

ASSEMBLY BILL

No. 887

Introduced by Assembly Member Allen

February 22, 2013

An act to amend Section 11349.7 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 887, as introduced, Allen. State government: regulations: economic analysis.

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. The act requires the office, at the request of any standing, select, or joint committee of the Legislature, to initiate a priority review of any regulation, group of regulations, or series of regulations that the committee believes does not meet the standards of necessity, authority, clarity, consistency, reference, and nonduplication, as specified.

This bill would make technical, nonsubstantive changes 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 11349.7 of the Government Code is
2 amended to read:

1 11349.7. The office, at the request of any standing, select, or
2 joint committee of the Legislature, shall initiate a priority review
3 of any regulation, group of regulations, or series of regulations
4 that the committee believes does not meet the standards set forth
5 in Section 11349.1.

6 The office shall notify interested persons and shall publish notice
7 in the California Regulatory Notice Register that a priority review
8 has been requested, shall consider the written comments submitted
9 by interested persons, ~~the~~ *any* information contained in the
10 rulemaking record, ~~if any~~, and shall complete each priority review
11 made pursuant to this section within 90 calendar days of the receipt
12 of the committee's written request. During the period of any
13 priority review made pursuant to this section, all information
14 available to the office relating to the priority review shall be made
15 available to the public. In the event that the office determines that
16 a regulation does not meet the standards set forth in Section
17 11349.1, it shall order the adopting agency to show cause why the
18 regulation should not be repealed and shall proceed to seek repeal
19 of the regulation as provided by this section in accordance with
20 the following:

21 (a) In the event it determines that any of the regulations subject
22 to the review do not meet the standards set forth in Section 11349.1,
23 the office shall within 15 days of the determination order the
24 adopting agency to show cause why the regulation should not be
25 repealed. In issuing the order, the office shall specify in writing
26 the reasons for its determination that the regulation does not meet
27 the standards set forth in Section 11349.1. The reasons for its
28 determination shall be made available to the public. The office
29 shall also publish its order and the reasons therefor in the California
30 Regulatory Notice Register. In the case of a regulation for which
31 no, or inadequate, information relating to its necessity can be
32 furnished by the adopting agency, the order shall specify the
33 information which the office requires to make its determination.

34 (b) No later than 60 days following receipt of an order to show
35 cause why a regulation should not be repealed, the agency shall
36 respond in writing to the office. Upon written application by the
37 agency, the office may extend the time for an additional 30 days.

38 (c) The office shall review and consider all information
39 submitted by the agency in a timely response to the order to show
40 cause why the regulation should not be repealed, and determine

1 whether the regulation meets the standards set forth in Section
2 11349.1. The office shall make this determination within 60 days
3 of receipt of an agency's response to the order to show cause. If
4 the office does not make a determination within 60 days of receipt
5 of an agency's response to the order to show cause, the regulation
6 shall be deemed to meet the standards set forth in subdivision (a)
7 of Section 11349.1. In making this determination, the office shall
8 also review any written comments submitted to it by the public
9 within 30 days of the publication of the order to show cause in the
10 California Regulatory Notice Register. During the period of review
11 and consideration, the information available to the office relating
12 to each regulation for which the office has issued an order to show
13 cause shall be made available to the public. The office shall notify
14 the adopting agency within two working days of the receipt of
15 information submitted by the public regarding a regulation for
16 which an order to show cause has been issued. If the office
17 determines that a regulation fails to meet the standards, it shall
18 prepare a statement specifying the reasons for its determination.
19 The statement shall be delivered to the adopting agency, the
20 Legislature, and the Governor and shall be made available to the
21 public and the courts. Thirty days after delivery of the statement
22 required by this subdivision the office shall prepare an order of
23 repeal of the regulation and shall transmit it to the Secretary of
24 State for filing.

25 (d) The Governor, within 30 days after the office has delivered
26 the statement specifying the reasons for its decision to repeal, as
27 required by subdivision (c), may overrule the decision of the office
28 ordering the repeal of a regulation. The regulation shall then remain
29 in full force and effect. Notice of the Governor's action and the
30 reasons therefor shall be published in the California Regulatory
31 Notice Register.

32 The Governor shall transmit to the rules committee of each house
33 of the Legislature a statement of reasons for overruling the decision
34 of the office, plus any other information that may be requested by
35 either of the rules committees.

36 (e) In the event that the office orders the repeal of a regulation,
37 it shall publish the order and the reasons therefor in the California
38 Regulatory Notice Register.

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