

ASSEMBLY BILL

No. 3

Introduced by Assembly Member Logue

December 6, 2010

An act to add Section 11349.95 to the Government Code, relating to regulations.

LEGISLATIVE COUNSEL'S DIGEST

AB 3, as introduced, Logue. Regulations: 5-year review and report. The Administrative Procedure Act generally sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies.

This bill would additionally require a state agency to review and report on regulations that it adopts or amends on and after January 1, 2012, 5 years after adoption, as specified. The bill would require that the review and report include 10 specified factors, including a summary of the written criticisms of the regulation received by the agency within the immediately preceding 5 years and the estimated economic, small business, and consumer impact of the regulation. The bill would require the Office of Administrative Law to make the review and report available on the office's Internet Web site.

The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 6, 2010.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 6, 2010, pursuant to the California Constitution.

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 11349.95 is added to the Government
2 Code, to read:
3 11349.95. (a) (1) A state agency shall review and report on
4 all regulations that it adopts or amends on and after January 1,
5 2012, as required by this section. The review and report shall be
6 completed and submitted to the office on or before May 1
7 immediately following five years after the date the regulation was
8 adopted or amended.
9 (2) The office shall make the report required by paragraph (1)
10 available on the office’s Internet Web site.
11 (b) The review and report required by this section shall include
12 all of the following factors:
13 (1) The general and specific statutes authorizing the regulation.
14 (2) The objective of the regulation.
15 (3) The effectiveness of the regulation in achieving the objective.
16 (4) The consistency of the regulation with state and federal
17 statutes and regulations and a listing of the statutes or regulations
18 used in determining the consistency.
19 (5) The agency enforcement policy, including whether the
20 regulation is currently being enforced and, if so, whether there are
21 any problems with enforcement.
22 (6) The agency view regarding current wisdom of the regulation.
23 (7) The clarity, conciseness, and understandability of the
24 regulation.
25 (8) A summary of the written criticisms of the regulation
26 received by the agency within the five years immediately preceding
27 the five-year review report, including letters, memoranda, reports,
28 and written allegations made in litigation or administrative
29 proceedings, to which the agency was a party, that the regulation
30 is discriminatory, unfair, unclear, inconsistent with statute, or
31 beyond the authority of the agency to enact, and the result of the
32 litigation or administrative proceedings.
33 (9) The estimated economic, small business, and consumer
34 impact of the regulation as compared to the economic, small
35 business, and consumer impact statement prepared on the last

1 making of the regulation, or, if no economic, small business, and
2 consumer impact statement was prepared on the last making of
3 the rule, an assessment of the actual economic, small business,
4 and consumer impact of the regulation.

5 (10) Course of action the agency proposes to take regarding
6 each regulation, including the month and year in which the agency
7 anticipates submitting the rules to the office if the agency
8 determines it is necessary to amend or repeal an existing rule, or
9 to make a new rule.

10 SEC. 2. This act addresses the fiscal emergency declared by
11 the Governor by proclamation on December 6, 2010, pursuant to
12 subdivision (f) of Section 10 of Article IV of the California
13 Constitution.

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