

AMENDED IN ASSEMBLY AUGUST 15, 2005

AMENDED IN SENATE MAY 31, 2005

AMENDED IN SENATE MAY 10, 2005

AMENDED IN SENATE MAY 3, 2005

AMENDED IN SENATE APRIL 18, 2005

**SENATE BILL**

**No. 796**

---

---

**Introduced by Senator Figueroa  
(Principal coauthors: Senators Ducheny and Murray)**

February 22, 2005

---

---

An act to add Chapter 8.5 (commencing with Section 11820) to Part 1 of Division 3 of Title 2 of, *to add and repeal Article 10 (commencing with Section 11364) of Chapter 3.5 of Division 3 of Title 2 of,* and to add and repeal Chapter 22.5 (commencing with Section 7528) of Division 7 of Title 1 of, ~~and to add and repeal Article 10 (commencing with Section 11364) of Chapter 3.5 of Division 3 of Title 2 of,~~ the Government Code, relating to state government operations.

LEGISLATIVE COUNSEL'S DIGEST

SB 796, as amended, Figueroa. State government operations: accountability.

Existing law ~~also~~ generally sets forth the duties and responsibilities of the head of any state agency, department, board, commission, bureau, or program.

This bill would enact the Government Modernization, Efficiency, Accountability, and Transparency Act of 2005, which, among other things, would require, until January 1, 2012, every state agency that issues permits or licenses or accepts applications, proposals, bids, or

similar requests, to post on a Web site, no later than January 1, 2007, “customer service” links that contain, among other things, specified information for frequently asked questions, forms and applications, and instructions for filing complaints in electronic format via the Internet.

This bill would require, until January 1, 2012, among other things, that applicable bulletins and notices required pursuant to the Administrative Procedure Act and the Bagley-Keene Open Meeting Act and notices of all public meetings and agendas ~~related to state regulatory actions~~ be posted on the respective government Web sites of these state agencies no later than January 1, 2007. The bill would require, to the extent practicable, that hearings on proposed regulations be televised over the Internet via a Web cast or other technology.

This bill would create a specified task force and require the task force, no later than January 1, 2007, to, among other things, adopt a strategic plan and prioritize and identify those state agencies, as defined, that, in the judgment of the task force, should be reviewed for performance, as specified, and to define performance measures that will guide each state agency in establishing its own performance measures for how well or poorly it is fulfilling the public policy purposes for which it was created. It would require each identified state agency, no later than January 1, 2008, to establish and post on its Internet Web site a strategic plan and performance measures consistent with the task force’s guideline definition.

The bill would also require the task force, no later than January 1, 2008, and every 2 years thereafter, in its discretion, to assign a letter grade to the identified agencies and would require the Governor to post the agency’s letter grade and other specified information on an Internet Web site.

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

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

1 SECTION 1. This act shall be known and may be cited as the  
2 Government Modernization, Efficiency, Accountability, and  
3 Transparency Act of 2005.

4 SEC. 2. Chapter 22.5 (commencing with Section 7528) is  
5 added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 22.5. CALIFORNIA TAXPAYERS’ RIGHT TO  
CUSTOMER SERVICE

7528. (a) In addition to any other requirement, every state agency, as defined in Section 11000, that issues permits or licenses or accepts applications, proposals, bids, or similar requests shall post on a Web site, no later than January 1, 2007, “customer service” links to the following information:

(1) A link entitled “frequently asked questions” that answers questions about how to obtain a permit or license or have an application granted and how to appeal the denial of a permit, license, or application.

(2) A link for forms and applications and appeal-related documents that are available in a format that permits them to be downloaded and printed from the state agency’s Web site.

(3) A link with instructions on how individuals may file complaints, including via electronic means, related to issues under the jurisdiction of the state agency.

(b) Nothing in this chapter shall affect the discretion of a state agency to post on the Internet information in addition to what is required to be disclosed by this chapter.

(c) The requirements of this chapter only apply to state agencies that otherwise have an Internet Web site and are in addition to any other information that is otherwise required by law.

7528.1. This chapter shall remain in effect only until January 1, 2012, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2012, deletes or extends that date.

SEC. 3. Article 10 (commencing with Section 11364) is added to Chapter 3.5 of Division 3 of Title 2 of the Government Code, to read:

Article 10. California Taxpayers’ Right to Self-Governance  
and Participation

11364. (a) In addition to any other requirement, every state agency, as defined in Section 11000, shall post on its homepage of its Web site, no later than January 1, 2007, a link entitled

1 “Decisions Pending and Opportunities for Public Participation”  
2 where the link contains all of the following information:

3 (1) All applicable bulletins and notices required pursuant to  
4 this chapter.

5 (2) Notices of all public meetings and agendas ~~related to~~  
6 ~~regulatory actions, including, but not limited to, consistency~~  
7 ~~determinations, adoption of agreements, disciplinary~~  
8 ~~proceedings, permit, license, or application approvals or~~  
9 ~~renewals, ratesetting, and proposed plans related to land or~~  
10 ~~resource uses.~~ This information shall be posted in compliance  
11 with the Administrative Procedure Act (Chapter 3.5  
12 (commencing with Section 11340) of Division 3 of Title 2), the  
13 Bagley-Keene Open Meeting Act (Article 9 (commencing with  
14 Section 11120) of Division 3 of Title 2) or other applicable  
15 provisions of law, but no later than ~~15~~ 10 days before the meeting  
16 where the regulatory action is on the agenda.

17 (3) Instructions on how the public may submit written  
18 comments or otherwise participate in administrative procedures,  
19 meetings, and hearings with a link entitled “How to Participate.”

20 (4) A link to the text of all regulations and statutes related to  
21 current bulletins and notices entitled “Laws and Regulations  
22 Relevant to Current Public Proceedings.” This requirement can  
23 be met by a link to another Web site containing the proposed  
24 regulation or statute.

25 (5) A link that provides an opportunity for the public to  
26 comment on draft regulations pursuant to this chapter through  
27 electronic mail or by facsimile entitled “Submit Your Comments  
28 on Draft Regulations Here.”

29 (b) Every state agency shall, to the extent practicable and can  
30 be done utilizing existing resources, have hearings on proposed  
31 regulations televised over the Internet via a Web cast or other  
32 technology.

33 (c) (1) The requirements of this article only apply to state  
34 agencies that otherwise have an Internet Web site and are in  
35 addition to any other information that is otherwise required by  
36 law.

37 (2) Nothing in this article shall affect the discretion of a state  
38 governmental entity to do either of the following:

39 (A) Post on its Web site or the Internet information in addition  
40 to what is required to be disclosed by this article.

1 (B) Post accurate, useful, and explanatory plain language  
2 information.

3 11365. This article shall remain in effect only until January 1,  
4 2012, and as of that date is repealed, unless a later enacted  
5 statute, that is enacted before January 1, 2012, deletes or extends  
6 that date.

7 SEC. 4. Chapter 8.5 (commencing with Section 11820) is  
8 added to Part 1 of Division 3 of Title 2 of the Government Code,  
9 to read:

10

11 CHAPTER 8.5. CALIFORNIA TAXPAYERS' PERFORMANCE  
12 REPORT CARD

13

14 11820. The Legislature finds and declares all of the  
15 following:

16 (a) The people of California are the ultimate supervisors of  
17 California's state government.

18 (b) As such, the public must be able to hold the executive  
19 branch accountable and determine whether state government is  
20 run efficiently and effectively. The public therefore deserves to  
21 know accurate, complete, and relevant information about how  
22 well or poorly its government is run.

23 (c) At the November 2, 2004, statewide general election, the  
24 voters overwhelmingly approved Proposition 59, which provides  
25 the public with a right of access to public meetings and the  
26 writings of government officials, demonstrating the public's  
27 strong support for transparency in government.

28 (d) The public must therefore be able to routinely and easily  
29 obtain information about the operations and performance of state  
30 government.

31 (e) This information may be provided to the residents of  
32 California inexpensively, by using existing data or by uploading  
33 existing electronic documents, and posting hard copies of  
34 existing documents on the Internet.

35 11821. For purposes of this chapter, the following terms have  
36 the following meanings:

37 (a) "Agency" means state agency as defined in Section 11000.

38 (b) "Task force" means a task force comprised of the  
39 following individuals or their designees: Director of Finance, the  
40 Chair of the Little Hoover Commission, the State Auditor, the

1 Legislative Analyst, one member of the Governor’s cabinet  
2 appointed by the Governor, one member appointed by the Senate  
3 Committee on Rules and one member appointed by the Speaker  
4 of the Assembly.

5 11822. (a) No later than January 1, 2007, the task force shall,  
6 after public comment and hearings throughout California, do all  
7 of the following:

8 (1) Adopt a strategic plan for the task force.

9 (2) Prioritize and identify those agencies that, in the judgment  
10 of the task force, should be reviewed initially and thereafter  
11 according to a schedule set by the task force.

12 (3) Define “performance measure,” and provide examples of  
13 what is and is not a “performance measure” that will guide each  
14 agency in establishing its own performance measures for how  
15 well or poorly it is fulfilling the public policy purposes for which  
16 it was created. In developing this definition, the task force shall  
17 give preference to definitions and examples based upon data that  
18 is currently collected.

19 (b) No later than January 1, 2008, and every two years  
20 thereafter, the task force shall; commence assigning to each  
21 agency identified pursuant to paragraph (2) of subdivision (a) a  
22 letter grade ranging from “A” to “F.”

23 (c) (1) In assigning grades, the task force shall determine  
24 appropriate categories and criteria for grading, shall assign a  
25 grade for each category, and the final grade shall be an average  
26 of the grades assigned for each category.

27 (2) The task force may use the “Government Performance  
28 Project’s Grading the States” as a model.

29 (3) In doing the grading, the task force shall not set a grade  
30 based upon performance if the task force determines, based on  
31 objective criteria, that the poor performance is due to inadequate  
32 funding, authority, or resources beyond the control of the agency.  
33 The task force shall identify those agencies where poor  
34 performance is a direct result of inadequate funding, authority, or  
35 resources beyond the control of the agency and the task force  
36 shall make corrective action recommendations.

37 ~~(d) The task force shall also provide a letter grade for all of~~  
38 ~~state government based on the same categories and criteria~~  
39 ~~identified in paragraph (1) of subdivision (c).~~

40 (e)

1 (d) All state agencies identified in paragraph (2) of subdivision  
2 (a) shall reimburse the task force for all task force costs  
3 associated with that state agency.

4 ~~(f)~~

5 (e) As needed, the task force shall enter into interagency  
6 agreements with all state agencies identified in paragraph (2) of  
7 subdivision (a) to provide resources and staffing for the task  
8 force.

9 11822.5. Meetings of the task force shall be subject to the  
10 Bagley-Keene Open Meeting Act.

11 11823. (a) No later than January 1, 2008, each agency  
12 identified pursuant to paragraph (2) of subdivision (a) of Section  
13 11822 shall establish and post on its Internet Web site a strategic  
14 plan, including, but not limited to, vision statement, mission  
15 statement, goals and objectives, strategies, and performance  
16 measures, to assist the public in evaluating how well or poorly it  
17 is fulfilling the public policy purposes for which it was created.  
18 In developing performance measures, the agency shall be guided  
19 by the guideline definition developed by the task force pursuant  
20 to paragraph (2) of subdivision (a) of Section 11822 and shall  
21 give preference to performance measures that are based on data  
22 that is currently collected.

23 (b) Within 10 days of the task force assigning a letter grade to  
24 an agency, the agency shall clearly and conspicuously display  
25 and post the letter grade or grades on its Internet Web site.

26 11824. Nothing in this chapter shall affect the discretion of a  
27 state agency to post on the Internet or otherwise disclose  
28 information in addition to what is required to be disclosed by this  
29 chapter, nor shall it affect the discretion to post information  
30 intended to place the information required by this chapter in an  
31 appropriate context. The disclosures required by this chapter are  
32 in addition to those that may otherwise be required by any other  
33 provision of law.

34 11824.1. The Governor shall post a Web site entitled  
35 "California Taxpayers' Performance Report Card," with a link  
36 from the Governor's Internet homepage. The Web site shall  
37 disclose information for the public to contact the task force,  
38 opportunities for the public to participate in task force meetings,  
39 opportunities for the public to provide information to the task

- 1 force, and all information coming from the task force under
- 2 Section 11822.

O