

AMENDED IN ASSEMBLY JUNE 18, 2013

AMENDED IN SENATE MAY 28, 2013

AMENDED IN SENATE APRIL 24, 2013

**SENATE BILL**

**No. 176**

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**Introduced by Senator Galgiani  
(Coauthors: Senators Cannella and Correa)**

February 6, 2013

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An act to amend ~~Section~~ *Sections 11344.1, 11346, and 11346.45* of the Government Code, relating to administrative procedures.

LEGISLATIVE COUNSEL'S DIGEST

SB 176, as amended, Galgiani. Administrative procedures.

Existing law 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, including procedures relating to increased public participation in the adoption, amendment, and repeal of these regulations. Existing law specifically requires a state agency proposing to adopt regulations, prior to publication of a notice of proposed adoption, amendment, or repeal of a regulation, to involve parties who would be subject to the proposed regulations in public discussions regarding those proposed regulations, when the proposed regulations involve complex proposals or a large number of proposals that cannot easily be reviewed during the comment period. *Existing law requires the office to provide for the publication of the California Regulatory Notice Register and to include specified information in the register, including notices of proposed action prepared by regulatory agencies, a summary of regulations filed with*

*the Secretary of State, and a summary of regulation decisions issued, as specified.*

*This bill would require the office to allow electronic submission to the office by a state agency of notices required to be published and information required to be submitted pursuant to specified provisions of existing law. The bill would also expand ~~that~~ the public discussion requirement described above to require a state agency proposing to adopt regulations, prior to publication of a notice of proposed adoption, amendment, or repeal of a regulation, to involve parties that would be subject to the proposed regulations in public discussions regarding those proposed regulations, without regard to the complexity or number of proposals.*

*Existing law authorizes an agency that is considering adopting, amending, or repealing a regulation to consult with interested persons before initiating regulatory action.*

*This bill would instead require such an agency to consult with interested persons before initiating regulatory action.*

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 11344.1 of the Government Code is  
2     amended to read:  
3     11344.1. The office shall do all of the following:  
4     (a) Provide for the publication of the California Regulatory  
5     Notice Register, which shall be an official publication of the State  
6     of California and which shall contain the following:  
7     (1) Notices of proposed action prepared by regulatory agencies,  
8     subject to the notice requirements of this chapter, and which have  
9     been approved by the office.  
10    (2) A summary of all regulations filed with the Secretary of  
11    State in the previous week.  
12    (3) Summaries of all regulation decisions issued in the previous  
13    week detailing the reasons for disapproval of a regulation, the  
14    reasons for not filing an emergency regulation, and the reasons for  
15    repealing an emergency regulation. The California Regulatory  
16    Notice Register shall also include a quarterly index of regulation  
17    decisions.

1 (4) Material that is required to be published under Sections  
2 11349.5, 11349.7, and 11349.9.

3 (5) Determinations issued pursuant to Section 11340.5.

4 (b) Establish the publication dates and manner and form in  
5 which the California Regulatory Notice Register shall be prepared  
6 and published and ensure that it is published and distributed in a  
7 timely manner to the presiding officer and rules committee of each  
8 house of the Legislature and to all subscribers.

9 (c) Post on its ~~website~~, *Internet Web site*, on a weekly basis:

10 (1) The California Regulatory Notice Register. Each issue of  
11 the California Regulatory Notice Register on the office's ~~website~~  
12 *Internet Web site* shall remain posted for a minimum of 18 months.

13 (2) One or more Internet links to assist the public to gain access  
14 to the text of regulations proposed by state agencies.

15 (d) *Permit a state agency to submit to the office as an electronic*  
16 *communication, as defined in Section 11340.85, a notice required*  
17 *to be published pursuant to subdivision (a) and Section 11346.4,*  
18 *and the information required to be submitted to the office pursuant*  
19 *to Sections 11346.2, 11346.9, and 11347.3.*

20 *SEC. 2. Section 11346 of the Government Code is amended to*  
21 *read:*

22 11346. (a) It is the purpose of this chapter to establish basic  
23 minimum procedural requirements for the adoption, amendment,  
24 or repeal of administrative regulations. Except as provided in  
25 Section 11346.1, the provisions of this chapter are applicable to  
26 the exercise of any quasi-legislative power conferred by any statute  
27 heretofore or hereafter enacted, but nothing in this chapter repeals  
28 or diminishes additional requirements imposed by any statute. This  
29 chapter shall not be superseded or modified by any subsequent  
30 legislation except to the extent that the legislation shall do so  
31 expressly.

32 (b) An agency that is considering adopting, amending, or  
33 repealing a regulation ~~may~~ *shall* consult with interested persons  
34 before initiating regulatory action pursuant to this article.

35 **SECTION 1.**

36 *SEC. 3. Section 11346.45 of the Government Code is amended*  
37 *to read:*

38 11346.45. (a) In order to increase public participation and  
39 improve the quality of regulations, a state agency proposing to  
40 adopt regulations, prior to publication of the notice required by

1 Section 11346.5, shall involve parties that would be subject to the  
2 proposed regulations in public discussions regarding those  
3 proposed regulations.

4 (b) This section does not apply to a state agency in any instance  
5 where that state agency is required to implement federal law and  
6 regulations for which there is little or no discretion on the part of  
7 the state to vary.

8 (c) If the agency does not or cannot comply with subdivision  
9 (a), it shall state the reasons for noncompliance with reasonable  
10 specificity in the rulemaking record.

11 (d) ~~The provisions of this~~ *This* section shall not be subject to  
12 judicial review or to Section 11349.1.