

AMENDED IN ASSEMBLY JUNE 27, 1996

AMENDED IN SENATE MAY 29, 1996

AMENDED IN SENATE APRIL 30, 1996

AMENDED IN SENATE APRIL 11, 1996

SENATE BILL

No. 1910

Introduced by Senators Johannessen and Haynes
(Coauthors: Assembly Members Baldwin, Bowen, Harvey,
House, Margett, and Richter)

February 23, 1996

An act to amend Sections ~~10248 and 11343.4~~ *11340.1 and 11344* of the Government Code, relating to administrative regulations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1910, as amended, Johannessen. Administrative regulations.

The Administrative Procedure Act requires the Office of Administrative Law to perform various functions and duties with respect to the adoption, review, and approval of administrative regulations. Existing law also requires the *Office of Administrative Law to provide the official compilation, printing, and publication of regulations, known as the California Code of Regulations.*

This bill would require the Office of Administrative Law to make the California Code of Regulations available on the Internet, free of charge, on and after July 1, 1998, and authorize the office to contract with another state agency or

private entity in order to provide this service. ~~Legislative Counsel to make specified information available to the public by means of a public computer network.~~

~~This bill would require the Office of Administrative Law to submit both a paper copy and a computer diskette containing the text of new or amended regulations to the Legislative Counsel when new or amended regulations are filed with the Secretary of State, and would require the Legislative Counsel to make available, within a reasonable period of time, by means of the public computer network, all new or amended regulations adopted on or after January 1, 1997, received from the office, and by June 1, 1999, all regulations contained in the California Code of Regulations. The bill would provide that regulations made available by the Legislative Counsel by means of the public computer network between January 1, 1997, and April 1, 1998, shall constitute an unofficial version of the California Code of Regulations, and would declare the intent of the Legislature with respect to the availability of the official version of the California Code of Regulations in light of the existence of a contract entered into by the Office of Administrative Law. It would also require that the diskette be prepared in a specified format by the agency proposing to adopt the new regulations and be submitted by the agency to the office at the same time the agency submits the adopted regulation, the rulemaking file, or a complete copy of the rulemaking file, to the office for review.~~

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 10248 of the Government Code~~
 2 *Section 11340.1 of the Government Code is amended to*
 3 *read:*
 4 11340.1. (a) The Legislature therefore declares that
 5 it is in the public interest to establish an Office of
 6 Administrative Law which shall be charged with the
 7 orderly review of adopted regulations. It is the intent of
 8 the Legislature that the purpose of such review shall be
 9 to reduce the number of administrative regulations and



1 to improve the quality of those regulations which are
2 adopted. It is the intent of the Legislature that agencies
3 shall actively seek to reduce the unnecessary regulatory
4 burden on private individuals and entities by substituting
5 performance standards for prescriptive standards
6 wherever performance standards can be reasonably
7 expected to be as effective and less burdensome, and that
8 this substitution shall be considered during the course of
9 the agency rulemaking process. It is the intent of the
10 Legislature that neither the Office of Administrative Law
11 nor the court should substitute its judgment for that of the
12 rulemaking agency as expressed in the substantive
13 content of adopted regulations. It is the intent of the
14 Legislature that while the Office of Administrative Law
15 will be part of the executive branch of state government,
16 that the office work closely with, and upon request report
17 directly to, the Legislature in order to accomplish
18 regulatory reform in California.

19 *(b) It is the intent of the Legislature that the California*
20 *Code of Regulations made available on the Internet by*
21 *the office pursuant to Section 11344 include complete*
22 *authority and reference citations and history notes.*

23 *SEC. 2. Section 11344 of the Government Code is*
24 *amended to read:*

25 11344. The office shall do all of the following:

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

34 (b) Provide for the compilation, printing, and
35 publication of weekly updates of the California Code of
36 Regulations. This publication shall be known as the
37 California Regulatory Code Supplement and shall
38 contain amendments to the code.

39 (c) Provide for the publication dates and manner and
40 form in which regulations shall be printed and distributed



1 and ensure that regulations are available in printed form
2 at the earliest practicable date after filing with the
3 Secretary of State.

4 (d) Ensure that each regulation is printed together
5 with a reference to the statutory authority pursuant to
6 which it was enacted and the specific statute or other
7 provision of law which the regulation is implementing,
8 interpreting, or making specific.

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**All matter omitted in this version of the
bill appears in the bill as amended in the
Senate May 29, 1996 (JR 11)**

