

ASSEMBLY BILL

No. 12

Introduced by Assembly Member Cooley

December 3, 2012

An act to amend Section 11349.1.5 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 12, as introduced, Cooley. State government: Administrative Procedure Act: standardized regulatory impact analyses.

The Administrative Procedure Act governs the procedures 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 each state agency to prepare a standardized regulatory impact analysis, as specified, with respect to the adoption, amendment, or repeal of a major regulation, as defined, that is proposed on or after November 1, 2013. Existing law requires the Department of Finance and the office, from time to time, to review the standardized regulatory impact analyses for adherence to regulations adopted by the department.

This bill would instead require the Department of Finance and the office to annually review the standardized regulatory impact analyses for adherence to the regulations adopted by the department.

Existing law requires, on or before November 1, 2015, the office to submit to the Senate and Assembly Committees on Governmental Organization a report describing the extent to which submitted standardized regulatory impact analyses for proposed major regulations adhere to the regulations adopted by the department.

This bill would require the report to include any recommendations from the office for actions the Legislature might consider for improving state agency performance and compliance in the creation of the standardized regulatory impact analyses. This bill would require the office to notify the Legislature of noncompliance by a state agency and to post the report and the notice of noncompliance on the office’s Internet Web site.

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 11349.1.5 of the Government Code is
2 amended to read:
3 11349.1.5. (a) The Department of Finance and the office shall;
4 ~~from time to time,~~ *annually* review the standardized regulatory
5 impact analyses required by subdivision (c) of Section 11346.3
6 and submitted to the office pursuant to Section 11347.3, for
7 adherence to the regulations adopted by the department pursuant
8 to Section 11346.36.
9 (b) On or before November 1, 2015, the office shall submit to
10 the Senate and Assembly Committees on Governmental
11 Organization a report describing the extent to which submitted
12 standardized regulatory impact analyses for proposed major
13 regulations adhere to the regulations adopted pursuant to Section
14 11346.36. The report shall include a discussion of agency
15 adherence to the regulations as well as a comparison between
16 various state agencies on the question of adherence. The report
17 ~~may~~ *shall* also include any recommendations from the office for
18 actions the Legislature might consider for improving state agency
19 performance *and compliance in the creation of the standardized*
20 *regulatory impact analyses as described in Section 11346.3.*
21 (c) In addition to the report required by subdivision (b), the
22 office ~~may~~ *shall* notify the Legislature of noncompliance by a state
23 agency with the regulations adopted pursuant to Section 11346.36,
24 in any manner or form determined by the office *and shall post the*
25 *report and notice of noncompliance on the office’s Internet Web*
26 *site.*

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