

AMENDED IN ASSEMBLY APRIL 16, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1969**

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**Introduced by Assembly Member Beth Gaines  
(Principal coauthor: Assembly Member Norby)**

February 23, 2012

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An act to amend Section 11349.3 of the Government Code, relating to regulations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1969, as amended, Beth Gaines. Regulations: filing.

The Administrative Procedure Act generally sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies, and for review of those regulatory actions by the Office of Administrative Law. That act requires the office to transmit a copy of a regulation to the Secretary of State for filing if the office approves the regulation or fails to act on it within 30 days. That act provides that a regulation or an order of repeal of a regulation becomes effective on the 30th day after it is filed with the Secretary of State, unless prescribed conditions occur.

This bill would prohibit the office from transmitting any regulation to the Secretary of State for filing that it receives between January 1, 2013, and January 1, 2015, inclusive, until after January 1, 2015. *This bill would exempt from the requirements of this bill a regulation proposed by a public safety or public health agency or department.*

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 11349.3 of the Government Code is  
2 amended to read:

3 11349.3. (a) (1) Subject to paragraph (2), the office shall either  
4 approve a regulation submitted to it for review and transmit it to  
5 the Secretary of State for filing or disapprove it within 30 working  
6 days after the regulation has been submitted to the office for  
7 review. If the office fails to act within 30 days, the regulation shall  
8 be deemed to have been approved and the office shall transmit it  
9 to the Secretary of State for filing.

10 (2) The office shall not transmit any regulation to the Secretary  
11 of State for filing that it receives between January 1, 2013, and  
12 January 1, 2015, inclusive, until after January 1, 2015. *This*  
13 *paragraph shall not apply to a regulation proposed by a public*  
14 *safety agency or department, as defined in Section 53120, or a*  
15 *public health agency or department, including the California*  
16 *Health and Human Services Agency.*

17 (b) If the office disapproves a regulation, it shall return it to the  
18 adopting agency within the 30-day period specified in subdivision  
19 (a) accompanied by a notice specifying the reasons for disapproval.  
20 Within seven calendar days of the issuance of the notice, the office  
21 shall provide the adopting agency with a written decision detailing  
22 the reasons for disapproval. No regulation shall be disapproved  
23 except for failure to comply with the standards set forth in Section  
24 11349.1 or for failure to comply with this chapter.

25 (c) If an agency determines, on its own initiative, that a  
26 regulation submitted pursuant to subdivision (a) should be returned  
27 by the office prior to completion of the office's review, it may  
28 request the return of the regulation. All requests for the return of  
29 a regulation shall be memorialized in writing by the submitting  
30 agency no later than one week following the request. Any  
31 regulation returned pursuant to this subdivision shall be resubmitted  
32 to the office for review within the one-year period specified in  
33 subdivision (b) of Section 11346.4 or shall comply with Article 5  
34 (commencing with Section 11346) prior to resubmission.

1 (d) The office shall not initiate the return of a regulation pursuant  
2 to subdivision (c) as an alternative to disapproval pursuant to  
3 subdivision (b).

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