

AMENDED IN SENATE JUNE 13, 2007

AMENDED IN ASSEMBLY APRIL 17, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1135

Introduced by Assembly Member Strickland
(Principal coauthor: Assembly Member Spitzer)

February 23, 2007

An act to add Section 7550.7 to the Government Code, relating to state reports.

LEGISLATIVE COUNSEL'S DIGEST

AB 1135, as amended, Strickland. State government: reports: declarations.

Existing law generally sets out the requirements for the submission of written reports by public agencies to the Legislature, the Governor, the Controller, and state legislative and other executive entities.

This bill would require ~~any of these written reports required to be a written report, as defined,~~ submitted by any state agency or department *to the Legislature, a Member of the Legislature, or any state legislative or executive body* to include a signed statement by the head of the agency or department, ~~except as specified,~~ declaring that the *factual* contents of the *written* report are true, accurate, and complete to the best of his or her knowledge.

This bill would also make any person who declares as true any material matter pursuant to these provisions that he or she knows to be false liable for a civil penalty not to exceed \$20,000.

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 7550.7 is added to the Government Code,
2 to read:

3 7550.7. (a) (1) Notwithstanding any other provision of law,
4 ~~every written report, as defined in paragraph (2) of subdivision (a)~~
5 ~~of Section 7550.5, required to be submitted to the Legislature by~~
6 *a written report submitted to the Legislature, a Member of the*
7 *Legislature, or any state legislative or executive body* by any state
8 agency or department shall include a signed statement by the head
9 of that agency or department declaring that the *factual* contents of
10 the report are true, accurate, and complete to the best of his or her
11 knowledge.

12 (2) With respect to the Franchise Tax Board, the signed
13 statement described in paragraph (1) shall be made by the executive
14 officer of that board, and with respect to the State Board of
15 Equalization, the statement shall be made by the executive director
16 of that board.

17 (b) Paragraph (1) of subdivision (a) applies to the head of every
18 state agency or department, including, but not limited to, elected
19 officials of state government, and any state official whose duties
20 are prescribed by the California Constitution.

21 (c) *For purposes of this section, a “written report” is either of*
22 *the following:*

23 (1) *A document required by statute to be prepared and submitted*
24 *to the Legislature, or any state legislative or executive body.*

25 (2) *A document, summary, or statement requested by a Member*
26 *of the Legislature.*

27 (d) *The declaration in the signed statement as to the truth,*
28 *accuracy, and completeness of the factual contents of the written*
29 *report shall not apply to any predictions, forecasts,*
30 *recommendations, or opinions contained in the written report.*

31 (e)

32 (e) Any person who declares as true any material matter pursuant
33 to this section that he or she knows to be false shall be liable for
34 a civil penalty not to exceed twenty thousand dollars (\$20,000).
35 The civil penalties provided for in this section shall be exclusively
36 assessed and recovered in a civil action brought in the name of the

- 1 people of the State of California in any court of competent
- 2 jurisdiction by the Attorney General.

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