21 Management Authority, pursuant to ~~Article 3~~
22 ~~(commencing with Section 11790.15) of Chapter 7.5. the~~
23 *California Electronic Government and Information Act*
24 *(Chapter 7.5 (commencing with Section 11790)).*

25 SEC. 14. Chapter 7.5 (commencing with Section
26 11790) is added to Division 3 of Title 2 of the Government
27 Code, to read:

28

29 CHAPTER 7.5. CALIFORNIA ELECTRONIC GOVERNMENT
30 AND INFORMATION ACT

31

32 Article 1. General Provisions

33

34 11790. This chapter shall be known and may be cited
35 as the California Electronic Government and
36 Information Act.

37 11790.2. The Legislature finds and declares that the
38 use of internet technology can provide more efficient and
39 effective delivery of services to the citizens of the State
40 of California.



1 11790.3. The Legislature declares that it is the
2 purpose of this chapter to establish an effective public
3 infrastructure at the state and local levels. It is further
4 declared to be the purpose of this chapter to increase
5 through broader infrastructure enhancements the
6 actionable data and information available to enhance
7 services to the citizens of the State of California.

8 11790.4. It is the intent of the Legislature in enacting
9 this chapter to do all of the following:

10 (a) Encourage the creation of uniform standards and
11 policies for the use of Internet technology by state
12 agencies and departments.

13 (b) Maximize the cost savings associated with use of
14 enterprise systems to create a more efficient and
15 effective state government.

16 ~~(c) Improve the provision of services to individuals, by~~
17 ~~promoting the ability to access government through~~
18 ~~internet technology in order to conduct business with~~
19 ~~state agencies, departments, and boards.~~

20 *(c) Improve the provision of services to individuals,*
21 *and promote the ability of citizens to access government*
22 *through Internet technology in order to conduct routine*
23 *business with state agencies, departments, and boards by*
24 *providing for all of the following:*

25 *(1) Payment by electronic means of fees, taxes,*
26 *registrations, and permits.*

27 *(2) Application for permits, licenses, grants, and other*
28 *services.*

29 *(3) Posting of public records and information for*
30 *public perusal.*

31 (d) Provide tools to state departments to encourage
32 the development of enterprise systems to improve
33 current business practices and develop new internal
34 business models for the state.

35 (e) Protect the privacy of Californians *and the state's*
36 *electronic infrastructure* through the use of advanced
37 digital signature and encryption technologies.

38 11790.5. Except as specifically provided, this chapter
39 shall not impact any obligations of the state or its citizens



1 provided under the Public Records Act (Chapter 3.5
2 (commencing with Section 6250) of Division 7 of Title 1).

3 11790.6. Except as specifically provided, this chapter
4 shall not impact any obligations of the state or its citizens
5 provided under the Information Practices Act (Title 1.8
6 (commencing with Section 1798) of Part 4 of Division 3
7 of the Civil Code).

8 11790.7. Unless the provision or context requires
9 otherwise, the following definitions shall govern the
10 construction of this chapter:

11 (a) "Domain" shall mean any globally unique address
12 space, or hierarchical reference to an internet host or
13 service, assigned through centralized internet naming
14 authorities, occupied by the State of California on the
15 internet or any address that is identified as the property
16 of the state, including, but not limited to, any address
17 combination comprising a series of character strings
18 separated by periods, with the rightmost character string
19 specifying the top of the hierarchy that includes "ca.gov."

20 (b) "Internet" means the global information system
21 that is logically linked together by a globally unique
22 address space based on the Internet Protocol (IP), or its
23 subsequent extensions, and that is able to support
24 communications using the Transmission Control
25 Protocol/Internet Protocol (TCP/IP) suite, or its
26 subsequent extensions, or other IP-compatible protocols,
27 and that provides, uses, or makes accessible, either
28 publicly or privately, high level services layered on the
29 communications and related infrastructure described in
30 this subdivision.

31 (c) (1) "State agencies" shall include all state
32 agencies, departments, boards, constitutional officers,
33 and any other entity, except for the legislative and
34 judicial branches, which as of January 1, 2000, had
35 identified themselves on the Internet as part of the
36 domain of the State of California.

37 (2) *Notwithstanding subdivision (a) of Section 11000,*
38 *"state agency" as used in this chapter includes the*
39 *California State University.*

40



1 Article 2. Internet Domain

2
3 11790.10. There shall be only one domain of the State
4 of California on the Internet.

5 11790.11. The domain shall include all state agencies,
6 the legislative and judicial branches, and all entities that,
7 as of January 1, 2000, had been identified on the Internet
8 as part of the domain of the State of California.

9 11790.12. The domain shall be administered by the
10 California Internet Portal Management Authority.

11
12 Article 3. California Internet Portal Management
13 Authority

14
15 11790.15. The California Internet Portal Management
16 Authority is hereby established in the Department of
17 Information Technology.

18 11790.16. The authority shall be responsible for
19 administering, managing, maintaining, and establishing
20 policies for the use of, California's domain on the Internet.

21 11790.17. The authority shall operate as a division of
22 the Department of Information Technology in all matters
23 not addressed by this chapter.

24 11790.18. The Chief Information Officer of the State
25 of California shall act as director of the authority.

26 11790.19. No state agency, except the Secretary of
27 State as provided by this chapter, may post information
28 on the Internet unless a proposal for posting has been
29 approved by the authority in accordance with the criteria
30 established pursuant to this chapter.

31 11790.20. The authority shall develop technical
32 criteria and policies for the approval and denial of
33 proposed postings on the Internet.

34 11790.21. The authority shall determine no later than
35 10 business days after submission whether or not the
36 proposal for posting meets the ~~technical criteria and~~
37 ~~policies developed.~~ *rules, regulations, technical criteria,*
38 *or portions of the enterprise plan established by the*
39 *Electronic Government Task Force.*

1 11790.22. The authority may not deny the posting of
2 information based on the nontechnical content of the
3 proposal, except as otherwise directed by this article.

4 11790.23. (a) The authority may deny the posting of
5 information should the proposal of the state agency fail to
6 include any content provisions as required by Article 6
7 (commencing with Section 11790.50).

8 (b) The failure to include any content provisions as
9 required by Article 6 (commencing with Section
10 11790.50), within the information proposed by a state
11 agency once posted on the Internet shall be the sole
12 responsibility of the state agency that requested posting
13 on the domain.

14 11790.24. All nontechnical content of information
15 proposed by a state agency once posted on the Internet
16 shall be owned and shall be the sole responsibility of the
17 state agency that requested posting on the domain.

18 11790.25. The authority may post information on the
19 Internet on behalf of any state agency, with or without
20 the prior approval of that agency, if the authority is
21 implementing the policy recommendations of the
22 Electronic Government Task Force, acting within the
23 guidelines of technical criteria and policies established for
24 the approval and denial of proposals, fulfilling the
25 requirements of this chapter, conforming to a federal
26 standard, or acting in response to a change in statute.

27 11790.26. The authority shall post information on the
28 Internet, or direct a state agency to post information on
29 the Internet, should there be an appropriation in the
30 annual Budget Act directing the posting of specific
31 content on the Internet.

32 11790.27. The authority shall post all information on
33 the Internet developed by the Legislative Counsel
34 pursuant to Section 10248. Should the Legislative Counsel
35 propose technical content not consistent with authority
36 posting policies, the authority shall advise the Legislative
37 Counsel by letter as to alternative technologies available
38 and the impact on the budget of the Legislative Counsel
39 to properly maintain the information posted under the
40 current and any alternative technical systems.



1 11790.28. (a) The authority shall submit a quarterly
2 letter to the Joint Legislative Budget Committee with a
3 complete listing of all proposals submitted, the
4 determination made by the authority, the cost of
5 implementing and maintaining each proposal, and the
6 enterprise solutions associated with each proposal.

7 (b) The authority shall submit a quarterly letter to the
8 Joint Legislative Budget Committee with a complete
9 listing of all proposals generated as a result of the annual
10 Budget Act as well as all requests submitted by individual
11 legislators, the cost of implementing and maintaining
12 each proposal, and the enterprise solutions associated
13 with each proposal.

14 11790.29. All information posted on the Internet prior
15 to the establishment of the authority shall be considered
16 approved by the authority until June 30, 2002, or until the
17 authority receives a proposal to replace information
18 posted on the Internet, ~~whichever is earlier.~~ *or the*
19 *authority implements enterprise system policy*
20 *requirements pursuant to this chapter, whichever is*
21 *earliest.*

22 11790.30. The authority shall implement the
23 enterprise system policy recommendations of the
24 Electronic Government Task Force, made pursuant to
25 Section ~~11790.40~~ 11790.37, no later than December 31,
26 2002.

27 11790.31. (a) *The authority shall develop an Internet*
28 *Security Policy and issue guidelines for its*
29 *implementation no later than December 31, 2002.*

30 (b) *The authority shall not approve any submitted*
31 *proposals for posting that do not conform to the Internet*
32 *security policy.*

33 (c) *While the Internet security policy shall be a matter*
34 *of public record, the guidelines developed according to*
35 *this section to implement the policy shall be exempt from*
36 *the California Public Records Act (Chapter 3.5*
37 *(commencing with Section 6250) of Division 7 of Title 1).*

38 11790.32. The Chief Information Officer may issue
39 rules and regulations in order to implement or administer
40 the provisions of this chapter.



Article 4. Electronic Government Task Force

11790.35. The Chief Information Officer shall convene an Electronic Government Task Force made up of individuals from within state government, as determined by the Chief Information Officer.

11790.36. The task force shall convene a business advisory council made up of individuals from the private sector well-acquainted with Internet technology, as determined by the Chief Information Officer, and shall meet no less than twice a year.

11790.37. The task force shall develop a strategic plan for the development of a policy to create an enterprise system environment for all electronic government initiatives and present this plan to the authority no later than ~~November 1~~ December 31, 2001.

Article 5. Internet Posting and Privacy Requirements and Restrictions

~~11790.40. (a) On or after July 1, 2001, unless otherwise authorized by the Department of Information Technology pursuant to Executive Order D-3-99, every state agency, including the California State University,~~

11790.40. The authority shall not approve for posting any proposal that does not include direct access to a plain-language privacy policy or to any notice required by this article.

~~11790.41. Every state agency that utilizes any method, device, identifier, or other data base application on the Internet to electronically collect personal information, as defined in subdivision (d) Section 11790.49, regarding any user shall prominently display the following at at least one anticipated initial point of communication with a potential user, to be determined by each agency, and in instances when the specified information would be collected:~~

~~(1) include in every proposal for posting on the Internet a prominent display of the following instances when the information specified would be collected.~~



1 (a) Notice to the user of the usage or existence of the
2 information gathering method, device, identifier, or
3 other data base application.

4 ~~(2)~~

5 (b) Notice to the user of the type of personal
6 information that is being collected and the purpose for
7 which the collected information will be used.

8 ~~(3)~~

9 (c) Notice to the user of the length of time that the
10 information gathering device, identifier, or other data
11 base application will exist in the user's hard drive, if
12 applicable.

13 ~~(4)~~

14 (d) Notice to the user that he or she has the option of
15 having his or her personal information discarded without
16 reuse or distribution, provided that the appropriate
17 agency official or employee is contacted after notice is
18 given to the user.

19 ~~(5)~~

20 (e) Notice to the user that any information acquired
21 by the state agency, including the California State
22 University, is subject to the limitations set forth in the
23 Information Practices Act of 1977 (Title 1.8 (commencing
24 with Section 1798) of Part 4 of Division 3 of the Civil
25 Code).

26 ~~(6)~~

27 (f) Notice to the user that state agencies shall not
28 distribute or sell any electronically collected personal
29 information, as defined in ~~subdivision (d)~~ *Section 11749*,
30 about users to any third party without the permission of
31 the user.

32 ~~(7)~~

33 (g) Notice to the user that electronically collected
34 personal information, as defined in ~~subdivision (d)~~
35 *Section 11790.49*, is exempt from requests made pursuant
36 to the California Public Records Act (Chapter 3.5
37 (commencing with Section 6250) of Division 7 of Title 1).

38 ~~(8)~~

39 (h) The title, business address, telephone number, and
40 electronic mail address, if applicable, of the agency



1 official who is responsible for records requests, as
2 specified by subdivision (b) of Section 1798.17 of the Civil
3 Code, or the agency employee designated pursuant to
4 Section 1798.22 of that code, as determined by the agency,
5 who is responsible for ensuring that the agency complies
6 with requests made pursuant to this section.

7 ~~(b)~~

8 11790.42. A state agency shall not distribute or sell any
9 electronically collected personal information about users
10 to any third party without prior written permission from
11 the user, except as required to investigate possible
12 violations of Section 502 of the Penal Code or as
13 authorized under the Information Practices Act of 1977
14 (Title 1.8 (commencing with Section 1798) of Part 4 of
15 Division 3 of the Civil Code). Nothing in this ~~subdivision~~
16 *section* shall be construed to prohibit a state agency from
17 distributing electronically collected personal information
18 to another state agency or to a public law enforcement
19 organization in any case where the security of a network
20 operated by a state agency and exposed directly to the
21 Internet has been, or is suspected of having been,
22 breached.

23 ~~(e)~~

24 11790.43. A state agency shall discard without reuse or
25 distribution any electronically collected personal
26 information, as defined in subdivision (d), upon request
27 by the user.

28 (d) For purposes of this section:

29 (1) ~~“Electronically collected personal information”~~
30 ~~means any information that is maintained by an agency~~
31 ~~that identifies or describes an individual user, including,~~
32 ~~but not limited to, his or her name, social security~~
33 ~~number, physical description, home address, home~~
34 ~~telephone number, education, financial matters, medical~~
35 ~~or employment history, password, electronic mail~~
36 ~~address, and information that reveals any network~~
37 ~~location or identity, but excludes any information~~
38 ~~manually submitted to a state agency by a user, whether~~
39 ~~electronically or in written form, and information on or~~
40 ~~relating to individuals who are users serving in a business~~



1 capacity, including, but not limited to, business owners,
2 officers, or principals of that business.

3 (2) “User” means an individual who communicates
4 with a state agency or with an agency employee or official
5 electronically.

6 (e) ~~Nothing in this section shall be construed to permit
7 an agency to act in a manner inconsistent with the
8 standards and limitations adopted pursuant to the
9 California Public Records Act (Chapter 3.5
10 commencing with Section 6250) of Division 7 of Title 1)
11 or the Information Practices Act of 1977 (Title 1.8
12 commencing with Section 1798) of Part 4 of Division 3
13 of the Civil Code).~~

14 ~~11790.41.—~~

15 *11790.44.* (a) No state or local agency shall post the
16 home address or telephone number of any elected or
17 appointed official on the Internet without first obtaining
18 the written permission of that individual.

19 (b) Nothing in this section shall be construed to
20 prohibit a state or local agency from maintaining a
21 searchable ~~internet~~ *Internet* data base, as long as the
22 home addresses or telephone numbers of elected or
23 appointed officials cannot be accessed through that data
24 base by a search for title or position.

25 (c) For purposes of this section “elected or appointed
26 official” includes, but is not limited to, all of the following:

- 27 (1) State constitutional officers.
- 28 (2) Members of the Legislature.
- 29 (3) Judges and court commissioners.
- 30 (4) District attorneys.
- 31 (5) Public defenders.
- 32 (6) Members of a city council.
- 33 (7) Members of a board of supervisors.
- 34 (8) Appointees of the Governor.
- 35 (9) Appointees of the Legislature.
- 36 (10) Mayors.
- 37 (11) City attorneys.
- 38 (12) Police chiefs and sheriffs.

39 ~~11790.42. (a) All state agencies that have internet
40 websites shall implement this section in a manner that is~~



1 consistent with the statewide strategy for electronic
2 commerce as established by the Department of
3 Information Technology.

4 ~~(b) State agencies shall make available on the internet,~~

5 11790.45. *(a) State agencies shall submit proposals*
6 *for posting on the Internet*, on or after July 1, 2001, unless
7 otherwise authorized by the Department of Information
8 Technology pursuant to Executive Order D-3-99, a
9 plain-language form through which individuals can
10 register complaints or comments relating to the
11 performance of that agency. The agency shall provide
12 instructions on filing the complaint electronically, or on
13 the manner in which to complete and mail the complaint
14 form to the state agency, or both, consistent with
15 whichever method the agency establishes for the filing of
16 complaints.

17 ~~(e)~~

18 *(b) Any printed complaint form used by a state agency*
19 *as part of the process of receiving a complaint against any*
20 *licensed individual or corporation subject to regulation*
21 *by that agency shall be made available by the agency on*
22 ~~*the internet submitted by the agency as a proposal for*~~
23 ~~*posting on the Internet*~~ on or after July 1, 2001, unless
24 otherwise authorized by the Department of Information
25 Technology pursuant to Executive Order D-3-99. The
26 agency shall provide instructions on filing the complaint
27 electronically, or on the manner in which to complete
28 and mail the complaint form to the state agency, or both,
29 consistent with whichever method the agency establishes
30 for the filing of complaints.

31 ~~(d) State agencies making a complaint form available~~
32 ~~on the internet shall, to the extent feasible:~~

33 ~~(1) Advise individuals calling the state agency to lodge~~
34 ~~a complaint of both of the following:~~

35 ~~(A) The availability of the complaint form on the~~
36 ~~internet.~~

37 ~~(B) That many public libraries provide internet~~
38 ~~access.~~

39 ~~(2) Include on the Internet the location at which this~~
40 ~~information may be accessed in the telephone directory~~



1 ~~in order that citizens will be aware that they may contact~~
2 ~~the state agency via the internet or by telephone.~~

3 ~~(e) Public libraries, to the extent permitted through~~
4 ~~donations and other means, may do each of the following:~~

5 ~~(1) Provide Internet access to their patrons.~~

6 ~~(2) Advertise that they provide internet access.~~

7 ~~(f) Notwithstanding subdivision (a) of Section 11000,~~
8 ~~the term "state agency" as used in this section includes~~
9 ~~the California State University.~~

10 ~~(g)~~

11 (c) It is the intent of the Legislature that this section
12 shall not apply to the Reporting of Improper
13 Governmental Activities Act (Article 3 (commencing
14 with Section 8547) of Chapter 6.5) or the procedures
15 established to investigate citizens' complaints against
16 peace officers as required by Section 832.5 of the Penal
17 Code.

18 ~~(h)~~

19 (d) Any reference in code or regulation to the Citizen
20 Complaint Act of 1997 shall be construed to refer to this
21 section.

22 ~~11790.43. (a) All state agencies that have internet~~
23 ~~websites shall, to the best of their ability, implement this~~
24 ~~section in a manner that is consistent with the statewide~~
25 ~~strategy for electronic commerce as established by the~~
26 ~~Department of Information Technology.~~

27 ~~(b) State agencies may make available on the internet~~

28 *11790.46. (a) State agencies shall submit proposals*
29 *for posting on the Internet, on or after July 1, 2001, unless*
30 *otherwise authorized by the Department of Information*
31 *Technology pursuant to Executive Order D-3-99, a listing*
32 *of all grants administered by that agency, which shall*
33 *provide instructions on filing grant applications*
34 *electronically, or on the manner in which to download,*
35 *complete, and mail grant applications to the state agency,*
36 *or both, consistent with whichever method the agency*
37 *establishes for the filing of grant applications.*

38 ~~(e) Each state agency may~~

39 (b) *Each state agency shall include in its proposal for*
40 *posting a listing of grants administered by that agency*



1 *pursuant to subdivision (a), shall* make any printed grant
2 application form used by the agency to award grants that
3 are subject to administration by that agency available on
4 the Internet, and shall provide the instructions specified
5 in subdivision ~~(b)~~.

6 ~~(d) State agencies making grant application forms~~
7 ~~available on the Internet shall, to the extent feasible,~~
8 ~~advise individuals calling the state agency for information~~
9 ~~about a grant program of both of the following:~~

10 ~~(1) The availability of grant information on the~~
11 ~~internet.~~

12 ~~(2) That many public libraries provide internet access.~~

13 ~~(e) Each state agency posting a listing of grants~~
14 ~~administered by that agency pursuant to subdivision (b)~~
15 ~~(a).~~

16 *(c) Each state agency shall include in its proposal for*
17 *posting a listing of grants administered by that agency*
18 *pursuant to subdivision (a) and shall include an executive*
19 *summary of each grant as part of that listing that includes,*
20 *but is not limited to, all of the following:*

21 (1) The title of the grant opportunity and grant
22 identification number.

23 (2) A brief description of the request for proposals
24 (RFP) or request for assistance (RFA).

25 (3) Grant eligibility requirements.

26 (4) Geographic limitations, if any.

27 (5) Description of the total available grant funding,
28 the number of awards, and the amounts per award.

29 (6) Period of time covered by the grant.

30 (7) Date the request for proposals (RFP) or request
31 for assistance (RFA) is issued.

32 (8) Deadline for proposals to be submitted.

33 (9) Internet address for electronic submission, when
34 appropriate.

35 (10) Contact information.

36 ~~(f) (1) Notwithstanding subdivision (a) of Section~~
37 ~~11000, “state agency” as used in this section includes the~~
38 ~~office of the Chancellor of the California State University,~~
39 ~~but does not include any individual campus of the~~



1 ~~California State University or any auxiliary enterprise~~
2 ~~affiliated with the California State University.~~

3 ~~(2) This chapter~~

4 ~~(d) This section shall only apply to the office of the~~
5 ~~Chancellor of the California State University if the~~
6 ~~decision to award or not to award funds to an individual~~
7 ~~or entity filing a grant application is under the control of~~
8 ~~the office of the Chancellor of the California State~~
9 ~~University. This ~~chapter~~ section shall not apply to~~
10 ~~opportunities available solely to the campuses of the~~
11 ~~California State University and auxiliary enterprises~~
12 ~~affiliated with the California State University to apply for~~
13 ~~funds to the office of the Chancellor of the California~~
14 ~~State University.~~

15 ~~(g)~~

16 ~~(e) "Grant" as used in this section, means a solicited or~~
17 ~~unsolicited proposal, including, but not limited to, a~~
18 ~~request for proposals (RFP) and a request for~~
19 ~~applications (RFA), to furnish assistance to another~~
20 ~~entity so that the latter may carry out its own program.~~
21 ~~The term shall not include the procurement of goods or~~
22 ~~services for a state agency nor the acquisition,~~
23 ~~construction, alteration, improvement, or repair of real~~
24 ~~property for a state agency.~~

25 ~~(h) This section shall not be implemented until July 1,~~
26 ~~2001, unless otherwise authorized by the Department of~~
27 ~~Information Technology pursuant to Executive Order~~
28 ~~D-3-99.~~

29 ~~(i)~~

30 ~~(f) Any reference in statute or regulation to the Grant~~
31 ~~Information Act of 1999 shall be construed to refer to this~~
32 ~~section.~~

33 ~~11790.44.—~~

34 ~~11790.47. All state agencies shall promptly submit~~
35 ~~proposals to the authority allowing for the rapid posting~~
36 ~~of information on the Internet pursuant to the~~
37 ~~requirements of the Bagley-Keene Open Meeting Act~~
38 ~~(Art. 9 (commencing with Sec. 11125), Ch. 1).~~

39 ~~11790.45.—(Article 9 (commencing with Section~~
40 ~~11125) of Chapter 1).~~



1 11790.48. The Office of Administrative Law shall
2 promptly submit a comprehensive proposal for the
3 posting and maintenance of the full text, amendments to,
4 and repeal of, the California Code of Regulations and the
5 California Regulatory Code Supplement on the Internet.

6 11790.49. For purposes of this article:

7 (a) “Electronically collected personal information”
8 means any information that is maintained by an agency
9 that identifies or describes an individual user, including,
10 but not limited to, his or her name, social security
11 number, physical description, home address, home
12 telephone number, education, financial matters, medical
13 or employment history, password, electronic mail
14 address, and information that reveals any network
15 location or identity, but excludes any information
16 manually submitted to a state agency by a user, whether
17 electronically or in written form, and information on or
18 relating to individuals who are users serving in a business
19 capacity, including, but not limited to, business owners,
20 officers, or principals of that business.

21 (b) “User” means an individual who communicates
22 with a state agency or with an agency employee or official
23 electronically.

24 11790.50. Nothing in this article shall be construed to
25 permit an agency to act in a manner inconsistent with the
26 standards and limitations adopted pursuant to the
27 California Public Records Act (Chapter 3.5
28 commencing with Section 6250) of Division 7 of Title 1)
29 or the Information Practices Act of 1977 (Title 1.8
30 commencing with Section 1798) of Part 4 of Division 3
31 of the Civil Code).

32

33 Article 6. Digital Signatures

34

35 ~~11790.50.~~

36 11790.55. In the utilization of the California domain or
37 in any written communication with a public entity, as
38 defined in Section 811.2, in which a signature is required
39 or used, any party to the communication may affix a



1 signature by use of a digital signature that complies with
2 the requirements of this article.

3 ~~11790.51.—~~

4 *11790.56.* The use of a digital signature shall have the
5 same force and effect as the use of a manual signature if
6 and only if it embodies all of the following attributes:

7 (a) It is unique to the person using it.

8 (b) It is capable of verification.

9 (c) It is under the sole control of the person using it.

10 (d) It is linked to data in such a manner that if the data
11 are changed, the digital signature is invalidated.

12 (e) It conforms to regulations adopted pursuant to this
13 article.

14 ~~11790.52.—~~

15 *11790.57.* (a) By January 1, 2002, the authority shall
16 adopt regulations for the use of digital signatures by state
17 agencies.

18 (b) Prior to the adoption of regulations by the
19 authority, those regulations adopted by the Secretary of
20 State prior to January 1, 1997, shall apply.

21 ~~11790.53.—~~

22 *11790.58.* The authority may issue specific rules and
23 regulations for applicable uses, permitted uses, or the
24 appropriate requirements for the use of digital signatures
25 by state agencies.

26 ~~11790.54.—~~

27 *11790.59.* The authority may require a public entity to
28 ~~use digital signatures~~ *recognize adopted digital signature*
29 *regulations, or recognize their use in the Internet security*
30 *policy* in the utilization of the California domain.

31

32 Article 7. Electronic Payments

33

34 ~~11790.60.—~~

35 *11790.66.* (a) The authority shall ~~develop~~ *adopt* rules
36 and regulations that authorize public entities to accept,
37 in lieu of payment by cash or check, payment by
38 electronic means for any tax, assessment, rate, fee,
39 charge, rent, interest, penalty, or any other account
40 receivable by ~~November 1, 2001.~~ *December 31, 2001.*



1 (b) The authority shall receive from the Controller on
2 or before November 1, 2001, guidelines for the adoption
3 of rules and regulations pursuant to subdivision (a).

4 (c) The Controller shall establish guidelines for the
5 methods and processes for the receipting, disbursing, and
6 accounting of all state moneys by any method. These
7 methods shall include, but are not limited to, transactions
8 by paper, electronic means, and by third-party
9 processors. The guidelines for the use of warrants also
10 may include the use of automated clearing house
11 methods, financial electronic data interchange, emerging
12 electronic payments, or industry accepted transactions
13 associated with electronic commerce or any other
14 electronic processing of payments, through the banking
15 and finance system as established and regulated by the
16 federal Treasury Department.

17 (d) State agencies that are recipients of state or federal
18 moneys or both state and federal moneys must establish
19 procedures to receive these payments electronically in
20 compliance with subdivision (a) by December 31, 2002,
21 if electronic payments are requisite components of any
22 proposal for posting or the execution of the enterprise
23 system plan.

24 ~~11790.61.—~~

25 11790.67. The authority shall confer with the
26 ~~Treasurer and Controller prior to issuing new rules and~~
27 ~~Controller 60 days prior to amending any adopted rules~~
28 or regulations on electronic payment.

29 ~~11790.62.—~~

30 11790.68. It is the intent of the Legislature that
31 departments absorb fees or charges associated with the
32 use of electronic payment when feasible. However, the
33 authority shall determine criteria and circumstances
34 under which departments may require a debtor who pays
35 by electronic payment to pay any fee or charge associated
36 with the use of electronic payment.

37 SEC. 15. Section 14825.1 of the Government Code is
38 amended to read:

39 14825.1. The California State Contracts Register shall
40 be published not less than twice a month and shall include



1 information deemed appropriate by the Department of
2 General Services. The register shall include all of the
3 following:

4 (a) Contract identification number.

5 (b) A description of the contract to be performed.

6 (c) All deadlines for submitting bid proposals or other
7 required steps in the contract process, including the
8 location and estimated duration of the contract where
9 appropriate.

10 (d) Any eligibility requirements and preferences.

11 (e) Department, name, and telephone number of the
12 person or persons to contact for further bid and submittal
13 information.

14 SEC. 16. Section 25534.06 of the Health and Safety
15 Code is amended to read:

16 25534.06. (a) A city or county that adopts, amends, or
17 repeals an ordinance related to the regulation of
18 regulated substances pursuant to this article shall do so at
19 a public meeting for which notice has been given in a
20 newspaper of general circulation that is published and
21 circulated in the affected city or county, and the city or
22 county shall state in the ordinance the reasons for
23 adopting, amending, or repealing the ordinance.

24 (b) A city or county required to provide notice
25 pursuant to subdivision (a) may, in addition to publishing
26 the notice in a newspaper of general circulation, submit
27 the notice to the California Environmental Protection
28 Agency, which shall submit a proposal to the California
29 Internet Portal Management Authority to post that
30 notice on the Internet at a location established for notices
31 that may be posted pursuant to this subdivision.

32 (c) The California Environmental Protection Agency
33 shall not implement subdivision (b) until July 1, 2001,
34 unless otherwise authorized to do so on an earlier date, in
35 accordance with a process for considering exemptions
36 established by the Year 2000 Executive Committee,
37 pursuant to Executive Order D-3-99.

38 SEC. 17. Section 12921.15 of the Insurance Code is
39 amended to read:



1 12921.15. On or before July 1, 1999, the commissioner
2 shall prepare a written report, to be made available by the
3 department to interested individuals, that details
4 complaint and enforcement information on individual
5 insurers in accordance with guidelines established under
6 paragraph (5) of subdivision (a) of Section 12921.1. No
7 complaint information shall be included in the report
8 required by this section that has not been provided to the
9 insurer in accordance with subdivision (c) of Section
10 12921.1.

11 SEC. 18. Section 311.5 of the Public Utilities Code is
12 amended to read:

13 311.5. (a) Prior to commencement of any meeting at
14 which commissioners vote on items on the public agenda
15 the commission shall make available to the public copies
16 of the agenda, and upon request, any agenda item
17 documents that are proposed to be considered by the
18 commission for action or decision at a commission
19 meeting.

20 (b) In addition, the commission shall publish the
21 agenda, agenda item documents, and adopted decisions
22 in a manner that makes copies of them easily available to
23 the public.

24 SEC. 19. Section 324.5 of the Public Utilities Code is
25 amended to read:

26 324.5. (a) The Public Utilities Commission shall
27 publish any data it collects for its clearinghouse minority
28 and women business data base that it deems to be
29 nonconfidential, including, but not limited to, company
30 name, address, telephone number, fax number, point of
31 contact, federal Standard Industrial Classification (SIC)
32 code, ethnicity code, gender code, and business
33 description, for use by governmental agencies and the
34 public who request the information. Publication of the
35 data base shall be done on a semiannual basis and shall be
36 made available in written and electronic forms.

37 (b) The commission may impose fees on the
38 requesters of information commensurate with its cost to



- 1 publish, duplicate, or provide computer access to the data
- 2 base.

O

