Franchise Tax Board

SUMMARY ANALYSIS OF AMENDED BILL

Author: Burton & McPherson | Analyst: Marion Mann DeJong | Bill Number: SCA 1

Related Bills: See Prior Analysis | Telephone: 845-6979 | Amended Date: 05/27/2003

Attorney: Patrick Kusiak | Sponsor: _____

SUBJECT: Access to Government Information

____ DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as introduced/amended _____.

____ AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.

____ AMENDMENTS DID NOT RESOLVE THE DEPARTMENT'S CONCERNS stated in the previous analysis of bill as introduced/amended _____.

____ FURTHER AMENDMENTS NECESSARY.

____ DEPARTMENT POSITION CHANGED TO _____.

X REMAINDER OF PREVIOUS ANALYSIS OF BILL AS INTRODUCED December 2, 2002, STILL APPLIES.

X OTHER - See comments below.

SUMMARY

This is a proposal that would place a constitutional amendment on the ballot concerning the people's rights to access certain public information.

SUMMARY OF AMENDMENTS

The May 27, 2003, amendments clarified that this constitutional amendment would not supersede or modify any existing provision of the California Constitution.

The discussions of "This Constitutional Amendment" and "Implementation Considerations" from the department's analysis of SCA 1 as introduced December 2, 2002, are replaced with the information below. The remainder of the department's analysis of SCA 1 as introduced December 2, 2002, still applies. This analysis replaces the department's analysis of SCA 1 as amended May 6, 2003. The Board's Position remains pending.

Board Position:			Legislative Director	Date
____ S	____ NA	____ NP	Brian Putler	06/03/03
____ SA	____ O	____ NAR		
____ N	____ OUA	X PENDING		

THIS CONSTITUTIONAL AMENDMENT

This proposal would place a constitutional amendment on the ballot concerning the people's rights to access public information. Specifically, this measure would:

- Specify that the people have a right to access information concerning the conduct of the people's business.

- Provide that meetings of public bodies and writings of public officials and agencies shall be open to public scrutiny.

- Provide that any statute, court rule, or other authority, including those in effect on the effective date of this constitutional amendment, shall be broadly construed if it effectuates the people's right of access, and narrowly construed if it limits the right of access.

- Provide that a statute, court rule, or other authority adopted after the effective date of this constitutional amendment that limits the right of access shall be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

- Provide that this constitutional amendment may not be construed to supersede or modify the right to privacy guaranteed by the California Constitution. In addition, the constitutional amendment would not affect the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy. This would include any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.

- Provide that this constitutional amendment would not supersede or modify any existing provisions of the California Constitution. This would include the guarantee that a person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws.

- Provide that this constitutional amendment would not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings of public bodies that is in effect on the effective date of this constitutional amendment. This would extend to any statute protecting the confidentiality of law enforcement and prosecution records.

IMPLEMENTATION CONSIDERATIONS

Implementing this proposal should not significantly impact the department's programs and operations.

LEGISLATIVE STAFF CONTACT

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