

State of California

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Legislative Change No.

04-40

Proposition

Number: 59 (SCA 1)

Author: Burton & McPherson

Resolution

Chapter Number: 04-01

Laws Affecting Franchise Tax Board: Section 3 of Article 1 of the California Constitution

Date Filed with the Secretary of the State: January 14, 2004 (SCA 1)

Date Approved By Voters: November 2, 2004 (Prop. 59)

SUBJECT: Access to Government Information

Proposition 59 (Burton and McPherson), made the following changes to California law:

Section 3 of Article 1 of the California Constitution is amended as follows:

- Specifies that the people have a right to access information concerning the conduct of the people's business.
- Provides that meetings of public bodies and writings of public officials and agencies shall be open to public scrutiny.
- Provides that any statute, court rule, or other authority, including those in effect on November 3, 2003, shall be broadly construed if it effectuates the people's right of access, and narrowly construed if it limits the right of access.
- Provides that a statute, court rule, or other authority adopted after November 3, 2003, 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.
- Provides 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 does not affect the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy. This includes any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.
- Provides that this constitutional amendment does not supersede or modify any existing provisions of the California Constitution. This includes 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.

Bureau Director

Jana Howard for Brian Putler

Date

11/16/04

- Provides that this constitutional amendment does 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 November 3, 2003. This extends to any statute protecting the confidentiality of law enforcement and prosecution records.
- Provides that this constitutional amendment would not repeal, nullify, supersede, or modify protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature and its employees, committees, and caucuses. The constitutional amendment does not affect the scope of permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature and its employees, committees, and caucuses.

This constitutional amendment is effective November 3, 2004.

This constitutional amendment does not require any reports by the department to the Legislature.