

ASSEMBLY BILL

No. 393

Introduced by Assembly Member Wagner

February 14, 2011

An act to amend Section 11340.1 of the Government Code, relating to regulations.

LEGISLATIVE COUNSEL'S DIGEST

AB 393, as introduced, Wagner. Administrative Procedure Act: legislative intent.

Existing law, the Administrative Procedure Act, governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. Existing law declares the intent of the Legislature in establishing the office.

This bill would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Section 11340.1 of the Government Code is
2 amended to read:
3 11340.1. (a) The Legislature therefore declares that it is in the
4 public interest to establish an Office of Administrative Law which
5 shall be charged with the orderly review of adopted regulations.
6 It is the intent of the Legislature that the purpose of ~~such~~ *this*
7 review shall be to reduce the number of administrative regulations

1 and to improve the quality of those regulations which are adopted.
2 It is the intent of the Legislature that agencies shall actively seek
3 to reduce the unnecessary regulatory burden on private individuals
4 and entities by substituting performance standards for prescriptive
5 standards wherever performance standards can be reasonably
6 expected to be as effective and less burdensome, and that this
7 substitution shall be considered during the course of the agency
8 rulemaking process. It is the intent of the Legislature that neither
9 the Office of Administrative Law nor the court should substitute
10 its judgment for that of the rulemaking agency as expressed in the
11 substantive content of adopted regulations. It is the intent of the
12 Legislature that while the Office of Administrative Law will be
13 part of the executive branch of state government, that the office
14 work closely with, and upon request report directly to, the
15 Legislature in order to accomplish regulatory reform in California.
16 (b) It is the intent of the Legislature that the California Code of
17 Regulations made available on the Internet by the office pursuant
18 to Section 11344 include complete authority and reference citations
19 and history notes.