

Introduced by Senator Kopp

December 11, 1996

An act to add Section 11410.60 to the Government Code, relating to administrative adjudication.

LEGISLATIVE COUNSEL'S DIGEST

SB 68, as introduced, Kopp. Administrative adjudication: quasi-public entities.

Existing law, operative July 1, 1997, contains provisions regarding the administrative adjudication provisions of the Administrative Procedure Act.

This bill would make these administrative adjudication provisions of the act applicable to a decision by a private entity if the entity is created by statute for the purpose of administration of a state function and, under the federal or state Constitution or a federal or state statute, an evidentiary hearing for determination of facts is required for formulation and issuance of the decision.

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 11410.60 is added to the
- 2 Government Code, to read:
- 3 11410.60. (a) This chapter applies to a decision by a
- 4 private entity if both of the following conditions are met:
- 5 (1) The entity is created by statute for the purpose of
- 6 administration of a state function.



1 (2) Under the federal or state Constitution or a federal
2 or state statute, an evidentiary hearing for determination
3 of facts is required for formulation and issuance of the
4 decision.

5 (b) Notwithstanding subdivision (a), this chapter does
6 not apply to a decision by a private entity if the decision
7 is subject to administrative review in an adjudicative
8 proceeding to which this chapter applies.

9 (c) For the purpose of the application of this chapter
10 to a decision by a private entity that meets the conditions
11 specified in subdivision (a), unless the provision or
12 context requires otherwise, the following terms have the
13 following meanings:

14 (1) “Agency,” as defined in Section 11405.30, also
15 includes the private entity.

16 (2) “Regulation” means a rule promulgated by the
17 private entity.

18 (d) Article 8 (commencing with Section 11435.05),
19 requiring language assistance in an adjudicative
20 proceeding, applies to a private entity that meets the
21 conditions specified in subdivision (a) to the same extent
22 as a state agency under Section 11018.

