

ASSEMBLY BILL

No. 2281

Introduced by Assembly Member Hagman

February 21, 2014

An act to add Section 39510.5 to the Health and Safety Code, and to add Section 301.5 to the Public Utilities Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2281, as introduced, Hagman. State government: State Air Resources Board: Public Utilities Commission: legislative oversight participants.

Existing law establishes in the California Environmental Protection Agency the State Air Resources Board, which is responsible for control of emissions from motor vehicles and is designated the air pollution control agency for all purposes set forth in federal law.

This bill would require the President pro Tempore of the Senate and the Speaker of the Assembly to jointly appoint 2 Members of the Legislature, one Member from the majority party and one Member of the minority party, to be legislative oversight participants in the proceedings of the state board and would authorize the legislative oversight participants to fully participate in discussions during meetings of the state board as if the legislative oversight participants were members of the state board, but would have no right to vote in matters before the state board. The bill would require the executive officer of the state board ensure that both legislative oversight participants are provided with the agenda of business and all materials provided to a member of the state board for consideration of any item that is before the full state board. The bill would authorize a legislative oversight

participant to request to be supplied with materials filed with, or developed by, the state board with respect to any item that is before the board for consideration. The bill would require that the legislative oversight participant maintain the confidentiality of any proprietary, confidential, or otherwise legally protected information supplied to the legislative oversight participant.

The California Constitution establishes the Public Utilities Commission, authorizes the commission, subject to statute and due process, to establish its own procedures, provides that all public utilities, as defined, are subject to control by the Legislature, and generally authorizes the commission to fix rates, establish rules, examine records, issue subpoenas, administer oaths, take testimony, punish for contempt, and prescribe a uniform system of accounts for all public utilities subject to its jurisdiction.

This bill would require the President pro Tempore of the Senate and the Speaker of the Assembly to jointly appoint 2 Members of the Legislature, one Member from the majority party and one Member of the minority party, to be legislative oversight participants in the proceedings of the commission and would authorize the legislative oversight participants to fully participate in discussions during meetings of the commission as if the legislative oversight participants were members of the commission, but would have no right to vote in matters before the commission. The bill would require the executive director of the commission ensure that both legislative oversight participants be provided with the agenda of business and all materials provided to a commissioner for consideration of any item that is before the full commission. The bill would authorize a legislative oversight participant to request to be supplied with materials filed with, or developed by, the commission with respect to any investigation or proceeding of the commission. The bill would require that the legislative oversight participant maintain the confidentiality of any proprietary, confidential, or otherwise legally protected information supplied to the legislative oversight participant, unless the commission orders the materials be disclosed.

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. Section 39510.5 is added to the Health and Safety
2 Code, to read:

3 39510.5. (a) In order to improve legislative oversight, the
4 President pro Tempore of the Senate and the Speaker of the
5 Assembly shall jointly appoint two Members of the Legislature,
6 one Member from the majority party and one Member of the
7 minority party, to be legislative oversight participants in the
8 proceedings of the state board. A legislative oversight participant
9 may fully participate in discussions during meetings of the state
10 board as if the legislative oversight participant were a member of
11 the state board, but shall have no right to vote in matters before
12 the state board.

13 (b) The executive officer of the state board shall ensure that
14 each legislative oversight participant is provided with the agenda
15 of business and all materials provided to a member of the state
16 board for consideration of any item that is before the full state
17 board. A legislative oversight participant may request that the
18 executive officer supply the legislative oversight participant with
19 materials filed with, or developed by, the state board with respect
20 to any item that is before the board for consideration. A legislative
21 oversight participant shall maintain the confidentiality of any
22 proprietary, confidential, or otherwise legally protected information
23 supplied to the legislative oversight participant.

24 (c) A legislative oversight participant shall receive no
25 compensation for his or her services, but shall be reimbursed for
26 his or her actual and necessary expenses incurred in connection
27 with the performance of his or her duties.

28 SEC. 2. Section 301.5 is added to the Public Utilities Code, to
29 read:

30 301.5. (a) In order to improve legislative oversight, the
31 President pro Tempore of the Senate and the Speaker of the
32 Assembly shall jointly appoint two Members of the Legislature,
33 one Member from the majority party and one Member of the
34 minority party, to be legislative oversight participants in the
35 proceedings of the commission. A legislative oversight participant
36 may fully participate in discussions during meetings of the
37 commission as if the legislative oversight participant were a

1 member of the commission, but shall have no right to vote in
2 matters before the commission.

3 (b) The executive director of the commission shall ensure that
4 each legislative oversight participant is provided with the agenda
5 of business and all materials provided to a commissioner for
6 consideration of any item that is before the full commission. A
7 legislative oversight participant may request that the executive
8 director supply the legislative oversight participant with materials
9 filed with, or developed by, the commission with respect to any
10 investigation or proceeding of the commission. A legislative
11 oversight participant may request the director of the independent
12 Office of Ratepayer Advocates supply the legislative oversight
13 participant with materials filed with, or developed by, the office
14 with respect to any investigation or proceeding in which the office
15 is participating. A legislative oversight participant shall maintain
16 the confidentiality of any proprietary, confidential, or otherwise
17 legally protected information supplied to the legislative oversight
18 participant unless the commission orders the material be disclosed
19 pursuant to Section 583.

20 (c) A legislative oversight participant shall receive no
21 compensation for his or her services, but shall be reimbursed for
22 his or her actual and necessary expenses incurred in connection
23 with the performance of his or her duties.