

Proposed Administrative Procedure Act-Related Legislation

ACA 1 (Donnelly) as introduced December 3, 2012

This Assembly Constitutional Amendment would require administrative agencies to submit all regulations to the Legislature for approval. Under current law, the Legislature may authorize an administrative agency to adopt regulations to implement or interpret the statutes that the agency is charged with enforcing or administering.

AB 12 (Cooley) as introduced December 3, 2012

This bill would require the Department of Finance (DOF) and Office of Administrative Law (OAL) to conduct annual reviews of standardized regulatory analyses and require OAL to report noncompliance to the Legislature. Agencies are currently required to prepare a standardized regulatory impact analysis when adopting, amending, or repealing major regulations. Under existing law, Finance and OAL are required to review the standardized regulatory impact analyses for adherence to regulations from “time to time.” Under current law, OAL may notify the Legislature of noncompliance, but is not required to do so.

AB 117 (Cooley) as introduced January 14, 2013

This bill would require the DOF, in consultation with the Controller and State Auditor, to establish guidelines for how the independence and objectivity of the people tasked with monitoring financial and administrative oversight processes are to be maintained. The guidelines would include the establishment of training programs, identification of reporting relationships, and review of best practices. Current law recognizes the importance of active and robust financial and administrative oversight of state programs and charges each state agency with maintaining effective systems of internal accounting and administrative controls as a key part of their management practices.

AB 376 (Donnelly) as introduced February 14, 2013

This bill would require state agencies enforcing regulations promulgated on or after January 1, 2014 to notify businesses that are required to comply with the regulations of their existence 30 days before they would become effective. The bill would instruct state agencies to work with the Secretary of State to obtain business contact information in order to provide these notifications. Current law requires the Office of Administrative Law to publish the adoption, amendment, and repeal of regulations, which is known as the California Code of Regulations.

AB 653 (V.M. Pérez) as introduced February 21, 2013

This bill would require state agencies to submit regulatory actions to the Joint Rules Committee of the Legislature, which would submit the proposed regulations to the appropriate policy committees in each house for review. The bill would authorize the policy committees to make recommendations to the agencies or send the regulations to either floor for a vote on the regulatory action.

AB 866 (Linder) as introduced February 21, 2013

This bill would change the threshold for what is considered a major regulation. Current law requires agencies that propose to adopt, amend, or repeal major regulations to prepare a standardized regulatory impact analysis. The bill would define a major regulation as a regulation that the agency determines has an expected economic impact on California business enterprises and individuals in an amount exceeding \$15 million, instead of the current threshold of more than \$50 million. Additionally, the bill would change requirements for preparing the economic impact analysis and standardized regulatory impact analysis.

AB 887 (Allen) as introduced February 22, 2013

This bill would make technical, nonsubstantive changes to the Administrative Procedure Act.

AB 1105 (Hueso) as introduced February 22, 2013

This bill would require an initial statement of reasons for any regulation that is a building standard to include the estimated cost of compliance, the estimated potential benefits, and related assumptions used to determine the estimates. Under current law, this information is only required if the building standard impacts housing.

AB 1219 (Morrell) as introduced February 22, 2013

This bill would make technical, nonsubstantive changes to the Administrative Procedure Act.