

AMENDED IN ASSEMBLY MARCH 21, 2017

CALIFORNIA LEGISLATURE—2017—18 REGULAR SESSION

ASSEMBLY BILL

No. 1455

Introduced by Assembly Member Bocanegra

February 17, 2017

~~An act to amend Section 139.45 of the Labor Code, relating to workers' compensation. An act to amend Section 6254 of the Government Code, relating to public records.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1455, as amended, Bocanegra. ~~Workers' compensation: advertisements.~~ *The California Public Records Act: exemptions.*

Existing law, the California Public Records Act, requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. Existing law exempts from disclosure specific records of state agencies related to activities governed by the Dills Act, the State Excluded Employees Bill of Rights, and the Higher Education Employer-Employee Relations Act.

This bill would also exempt from disclosure specific records of local agencies related to activities governed by the Meyers-Milias-Brown Act.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

~~Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment. Existing law requires the administrative director to promulgate regulations regarding advertisements relating to workers' compensation and requires the administrative director to take particular care to preclude any advertisements with respect to industrial injuries or illnesses that are false or that mislead the public with respect to workers' compensation.~~

~~This bill would make technical, nonsubstantive changes to these provisions:~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6254 of the Government Code is amended
2 to read:

3 6254. Except as provided in Sections 6254.7 and 6254.13, this
4 chapter does not require the disclosure of any of the following
5 records:

6 (a) Preliminary drafts, notes, or interagency or intra-agency
7 memoranda that are not retained by the public agency in the
8 ordinary course of business, if the public interest in withholding
9 those records clearly outweighs the public interest in disclosure.

10 (b) Records pertaining to pending litigation to which the public
11 agency is a party, or to claims made pursuant to Division 3.6
12 (commencing with Section 810), until the pending litigation or
13 claim has been finally adjudicated or otherwise settled.

14 (c) Personnel, medical, or similar files, the disclosure of which
15 would constitute an unwarranted invasion of personal privacy.

16 (d) Records contained in or related to any of the following:

17 (1) Applications filed with any state agency responsible for the
18 regulation or supervision of the issuance of securities or of financial

1 institutions, including, but not limited to, banks, savings and loan
2 associations, industrial loan companies, credit unions, and
3 insurance companies.

4 (2) Examination, operating, or condition reports prepared by,
5 on behalf of, or for the use of, any state agency referred to in
6 paragraph (1).

7 (3) Preliminary drafts, notes, or interagency or intra-agency
8 communications prepared by, on behalf of, or for the use of, any
9 state agency referred to in paragraph (1).

10 (4) Information received in confidence by any state agency
11 referred to in paragraph (1).

12 (e) Geological and geophysical data, plant production data, and
13 similar information relating to utility systems development, or
14 market or crop reports, that are obtained in confidence from any
15 person.

16 (f) Records of complaints to, or investigations conducted by,
17 or records of intelligence information or security procedures of,
18 the office of the Attorney General and the Department of Justice,
19 the Office of Emergency Services and any state or local police
20 agency, or any investigatory or security files compiled by any other
21 state or local police agency, or any investigatory or security files
22 compiled by any other state or local agency for correctional, law
23 enforcement, or licensing purposes. However, state and local law
24 enforcement agencies shall disclose the names and addresses of
25 persons involved in, or witnesses other than confidential informants
26 to, the incident, the description of any property involved, the date,
27 time, and location of the incident, all diagrams, statements of the
28 parties involved in the incident, the statements of all witnesses,
29 other than confidential informants, to the victims of an incident,
30 or an authorized representative thereof, an insurance carrier against
31 which a claim has been or might be made, and any person suffering
32 bodily injury or property damage or loss, as the result of the
33 incident caused by arson, burglary, fire, explosion, larceny,
34 robbery, carjacking, vandalism, vehicle theft, or a crime as defined
35 by subdivision (b) of Section 13951, unless the disclosure would
36 endanger the safety of a witness or other person involved in the
37 investigation, or unless disclosure would endanger the successful
38 completion of the investigation or a related investigation. However,
39 this subdivision does not require the disclosure of that portion of

1 those investigative files that reflects the analysis or conclusions
2 of the investigating officer.

3 Customer lists provided to a state or local police agency by an
4 alarm or security company at the request of the agency shall be
5 construed to be records subject to this subdivision.

6 Notwithstanding any other provision of this subdivision, state
7 and local law enforcement agencies shall make public the following
8 information, except to the extent that disclosure of a particular
9 item of information would endanger the safety of a person involved
10 in an investigation or would endanger the successful completion
11 of the investigation or a related investigation:

12 (1) The full name and occupation of every individual arrested
13 by the agency, the individual's physical description including date
14 of birth, color of eyes and hair, sex, height and weight, the time
15 and date of arrest, the time and date of booking, the location of
16 the arrest, the factual circumstances surrounding the arrest, the
17 amount of bail set, the time and manner of release or the location
18 where the individual is currently being held, and all charges the
19 individual is being held upon, including any outstanding warrants
20 from other jurisdictions and parole or probation holds.

21 (2) (A) Subject to the restrictions imposed by Section 841.5 of
22 the Penal Code, the time, substance, and location of all complaints
23 or requests for assistance received by the agency and the time and
24 nature of the response thereto, including, to the extent the
25 information regarding crimes alleged or committed or any other
26 incident investigated is recorded, the time, date, and location of
27 occurrence, the time and date of the report, the name and age of
28 the victim, the factual circumstances surrounding the crime or
29 incident, and a general description of any injuries, property, or
30 weapons involved. The name of a victim of any crime defined by
31 Section 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b,
32 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286,
33 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7,
34 422.75, 646.9, or 647.6 of the Penal Code may be withheld at the
35 victim's request, or at the request of the victim's parent or guardian
36 if the victim is a minor. When a person is the victim of more than
37 one crime, information disclosing that the person is a victim of a
38 crime defined in any of the sections of the Penal Code set forth in
39 this subdivision may be deleted at the request of the victim, or the
40 victim's parent or guardian if the victim is a minor, in making the

1 report of the crime, or of any crime or incident accompanying the
2 crime, available to the public in compliance with the requirements
3 of this paragraph.

4 (B) Subject to the restrictions imposed by Section 841.5 of the
5 Penal Code, the names and images of a victim of human trafficking,
6 as defined in Section 236.1 of the Penal Code, and of that victim's
7 immediate family, other than a family member who is charged
8 with a criminal offense arising from the same incident, may be
9 withheld at the victim's request until the investigation or any
10 subsequent prosecution is complete. For purposes of this
11 subdivision, "immediate family" shall have the same meaning as
12 that provided in paragraph (3) of subdivision (b) of Section 422.4
13 of the Penal Code.

14 (3) Subject to the restrictions of Section 841.5 of the Penal Code
15 and this subdivision, the current address of every individual
16 arrested by the agency and the current address of the victim of a
17 crime, if the requester declares under penalty of perjury that the
18 request is made for a scholarly, journalistic, political, or
19 governmental purpose, or that the request is made for investigation
20 purposes by a licensed private investigator as described in Chapter
21 11.3 (commencing with Section 7512) of Division 3 of the Business
22 and Professions Code. However, the address of the victim of any
23 crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1,
24 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a,
25 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7,
26 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code shall
27 remain confidential. Address information obtained pursuant to this
28 paragraph shall not be used directly or indirectly, or furnished to
29 another, to sell a product or service to any individual or group of
30 individuals, and the requester shall execute a declaration to that
31 effect under penalty of perjury. This paragraph shall not be
32 construed to prohibit or limit a scholarly, journalistic, political, or
33 government use of address information obtained pursuant to this
34 paragraph.

35 (g) Test questions, scoring keys, and other examination data
36 used to administer a licensing examination, examination for
37 employment, or academic examination, except as provided for in
38 Chapter 3 (commencing with Section 99150) of Part 65 of Division
39 14 of Title 3 of the Education Code.

1 (h) The contents of real estate appraisals or engineering or
2 feasibility estimates and evaluations made for or by the state or
3 local agency relative to the acquisition of property, or to
4 prospective public supply and construction contracts, until all of
5 the property has been acquired or all of the contract agreement
6 obtained. However, the law of eminent domain shall not be affected
7 by this provision.

8 (i) Information required from any taxpayer in connection with
9 the collection of local taxes that is received in confidence and the
10 disclosure of the information to other persons would result in unfair
11 competitive disadvantage to the person supplying the information.

12 (j) Library circulation records kept for the purpose of identifying
13 the borrower of items available in libraries, and library and museum
14 materials made or acquired and presented solely for reference or
15 exhibition purposes. The exemption in this subdivision shall not
16 apply to records of fines imposed on the borrowers.

17 (k) Records, the disclosure of which is exempted or prohibited
18 pursuant to federal or state law, including, but not limited to,
19 provisions of the Evidence Code relating to privilege.

20 (l) Correspondence of and to the Governor or employees of the
21 Governor's office or in the custody of or maintained by the
22 Governor's Legal Affairs Secretary. However, public records shall
23 not be transferred to the custody of the Governor's Legal Affairs
24 Secretary to evade the disclosure provisions of this chapter.

25 (m) In the custody of or maintained by the Legislative Counsel,
26 except those records in the public database maintained by the
27 Legislative Counsel that are described in Section 10248.

28 (n) Statements of personal worth or personal financial data
29 required by a licensing agency and filed by an applicant with the
30 licensing agency to establish his or her personal qualification for
31 the license, certificate, or permit applied for.

32 (o) Financial data contained in applications for financing under
33 Division 27 (commencing with Section 44500) of the Health and
34 Safety Code, if an authorized officer of the California Pollution
35 Control Financing Authority determines that disclosure of the
36 financial data would be competitively injurious to the applicant
37 and the data is required in order to obtain guarantees from the
38 United States Small Business Administration. The California
39 Pollution Control Financing Authority shall adopt rules for review
40 of individual requests for confidentiality under this section and for

1 making available to the public those portions of an application that
2 are subject to disclosure under this chapter.

3 (p) (1) Records of state agencies related to activities governed
4 by Chapter 10.3 (commencing with Section 3512), Chapter 10.5
5 (commencing with Section 3525), and Chapter 12 (commencing
6 with Section 3560) of Division 4, that reveal a state agency's
7 deliberative processes, impressions, evaluations, opinions,
8 recommendations, meeting minutes, research, work products,
9 theories, or strategy, or that provide instruction, advice, or training
10 to employees who do not have full collective bargaining and
11 representation rights under these chapters. ~~This subdivision~~
12 *paragraph* shall not be construed to limit the disclosure duties of
13 a state agency with respect to any other records relating to the
14 activities governed by the employee relations acts referred to in
15 ~~this subdivision.~~ *paragraph.*

16 (2) *Records of local agencies related to activities governed by*
17 *Chapter 10 (commencing with Section 3500) of Division 4, that*
18 *reveal a local agency's deliberative processes, impressions,*
19 *evaluations, opinions, recommendations, meeting minutes,*
20 *research, work products, theories, or strategy, or that provide*
21 *instruction, advice, or training to employees who do not have full*
22 *collective bargaining and representation rights under that chapter.*
23 *This paragraph shall not be construed to limit the disclosure duties*
24 *of a local agency with respect to any other records relating to the*
25 *activities governed by the employee relations act referred to in*
26 *this paragraph.*

27 (q) (1) Records of state agencies related to activities governed
28 by Article 2.6 (commencing with Section 14081), Article 2.8
29 (commencing with Section 14087.5), and Article 2.91
30 (commencing with Section 14089) of Chapter 7 of Part 3 of
31 Division 9 of the Welfare and Institutions Code, that reveal the
32 special negotiator's deliberative processes, discussions,
33 communications, or any other portion of the negotiations with
34 providers of health care services, impressions, opinions,
35 recommendations, meeting minutes, research, work product,
36 theories, or strategy, or that provide instruction, advice, or training
37 to employees.

38 (2) Except for the portion of a contract containing the rates of
39 payment, contracts for inpatient services entered into pursuant to
40 these articles, on or after April 1, 1984, shall be open to inspection

1 one year after they are fully executed. If a contract for inpatient
2 services that is entered into prior to April 1, 1984, is amended on
3 or after April 1, 1984, the amendment, except for any portion
4 containing the rates of payment, shall be open to inspection one
5 year after it is fully executed. If the California Medical Assistance
6 Commission enters into contracts with health care providers for
7 other than inpatient hospital services, those contracts shall be open
8 to inspection one year after they are fully executed.

9 (3) Three years after a contract or amendment is open to
10 inspection under this subdivision, the portion of the contract or
11 amendment containing the rates of payment shall be open to
12 inspection.

13 (4) Notwithstanding any other law, the entire contract or
14 amendment shall be open to inspection by the Joint Legislative
15 Audit Committee and the Legislative Analyst's Office. The
16 committee and that office shall maintain the confidentiality of the
17 contracts and amendments until the time a contract or amendment
18 is fully open to inspection by the public.

19 (r) Records of Native American graves, cemeteries, and sacred
20 places and records of Native American places, features, and objects
21 described in Sections 5097.9 and 5097.993 of the Public Resources
22 Code maintained by, or in the possession of, the Native American
23 Heritage Commission, another state agency, or a local agency.

24 (s) A final accreditation report of the Joint Commission on
25 Accreditation of Hospitals that has been transmitted to the State
26 Department of Health Care Services pursuant to subdivision (b)
27 of Section 1282 of the Health and Safety Code.

28 (t) Records of a local hospital district, formed pursuant to
29 Division 23 (commencing with Section 32000) of the Health and
30 Safety Code, or the records of a municipal hospital, formed
31 pursuant to Article 7 (commencing with Section 37600) or Article
32 8 (commencing with Section 37650) of Chapter 5 of Part 2 of
33 Division 3 of Title 4 of this code, that relate to any contract with
34 an insurer or nonprofit hospital service plan for inpatient or
35 outpatient services for alternative rates pursuant to Section 10133
36 of the Insurance Code. However, the record shall be open to
37 inspection within one year after the contract is fully executed.

38 (u) (1) Information contained in applications for licenses to
39 carry firearms issued pursuant to Section 26150, 26155, 26170,
40 or 26215 of the Penal Code by the sheriff of a county or the chief

1 or other head of a municipal police department that indicates when
2 or where the applicant is vulnerable to attack or that concerns the
3 applicant's medical or psychological history or that of members
4 of his or her family.

5 (2) The home address and telephone number of prosecutors,
6 public defenders, peace officers, judges, court commissioners, and
7 magistrates that are set forth in applications for licenses to carry
8 firearms issued pursuant to Section 26150, 26155, 26170, or 26215
9 of the Penal Code by the sheriff of a county or the chief or other
10 head of a municipal police department.

11 (3) The home address and telephone number of prosecutors,
12 public defenders, peace officers, judges, court commissioners, and
13 magistrates that are set forth in licenses to carry firearms issued
14 pursuant to Section 26150, 26155, 26170, or 26215 of the Penal
15 Code by the sheriff of a county or the chief or other head of a
16 municipal police department.

17 (v) (1) Records of the Managed Risk Medical Insurance Board
18 and the State Department of Health Care Services related to
19 activities governed by Part 6.3 (commencing with Section 12695),
20 Part 6.5 (commencing with Section 12700), Part 6.6 (commencing
21 with Section 12739.5), or Part 6.7 (commencing with Section
22 12739.70) of Division 2 of the Insurance Code, or Chapter 2
23 (commencing with Section 15810) or Chapter 4 (commencing with
24 Section 15870) of Part 3.3 of Division 9 of the Welfare and
25 Institutions Code, and that reveal any of the following:

26 (A) The deliberative processes, discussions, communications,
27 or any other portion of the negotiations with entities contracting
28 or seeking to contract with the board or the department, entities
29 with which the board or the department is considering a contract,
30 or entities with which the board or department is considering or
31 enters into any other arrangement under which the board or the
32 department provides, receives, or arranges services or
33 reimbursement.

34 (B) The impressions, opinions, recommendations, meeting
35 minutes, research, work product, theories, or strategy of the board
36 or its staff or the department or its staff, or records that provide
37 instructions, advice, or training to their employees.

38 (2) (A) Except for the portion of a contract that contains the
39 rates of payment, contracts entered into pursuant to Part 6.3
40 (commencing with Section 12695), Part 6.5 (commencing with

1 Section 12700), Part 6.6 (commencing with Section 12739.5), or
2 Part 6.7 (commencing with Section 12739.70) of Division 2 of the
3 Insurance Code, or Chapter 2 (commencing with Section 15810)
4 or Chapter 4 (commencing with Section 15870) of Part 3.3 of
5 Division 9 of the Welfare and Institutions Code, on or after July
6 1, 1991, shall be open to inspection one year after their effective
7 dates.

8 (B) If a contract that is entered into prior to July 1, 1991, is
9 amended on or after July 1, 1991, the amendment, except for any
10 portion containing the rates of payment, shall be open to inspection
11 one year after the effective date of the amendment.

12 (3) Three years after a contract or amendment is open to
13 inspection pursuant to this subdivision, the portion of the contract
14 or amendment containing the rates of payment shall be open to
15 inspection.

16 (4) Notwithstanding any other law, the entire contract or
17 amendments to a contract shall be open to inspection by the Joint
18 Legislative Audit Committee. The committee shall maintain the
19 confidentiality of the contracts and amendments thereto, until the
20 contracts or amendments to the contracts are open to inspection
21 pursuant to paragraph (3).

22 (w) (1) Records of the Managed Risk Medical Insurance Board
23 related to activities governed by Chapter 8 (commencing with
24 Section 10700) of Part 2 of Division 2 of the Insurance Code, and
25 that reveal the deliberative processes, discussions, communications,
26 or any other portion of the negotiations with health plans, or the
27 impressions, opinions, recommendations, meeting minutes,
28 research, work product, theories, or strategy of the board or its
29 staff, or records that provide instructions, advice, or training to
30 employees.

31 (2) Except for the portion of a contract that contains the rates
32 of payment, contracts for health coverage entered into pursuant to
33 Chapter 8 (commencing with Section 10700) of Part 2 of Division
34 2 of the Insurance Code, on or after January 1, 1993, shall be open
35 to inspection one year after they have been fully executed.

36 (3) Notwithstanding any other law, the entire contract or
37 amendments to a contract shall be open to inspection by the Joint
38 Legislative Audit Committee. The committee shall maintain the
39 confidentiality of the contracts and amendments thereto, until the

1 contracts or amendments to the contracts are open to inspection
2 pursuant to paragraph (2).

3 (x) Financial data contained in applications for registration, or
4 registration renewal, as a service contractor filed with the Director
5 of Consumer Affairs pursuant to Chapter 20 (commencing with
6 Section 9800) of Division 3 of the Business and Professions Code,
7 for the purpose of establishing the service contractor's net worth,
8 or financial data regarding the funded accounts held in escrow for
9 service contracts held in force in this state by a service contractor.

10 (y) (1) Records of the Managed Risk Medical Insurance Board
11 and the State Department of Health Care Services related to
12 activities governed by Part 6.2 (commencing with Section 12693)
13 or Part 6.4 (commencing with Section 12699.50) of Division 2 of
14 the Insurance Code or Sections 14005.26 and 14005.27 of, or
15 Chapter 3 (commencing with Section 15850) of Part 3.3 of Division
16 9 of, the Welfare and Institutions Code, if the records reveal any
17 of the following:

18 (A) The deliberative processes, discussions, communications,
19 or any other portion of the negotiations with entities contracting
20 or seeking to contract with the board or the department, entities
21 with which the board or department is considering a contract, or
22 entities with which the board or department is considering or enters
23 into any other arrangement under which the board or department
24 provides, receives, or arranges services or reimbursement.

25 (B) The impressions, opinions, recommendations, meeting
26 minutes, research, work product, theories, or strategy of the board
27 or its staff, or the department or its staff, or records that provide
28 instructions, advice, or training to employees.

29 (2) (A) Except for the portion of a contract that contains the
30 rates of payment, contracts entered into pursuant to Part 6.2
31 (commencing with Section 12693) or Part 6.4 (commencing with
32 Section 12699.50) of Division 2 of the Insurance Code, on or after
33 January 1, 1998, or Sections 14005.26 and 14005.27 of, or Chapter
34 3 (commencing with Section 15850) of Part 3.3 of Division 9 of,
35 the Welfare and Institutions Code shall be open to inspection one
36 year after their effective dates.

37 (B) If a contract entered into pursuant to Part 6.2 (commencing
38 with Section 12693) or Part 6.4 (commencing with Section
39 12699.50) of Division 2 of the Insurance Code or Sections
40 14005.26 and 14005.27 of, or Chapter 3 (commencing with Section

1 15850) of Part 3.3 of Division 9 of, the Welfare and Institutions
2 Code, is amended, the amendment shall be open to inspection one
3 year after the effective date of the amendment.

4 (3) Three years after a contract or amendment is open to
5 inspection pursuant to this subdivision, the portion of the contract
6 or amendment containing the rates of payment shall be open to
7 inspection.

8 (4) Notwithstanding any other law, the entire contract or
9 amendments to a contract shall be open to inspection by the Joint
10 Legislative Audit Committee. The committee shall maintain the
11 confidentiality of the contracts and amendments thereto until the
12 contract or amendments to a contract are open to inspection
13 pursuant to paragraph (2) or (3).

14 (5) The exemption from disclosure provided pursuant to this
15 subdivision for the contracts, deliberative processes, discussions,
16 communications, negotiations, impressions, opinions,
17 recommendations, meeting minutes, research, work product,
18 theories, or strategy of the board or its staff, or the department or
19 its staff, shall also apply to the contracts, deliberative processes,
20 discussions, communications, negotiations, impressions, opinions,
21 recommendations, meeting minutes, research, work product,
22 theories, or strategy of applicants pursuant to Part 6.4 (commencing
23 with Section 12699.50) of Division 2 of the Insurance Code or
24 Chapter 3 (commencing with Section 15850) of Part 3.3 of Division
25 9 of the Welfare and Institutions Code.

26 (z) Records obtained pursuant to paragraph (2) of subdivision
27 (f) of Section 2891.1 of the Public Utilities Code.

28 (aa) A document prepared by or for a state or local agency that
29 assesses its vulnerability to terrorist attack or other criminal acts
30 intended to disrupt the public agency's operations and that is for
31 distribution or consideration in a closed session.

32 (ab) Critical infrastructure information, as defined in Section
33 131(3) of Title 6 of the United States Code, that is voluntarily
34 submitted to the Office of Emergency Services for use by that
35 office, including the identity of the person who or entity that
36 voluntarily submitted the information. As used in this subdivision,
37 "voluntarily submitted" means submitted in the absence of the
38 office exercising any legal authority to compel access to or
39 submission of critical infrastructure information. This subdivision

1 shall not affect the status of information in the possession of any
2 other state or local governmental agency.

3 (ac) All information provided to the Secretary of State by a
4 person for the purpose of registration in the Advance Health Care
5 Directive Registry, except that those records shall be released at
6 the request of a health care provider, a public guardian, or the
7 registrant's legal representative.

8 (ad) The following records of the State Compensation Insurance
9 Fund:

10 (1) Records related to claims pursuant to Chapter 1
11 (commencing with Section 3200) of Division 4 of the Labor Code,
12 to the extent that confidential medical information or other
13 individually identifiable information would be disclosed.

14 (2) Records related to the discussions, communications, or any
15 other portion of the negotiations with entities contracting or seeking
16 to contract with the fund, and any related deliberations.

17 (3) Records related to the impressions, opinions,
18 recommendations, meeting minutes of meetings or sessions that
19 are lawfully closed to the public, research, work product, theories,
20 or strategy of the fund or its staff, on the development of rates,
21 contracting strategy, underwriting, or competitive strategy pursuant
22 to the powers granted to the fund in Chapter 4 (commencing with
23 Section 11770) of Part 3 of Division 2 of the Insurance Code.

24 (4) Records obtained to provide workers' compensation
25 insurance under Chapter 4 (commencing with Section 11770) of
26 Part 3 of Division 2 of the Insurance Code, including, but not
27 limited to, any medical claims information, policyholder
28 information provided that nothing in this paragraph shall be
29 interpreted to prevent an insurance agent or broker from obtaining
30 proprietary information or other information authorized by law to
31 be obtained by the agent or broker, and information on rates,
32 pricing, and claims handling received from brokers.

33 (5) (A) Records that are trade secrets pursuant to Section
34 6276.44, or Article 11 (commencing with Section 1060) of Chapter
35 4 of Division 8 of the Evidence Code, including without limitation,
36 instructions, advice, or training provided by the State Compensation
37 Insurance Fund to its board members, officers, and employees
38 regarding the fund's special investigation unit, internal audit unit,
39 and informational security, marketing, rating, pricing, underwriting,
40 claims handling, audits, and collections.

1 (B) Notwithstanding subparagraph (A), the portions of records
2 containing trade secrets shall be available for review by the Joint
3 Legislative Audit Committee, California State Auditor's Office,
4 Division of Workers' Compensation, and the Department of
5 Insurance to ensure compliance with applicable law.

6 (6) (A) Internal audits containing proprietary information and
7 the following records that are related to an internal audit:

8 (i) Personal papers and correspondence of any person providing
9 assistance to the fund when that person has requested in writing
10 that his or her papers and correspondence be kept private and
11 confidential. Those papers and correspondence shall become public
12 records if the written request is withdrawn, or upon order of the
13 fund.

14 (ii) Papers, correspondence, memoranda, or any substantive
15 information pertaining to any audit not completed or an internal
16 audit that contains proprietary information.

17 (B) Notwithstanding subparagraph (A), the portions of records
18 containing proprietary information, or any information specified
19 in subparagraph (A) shall be available for review by the Joint
20 Legislative Audit Committee, California State Auditor's Office,
21 Division of Workers' Compensation, and the Department of
22 Insurance to ensure compliance with applicable law.

23 (7) (A) Except as provided in subparagraph (C), contracts
24 entered into pursuant to Chapter 4 (commencing with Section
25 11770) of Part 3 of Division 2 of the Insurance Code shall be open
26 to inspection one year after the contract has been fully executed.

27 (B) If a contract entered into pursuant to Chapter 4 (commencing
28 with Section 11770) of Part 3 of Division 2 of the Insurance Code
29 is amended, the amendment shall be open to inspection one year
30 after the amendment has been fully executed.

31 (C) Three years after a contract or amendment is open to
32 inspection pursuant to this subdivision, the portion of the contract
33 or amendment containing the rates of payment shall be open to
34 inspection.

35 (D) Notwithstanding any other law, the entire contract or
36 amendments to a contract shall be open to inspection by the Joint
37 Legislative Audit Committee. The committee shall maintain the
38 confidentiality of the contracts and amendments thereto until the
39 contract or amendments to a contract are open to inspection
40 pursuant to this paragraph.

1 (E) This paragraph is not intended to apply to documents related
2 to contracts with public entities that are not otherwise expressly
3 confidential as to that public entity.

4 (F) For purposes of this paragraph, “fully executed” means the
5 point in time when all of the necessary parties to the contract have
6 signed the contract.

7 This section does not prevent any agency from opening its
8 records concerning the administration of the agency to public
9 inspection, unless disclosure is otherwise prohibited by law.

10 This section does not prevent any health facility from disclosing
11 to a certified bargaining agent relevant financing information
12 pursuant to Section 8 of the National Labor Relations Act (29
13 U.S.C. Sec. 158).

14 *SEC. 2. The Legislature finds and declares that Section 1 of*
15 *this act, which amends Section 6254 of the Government Code,*
16 *further, within the meaning of paragraph (7) of subdivision (b)*
17 *of Section 3 of Article I of the California Constitution, the purposes*
18 *of that constitutional section as it relates to the right of public*
19 *access to the meetings of local public bodies or the writings of*
20 *local public officials and local agencies. Pursuant to paragraph*
21 *(7) of subdivision (b) of Section 3 of Article I of the California*
22 *Constitution, the Legislature makes the following findings:*

23 *This act balances the right of the public to access relevant*
24 *information about employee relations matters while protecting*
25 *sensitive information related to collective bargaining and collective*
26 *bargaining deliberations, the disclosure of which would frustrate*
27 *the purpose of collective bargaining at local agencies and would*
28 *make it more difficult to resolve disputes regarding wages, hours,*
29 *and other terms and conditions of employment between public*
30 *employers and public employee organizations. This act would also*
31 *bring the law in conformity with current exemptions for similar*
32 *collective bargaining-related information related to state*
33 *employees and employees of public institutions of higher education.*

34 *SEC. 3. The Legislature finds and declares that Section 1 of*
35 *this act, which amends Section 6254 of the Government Code,*
36 *imposes a limitation on the public’s right of access to the meetings*
37 *of public bodies or the writings of public officials and agencies*
38 *within the meaning of Section 3 of Article I of the California*
39 *Constitution. Pursuant to that constitutional provision, the*
40 *Legislature makes the following findings to demonstrate the interest*

1 *protected by this limitation and the need for protecting that*
2 *interest:*

3 *This act balances the right of the public to access relevant*
4 *information about employee relations matters while protecting*
5 *sensitive information related to collective bargaining and collective*
6 *bargaining deliberations, the disclosure of which would frustrate*
7 *the purpose of collective bargaining at local agencies and would*
8 *make it more difficult to resolve disputes regarding wages, hours,*
9 *and other terms and conditions of employment between public*
10 *employers and public employee organizations. This act would also*
11 *bring the law in conformity with current exemptions for similar*
12 *collective-bargaining-related information related to state*
13 *employees and employees of public institutions of higher education.*

14 SECTION 1. ~~Section 139.45 of the Labor Code is amended to~~
15 ~~read:~~

16 ~~139.45. (a) In promulgating regulations pursuant to Sections~~
17 ~~139.4 and 139.43, the administrative director shall take particular~~
18 ~~care to preclude any advertisements with respect to industrial~~
19 ~~injuries or illnesses that are false or that mislead the public with~~
20 ~~respect to workers' compensation. In promulgating rules with~~
21 ~~respect to advertising, the State Bar of California and physician~~
22 ~~licensing boards shall also take particular care to achieve the same~~
23 ~~goal.~~

24 ~~(b) For purposes of subdivision (a), false or misleading~~
25 ~~advertisements shall include advertisements that do any of the~~
26 ~~following:~~

27 ~~(1) Contain an untrue statement.~~

28 ~~(2) Contain any matter, or present or arrange any matter in a~~
29 ~~manner or format that is false, deceptive, or that tends to confuse,~~
30 ~~deceive, or mislead.~~

31 ~~(3) Omit any fact necessary to make the statement made, in the~~
32 ~~light of the circumstances under which the statement is made, not~~
33 ~~misleading.~~

34 ~~(4) Are transmitted in any manner that involves coercion, duress,~~
35 ~~compulsion, intimidation, threats, or vexatious or harassing~~
36 ~~conduct.~~

37 ~~(5) Entice a person to respond by the offering of any~~
38 ~~consideration, including a good or service but excluding free~~
39 ~~medical evaluations or treatment, that would be provided either at~~
40 ~~no charge or for less than market value. A free medical evaluation~~

1 or treatment shall not be offered for the purpose of defrauding any
2 entity.

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