

Franchise Tax Board

NO ANALYSIS REQUIRED

Author: Sher Analyst: Roger Lackey Bill Number: SB 2027

Related Bills: See Prior Analysis Telephone: 845-3627 Introduced Date: August 18, 2000

Attorney: Patrick Kusiak Sponsor:

SUBJECT: Public Record Disclosure/Written Requests/State Agencies Determination if Disclosable/Allows Court to Impose Fine if Agency Acted in Bad Faith

- ANALYSIS NOT REQUIRED of this bill -- Not within scope of responsibility of this department.
TECHNICAL BILL -- No program or fiscal changes to existing program.
BILL AS AMENDED NO LONGER WITHIN SCOPE of responsibility or program of the department.
X TECHNICAL AMENDMENT - No change in previously submitted analysis required. Approved position of prior analysis is PENDING.
MINOR AMENDMENT - No change in previously submitted analysis required. Approved position of prior analysis is
MINOR AMENDMENT - No change in approved position of See comments below.
OTHER - See comments below.

COMMENTS:

This bill would amend the California Public Records Act to require that state agencies justify the withholding of any record by:

- ? requiring written determinations that a record is exempt from disclosure or the public interest is served by not making the record public,
? establishing a procedure to allow any person to appeal to the Attorney General (AG) if a state or local agency denies access to a public record or subverts the intent of the bill by actions short of denial of inspection, and
? providing that the court may award a plaintiff an amount not less than \$100 for each day, up to a maximum of \$10,000, that the agency denied the right of the plaintiff to inspect the record.

The August 18, 2000, amendments made nonsubstantive technical changes that did not impact the department's prior analysis of the bill. The department's analysis of SB 2027 as introduced on February 25, 2000, still applies.

Board Position:

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N OUA PENDING

Franchise Tax Board Staff

Date

LuAnna Hass 8/25/00