


## MEMORANDUM

<b>DATE</b>	April 9, 2017
<b>TO</b>	Board of Psychology
<b>FROM</b>	 Cherise Burns Central Services Manager
<b>SUBJECT</b>	Agenda Item #4(b)(1)(B)(1) – AB 12 (Cooley) State Government: Administrative Regulations: Review

**Background:**

This bill would require each state agency to, on or before January 1, 2020, review that agency's regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as specified, and report to the Legislature and Governor. The bill would repeal these provisions on January 1, 2021.

**Location:** Assembly Committee on Appropriations

**Status:** 04/05/2017, bill referred to Assembly Appropriations Suspense File

**Votes:** Assembly Accountability and Administrative Review (6-0-1)

**Action Requested:**

No action is required at this time. Staff will continue to watch AB 12 (Cooley) for potential fiscal and operational impacts on the Board if the bill proceeds through the legislative process.

Attachment: AB 12 (Cooley) Text

**ASSEMBLY BILL**

**No. 12**

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**Introduced by Assembly Member Cooley**  
*(Principal coauthors: Assembly Members Calderon and Cunningham)*

December 5, 2016

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An act to add and repeal Chapter 3.6 (commencing with Section 11366) of Part 1 of Division 3 of Title 2 of the Government Code, relating to state agency regulations.

LEGISLATIVE COUNSEL'S DIGEST

AB 12, as introduced, Cooley. State government: administrative regulations: review.

Existing law authorizes various state entities to adopt, amend, or repeal regulations for various specified purposes. The Administrative Procedure Act requires the Office of Administrative Law and a state agency proposing to adopt, amend, or repeal a regulation to review the proposed changes for, among other things, consistency with existing state regulations.

This bill would require each state agency to, on or before January 1, 2020, review that agency's regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided, and report to the Legislature and Governor, as specified. The bill would repeal these provisions on January 1, 2021.

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. Chapter 3.6 (commencing with Section 11366)  
2 is added to Part 1 of Division 3 of Title 2 of the Government Code,  
3 to read:

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5 CHAPTER 3.6. REGULATORY REFORM

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7 Article 1. Findings and Declarations

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9 11366. The Legislature finds and declares all of the following:

10 (a) The Administrative Procedure Act (Chapter 3.5 (commencing  
11 with Section 11340), Chapter 4 (commencing with Section 11370),  
12 Chapter 4.5 (commencing with Section 11400), and Chapter 5  
13 (commencing with Section 11500)) requires agencies and the  
14 Office of Administrative Law to review regulations to ensure their  
15 consistency with law and to consider impacts on the state's  
16 economy and businesses, including small businesses.

17 (b) However, the act does not require agencies to individually  
18 review their regulations to identify overlapping, inconsistent,  
19 duplicative, or out-of-date regulations that may exist.

20 (c) At a time when the state's economy is slowly recovering,  
21 unemployment and underemployment continue to affect all  
22 Californians, especially older workers and younger workers who  
23 received college degrees in the last seven years but are still awaiting  
24 their first great job, and with state government improving but in  
25 need of continued fiscal discipline, it is important that state  
26 agencies systematically undertake to identify, publicly review, and  
27 eliminate overlapping, inconsistent, duplicative, or out-of-date  
28 regulations, both to ensure they more efficiently implement and  
29 enforce laws and to reduce unnecessary and outdated rules and  
30 regulations.

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32 Article 2. Definitions

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34 11366.1. For the purposes of this chapter, the following  
35 definitions shall apply:

36 (a) "State agency" means a state agency, as defined in Section  
37 11000, except those state agencies or activities described in Section  
38 11340.9.

1 (b) "Regulation" has the same meaning as provided in Section  
2 11342.600.

3  
4 Article 3. State Agency Duties

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6 11366.2. On or before January 1, 2020, each state agency shall  
7 do all of the following:

8 (a) Review all provisions of the California Code of Regulations  
9 adopted by that state agency.

10 (b) Identify any regulations that are duplicative, overlapping,  
11 inconsistent, or out of date.

12 (c) Adopt, amend, or repeal regulations to reconcile or eliminate  
13 any duplication, overlap, inconsistencies, or out-of-date provisions,  
14 and shall comply with the process specified in Article 5  
15 (commencing with Section 11346) of Chapter 3.5, unless the  
16 addition, revision, or deletion is without regulatory effect and may  
17 be done pursuant to Section 100 of Title 1 of the California Code  
18 of Regulations.

19 (d) Hold at least one noticed public hearing, which shall be  
20 noticed on the Internet Web site of the state agency, for the  
21 purposes of accepting public comment on proposed revisions to  
22 its regulations.

23 (e) Notify the appropriate policy and fiscal committees of each  
24 house of the Legislature of the revisions to regulations that the  
25 state agency proposes to make at least 30 days prior to initiating  
26 the process under Article 5 (commencing with Section 11346) of  
27 Chapter 3.5 or Section 100 of Title 1 of the California Code of  
28 Regulations.

29 (g) (1) Report to the Governor and the Legislature on the state  
30 agency's compliance with this chapter, including the number and  
31 content of regulations the state agency identifies as duplicative,  
32 overlapping, inconsistent, or out of date, and the state agency's  
33 actions to address those regulations.

34 (2) The report shall be submitted in compliance with Section  
35 9795 of the Government Code.

36 11366.3. (a) On or before January 1, 2020, each agency listed  
37 in Section 12800 shall notify a department, board, or other unit  
38 within that agency of any existing regulations adopted by that  
39 department, board, or other unit that the agency has determined  
40 may be duplicative, overlapping, or inconsistent with a regulation

1 adopted by another department, board, or other unit within that  
2 agency.

3 (b) A department, board, or other unit within an agency shall  
4 notify that agency of revisions to regulations that it proposes to  
5 make at least 90 days prior to a noticed public hearing pursuant to  
6 subdivision (d) of Section 11366.2 and at least 90 days prior to  
7 adoption, amendment, or repeal of the regulations pursuant to  
8 subdivision (c) of Section 11366.2. The agency shall review the  
9 proposed regulations and make recommendations to the  
10 department, board, or other unit within 30 days of receiving the  
11 notification regarding any duplicative, overlapping, or inconsistent  
12 regulation of another department, board, or other unit within the  
13 agency.

14 11366.4. An agency listed in Section 12800 shall notify a state  
15 agency of any existing regulations adopted by that agency that  
16 may duplicate, overlap, or be inconsistent with the state agency's  
17 regulations.

18 11366.45. This chapter shall not be construed to weaken or  
19 undermine in any manner any human health, public or worker  
20 rights, public welfare, environmental, or other protection  
21 established under statute. This chapter shall not be construed to  
22 affect the authority or requirement for an agency to adopt  
23 regulations as provided by statute. Rather, it is the intent of the  
24 Legislature to ensure that state agencies focus more efficiently and  
25 directly on their duties as prescribed by law so as to use scarce  
26 public dollars more efficiently to implement the law, while  
27 achieving equal or improved economic and public benefits.

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29 Article 4. Chapter Repeal

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31 11366.5. This chapter shall remain in effect only until January  
32 1, 2021, and as of that date is repealed, unless a later enacted  
33 statute, that is enacted before January 1, 2021, deletes or extends  
34 that date.

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- 2 **REVISIONS:**
- 3 **Heading—Line 2.**
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