

## ***SB 396 (Huff) – Regulations: Review Process***

***Introduced February 16, 2011, Amended April 7, 2011***

This bill would require state agencies to review each regulation adopted prior to 2011 and report to the Legislature on their findings, and to review regulations every 5 years thereafter.

Specifically, this bill:

- 1) Requires each state agency to review each regulation adopted prior to January 1, 2011, and develop a report that includes at least the following information for each regulation:
  - a) The date that the OAL approved the regulation.
  - b) The purpose.
  - c) The statutory authority.
  - d) The identification of impacted sectors.
  - e) The direct costs by sector.
  - f) Whether the regulation is duplicative of other regulations.
  - g) Whether the regulation is still relevant.
  - h) Whether the regulation needs to be updated in order to become more effective or less burdensome.
- 2) Requires an agency, in developing its report, to consult with parties affected by the regulation.
- 3) Specifies that the agency must submit the report to the Legislature on or before January 1, 2013.
- 4) States that, to the extent that an agency is a component member of another agency, it shall submit a copy of its report to the highest-ranking agency head prior to submitting the report to the Legislature. The agency head is directed to review the reports for each component agency to identify duplicative or conflicting regulations between departments.
- 5) Starting in 2018, and at least every 5 years thereafter, directs each agency to review each regulation that is at least 20 years old that hasn't been reviewed within the last 10 years and report to the Legislature concerning the review, including the following information:
  - a) The date that the OAL approved the regulation.
  - b) The purpose.
  - c) The statutory authority.
  - d) The identification of impacted sectors
  - e) The direct costs by sector.
  - f) Whether the regulation is duplicative of other regulations.
  - g) Whether the regulation is still relevant.
  - h) Whether the regulation needs to be updated in order to become more effective or less burdensome.
- 6) Specifies that each agency shall submit an annual report to the Legislature that identifies the regulations reviewed during the previous year and the associated findings.

AMENDED IN SENATE APRIL 7, 2011

SENATE BILL

No. 396

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**Introduced by Senator Huff**

**(Coauthors: Senators Dutton, Harman, and Runner)**

*(Coauthors: Assembly Members Jeffries, Nestande, Silva, and Wagner)*

February 16, 2011

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An act to add Sections 11349.10 and 11349.11 to the Government Code, relating to regulations.

LEGISLATIVE COUNSEL'S DIGEST

SB 396, as amended, Huff. Regulations: review process.

Existing law, the Administrative Procedure Act, governs the procedure for the adoption, amendment, or repeal of regulations by state agencies.

This bill would require each agency to review each regulation adopted prior to January 1, ~~1990~~ 2011, and to develop a report with prescribed information that shall be submitted to the Legislature on or before January 1, 2013. The bill would also require each agency, on or before January 1, 2018, and at least every 5 years thereafter, to conduct additional reviews of regulations that have been in effect for at least 20 years, as specified, and to submit an annual report to the Legislature that identifies the regulations reviewed during that year and the associated findings.

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 11349.10 is added to the Government  
2 Code, to read:

1 11349.10. (a) Each agency shall review each regulation  
2 adopted prior to January 1, ~~1990~~ 2011. The review shall be  
3 developed into a report that includes, but is not limited to, the  
4 following information for each regulation:

- 5 (1) The date that the office approved the regulation.
- 6 (2) The purpose.
- 7 (3) The statutory authority.
- 8 (4) The identification of impacted sectors.
- 9 (5) The direct costs by sector.
- 10 (6) Whether the regulation is duplicative of other regulations.
- 11 (7) Whether the regulation is still relevant.
- 12 (8) Whether the regulation needs to be updated in order to  
13 become more effective or less burdensome.

14 (b) The agency shall consult with parties affected by the  
15 regulation in developing the report.

16 (c) The agency shall submit the report to the Legislature on or  
17 before January 1, 2013.

18 (d) To the extent that an agency is a component member of  
19 another agency, the member agency shall submit a copy of its  
20 report to the highest ranking agency head prior to submitting the  
21 report to the Legislature as required by this section. The agency  
22 head shall review the reports for each component agency for the  
23 purpose of identifying duplicative or conflicting regulations  
24 between departments.

25 SEC. 2. Section 11349.11 is added to the Government Code,  
26 to read:

27 11349.11. (a) On or before January 1, 2018, and at least every  
28 five years thereafter, each agency shall review each regulation that  
29 is at least 20 years old and has not been reviewed within the last  
30 10 years. The review shall be developed into a report that shall be  
31 submitted to the Legislature and includes, but is not limited to, the  
32 following information for each regulation:

- 33 (1) The date that the office approved the regulation.
- 34 (2) The purpose.
- 35 (3) The statutory authority.
- 36 (4) The identification of impacted sectors.
- 37 (5) The direct costs by sector.
- 38 (6) Whether the regulation is duplicative of other regulations.
- 39 (7) Whether the regulation is still relevant.

- 1 (8) Whether the regulation needs to be updated in order to
- 2 become more effective or less burdensome.
- 3 (b) Each agency shall submit an annual report to the Legislature
- 4 that identifies the regulations reviewed during the previous year
- 5 and the associated findings.

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