

SB 553 (Fuller) – Regulations: Effective Date

Introduced February 17, 2011, Amended April 5, 2011

This bill specifies that a regulation that has or is likely to have an adverse economic impact of \$10 million or more becomes effective 180 days after adoption.

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

- a) The statute authorizing adoption of the regulation prescribes a different date.
- b) A later date is prescribed by the state agency in a written document filed with the regulation or order of repeal.
- c) The agency makes a written request to OAL showing good cause for an earlier effective date, in which case OAL may prescribe an earlier date.

Specifically, this bill:

- 1) Provides that a regulation or an order of repeal of a regulation that is identified by a state agency as having, or as being reasonably likely to have, an adverse economic impact of \$10 million or more shall become effective on the 180th day after the date of filing with the Secretary of State, unless:
 - a) The statute authorizing adoption of the regulation prescribes a different date.
 - b) A later date is prescribed by the state agency in a written document filed with the regulation or order of repeal.
 - c) The agency makes a written request to OAL showing good cause for an earlier effective date, in which case OAL may prescribe an earlier date.

Introduced by Senator Fuller

February 17, 2011

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

LEGISLATIVE COUNSEL'S DIGEST

SB 553, as amended, Fuller. 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 of a regulation becomes effective on the 30th day after it is filed with the Secretary of State, except as provided.

This bill would require that a regulation or an order of repeal of a regulation *that has been identified by the agency as having, or as being reasonably likely to have, an adverse economic impact of at least \$10,000,000* become effective, ~~instead,~~ 180 days after the date it is filed with the Secretary of State, except as provided.

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

- 1 Secretary of State shall become effective on the ~~180th~~ 30th day
2 after the date of filing unless:
- 3 (a)
- 4 (1) Otherwise specifically provided by the statute pursuant to
5 which the regulation or order of repeal was adopted, in which event
6 it becomes effective on the day prescribed by the statute.
- 7 (b)
- 8 (2) A later date is prescribed by the state agency in a written
9 instrument filed with, or as part of, the regulation or order of repeal.
- 10 (c)
- 11 (3) The agency makes a written request to the office
12 demonstrating good cause for an earlier effective date, in which
13 case the office may prescribe an earlier date.
- 14 (b) *A regulation or an order of repeal of a regulation that is*
15 *identified by the agency as having, or as being reasonably likely*
16 *to have, an adverse economic impact of ten million dollars*
17 *(\$10,000,000) or more and that is required to be filed with the*
18 *Secretary of State shall become effective on the 180th day after*
19 *the date of filing unless any of the provisions of paragraphs (1) to*
20 *(3), inclusive, of subdivision (a) are satisfied.*