

**ASSEMBLY BILL**

**No. 1868**

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**Introduced by Assembly Member Wagner**

February 10, 2016

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An act to amend Section 11346.4 of the Government Code, relating to regulations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1868, as introduced, Wagner. Regulations: legislative notice.

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. Existing law requires an agency to mail a notice of proposed action to specified entities at least 45 days prior to the hearing and close of the public comment period on the adoption, amendment, or repeal of a regulation.

This bill would require that the notice of proposed action also be submitted to the Legislature if it includes particular information relating to economic and cost impacts of the regulation on businesses and private persons.

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 11346.4 of the Government Code is  
2 amended to read:

1 11346.4. (a) At least 45 days prior to the hearing and close of  
2 the public comment period on the adoption, amendment, or repeal  
3 of a regulation, notice of the proposed action shall be:

4 (1) Mailed to every person who has filed a request for notice of  
5 regulatory actions with the state agency. Each state agency shall  
6 give a person filing a request for notice of regulatory actions the  
7 option of being notified of all proposed regulatory actions or being  
8 notified of regulatory actions concerning one or more particular  
9 programs of the state agency.

10 (2) In cases in which the state agency is within a state  
11 department, mailed or delivered to the director of the department.

12 (3) Mailed to a representative number of small business  
13 enterprises or their representatives that are likely to be affected by  
14 the proposed action. “Representative” for the purposes of this  
15 paragraph includes, but is not limited to, a trade association,  
16 industry association, professional association, or any other business  
17 group or association of any kind that represents a business  
18 enterprise or employees of a business enterprise.

19 (4) When appropriate in the judgment of the state agency, mailed  
20 to any person or group of persons whom the agency believes to  
21 be interested in the proposed action and published in the form and  
22 manner as the state agency shall prescribe.

23 (5) Published in the California Regulatory Notice Register as  
24 prepared by the office for each state agency’s notice of regulatory  
25 action.

26 (6) Posted on the state agency’s ~~website~~ *Internet Web site* if the  
27 agency has a ~~website~~ *an Internet Web site*.

28 (7) *Submitted to the Legislature, in the manner prescribed by*  
29 *Section 9795, if the notice of proposed action includes an economic*  
30 *impact, cost impact, statement, or finding described by paragraph*  
31 *(7), (9), (10), or (11) of subdivision (a) of Section 11346.5.*

32 (b) The effective period of a notice issued pursuant to this  
33 section shall not exceed one year from the date thereof. If the  
34 adoption, amendment, or repeal of a regulation proposed in the  
35 notice is not completed and transmitted to the office within the  
36 period of one year, a notice of the proposed action shall again be  
37 issued pursuant to this article.

38 (c) Once the adoption, amendment, or repeal is completed and  
39 approved by the office, no further adoption, amendment, or repeal

1 to the noticed regulation shall be made without subsequent notice  
2 being given.

3 (d) The office may refuse to publish a notice submitted to it if  
4 the agency has failed to comply with this article.

5 (e) The office shall make the California Regulatory Notice  
6 Register available to the public and state agencies at a nominal  
7 cost that is consistent with a policy of encouraging the widest  
8 possible notice distribution to interested persons.

9 (f) Where the form or manner of notice is prescribed by statute  
10 in any particular case, in addition to filing and mailing notice as  
11 required by this section, the notice shall be published, posted,  
12 mailed, filed, or otherwise publicized as prescribed by that statute.  
13 The failure to mail notice to any person as provided in this section  
14 shall not invalidate any action taken by a state agency pursuant to  
15 this article.