

AMENDED IN ASSEMBLY AUGUST 25, 2005

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, the Government Code, relating to state government operations.

LEGISLATIVE COUNSEL'S DIGEST

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

Existing law 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 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. This
6 information shall be posted in compliance with the
7 Administrative Procedure Act (Chapter 3.5 (commencing with
8 Section 11340) of Division 3 of Title 2), the Bagley-Keene Open
9 Meeting Act (Article 9 (commencing with Section 11120) of
10 Division 3 of Title 2) or other applicable provisions of law, but
11 no later than 10 days before the meeting where the regulatory
12 action is on the agenda.

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

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

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

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

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

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

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

37 (B) Post accurate, useful, and explanatory plain language
38 information.

39 11365. This article shall remain in effect only until January 1,
40 2012, and as of that date is repealed, unless a later enacted

1 statute, that is enacted before January 1, 2012, deletes or extends
2 that date.

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

6
7 ~~CHAPTER 8.5. CALIFORNIA TAXPAYERS' PERFORMANCE~~
8 ~~REPORT CARD~~
9

10 ~~11820. The Legislature finds and declares all of the~~
11 ~~following:~~

12 ~~(a) The people of California are the ultimate supervisors of~~
13 ~~California's state government.~~

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

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

24 ~~(d) The public must therefore be able to routinely and easily~~
25 ~~obtain information about the operations and performance of state~~
26 ~~government.~~

27 ~~(e) This information may be provided to the residents of~~
28 ~~California inexpensively, by using existing data or by uploading~~
29 ~~existing electronic documents, and posting hard copies of~~
30 ~~existing documents on the Internet.~~

31 ~~11821. For purposes of this chapter, the following terms have~~
32 ~~the following meanings:~~

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

34 ~~(b) "Task force" means a task force comprised of the~~
35 ~~following individuals or their designees: Director of Finance, the~~
36 ~~Chair of the Little Hoover Commission, the State Auditor, the~~
37 ~~Legislative Analyst, one member of the Governor's cabinet~~
38 ~~appointed by the Governor, one member appointed by the Senate~~
39 ~~Committee on Rules and one member appointed by the Speaker~~
40 ~~of the Assembly.~~

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

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

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

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

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

19 ~~(c) (1) In assigning grades, the task force shall determine~~
20 ~~appropriate categories and criteria for grading, shall assign a~~
21 ~~grade for each category, and the final grade shall be an average~~
22 ~~of the grades assigned for each category.~~

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

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

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

36 ~~(e) As needed, the task force shall enter into interagency~~
37 ~~agreements with all state agencies identified in paragraph (2) of~~
38 ~~subdivision (a) to provide resources and staffing for the task~~
39 ~~force.~~

1 ~~11822.5. Meetings of the task force shall be subject to the~~
2 ~~Bagley-Keene Open Meeting Act.~~

3 ~~11823. (a) No later than January 1, 2008, each agency~~
4 ~~identified pursuant to paragraph (2) of subdivision (a) of Section~~
5 ~~11822 shall establish and post on its Internet Web site a strategic~~
6 ~~plan, including, but not limited to, vision statement, mission~~
7 ~~statement, goals and objectives, strategies, and performance~~
8 ~~measures, to assist the public in evaluating how well or poorly it~~
9 ~~is fulfilling the public policy purposes for which it was created.~~
10 ~~In developing performance measures, the agency shall be guided~~
11 ~~by the guideline definition developed by the task force pursuant~~
12 ~~to paragraph (2) of subdivision (a) of Section 11822 and shall~~
13 ~~give preference to performance measures that are based on data~~
14 ~~that is currently collected.~~

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

18 ~~11824. Nothing in this chapter shall affect the discretion of a~~
19 ~~state agency to post on the Internet or otherwise disclose~~
20 ~~information in addition to what is required to be disclosed by this~~
21 ~~chapter, nor shall it affect the discretion to post information~~
22 ~~intended to place the information required by this chapter in an~~
23 ~~appropriate context. The disclosures required by this chapter are~~
24 ~~in addition to those that may otherwise be required by any other~~
25 ~~provision of law.~~

26 ~~11824.1. The Governor shall post a Web site entitled~~
27 ~~“California Taxpayers’ Performance Report Card,” with a link~~
28 ~~from the Governor’s Internet homepage. The Web site shall~~
29 ~~disclose information for the public to contact the task force,~~
30 ~~opportunities for the public to participate in task force meetings,~~
31 ~~opportunities for the public to provide information to the task~~
32 ~~force, and all information coming from the task force under~~
33 ~~Section 11822.~~