

Introduced by Assembly Member Quackenbush

March 7, 1991

An act to amend Sections 222.15, 224.73, 229.10, 229.40, and 1798.24 of, and to add Section 229.42 to, the Civil Code, and to amend Section 10439 of the Health and Safety Code, relating to adoptions.

LEGISLATIVE COUNSEL'S DIGEST

AB 1444, as introduced, Quackenbush. Adoption: adoptees.

(1) Existing law generally prohibits state agencies from disclosing any personal information in a manner that would link the information disclosed to the individual to whom it pertains unless the disclosure of the information is as specified. With respect to the disclosure of personal information to an adopted person, that information is limited to general background information pertaining to the adopted person's natural parents and may not include or reveal the identity of the natural parents. However, existing law authorizes, in adoptions in which the relinquishment for or consent to adoption was signed on or after January 1, 1984, a person who has been adopted and who attains the age of 21 years to request that the State Department of Social Services or the licensed adoption agency that joined in the petition for his or her adoption disclose the name and address of his or her birth parent and also authorizes a birth parent of a person who has been adopted and who has attained the age of 21 years to request the disclosure of the adopted name of the adoptee and his or her most current address. The birth parent or the adoptee must consent to the disclosure of this information.

This bill would revise existing law with respect to access to

adoption information as it applies to adoptees who have attained the age of 18 years. More specifically, this bill would provide that for all adoptions, regardless of when they occurred, the department or licensed adoption agency shall furnish certain identifying information and an uncertified copy of the original birth certificate upon request of an adoptee who has attained the age of 18 years without the necessity of the birth parent consenting to the disclosure of this information. However, if the identifying information on the original birth certificate is not available in the adoption file, neither the department nor licensed adoption agency would be obligated to search for that information, but the department would be required to provide an affidavit authorizing the adoptee to obtain an uncertified copy of his or her birth certificate from the State Department of Health Services. The bill would require the department to process these requests for information within existing staff resources as time permits. The bill would require the department, and would permit licensed adoption agencies, to charge unspecified fees for this service. The bill would also make related changes. Because the bill would mandate new and increased duties on licensed county adoption agencies, it would create a state-mandated local program.

(2) Existing law provides that certain documents filed in an adoption proceeding are not open to inspection except by the parties, their attorneys, and the State Department of Social Services, except upon the written authority of the judge of the superior court.

This bill would authorize, upon request, an adoptee who has attained the age of 18 years, to receive a copy of these documents.

(3) Existing law provides procedures for the amendment of birth records after adoption, including the issuance of a new birth certificate and an amended birth certificate and the transmittal and sealing of the original birth certificate. The records and information specified in these procedures, other than the newly issued birth certificate, are available only upon court order, as specified.

This bill would require the State Department of Health Services to make specified records available, upon request, to

certain adoptees who have attained the age of 18 years. The bill would authorize the State Department of Health Services to charge fees for this service.

(4) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$1,000,000, shall be made from the State Mandates Claims Fund.

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 222.15 of the Civil Code is  
2 amended to read:

3 222.15. (a) The department shall adopt a statement  
4 to be presented to the birth parents at the time the  
5 relinquishment is signed and to prospective adoptive  
6 parents at the time of the home study which shall, in a  
7 clear and concise manner, in words calculated to assure  
8 the confidence of the birth parent in the integrity of the  
9 adoption process, communicate to the birth parent of a  
10 child who is the subject of an adoption petition all of the  
11 following facts:

12 (1) It is in the best interest of the child that the birth  
13 parent keep the department or the licensed adoption  
14 agency to whom the child was relinquished for adoption  
15 informed of any health problems that the parent  
16 develops that could affect the child.

17 (2) It is extremely important that the birth parent  
18 keep his or her address current with the department or

1 the licensed adoption agency to whom the child was  
2 relinquished for adoption in order to permit a response  
3 to any inquiries to the department or licensed adoption  
4 agency concerning medical or social history.

5 (3) Section 229.40 of the Civil Code authorizes a  
6 person who has been adopted and who attains the age of  
7 ~~21~~ to request the department or the licensed adoption  
8 agency that joined in the petition for his or her adoption  
9 to disclose the name and address of his or her birth  
10 parent. Consequently, it is of the utmost importance that  
11 the birth parent indicate whether or not he or she wishes  
12 his or her name and address to be so disclosed by  
13 checking the appropriate box provided on the form.

14 (4) The birth parent may change his or her decision as  
15 to whether or not he or she wishes his or her name and  
16 address disclosed, at any time, by sending a notarized  
17 letter to that effect, by certified mail, return receipt  
18 requested, to the department or to the licensed adoption  
19 agency that joined in the petition for adoption.

20 (5) The relinquishment will be filed in the office of  
21 the county clerk of the county in which the adoption  
22 takes place. The file is not open to inspection by any  
23 persons other than the parties to the adoption  
24 proceedings, their attorneys, and the department, except  
25 upon order of the judge of the superior court and except  
26 as specified under Section 229.42.

27 (b) The department shall adopt a form to be signed by  
28 the birth parents at the time the relinquishment is signed  
29 which shall provide as follows:

30  
31 "Section 229.40 of the Civil Code authorizes a person  
32 who has been adopted and who attains the age of ~~21~~ 18  
33 years to petition the State Department of Social Services  
34 or the licensed adoption agency that joined in the  
35 petition for his or her adoption to obtain the name and  
36 address of his or her birth parent a complete and  
37 undeleted copy of his or her adoption file. Indicate by  
38 checking one of the boxes below whether or not you wish  
39 your name and address to be so disclosed:

- 1  YES  
2  NO  
3  UNCERTAIN AT THIS TIME; WILL NOTIFY  
4 AGENCY AT LATER DATE"

5  
6 SEC. 2. Section 224.73 of the Civil Code is amended  
7 to read:

8 224.73. (a) The department shall adopt a statement  
9 to be presented to the birth parents at the time the  
10 consent to adoption is signed and to prospective adoptive  
11 parents at the time of the home study which shall, in a  
12 clear and concise manner, in words calculated to assure  
13 the confidence of the birth parents in the integrity of the  
14 adoption process, communicate to the birth parent of a  
15 child who is the subject of an adoption petition all of the  
16 following facts:

17 (1) It is in the best interest of the child that the birth  
18 parents keep the department informed of any health  
19 problems that the parent develops that could affect the  
20 child.

21 (2) It is extremely important that the birth parent  
22 keep his or her address current with the department in  
23 order to permit a response to any inquiries to the  
24 department or licensed adoption agency concerning  
25 medical or social history.

26 (3) Section 229.40 of the Civil Code authorizes a  
27 person who has been adopted and who attains the age of  
28 ~~21~~ to petition the department to obtain the name and  
29 address of his or her birth parents. Consequently, it is of  
30 the utmost importance that the birth parent indicate  
31 whether or not he or she wishes his or her name and  
32 address to be so disclosed by checking the appropriate  
33 box provided on the form.

34 (4) The birth parent may change his or her decision as  
35 to whether or not he or she wishes his or her name and  
36 address disclosed, at any time, by sending a notarized  
37 letter to that effect, by certified mail, return receipt  
38 requested, to the department.

39 (5) The consent will be filed in the office of the county  
40 clerk of the county in which the adoption takes place. The

1 file is not open to inspection by any persons other than  
 2 the parties to the adoption proceedings, their attorneys,  
 3 and the department, except upon order of the judge of  
 4 the superior court.

5 (b) The department shall adopt a form to be signed by  
 6 the birth parents at the time the consent to adoption is  
 7 signed which shall provide as follows:

9 "Section 229.40 of the Civil Code authorizes a person  
 10 who has been adopted and who attains the age of ~~21~~ 18  
 11 years to petition the State Department of Social Services  
 12 or the licensed adoption agency that joined in the  
 13 petition for his or her adoption to obtain ~~the name and~~  
 14 ~~address of his or her birth parents a complete and~~  
 15 ~~undeleted copy of his or her adoption file. Indicate by~~  
 16 ~~checking one of the boxes below whether or not you wish~~  
 17 ~~your name and address to be so disclosed:~~

- 18  YES
- 19  NO
- 20  UNCERTAIN AT THIS TIME; WILL NOTIFY
- 21 AGENCY AT LATER DATE"

23 SEC. 3. Section 229.10 of the Civil Code is amended  
 24 to read:

25 229.10. The petition, relinquishment or consent  
 26 agreement, order, report to the court from any  
 27 investigating agency, and any power of attorney and  
 28 deposition filed in the office of the county clerk pursuant  
 29 to this chapter shall not be open to inspection by any  
 30 other than the parties to the action, *an adoptee who has*  
 31 *attained the age of 18 years*, and their attorneys and the  
 32 department, except upon the written authority of the  
 33 judge of the superior court. A judge of the superior court  
 34 shall not authorize anyone *other than those persons*  
 35 *specified in Section 229.42*, to inspect the petition,  
 36 relinquishment or consent, agreement, order, report to  
 37 the court from any investigating agency, or power of  
 38 attorney or deposition or any portion of *any such those*  
 39 *court documents except in exceptional circumstances*  
 40 and for good cause approaching the necessitous. The

1 petitioner may be required to pay the expenses for  
 2 preparing the copies of the documents to be inspected.

3 Upon written request of any party to the action and  
 4 upon the order of any judge of the superior court, the  
 5 county clerk shall not provide any documents referred to  
 6 in this section for inspection or copying to any ~~other~~  
 7 person *not specified in Section 229.42*, unless the name of  
 8 the birth parents of the child or any information tending  
 9 to identify the birth parents of the child is deleted from  
 10 the documents or copies thereof.

11 Upon the request of the adoptive parents or the child,  
 12 a county clerk may issue a certificate of adoption which  
 13 states the date and place of adoption, the birth date of the  
 14 child, the name of the adoptive parents, and the name  
 15 which the child has taken. Unless the child has been  
 16 adopted by a stepparent, the certificate shall not state the  
 17 name of the birth parents of the child.

18 SEC. 4. Section 229.40 of the Civil Code is amended  
 19 to read:

20 229.40. (a) The department or a licensed adoption  
 21 agency shall, (1) upon request of a person who has been  
 22 adopted pursuant to this chapter and who has attained  
 23 the age of ~~21~~ 18 years, disclose the identity of the birth  
 24 parent or parents of the person and the most current  
 25 address of the birth parent or parents as shown in the  
 26 records of the department or licensed adoption agency;  
 27 *if the birth parent or parents have indicated consent to*  
 28 *the disclosure in writing and provide the adoptee with an*  
 29 *uncertified copy of the original birth certificate. If a copy*  
 30 *of the original birth certificate is not available in the*  
 31 *adoption record, the department or licensed adoption*  
 32 *agency shall complete an affidavit which authorizes the*  
 33 *adult adopted child to obtain an uncertified copy of his or*  
 34 *her original birth certificate from the State Department*  
 35 *of Health Services pursuant to Section 10439 of the*  
 36 *Health and Safety Code; and (2) upon request of the*  
 37 birth parent of a person who has been adopted pursuant  
 38 to this chapter and who has attained the age of 21 years,  
 39 disclose the adopted name of the adoptee and his or her  
 40 most current address as shown in the records of the

1 department or licensed adoption agency if the adult  
 2 adoptee has indicated in writing, pursuant to the  
 3 registration program developed by the department, that  
 4 he or she wishes his or her name and address to be  
 5 disclosed. The department or licensed adoption agency  
 6 also shall disclose the identity of a birth parent and his or  
 7 her most current address as shown in the records of the  
 8 department or licensed adoption agency upon the  
 9 request of the adoptive parent of a person under the age  
 10 of 21 years who has been adopted pursuant to this  
 11 chapter, upon the finding by the department or licensed  
 12 adoption agency that a medical necessity or other  
 13 extraordinary circumstances justify the disclosure.

14 The form of the request required by this section shall  
 15 be prescribed by the department, shall provide for an  
 16 affidavit to be executed by the requester that to the best  
 17 of his or her knowledge he or she is an adoptee; that he  
 18 or she is the birth parent of an adoptee; or that he or she  
 19 is the adoptive parent of an adoptee. The department  
 20 may adopt regulations requiring any additional means of  
 21 identification from a requester as it deems necessary. The  
 22 request shall advise an adoptee that if he or she so  
 23 consents, his or her adoptive parents will be notified of  
 24 the filing of the request prior to the release of the name  
 25 and address of his or her birth parent.

26 This subdivision shall not be applicable if a birth parent  
 27 or an adoptee has indicated that he or she does not wish  
 28 his or her name or address to be disclosed.

29 The department shall either respond to a request for  
 30 information pursuant to this section or forward the  
 31 request to a licensed adoption agency pursuant to  
 32 subdivision (b) within 20 working days of its receipt of  
 33 the request.

34 The provisions of this subdivision *applicable to*  
 35 *requests for information made by birth parents and*  
 36 *adoptive parents* shall apply only to those adoptions in  
 37 which the relinquishment for or consent to adoption was  
 38 signed on or after January 1, 1984.

39 (b) The department may forward requests for  
 40 information pursuant to this section to any licensed

1 adoption agency that was a party to the adoption.

2 (c) Notwithstanding any other provision of law, the  
 3 department shall announce the availability of the present  
 4 method of arranging contact among an adult adoptee, his  
 5 or her birth parent, and any living adoptive parent  
 6 authorized by Section 229.50 utilizing a means of  
 7 communication appropriate to effectively inform the  
 8 public effectively.

9 (d) The department or licensed adoption agency may  
 10 charge a reasonable fee, in an amount established by the  
 11 department by regulation to cover the costs of processing  
 12 requests for information generated pursuant to  
 13 subdivision (a). The revenue resulting from the fees so  
 14 charged shall be utilized by the department or licensed  
 15 adoption agency to increase existing staff as needed to  
 16 process these requests. Fees received by the department  
 17 shall be deposited in the Adoption Information Fund.  
 18 This revenue shall be in addition to any other funds  
 19 appropriated in support of the state adoption program.

20 The department or licensed adoption agency shall  
 21 waive the fees authorized by this section for any person  
 22 who is receiving public assistance pursuant to Part 3  
 23 (commencing with Section 11000) of Division 9 of the  
 24 Welfare and Institutions Code.

25 SEC. 5. Section 229.42 is added to the Civil Code, to  
 26 read:

27 229.42. (a) (1) Notwithstanding any other provision  
 28 of law, the State Department of Social Services or a  
 29 licensed adoption agency shall furnish upon request of an  
 30 adoptee who has attained the age of 18 years identifying  
 31 information on a form prescribed by the department. If  
 32 the identifying information on the form prescribed by  
 33 the department is not available in the adoption file, the  
 34 department or licensed adoption agency shall not be  
 35 obligated to search for that information. This information  
 36 shall include, but not be limited to, the following:

37 (A) The name of the birth mother or father and any  
 38 other name by which either may be known.

39 (B) The date of birth of the adoptee.

40 (C) The place of birth of the adoptee, including the

1 name of the hospital.  
 2 (D) Whether or not a birth parent has married and  
 3 so, the married name of the birth parent.  
 4 (E) The names of other children, if any, of the birth  
 5 parent.  
 6 (2) The form of the request required by this section  
 7 shall be prescribed by the State Department of Social  
 8 Services and shall provide for an affidavit to be executed  
 9 by the requester that to the best of his or her knowledge  
 10 he or she is an adoptee. The department may adopt  
 11 regulations requiring such additional means of  
 12 identification from a requester as it deems necessary.  
 13 The department shall either respond to a request for  
 14 information pursuant to this section or forward the  
 15 request to a licensed adoption agency pursuant to  
 16 subdivision (c).  
 17 (b) Upon request of an adoptee who has attained the  
 18 age of 18 years, a county clerk may issue to the adoptee  
 19 a copy of any document referred to in Section 229.40.  
 20 (c) The department may forward requests for  
 21 information pursuant to this section to any licensed  
 22 adoption agency that was a party to the adoption.  
 23 (d) The State Department of Social Services shall  
 24 charge a fee of \_\_\_\_\_ dollars (\$\_\_\_\_), and a  
 25 licensed adoption agency may charge a reasonable fee, in  
 26 an amount established by the department by regulation,  
 27 to defray the costs of processing requests for information  
 28 pursuant to subdivision (a) of this section or Section  
 29 229.40.  
 30 The department or licensed adoption agency shall  
 31 waive the fees authorized by this section for any person  
 32 who is receiving public assistance pursuant to Part 3  
 33 (commencing with Section 11000) of Division 9 of the  
 34 Welfare and Institutions Code.  
 35 (e) The State Department of Social Services shall  
 36 process requests for information submitted pursuant to  
 37 subdivision (a) of this section or Section 229.40 with  
 38 existing staff resources as time permits.  
 39 SEC. 6. Section 1798.24 of the Civil Code is amended  
 40 to read:

1 1798.24. No agency may disclose any personal  
 2 information in a manner that would link the information  
 3 disclosed to the individual to whom it pertains unless the  
 4 disclosure of the information is:  
 5 (a) To the individual to whom the information  
 6 pertains.  
 7 (b) With the prior written voluntary consent of the  
 8 individual to whom the record pertains, but only if such  
 9 consent has been obtained not more than 30 days before  
 10 the disclosure, or in the time limit agreed to by the  
 11 individual in the written consent.  
 12 (c) To the duly appointed guardian or conservator of  
 13 the individual or a person representing the individual  
 14 provided that it can be proven with reasonable certainty  
 15 through the possession of agency forms, documents or  
 16 correspondence that such person is the authorized  
 17 representative of the individual to whom the information  
 18 pertains.  
 19 (d) To those officers, employees, attorneys, agents, or  
 20 volunteers of the agency which has custody of the  
 21 information if the disclosure is relevant and necessary in  
 22 the ordinary course of the performance of their official  
 23 duties and is related to the purpose for which the  
 24 information was acquired.  
 25 (e) To a person, or to another agency where the  
 26 transfer is necessary for the transferee agency to perform  
 27 its constitutional or statutory duties, and the use is  
 28 compatible with a purpose for which the information was  
 29 collected and the use or transfer is listed in the notice  
 30 provided pursuant to Section 1798.9 or accounted for in  
 31 accordance with Section 1798.25. With respect to  
 32 information transferred from a law enforcement or  
 33 regulatory agency, or information transferred to another  
 34 law enforcement or regulatory agency, a use is  
 35 compatible if the use of the information requested is  
 36 needed in an investigation of unlawful activity under the  
 37 jurisdiction of the requesting agency or for licensing,  
 38 certification, or regulatory purposes by that agency.  
 39 (f) To a governmental entity when required by state  
 40 or federal law.

1 (g) Pursuant to the California Public Records Act  
2 Chapter 3.5 (commencing with Section 6250) of Division  
3 7 of Title 1 of the Government Code.

4 (h) To a person who has provided the agency with  
5 advance adequate written assurance that the information  
6 will be used solely for statistical research or reporting  
7 purposes, but only if the information to be disclosed is in  
8 a form that will not identify any individual.

9 (i) Pursuant to a determination by the agency which  
10 maintains information that compelling circumstances  
11 exist which affect the health or safety of an individual, if  
12 upon the disclosure notification is transmitted to the  
13 individual to whom the information pertains at his or her  
14 last known address. Disclosure shall not be made if it is in  
15 conflict with other state or federal law.

16 (j) To the State Archives of the State of California as  
17 a record which has sufficient historical or other value to  
18 warrant its continued preservation by the California state  
19 government, or for evaluation by the Director of General  
20 Services or his or her designee to determine whether the  
21 record has further administrative, legal, or fiscal value.

22 (k) To any person pursuant to a subpoena, court order  
23 or other compulsory legal process if, before the  
24 disclosure, the agency reasonably attempts to notify the  
25 individual to whom the record pertains, and if the  
26 notification is not prohibited by law.

27 (l) To any person pursuant to a search warrant.

28 (m) Pursuant to Article 3 (commencing with Section  
29 1800) of Chapter 1 of Division 2 of the Vehicle Code.

30 (n) For the sole purpose of verifying and paying  
31 government health care service claims made pursuant to  
32 Division 9 (commencing with Section 10000) of the  
33 Welfare and Institutions Code.

34 (o) To a law enforcement or regulatory agency when  
35 required for an investigation of unlawful activity or for  
36 licensing, certification, or regulatory purposes, unless the  
37 disclosure is otherwise prohibited by law.

38 (p) To another person or governmental organization  
39 to the extent necessary to obtain information from the  
40 person or governmental organization as necessary for an

1 investigation by the agency of a failure to comply with a  
2 specific state law which the agency is responsible for  
3 enforcing.

4 (q) To the Office of Information Practices when the  
5 transfer is necessary for that office to investigate a  
6 complaint it has received regarding an alleged violation  
7 of this chapter or to perform its mediation functions,  
8 provided that the Office of Information Practices has  
9 received the written voluntary consent of the individual  
10 to whom the information pertains for such a transfer.

11 (r) To an adopted person ~~and is limited to general~~  
12 ~~background information pertaining to the adopted~~  
13 ~~person's natural parents, provided that the information~~  
14 ~~does not include or reveal the identity of the natural~~  
15 ~~parents who has attained the age of 18 years.~~

16 (s) To a child or a grandchild of an adopted person and  
17 disclosure is limited to medically necessary information  
18 pertaining to the adopted person's ~~natural birth~~ parents.  
19 However the information, or the process for obtaining  
20 the information, shall not include or reveal the identity  
21 of the ~~natural birth~~ parents. The State Department of  
22 Social Services shall adopt regulations governing the  
23 release of information pursuant to this subdivision by July  
24 1, 1985. The regulations shall require licensed adoption  
25 agencies to provide the same services provided by the  
26 department as established by this subdivision.

27 (t) To a committee of the Legislature or to a Member  
28 of the Legislature, or his or her staff when authorized in  
29 writing by the member, where such member has  
30 permission to obtain the information from the individual  
31 to whom it pertains or where the member provides  
32 reasonable assurance that he or she is acting in behalf of  
33 the individual.

34 (u) To the University of California or a nonprofit  
35 educational institution conducting scientific research,  
36 provided the request for information includes assurances  
37 of the need for personal information, procedures for  
38 protecting the confidentiality of the information and  
39 assurances that the personal identity of the subject shall  
40 not be further disclosed in individually identifiable form.

1 (v) To an insurer if authorized by Chapter 5  
2 (commencing with Section 10900) of Division 4 of the  
3 Vehicle Code.

4 This article shall not be construed to require the  
5 disclosure of personal information to the individual to  
6 whom the information pertains when that information  
7 may otherwise be withheld as set forth in Section 1798.40

8 SEC. 7. Section 10439 of the Health and Safety Code  
9 is amended to read:

10 10439. ~~All~~ (a) Except as specified in subdivision (b),  
11 all records and information specified in this article, other  
12 than the newly issued birth certificate, shall be available  
13 only upon the order of the superior court of the county  
14 of residence of the adopted child or the superior court of  
15 the county granting the order of adoption.

16 No such order shall be granted by the superior court  
17 unless a verified petition setting forth facts showing the  
18 necessity of such an order has been presented to the court  
19 and good and compelling cause is shown for the granting  
20 of the order. The clerk of the superior court shall send a  
21 copy of the petition to the State Department of Social  
22 Services and the department shall send a copy of all  
23 records and information it has concerning the adopted  
24 person with the name and address of the ~~natural birth~~  
25 parents removed to the court. The court must review  
26 these records before making an order and the order  
27 should so state. ~~If the petition is by or on behalf of an~~  
28 ~~adopted child who has attained majority, these facts shall~~  
29 ~~be given great weight, but the granting of any petition is~~  
30 ~~solely within the sound discretion of the court.~~

31 The name and address of the ~~natural birth~~ parents shall  
32 be given to the petitioner only if he or she can  
33 demonstrate that ~~such~~ the name and address, or either  
34 of them, are necessary to assist him or her in establishing  
35 a legal right.

36 (b) (1) Upon request, the State Registrar shall make  
37 available to an adoptee who has attained the age of 18  
38 years, an uncertified, copy of his or her original record of  
39 birth, without an order of the superior court.

40 (2) The form of request required by this subdivision

1 shall be prescribed by the State Department of Health  
2 Services and shall provide for a notarized affidavit to be  
3 executed by the requester that to the best of his or her  
4 knowledge, he or she is an adoptee.

5 (3) The State Department of Health Services may  
6 establish a fee to defray the cost of providing information  
7 or records pursuant to this subdivision. The amount of the  
8 fee shall not exceed \_\_\_\_\_ dollars (\$\_\_\_\_\_) in the  
9 1991-92 fiscal year, but this amount may thereafter be  
10 adjusted by the state department for inflation.

11 SEC. 8. Notwithstanding Section 17610 of the  
12 Government Code, if the Commission on State Mandates  
13 determines that this act contains costs mandated by the  
14 state, reimbursement to local agencies and school  
15 districts for those costs shall be made pursuant to Part 7  
16 (commencing with Section 17500) of Division 4 of Title  
17 2 of the Government Code. If the statewide cost of the  
18 claim for reimbursement does not exceed one million  
19 dollars (\$1,000,000), reimbursement shall be made from  
20 the State Mandates Claims Fund. Notwithstanding  
21 Section 17580 of the Government Code, unless otherwise  
22 specified in this act, the provisions of this act shall become  
23 operative on the same date that the act takes effect  
24 pursuant to the California Constitution.

O