

Senate Bill No. 561

Passed the Senate May 14, 2001

Secretary of the Senate

Passed the Assembly June 29, 2001

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2001, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Sections 11340.85 and 11342.595 of, and to repeal Section 11340.8 of, the Government Code, relating to administrative procedures.

LEGISLATIVE COUNSEL'S DIGEST

SB 561, Morrow. Administrative Procedure Act.

(1) Existing law requires each state agency that proposes regulations pursuant to the administrative rulemaking provisions of the Administrative Procedure Act to post specified information regarding the proposed regulation on its Web site. Existing law also requires an agency that maintains an Internet Web site or other similar forum to publish specified materials on the Web site or other forum.

This bill would consolidate and revise these provisions and make technical changes.

(2) Existing law defines the term “proposed action” for the purposes of the administrative rulemaking provisions of the act.

This bill would make a technical change to that definition.

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

SECTION 1. Section 11340.8 of the Government Code is repealed.

SEC. 2. Section 11340.85 of the Government Code is amended to read:

11340.85. (a) As used in this section, “electronic communication” includes electronic transmission of written or graphical material by electronic mail, facsimile, or other means, but does not include voice communication.

(b) Notwithstanding any other provision of this chapter that refers to mailing or to oral or written communication:

(1) An agency may permit and encourage use of electronic communication, but may not require use of electronic communication.

(2) An agency may publish or distribute a document required by this chapter or by a regulation implementing this chapter by means of electronic communication, but shall not make that the



exclusive means by which the document is published or distributed.

(3) A notice required or authorized by this chapter or by a regulation implementing this chapter may be delivered to a person by means of electronic communication if the person has expressly indicated a willingness to receive the notice by means of electronic communication.

(4) A comment regarding a regulation may be delivered to an agency by means of electronic communication.

(5) A petition regarding a regulation may be delivered to an agency by means of electronic communication if the agency has expressly indicated a willingness to receive a petition by means of electronic communication.

(c) An agency that maintains an Internet Web site or other similar forum for the electronic publication or distribution of written material shall publish on that Web site or other forum information regarding a proposed regulation or regulatory repeal or amendment, that includes, but is not limited to, the following:

(1) Any public notice required by this chapter or by a regulation implementing this chapter.

(2) The initial statement of reasons prepared pursuant to subdivision (b) of Section 11346.2.

(3) The final statement of reasons prepared pursuant to subdivision (a) of Section 11346.9.

(4) Notice of a decision not to proceed prepared pursuant to Section 11347.

(5) The text of a proposed action or instructions on how to obtain a copy of the text.

(6) A statement of any decision made by the office regarding a proposed action.

(7) The date a rulemaking action is filed with the Secretary of State.

(8) The effective date of a rulemaking action.

(9) A statement to the effect that a business or person submitting a comment regarding a proposed action has the right to request a copy of the final statement of reasons.

(d) Publication under subdivision (c) supplements any other required form of publication or distribution. Failure to comply with this section is not grounds for disapproval of a proposed regulation. Subdivision (c) does not require an agency to establish



or maintain a Web site or other forum for the electronic publication or distribution of written material.

(e) Nothing in this section precludes the office from requiring that the material submitted to the office for publication in the California Code of Regulations or the California Regulatory Notice Register be submitted in electronic form.

(f) This section is intended to make the regulatory process more user-friendly and to improve communication between interested parties and the regulatory agencies.

SEC. 3. Section 11342.595 of the Government Code is amended to read:

11342.595. “Proposed action” means the regulatory action, notice of which is submitted to the office for publication in the California Regulatory Notice Register.



Approved _____, 2001

Governor

