

Senate Bill No. 504

CHAPTER 192

An act to add Section 11440.60 to the Government Code, relating to administrative law.

[Approved by Governor August 2, 1997. Filed with Secretary of State August 4, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

SB 504, Johnston. Administrative law: written communication.

Existing law imposes requirements on adjudicative proceedings of state agencies.

This bill would require that any person submitting a written communication, as defined, to a state agency in a quasi-judicial proceeding, as defined, that is directly paid for by anyone other than the person submitting the written communication, clearly indicate any person who paid to produce the written communication. The bill would authorize a state agency to refuse or ignore a written communication submitted by an attorney or any other representative on behalf of a client in a quasi-judicial proceeding, unless the written communication clearly indicates the client.

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

SECTION 1. Section 11440.60 is added to the Government Code, to read:

11440.60. (a) For purposes of this section, the following terms have the following meaning:

(1) "Quasi-judicial proceeding" means any of the following:

(A) A proceeding to determine the rights or duties of a person under existing laws, regulations, or policies.

(B) A proceeding involving the issuance, amendment, or revocation of a permit or license.

(C) A proceeding to enforce compliance with existing law or to impose sanctions for violations of existing law.

(D) A proceeding at which action is taken involving the purchase or sale of property, goods, or services by an agency.

(E) A proceeding at which an action is taken awarding a grant or a contract.

(2) "Written communication" means any report, study, survey, analysis, letter, or any other written document.

(b) Any person submitting a written communication, which is specifically generated for the purpose of being presented at the agency hearing to which it is being communicated, to a state agency



in a quasi-judicial proceeding that is directly paid for by anyone other than the person who submitted the written communication shall clearly indicate any person who paid to produce the written communication.

(c) A state agency may refuse or ignore a written communication submitted by an attorney or any other authorized representative on behalf of a client in a quasi-judicial proceeding, unless the written communication clearly indicates the client on whose behalf the communication is submitted to the state agency.

