

Date of Hearing: June 7, 2023

ASSEMBLY COMMITTEE ON ACCOUNTABILITY AND ADMINISTRATIVE REVIEW

Cottie Petrie-Norris, Chair

SB 259 (Seyarto) – As Introduced January 30, 2023

**SENATE VOTE:** 36-0

**SUBJECT:** Reports submitted to legislative committees

**SUMMARY:** This bill requires each state agency, when submitting specified reports to a committee of the Legislature, to also post those reports on the agency's internet website.

Specifically, **this bill:**

- 1) Requires a state agency to post on its internet website “any” report that the state agency submits to a committee of the Legislature.
- 2) Defines “report” to include a study, audit, or any report identified in the Legislative Analyst’s Supplemental Report of the Budget Act.

**EXISTING LAW:**

- 1) Requires a report that is “required or requested by law” to be submitted by a state or local agency to the Members of either house of the Legislature to instead be submitted as a printed copy to the Secretary of the Senate, as an electronic copy to the Chief Clerk of the Assembly, and as an electronic or printed copy to the Legislative Counsel. (Gov. Code Sec. 9795(a)(1))
- 2) Requires a state agency to provide an electronic copy of the summary of a report “required or requested by law” directly to each Member of the appropriate house of the Legislature. (Gov. Code Sec. 9795(a)(1))
- 3) Requires a state agency to post a report “required or requested by law” on the agency’s internet website and to include in the report the internet website where the report can be downloaded. (Gov. Code Sec. 9795(d))
- 4) Requires the Legislative Counsel to make available on an internet website a list of all reports that state and local agencies are “required or requested by law” to prepare and file with the Governor or the Legislature, and to include in the list any hyperlink to the report. (Gov. Code Sec. 9795(a)(2))
- 5) Provides that, if the Legislative Counsel receives a request from a member of the public for a report contained in the list, the Legislative Counsel is not required to provide a copy of the report and may refer the requester to the state or local agency that authored the report, or to the California State Library as the final repository of public information. (Gov. Sec. 9795 (a)(2))

- 6) Defines “report” subject to these Government Code provisions to include “any study or audit.” (Gov. Code Sec. 9795(e))
- 7) Requires the Legislative Counsel to make available to the public in an electronic form legislative information, including the calendar, schedule of committee hearings, list of matters pending on the floors of both houses. and list of committees and their members; the text, history, status, committee analysis, vote, and any veto message of each bill; audiovisual recordings of legislative proceedings; and the California Codes, Constitution, and all statutes enacted on or after January 1, 1993. (Gov. Code Sec. 10248)

**FISCAL EFFECT:** >This bill is keyed Fiscal by Legislative Counsel.

**COMMENTS:**

- 1) *Author’s Purpose.* According to the author’s office:

“The inconsistency in agency reporting requirements has created a situation in which constituents lack access to information that their representatives base their decision-making on. Constituents cannot know if their members are effectively representing them if those constituents lack the information necessary to determine their best interests. Expanding existing agency reporting requirements to encompass all legislative reports is a small adjustment that will go a long way to ensure all Californians have equal access and opportunity to evaluate the same information legislators use to make important policy decisions. This in turn, will enable Californians to better inform legislators of their priorities and needs.”

- 2) *Reports Required by Law.* Existing law Government Code Section 9795 requires that any report “required or requested by law” to be submitted by a state or local agency to the members of either house of the Legislature be submitted as a printed copy to the Secretary of the Senate, as an electronic copy to the Chief Clerk of the Assembly, and as an electronic or printed copy to the Legislative Counsel. In addition, each state agency submitting a report is required to provide an electronic copy of the summary of the report directly to each member of the appropriate house and to post the report on the agency’s web site.
- 3) *Reports Not Required by Law.* This bill expands the list of reports that state agencies are required to post on their internet websites beyond those reports “required or requested by law.” It requires a state agency to post on its internet website “any report that the state agency submits to a committee of the Legislature.” It defines “report” to include “a study, report, audit, or any report identified in the Legislative Analyst’s Supplemental Report of the Budget Act.”

The Legislative Analyst’s Office (LAO) annual Supplemental Report of the Budget Act contains statements of legislative intent that were adopted during the deliberations on that budget package.<sup>1</sup> Responses to the LAO Supplemental Report, and any other report or document required to be submitted, are distributed to the Joint Legislative Budget Committee, to the Secretary of the Senate, to the Office of the Chief Clerk of the Assembly,

---

<sup>1</sup> An example is here [supplemental-language-2021.pdf \(ca.gov\)](#).

and to the Legislative Counsel. Although the LAO Supplemental Report directs that agencies “shall” submit specified reports, this LAO directive does not have the same legal effect as when a statute makes a report “required or requested by law.” Simply put, the LAO Report is not a law. This bill fills that gap by applying the state agency posting requirement to “any” report as defined to include any report identified in the Legislative Analyst’s Supplemental Report of the Budget Act.

However, given the author’s primary purpose to ensure that reports identified in the LAO Supplemental Report are covered, it may be clearer to reference this report in current law rather than add a new stand-alone code section. ***Thus, the committee may wish to consider amending this bill to strike the new Government Code Section 9796 from the bill and instead amend Government Code Section 9795 to include any report identified in the Legislative Analyst’s Supplemental Report of the Budget Act.***

- 4) ***Not Just Committees.*** This bill applies to any report that a state agency “submits to a committee of the Legislature.” This may be too narrow in that many reports, audits, and studies, including those required by a LAO Supplemental Report, may be submitted to all Members of each house, leadership, or some other office of the Legislature. ***Thus, the committee may wish to consider amending this bill to instead refer to any report that a state agency “submits to the Legislature or to any committee of the Legislature.”***
- 5) ***Improving Access to Reports.*** Existing law Government Code Section 9795 requires the Office of Legislative Counsel to maintain a list in electronic form of all reports submitted to the Legislature by state and local agencies. This list is maintained on a dropdown menu on the Legislative Counsel agency website, as pictured below:<sup>2</sup>



Separate provisions of existing law – Government Code Section 10248 – requires Legislative Counsel to make available on a publicly accessible website a wide range of legislative information. This website is [www.leginfo.legislature.ca.gov](http://www.leginfo.legislature.ca.gov), the most frequently used

<sup>2</sup> A searchable list of state agency reports is available at [Search for Agency Reports | California Agency Reports](#), which is a page within the Legislative Counsel’s official internet website at [Welcome to the Legislative Counsel of California | Legislative Counsel](#).

publicly available website for legislative information. This site includes tabs for “Bill Information,” “California Law,” “Publications,” and “Other Resources,” among others, as pictured below:

The screenshot shows the California Legislative Information website. At the top right, there are links for 'skip to content', 'home', 'accessibility', 'FAQ', 'feedback', 'sitemap', and 'login'. Below these is a 'Quick Search' box with a dropdown menu set to 'Bill Number' and a search button labeled 'go'. A navigation bar contains tabs for 'Home', 'Bill Information', 'California Law', 'Publications', 'Other Resources' (highlighted with a red box), 'My Subscriptions', and 'My Favorites'. Below the navigation bar is a breadcrumb trail: 'Bill Information >> Bill Search'. The main content area has three tabs: 'Bill Search' (selected), 'Text Search', and 'Advanced Search'. The 'Bill Search' form includes fields for 'Bill Number' (with a dropdown menu showing 'AB1 or ab 1 or ABx1-1'), 'Session Year' (dropdown: '2023 - 2024'), 'Keyword(s)' (text input), 'House' (dropdown: 'Both'), 'Author' (dropdown: 'All'), 'Statute Year' (text input), 'Code' (dropdown: 'All'), 'Chapter Number' (text input), and 'Code Section' (text input). There are 'Search' and 'Clear' buttons at the bottom of the form.

A member of the public looking for legislative information, including reports, is much more likely to access this “leginfo” website than the official Legislative Counsel website that currently has the list of state and local agency reports (referenced in footnote above and pictured above).

***Thus, to further the purposes of this bill, the committee may wish to consider amending this bill to amend Government Code Section 10248 to require that the “Other Resources” tab on the “leginfo” website include a link to the Legislative Counsel site with the list of state agency reports.***

6) *Arguments in Support.* Common Cause-California states the following in support of this bill:

“Often, the Legislature requires state agencies to issue reports on topics or on the implementation of various policies. Historically, legislation has specified where these reports must be sent, such as to the applicable legislative policy committee. These reports provide crucial information about the implementation of programs, serving as important oversight tools. However, they are inconsistently easily available to the public. A member of the public may have to already know a report is required in order to request it, instead of it being proactively available online.

SB 259 would expand the types of reports created by state agencies that are required to be posted for public access on the agency’s website. This will make it easier for all Californians to gain access to information, and thus hold their representatives accountable.”

### **Related/Prior Legislation**

AB 802 (M. Stone, 2019) would have required the California Department of Technology to establish and maintain a statewide open data portal for state and local agencies to submit all

reports to the Legislature electronically, as specified. (Held on the Senate Appropriations Suspense File)

AB 805 (Oberholte, 2019) would have required a state agency to post on its website any report that it submits to a committee of the Legislature. (Gutted and amended into an unrelated issue)

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Common Cause

**Opposition**

None on file.

**Analysis Prepared by:** Jacqueline Kinney / A. & A.R. / (916) 319-3600