

**ASSEMBLY BILL**

**No. 429**

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**Introduced by Assembly Member Knight**

February 14, 2011

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An act to amend Section 11343.4 of, and to add Section 11348.5 to, the Government Code, relating to regulations.

LEGISLATIVE COUNSEL'S DIGEST

AB 429, as introduced, Knight. Regulations: effective date.

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. Under existing law, a regulation or an order of repeal becomes effective on the 30th day after it is filed with the Secretary of State.

This bill would require an agency, for any regulation that it has identified as having a gross cost of \$15,000,000 or more, an increased cost of 5% or more over the cost of an existing regulation, or both, to submit a copy of the rulemaking record for that regulation to the appropriate policy committee in each house of the Legislature when the agency submits the regulation to the office for approval.

This bill would require that these regulations take effect on the 180th day after they are filed with the secretary.

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 11343.4 of the Government Code is  
2 amended to read:

3 11343.4. ~~A~~(a) *Except as provided in subdivision (b), a*  
4 *regulation or an order of repeal required to be filed with the*  
5 *Secretary of State shall become effective on the 30th day after the*  
6 *date of filing unless:*

7 (a)  
8 (1) *Otherwise specifically provided by the statute pursuant to*  
9 *which the regulation or order of repeal was adopted, in which event*  
10 *it becomes effective on the day prescribed by the statute.*

11 (b)  
12 (2) *A later date is prescribed by the state agency in a written*  
13 *instrument filed with, or as part of, the regulation or order of repeal.*

14 (c)  
15 (3) *The agency makes a written request to the office*  
16 *demonstrating good cause for an earlier effective date, in which*  
17 *case the office may prescribe an earlier date.*

18 (b) *An approved regulation that the adopting agency has*  
19 *identified as having a gross cost of fifteen million dollars*  
20 *(\$15,000,000) or more, an increased cost of 5 percent or more*  
21 *over an existing regulation, or both, shall become effective on the*  
22 *180th day after the approved regulation has been filed with the*  
23 *Secretary of State.*

24 SEC. 2. Section 11348.5 is added to the Government Code, to  
25 read:

26 11348.5. (a) *At the time an agency submits a proposed*  
27 *adoption, amendment, or repeal of a regulation that is subject to*  
28 *this section to the office for approval pursuant to Article 6*  
29 *(commencing with Section 11349), the agency shall also submit*  
30 *a copy of the rulemaking record to the appropriate policy*  
31 *committee in each house of the Legislature.*

32 (b) *This section shall apply only to a proposed adoption,*  
33 *amendment, or repeal of a regulation that the proposing agency*  
34 *has identified in the rulemaking record as having a total gross cost*  
35 *of fifteen million dollars (\$15,000,000) or more, an increased cost*  
36 *of 5 percent or more over an existing regulation, or both.*

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