

Date of Hearing: April 5, 2017

ASSEMBLY COMMITTEE ON ACCOUNTABILITY AND ADMINISTRATIVE REVIEW

Susan Talamantes Eggman, Chair

AB 1246 (Oberholte) – As Introduced February 17, 2017

SUBJECT: State publications: distribution

SUMMARY: Allows a member of the public to copy, share, distribute, or republish a state-authored publication.

EXISTING LAW:

- 1) Declares it is the policy of the state to make freely available to inhabitants of the state all state publications by distribution to libraries throughout the state.
- 2) Requires that the Office of Administrative Law (OAL) provide for the compilation, printing, and publication of the California Code of Regulations (CCR).
- 3) Requires that OAL make available the full text of the CCR on the Internet for free, and allows OAL to contract with another state agency or private entity to do so.

FISCAL EFFECT: Unknown

COMMENTS: This bill allows a member of the public to copy, share, distribute, or republish a state publication authored by the state. While current law specifies that state publications shall be made available freely, the author contends that this bill would provide needed clarity about sharing state publications.

Specifically, the author is concerned about the CCR, which contains adopted, repealed, or amended regulations. Current law requires that OAL make available the full text of the CCR on the Internet for free. OAL is permitted by law to contract with another state agency or private entity to provide the online CCR.

Currently, OAL has no information technology staff and instead contracts with a private vendor to publish and update the CCR. Under the contract, the vendor makes the CCR and subsequent updates available online for free to the public. Compensation for the service provided by the vendor comes from allowing the vendor to charge individuals, businesses and others for additional services, such as enhanced search functions and notifications of changes or additions to regulations, based on the copyright of the CCR held by the state. According to OAL, the vendor currently pays the state's General Fund about \$575,000 each year under the contract.

In addition to publishing the CCR online, the contract requires the vendor to provide hard copies of the CCR and updates to more than 100 state depository libraries. Also, the vendor publishes the online California Regulatory Notice Register, a weekly state publication where state agencies notice their intent to adopt rulemaking actions.

This bill would likely mean that a vendor would no longer agree to pay the state to publish the CCR and related publications, and this responsibility would have to be met by OAL or another state entity.

However, the approach in this bill could increase public access to state publications.

According to the author, "AB 1246 clarifies that any member of the public can share a state publication as they see fit. . . State Publications are produced at the taxpayer's expense. Thus, a taxpayer should have unfettered access to the publications."

PREVIOUS LEGISLATION:

AB 1648 (Wilk) of 2016 would have expanded the definition of "state publication" and allowed any member of the public to copy, share, distribute, or republish a state publication. This bill was held on the Assembly Appropriations Committee's Suspense File.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

Analysis Prepared by: Scott Herbstman / A. & A.R. /