

AMENDED IN SENATE JUNE 21, 2016

AMENDED IN SENATE JUNE 9, 2016

AMENDED IN SENATE JUNE 1, 2016

AMENDED IN ASSEMBLY APRIL 29, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 241

Introduced by Assembly Member Gordon

February 5, 2015

An act to add Section 53760.9 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 241, as amended, Gordon. Bankruptcy: retired employees: disclosure of names and mailing addresses.

(1) Existing law prohibits a local public entity, as defined, from filing a petition and exercising powers pursuant to applicable federal bankruptcy law unless the local public entity has participated in a specified neutral evaluation process with interested parties, or the local public entity has declared a fiscal emergency and has adopted a resolution by a majority vote of the governing board at a noticed public hearing that includes findings that the financial state of the local public entity jeopardizes the health, safety, or well-being of the residents of the local public entity's jurisdiction or service area absent the protections of federal bankruptcy law. Existing law defines "interested party," for purposes of these provisions, to include, among others, a representative selected by an association of retired employees of the local public entity who receive income from the local public entity, as specified. Existing

law exempts from public disclosure certain personal information of retirees from public employment.

This bill would require, notwithstanding any other law and under certain conditions, a local public entity to provide the name and mailing address of each retired employee or his or her beneficiary receiving the retired employee's retirement benefit, in list form, to any organization that is incorporated and qualified under specific state and federal laws for the purpose of representing retired employees or their beneficiaries as members of the organization in a neutral evaluation process, the declaration of a fiscal emergency and adoption of a resolution, or a bankruptcy proceeding, as specified. This bill would limit an organization receiving this information under these provisions to using the information for only these purposes and impose a civil penalty of \$25,000 on the organization for a violation of that limitation.

(2) 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.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 53760.9 is added to the Government
- 2 Code, to read:
- 3 53760.9. (a) Notwithstanding any other law, including, but
- 4 not limited to, the California Public Records Act (Chapter 3.5
- 5 (commencing with Section 6250) of Division 7 of Title 1), except
- 6 as provided in subdivision (c), a local public entity shall provide
- 7 the name and mailing address of each retired employee, or his or
- 8 her beneficiary receiving the retired employee's retirement benefit,
- 9 in list form, to any organization that is incorporated as a California

1 nonprofit mutual benefit corporation pursuant to Part 3
2 (commencing with Section 7110) of Division 2 of Title 1 of the
3 Corporations Code and qualified pursuant to Section 501(c)(3),
4 501(c)(4), or 501(c)(5) of Title 26 of the Internal Revenue Code
5 for the purpose of representing retired employees of the local public
6 entity, upon that organization's request, if any of the following
7 occur:

8 (1) The local public entity began the process of participating in
9 a neutral evaluation process pursuant to Section 53760.3.

10 (2) The local public entity declared a fiscal emergency and
11 adopted a resolution by a majority vote of the governing board
12 pursuant to Section 53760.5.

13 (3) The local public entity filed a petition pursuant to applicable
14 federal bankruptcy law on or before December 31, 2011.

15 (b) (1) An organization receiving a list with the name and
16 mailing address of a retired employee or his or her beneficiary
17 receiving the retired employee's retirement benefit pursuant to
18 subdivision (a) shall use that information only for the purpose of
19 representing the retired employee or his or her beneficiary as a
20 member of the organization as an interested party in a neutral
21 evaluation process pursuant to Section 53760.3, the declaration of
22 a fiscal emergency and adoption of a resolution pursuant to Section
23 53760.5, or a bankruptcy proceeding.

24 (2) An organization that violates paragraph (1) by misusing the
25 information in the list provided shall be subject to a civil penalty
26 in the amount of twenty-five thousand dollars (\$25,000).

27 (c) Upon written request of any retired employee, or his or her
28 beneficiary receiving the retired employee's retirement benefit, a
29 local public entity shall not disclose the name and home address
30 of the retired employee, or his or her beneficiary receiving the
31 retired employee's retirement benefit, and shall remove the retired
32 employee, or his or her beneficiary receiving the retired employee's
33 retirement benefit, from any mailing list ~~maintained~~ created by
34 that local public entity ~~in~~ for compliance with subdivision (a).

35 (d) *This section shall not affect or limit the disclosure or*
36 *nondisclosure of public records pursuant to any other statute or*
37 *decisional law.*

38 SEC. 2. The Legislature finds and declares that Section 1 of
39 this act, which adds Section 53760.9 to the Government Code,
40 furthers, within the meaning of paragraph (7) of subdivision (b)

1 of Section 3 of Article I of the California Constitution, the purposes
2 of that constitutional section as it relates to the right of public
3 access to the meetings of local public bodies or the writings of
4 local public officials and local agencies. Pursuant to paragraph (7)
5 of subdivision (b) of Section 3 of Article I of the California
6 Constitution, the Legislature makes the following findings:

7 This act ensures that public retirees and their beneficiaries have
8 the opportunity to meaningfully participate in the legal processes
9 of a local public entity filing a petition and exercising powers
10 pursuant to applicable federal bankruptcy law. *This act is not*
11 *intended to limit the public's right of access to public records.*

12 SEC. 3. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district under this act would result from a legislative mandate that
16 is within the scope of paragraph (7) of subdivision (b) of Section
17 3 of Article I of the California Constitution.