

SUMMARY ANALYSIS OF AMENDED BILL

Franchise Tax Board

Author: Papan Analyst: Darrine Distefano Bill Number: AB 1014

Related Bills: See Prior Analysis Telephone: 845-6458 Amended Date: 08-23-2001

Attorney: Patrick Kusiak Sponsor: _____

SUBJECT: Public Records Disclosure Procedure/State Agencies State Date & Time Records Will Be Available

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 amended August 20, 2001.

FURTHER AMENDMENTS NECESSARY.

DEPARTMENT POSITION CHANGED TO _____.

REMAINDER OF PREVIOUS ANALYSIS OF BILL AS AMENDED August 20, 2001 STILL APPLIES.

OTHER - See comments below.

SUMMARY

When responding to a California Public Records Act (the Act) request, this bill would require an agency to:

- * Estimate the date and time public records would be available to the requester; and
- * Provide several additional services when assisting the requester.

SUMMARY OF AMENDMENTS

The August 23, 2001, amendments made the following changes:

- * Clarifies that members of the public would be entitled to obtain a copy of a public record, rather than copying it themselves.
- * Specifies that a public agency will have satisfied the requirement of assisting the requester if the agency is unable to find the record after making a reasonable effort to gain additional information from the requester on the record they are seeking.
- * Adds the requirement that additional assistance is not required if the agency makes an index of its record available to the requester.

Board Position:

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Legislative Director

Date

Brian Putler

09/07/01

The amendments did not resolve the department's implementation or technical considerations with respect to the bill as amended August 20, 2001. Accordingly, the unresolved implementation and technical considerations are repeated below for convenience. The remainder of the department's analysis of the bill as amended May 1, 2001, still applies.

POSITION

Pending.

IMPLEMENTATION CONSIDERATIONS

The bill would add the new term "information" to the Act. Presently, the Act requires the release only of disclosable public records, not "information." It is unclear what "information" the bill would require an agency to identify. To be consistent with other provisions of the Act, the department would interpret "information" to mean a public record. However, it would be preferable if the term "information" is clarified or defined.

TECHNICAL CONSIDERATIONS

The author may wish to clarify that the bill would apply to requests for public records made on or after January 1, 2002. This would reduce potential confusion regarding requests that have been made before that date and are still being processed.

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