

AMENDED IN SENATE MAY 17, 2012

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, 11343.4, and 11344 of the Government Code, *and to amend Section 116064 of the Health and Safety 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 January 1, 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.

(3) Existing law requires that every state agency subject to the act that maintains an Internet Web site or similar forum for the electronic publication or distribution of written material publish on that Internet Web site or other forum specified information regarding a proposed regulation or regulatory repeal or amendment.

This bill would also require a state agency to post on its Internet Web site each regulation that is filed with the Secretary of State, as specified, and to send to the office the Internet Web site link of the regulation. The bill would not apply to a state agency that does not maintain an Internet Web site.

This bill would also make a conforming change.

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 of the Government Code is
2 amended to read:
3 11343. Every state agency shall:
4 (a) Transmit to the office for filing with the Secretary of State
5 a certified copy of every regulation adopted or amended by it
6 except one that is a building standard.
7 (b) Transmit to the office for filing with the Secretary of State
8 a certified copy of every order of repeal of a regulation required
9 to be filed under subdivision (a).
10 (c) (1) Within 15 days of the office filing a state agency's
11 regulation with the Secretary of State, post the regulation on its
12 Internet Web site in an easily marked and identifiable location.
13 The state agency shall keep the regulation on its Internet Web site
14 for at least six months from the date the regulation is filed with
15 the Secretary of State.
16 (2) Within five days of posting, the state agency shall send to
17 the office the Internet Web site link of each regulation that the
18 agency posts on its Internet Web site pursuant to paragraph (1).
19 (3) This subdivision shall not apply to a state agency that does
20 not maintain an Internet Web site.
21 (e)
22 (d) Deliver to the office, at the time of transmittal for filing a
23 regulation or order of repeal, six duplicate copies of the regulation

1 or order of repeal, together with a citation of the authority pursuant
2 to which it or any part thereof was adopted.

3 ~~(d)~~

4 (e) Deliver to the office a copy of the notice of proposed action
5 required by Section 11346.4.

6 ~~(e)~~

7 (f) Transmit to the California Building Standards Commission
8 for approval a certified copy of every regulation, or order of repeal
9 of a regulation, that is a building standard, together with a citation
10 of authority pursuant to which it or any part thereof was adopted,
11 a copy of the notice of proposed action required by Section
12 11346.4, and any other records prescribed by the State Building
13 Standards Law (Part 2.5 (commencing with Section 18901) of
14 Division 13 of the Health and Safety Code).

15 ~~(f)~~

16 (g) Whenever a certification is required by this section, it shall
17 be made by the head of the state agency that is adopting, amending,
18 or repealing the regulation, or by a designee of the agency head,
19 and the certification and delegation shall be in writing.

20 **SECTION 1.**

21 *SEC. 2.* Section 11343.4 of the Government Code is amended
22 to read:

23 11343.4. (a) Except as otherwise provided in subdivision (b),
24 a regulation or an order of repeal required to be filed with the
25 Secretary of State shall become effective on a quarterly basis as
26 follows:

27 (1) January 1 if the regulation or order of repeal is filed on
28 September 1 to November 30, inclusive.

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

31 (3) July 1 if the regulation or order of repeal is filed on March
32 1 to May 31, inclusive.

33 (4) October 1 if the regulation or order of repeal is filed on June
34 1 to August 31, inclusive.

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

37 (1) The effective date is specifically provided by the statute
38 pursuant to which the regulation or order of repeal was adopted,
39 in which event it becomes effective on the day prescribed by the
40 statute.

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

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

6 ~~SEC. 2.~~

7 *SEC. 3.* Section 11344 of the Government Code is amended
8 to read:

9 11344. The office shall do all of the following:

10 (a) Provide for the official compilation, printing, and publication
11 of adoption, amendment, or repeal of regulations, which shall be
12 known as the California Code of Regulations. On and after July
13 1, 1998, the office shall make available on the Internet, free of
14 charge, the full text of the California Code of Regulations, and
15 may contract with another state agency or a private entity in order
16 to provide this service.

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

20 (c) Provide for the compilation, printing, and publication of
21 weekly updates of the California Code of Regulations. This
22 publication shall be known as the California Code of Regulations
23 Supplement and shall contain amendments to the code.

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

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

32 *SEC. 4. Section 116064 of the Health and Safety Code is*
33 *amended to read:*

34 116064. (a) As used in this section the following words have
35 the following meanings:

36 (1) (A) “Public wading pool” means a pool that meets all of
37 the following criteria:

38 (i) It has a maximum water depth not exceeding 18 inches.

1 (ii) It is a pool other than a pool that is located on the premises
2 of a one-unit or two-unit residence, intended solely for the use of
3 the residents or guests.

4 (B) “Public wading pool” includes, but is not limited to, a pool
5 owned or operated by private persons or agencies, or by state or
6 local governmental agencies.

7 (C) “Public wading pool” includes, but is not limited to, a pool
8 located in an apartment house, hotel, or similar setting, that is
9 intended for the use of residents or guests.

10 (2) “Alteration” means any of the following:

11 (A) To change, modify, or rearrange the structural parts or the
12 design.

13 (B) To enlarge.

14 (C) To move the location of.

15 (D) To install a new water circulation system.

16 (E) To make any repairs costing fifty dollars (\$50) or more to
17 an existing circulation system.

18 (b) A public wading pool shall have at least two circulation
19 drains per pump that are hydraulically balanced and symmetrically
20 plumbed through one or more “T” fittings, and are separated by a
21 distance of at least three feet in any dimension between the drains.

22 (c) All public wading pool main drain suction outlets that are
23 under 12 inches across shall be covered with antivortex grates or
24 similar protective devices. All main drain suction outlets shall be
25 covered with grates or antivortex plates that cannot be removed
26 except with the use of tools. Slots or openings in the grates or
27 similar protective devices shall be of a shape, area, and arrangement
28 that would prevent physical entrapment and would not pose any
29 suction hazard to bathers.

30 (d) (1) The State Department of Health Services may adopt
31 regulations pursuant to this section.

32 (2) The regulations may include, but not be limited to, standards
33 permitting the use of alternative devices or safeguards, or
34 incorporating new technologies, that produce, at a minimum,
35 equivalent protection against entrapment and suction hazard,
36 whenever these devices, safeguards, or technologies become
37 available to the public.

38 (3) Regulations adopted pursuant to this section constitute
39 building standards and shall be forwarded pursuant to ~~subdivision~~
40 ~~(e)~~ of Section 11343 of the Government Code to the California

1 Building Standards Commission for approval as set forth in Section
2 18907 of the Health and Safety Code.

3 (e) The California Building Standards Commission shall approve
4 the building standards as set forth in this section and publish them
5 in the California Building Standards Code by November 1, 1999.
6 The commission shall publish the text of this section in Title 24
7 of the California Code of Regulations, Part 2, Chapter 31B,
8 requirements for public swimming pools, with the following note:
9 “NOTE: These building standards are in statute but have not been
10 adopted through the regulatory process.” Enforcement of the
11 standards set forth in this section does not depend upon adoption
12 of regulations, therefore, enforcement agencies shall enforce the
13 standards pursuant to the timeline set forth in this section prior to
14 adoption of related regulations.

15 (f) The maximum velocity in the pump suction hydraulic system
16 shall not exceed six feet per second when 100 percent of the
17 pump’s flow comes from the main drain system and any main
18 drain suction fitting in the system is completely blocked.

19 (g) On and after January 1, 1998, all newly constructed public
20 wading pools shall be constructed in compliance with this section.

21 (h) Commencing January 1, 1998, whenever a construction
22 permit is issued for alteration of an existing public wading pool,
23 it shall be retrofitted so as to be in compliance with this section.

24 (i) By January 1, 2000, every public wading pool, regardless of
25 the date of original construction, shall be retrofitted to comply
26 with this section.