

Senate Bill No. 796

CHAPTER 686

An act 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.

[Approved by Governor October 7, 2005. Filed with
Secretary of State October 7, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

SB 796, 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.

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

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

SEC. 2. Chapter 22.5 (commencing with Section 7528) is 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 “Decisions Pending and Opportunities for Public Participation” where the link contains all of the following information:

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

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

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

(4) A link to the text of all regulations and statutes related to current bulletins and notices entitled “Laws and Regulations Relevant to Current

Public Proceedings.” This requirement can be met by a link to another Web site containing the proposed regulation or statute.

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

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

(c) (1) The requirements of this article 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.

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

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

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

11365. This article 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.