

AMENDED IN SENATE APRIL 25, 2012

SENATE BILL

No. 1099

Introduced by Senator Wright

(Principal coauthor: Senator Correa)

(Coauthors: Senators Dutton and Rubio)

(Coauthors: Assembly Members Logue, Ma, Perea, and Wieckowski)

February 16, 2012

An act to amend Sections 11343.4 and 11344 of the Government Code, relating to regulations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1099, as amended, Wright. Regulations.

(1) The Administrative Procedure Act generally sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies. The act specifically provides that a regulation or order of repeal required to be filed with the Secretary of State shall become effective on the 30th day after the date of filing, subject to certain exceptions.

This bill would instead provide that a regulation or order of repeal is effective on ~~either~~ January 1 ~~or~~, *April 1*, July 1, or *October 1*, as specified, subject to the same exceptions.

(2) The act requires the Office of Administrative Law to make a free copy of the full text of the California Code of Regulations available on its Internet Web site.

This bill would also require the office to provide on its Internet Web site a list of, and a link to the full text of, each regulation filed with the Secretary of State that is pending effectiveness, as specified.

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 11343.4 of the Government Code is
2 amended to read:

3 11343.4. (a) Except as otherwise provided in subdivision (b),
4 a regulation or an order of repeal required to be filed with the
5 Secretary of State shall become effective ~~on either of the following~~
6 *a quarterly basis as follows:*

7 ~~(1) July 1 if the regulation or order of repeal is filed on~~
8 ~~December 1 to June 1, inclusive.~~

9 ~~(2)~~
10 (1) January 1 if the regulation or order of repeal is filed on ~~June~~
11 ~~2~~ *September 1* to November 30, inclusive.

12 (2) *April 1 if the regulation or order of repeal is filed on*
13 *December 1 to February 29, inclusive.*

14 (3) *July 1 if the regulation or order of repeal is filed on March*
15 *1 to May 31, inclusive.*

16 (4) *October 1 if the regulation or order of repeal is filed on*
17 *June 1 to August 31, inclusive.*

18 (b) The effective dates in subdivision (a) shall not apply in all
19 of the following:

20 (1) The effective date is specifically provided by the statute
21 pursuant to which the regulation or order of repeal was adopted,
22 in which event it becomes effective on the day prescribed by the
23 statute.

24 (2) A later date is prescribed by the state agency in a written
25 instrument filed with, or as part of, the regulation or order of repeal.

26 (3) The agency makes a written request to the office
27 demonstrating good cause for an earlier effective date, in which
28 case the office may prescribe an earlier date.

29 SEC. 2. Section 11344 of the Government Code is amended
30 to read:

31 11344. The office shall do all of the following:

32 (a) Provide for the official compilation, printing, and publication
33 of adoption, amendment, or repeal of regulations, which shall be
34 known as the California Code of Regulations. On and after July
35 1, 1998, the office shall make available on the Internet, free of
36 charge, the full text of the California Code of Regulations, and
37 may contract with another state agency or a private entity in order
38 to provide this service.

1 (b) Make available on its Internet Web site a list of, and a link
2 to the full text of, each regulation filed with the Secretary of State
3 that is pending effectiveness pursuant to Section 11343.4.

4 (c) Provide for the compilation, printing, and publication of
5 weekly updates of the California Code of Regulations. This
6 publication shall be known as the California Code of Regulations
7 Supplement and shall contain amendments to the code.

8 (d) Provide for the publication dates and manner and form in
9 which regulations shall be printed and distributed and ensure that
10 regulations are available in printed form at the earliest practicable
11 date after filing with the Secretary of State.

12 (e) Ensure that each regulation is printed together with a
13 reference to the statutory authority pursuant to which it was enacted
14 and the specific statute or other provision of law which the
15 regulation is implementing, interpreting, or making specific.