

Master Index

4/20/2011

[AB 127](#)

(Logue R) Regulations: effective date.

Current Text: Introduced: 1/11/2011 [pdf](#) [html](#)

Status: 4/11/2011-Re-referred to Coms. on B., P. & C.P. and A. & A.R. pursuant to Assembly Rule 96.

Location: 4/11/2011-A. B.,P. & C.P.

Calendar: 5/3/2011 9 a.m. - State Capitol, Room 447 ASSEMBLY BUSINESS, PROFESSIONS AND CONSUMER PROTECTION, HAYASHI, chair

Digest: 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 become effective, instead, on January 1 next following a 90-day period after the date it is filed with the Secretary of State, except as provided.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

Organization

Assigned

Subject

Justin Paddock Regulations

[AB 149](#)

(Lara D) Civil service: personal services contracts.

Current Text: Amended: 3/14/2011 [pdf](#) [html](#)

Status: 4/13/2011-From committee: Do pass and re-refer to Com. on APPR. (Ayes 4. Noes 1.) (April 13). Re-referred to Com. on APPR.

Location: 4/13/2011-A. APPR.

Digest: Existing law, the State Civil Service Act, establishes standards for the use of personal services contracts. Any state agency proposing to execute a contract pursuant to these standards is required to notify the State Personnel Board of its intention. Any employee organization may request, within 10 days of notification, the State Personnel Board to review any contract proposed or executed pursuant to the law governing these contracts. The State Personnel Board, at the request of an employee organization that represents state employees, is also required to review the adequacy of any proposed or executed contract, as specified.

This bill would additionally authorize, if the State Personnel Board either prohibits a proposed contract from being executed or nullifies an executed contract based on the reviews described above, the department or agency submitting the contract to create and fill a civil service position for ~~each employee~~ *the equivalent number of hours for each contractor* position requested in the submitted contract.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Vote Events:

04/13/2011 ASM. P.E.,R. & S.S. (Y: 4 N: 1 A: 1) (P)

Organization

Assigned

Subject

Brian Clifford All Bds/Bureaus

[AB 213](#)

(Silva R) Administrative Procedure Act: notice of proposed actions: local government agencies.

Current Text: Introduced: 1/31/2011 [pdf](#) [html](#)

Status: 4/5/2011-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 0.) (April 5). Re-referred to Com. on APPR.

Location: 4/5/2011-A. APPR.

Digest: 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.

This bill would require an agency, when it considers it appropriate, to mail or to electronically mail a notice of proposed action to adopt, amend, or repeal a regulation to local government agencies or local government agency representatives, as defined, that are likely to be affected by the proposed action, as prescribed.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Vote Events:

04/05/2011 ASM. B.,P. & C.P. (Y: 9 N: 0 A: 0) (P)

Organization

Assigned

Subject

Justin Paddock Regulations

[AB 273](#)

(Valadao R) Regulations: economic impacts review.

Current Text: Introduced: 2/7/2011 [pdf](#) [html](#)

Status: 4/11/2011-Re-referred to Coms. on B., P. & C.P. and A. & A.R. pursuant to Assembly Rule 96.

Location: 4/11/2011-A. B.,P. & C.P.

Calendar: 5/3/2011 9 a.m. - State Capitol, Room 447 ASSEMBLY BUSINESS, PROFESSIONS AND CONSUMER PROTECTION, HAYASHI, chair

Digest: 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. Existing law requires the Department of Finance to adopt and update, as necessary, instructions for inclusion in the State Administrative Manual that prescribe the methods that any agency shall use in making certain determinations relating to the impact of proposed regulations. Existing law also authorizes the department to review any estimate prepared pursuant to these provisions for content.

This bill would additionally require the department to adopt and update instructions for inclusion in the State Administrative Manual that prescribe the methods that any agency shall use in making certain determinations, estimates, statements, and findings relating to the economic and cost impacts of a regulation on businesses and private individuals. The bill would require, instead of authorize, the department to review these determinations, estimates, statements, and findings for content. This bill would require the department, if it determines that an agency's determinations, estimates, statements, or findings are erroneous or otherwise inconsistent with the prescribed guidelines, criteria, or formats, to submit its determinations to the agency in the form of public comment to be considered by the agency, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization

Assigned

Subject

Justin Paddock Regulations

[AB 338](#)

(Wagner R) Regulations: legislative validation: effective date.

Current Text: Amended: 4/15/2011 [pdf](#) [html](#)

Status: 4/15/2011-From committee chair, with author's amendments: Amend, and re-refer to Com. on B., P. & C.P. Read second time and amended.

Location: 4/15/2011-A. B.,P. & C.P.

Digest: 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. That act requires the office to transmit a copy of a regulation to the Secretary of State for filing if the office approves the regulation or fails to act on it within 30 days. That act provides that 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 prescribed conditions occur.

This bill would require the office to also submit to the Legislature for review a copy of each *disapproved* regulation that it submits to the Secretary of State *where the basis for that disapproval was a determination that the agency exceeded its statutory authority in adopting the regulation*. This bill would also require that a regulation become effective on the 90th day after it is filed with the Secretary of State, unless prescribed conditions occur.

~~This bill would require the Legislature to refer a copy of every regulation submitted to it by the office to an appropriate policy committee for review of its consistency with the intent of the Legislature in regard to the statute that authorizes the particular regulation and to offer recommendations as to whether the regulation should be repealed by statute.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization

Assigned

Subject

Justin Paddock Regulations

[AB 344](#)

(Furutani D) Public employees' retirement.

Current Text: Amended: 2/28/2011 [pdf](#) [html](#)

Status: 3/1/2011-Re-referred to Com. on P.E., R. & S.S.

Location: 3/1/2011-A. P.E.,R. & S.S.

Calendar: 5/4/2011 9 a.m. - State Capitol, Room 444 ASSEMBLY PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY, FURUTANI, Chair

Digest: (1) *The Public Employees' Retirement Law (PERL) requires contributions to the retirement fund based on compensation earnable by a member, which includes the member's payrate and special compensation, as specified. "Payrate" is defined as the normal monthly rate of pay or base pay of the member paid in cash to similarly situated members of the same group or class of employment, as specified. For a member who is not in a group or class, "payrate" means the monthly rate of pay or base pay of the member, as specified. PERL provides that increases in compensation earnable granted to an employee who is not in a group or class shall be limited during the final compensation period applicable to the employees, as well as the 2 years immediately preceding the final compensation period, to the average increase in compensation earnable during the same period reported by the employer for all employees who are in the same membership classification, except as may otherwise be determined pursuant to regulations adopted by the Board of Administration of the Public Employees' Retirement System that establish reasonable standards for granting exceptions.*

This bill would delete the authorization for the board to adopt regulations to permit those exceptions to the average increase limitation for increases in compensation earnable granted to an employee who is not in a group or class.

~~The Public Employees' Retirement Law~~

(2) *PERL establishes the circumstances in which a retired person may serve without reinstatement from retirement or loss or interruption of benefits, including, among others, an appointment of limited duration that does not exceed 960 hours in any fiscal year. Existing law further provides that a person may serve without reinstatement under an appointment that exceeds 960 hours in any fiscal year, if the governing body of the contracting agency requests approval from the Public Employees' Retirement Board board, as specified.*

~~This bill would delete that~~ the option for a person to serve without reinstatement under an

appointment that exceeds 960 hours in any fiscal year.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

Organization

Assigned

Subject

Brian Clifford

All Bds/Bureaus

[AB 410](#)

(Swanson D) Regulations: adoption: disability access.

Current Text: Introduced: 2/14/2011 [pdf](#) [html](#)

Status: 3/3/2011-Referred to Com. on B., P. & C.P.

Location: 3/3/2011-A. B.,P. & C.P.

Calendar: 4/26/2011 9 a.m. - State Capitol, Room 447 ASSEMBLY BUSINESS, PROFESSIONS AND CONSUMER PROTECTION, HAYASHI, Chair

Digest: Existing state and federal law prohibits the exclusion of a qualified individual with a disability, by reason of that disability, from participation in or equal access to the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by a public entity. Federal regulations require a public entity to take appropriate steps to ensure that communications with participants and members of the public with disabilities are as effective as communications with others. These regulations also require a public entity to furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.

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. Existing law requires an agency to publish a notice of proposed action that includes specified information, at least 45 days prior to a hearing and the close of the public comment period.

This bill would require an agency, upon a request from a person with a visual disability or other disability for which effective communication is required under state or federal law, to provide that person a narrative description of the proposed regulation, as prescribed, and would provide for an extended public comment period for that person. The bill would also require an agency to include within the notice of proposed action a specified statement regarding the availability of narrative descriptions for persons with visual or other specified disabilities.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization

Assigned

Subject

Justin Paddock

Regulations

[AB 425](#)

(Nestande R) State regulations: review.

Current Text: Introduced: 2/14/2011 [pdf](#) [html](#)

Status: 3/31/2011-Referred to Com. on B., P. & C.P.

Location: 3/31/2011-A. B.,P. & C.P.

Calendar: 5/3/2011 9 a.m. - State Capitol, Room 447 ASSEMBLY BUSINESS, PROFESSIONS AND CONSUMER PROTECTION, HAYASHI, chair

Digest: Existing law authorizes various state entities to promulgate and implement regulations, subject to specified criteria.

This bill would require, no later than December 31, 2012, each state entity that promulgates regulations to review those regulations, and repeal or report to the Legislature those identified as duplicative, archaic, or inconsistent with statute or other regulations. It would also require these entities to report to the Legislature by that date on regulations deemed to inhibit economic growth in the state.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization

Assigned

Subject

Justin Paddock

Regulations

[AB 429](#)

(Knight R) Regulations: effective date.

Current Text: Introduced: 2/14/2011 [pdf](#) [html](#)

Status: 3/31/2011-Referred to Com. on B., P. & C.P.

Location: 3/31/2011-A. B.,P. & C.P.

Calendar: 5/3/2011 9 a.m. - State Capitol, Room 447 ASSEMBLY BUSINESS, PROFESSIONS AND CONSUMER PROTECTION, HAYASHI, chair

Digest: 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 becomes effective on the 30th day after it is filed with the Secretary of State.

This bill would require an agency, for any regulation that it has identified as having a gross cost of \$15,000,000 or more, an increased cost of 5% or more over the cost of an existing regulation, or both, to submit a copy of the rulemaking record for that regulation to the appropriate policy committee in each house of the Legislature when the agency submits the regulation to the office for approval. This bill would require that these regulations take effect on the 180th day after they are filed with the secretary.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization

Assigned

Subject

Justin Paddock

Regulations

[AB 530](#)

(Smyth R) Regulations: economic and technical information.

Current Text: Amended: 3/31/2011 [pdf](#) [html](#)

Status: 4/4/2011-Re-referred to Com. on B., P. & C.P.

Location: 4/4/2011-A. B.,P. & C.P.

Calendar: 5/3/2011 9 a.m. - State Capitol, Room 447 ASSEMBLY BUSINESS, PROFESSIONS AND CONSUMER PROTECTION, HAYASHI, chair

Digest: *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. The act requires an agency, as part of the regulatory adoption process, to assess the potential for adverse economic impact on California business enterprises and individuals, as specified. The act requires an agency that seeks to adopt, amend, or repeal a regulation to release a notice of proposed action with prescribed information, including specified information regarding adverse economic impacts. The act requires an agency to file with the office, when it files the notice of proposed action, an initial statement of reasons that includes, among other things, a description of reasonable alternatives to the proposed regulation and the agency's reason for rejecting the alternatives, as specified.*

This bill would require the initial statement of reasons to also identify each document, including, but not limited to, technical, theoretical, and empirical studies, reports, or similar documents, upon which the agency relied in rejecting each reasonable alternative. The bill would prohibit an agency from rejecting a reasonable alternative unless the statement of reasons includes at least one of these documents. The bill would also repeal a provision that authorizes the agency to avoid having to artificially construct alternatives, describe unreasonable alternatives, or justify why it did not describe alternatives.

The bill would require an agency to determine whether a proposed regulation will have a significant adverse economic impact by completing an economic impact statement, using a form developed by the Department of Finance, as specified. The bill would require the agency to post the economic impact statement, including specified supporting information, on the agency's Internet Web site and include it as part of the rulemaking file, as specified. The bill would require that the notice of proposed action include a notice that describes how the public may obtain access to the economic impact statement, including the supporting information, on the agency Internet Web site or in hard copy, as specified.

Existing law establishes the Joint Sunset Review Committee to identify and eliminate waste, duplication, and inefficiency in government agencies by conducting a comprehensive analysis of every "eligible agency," as defined, to determine if an agency scheduled for repeal is still necessary and cost effective.

This bill would make a technical, nonsubstantive change to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no. yes. State-mandated local program: no.

Organization

Assigned

Subject

Justin Paddock

Regulations

[AB 535](#)

(Morrell R) Regulations: 5-year review and report.

Current Text: Introduced: 2/16/2011 [pdf](#) [html](#)

Status: 3/31/2011-Referred to Com. on B., P. & C.P.

Location: 3/31/2011-A. B.,P. & C.P.

Calendar: 5/3/2011 9 a.m. - State Capitol, Room 447 ASSEMBLY BUSINESS, PROFESSIONS AND CONSUMER PROTECTION, HAYASHI, chair

Digest: The Administrative Procedure Act generally sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies.

This bill would additionally require a state agency to review and report on regulations that it adopts or amends on and after January 1, 2012, 5 years after adoption, as specified. The bill would require that the review and report include 10 specified factors, including a summary of the written criticisms of the regulation received by the agency within the immediately preceding 5 years and the estimated economic, small business, and consumer impact of the regulation. The bill would require the Office of Administrative Law to make the review and report available on the office's Internet Web site.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization

Assigned

Subject

Justin Paddock

Regulations

[AB 569](#)

(Berryhill, Bill R) Business licensing: Business Master License Center.

Current Text: Introduced: 2/16/2011 [pdf](#) [html](#)

Status: 3/3/2011-Referred to Com. on B., P. & C.P.

Location: 3/3/2011-A. B.,P. & C.P.

Calendar: 4/26/2011 9 a.m. - State Capitol, Room 447 ASSEMBLY BUSINESS, PROFESSIONS AND CONSUMER PROTECTION, HAYASHI, Chair

Digest: Under existing law, businesses are required to obtain various licenses from regulatory agencies. Existing law also requires state agencies to take specified actions, including, but not limited to, designating a small business liaison, to assist small businesses achieve compliance with statutory and regulatory requirements.

This bill would create the Business Master License Center, which would have prescribed duties, including, but not limited to, developing and administering a computerized one-stop master license system capable of storing, retrieving, and exchanging license information, as well as issuing and renewing master licenses, as specified. The bill would permit the Governor to appoint a 3rd-party facilitator from the business community, to provide oversight over the creation of the center and the development of its master license system.

This bill would charge license applicants, in addition to any other fees or deposits required to obtain a particular license, a master license administrative fee in specified amounts, to be deposited into the Master License Fund, which this bill would create. This bill would require that the moneys in the fund, upon appropriation by the Legislature, be used only to administer the Business Master License Center.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization

Assigned

Subject

Brian Clifford

All Bds/Bureaus

[AB 586](#)

(Garrick R) Administrative regulations: legislative review.

Current Text: Introduced: 2/16/2011 [pdf](#) [html](#)

Status: 3/31/2011-Referred to Com. on B., P. & C.P.

Location: 3/31/2011-A. B.,P. & C.P.

Calendar: 5/3/2011 9 a.m. - State Capitol, Room 447 ASSEMBLY BUSINESS, PROFESSIONS AND CONSUMER PROTECTION, HAYASHI, chair

Digest: 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.

This bill would require a standing committee of the Legislature with jurisdiction over a state agency proposing to adopt a regulation with a gross cost in excess of \$10,000,000 to hold an informational hearing regarding the proposed regulation.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

Organization

Assigned

Subject

Justin Paddock

Regulations

[AB 632](#)

(Wagner R) Regulations: legislative notice.

Current Text: Introduced: 2/16/2011 [pdf](#) [html](#)

Status: 3/31/2011-Referred to Com. on B., P. & C.P.

Location: 3/31/2011-A. B.,P. & C.P.

Calendar: 5/3/2011 9 a.m. - State Capitol, Room 447 ASSEMBLY BUSINESS, PROFESSIONS AND CONSUMER PROTECTION, HAYASHI, chair

Digest: 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. Existing law requires that an agency mail a notice of proposed action to specified entities at least 45 days prior to the hearing and close of the public comment period on the adoption, amendment, or repeal of a regulation.

This bill would require that the notice of proposed action also be submitted to the Legislature if it includes particular information relating to economic and cost impacts of the regulation on businesses and private persons.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization

Assigned

Subject

Justin Paddock

Regulations

[AB 675](#)

(Hagman R) Continuing education.

Current Text: Amended: 4/5/2011 [pdf](#) [html](#)

Status: 4/6/2011-Re-referred to Com. on B., P. & C.P.

Location: 4/6/2011-A. B.,P. & C.P.

Calendar: 5/3/2011 9 a.m. - State Capitol, Room 447 ASSEMBLY BUSINESS, PROFESSIONS AND CONSUMER PROTECTION, HAYASHI, chair

Digest: Existing law provides for the licensure and regulation of professions and vocations by boards within the Department of Consumer Affairs and these boards may require licensees to satisfy continuing education course requirements.

This bill would provide, if applicable, that continuing education *or competency* courses, as specified, that advance or promote labor organizing on behalf of a union, or that advance or promote statutory or regulatory changes, political candidates, political advocacy, or political strategy shall not be considered content relevant to the practice regulated by the board and shall not be acceptable for meeting requirements for licensure renewal. The bill would also prohibit, to the extent applicable, an approved provider from representing that such a continuing education *or competency* course is acceptable for meeting requirements for licensure renewal and would require a board, subject to specified procedural requirements, to withdraw its approval of a provider that violates that requirement for no less than 5 years, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization

Assigned

Subject

Justin Paddock

All Bds/Bureaus

[AB 740](#)

(Blumenfield D) Personal services contracts.

Current Text: Introduced: 2/17/2011 [pdf](#) [html](#)

Status: 4/5/2011-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 0.) (April 5). Re-referred to Com. on APPR.

Location: 4/5/2011-A. APPR.

Digest: Existing law authorizes state agencies to use personal services contracts if specified standards are satisfied, including, among other things, the contract does not cause the displacement of civil service employees and the contract is awarded through a publicized, competitive bidding process. The State Personnel Board is required to review a proposed contract upon the request of an employee organization for compliance with those standards.

This bill would require a state agency to immediately discontinue a contract disapproved by action of the board or its delegate unless ordered otherwise by the board or its delegate. The bill would prohibit the state agency from circumventing or disregarding the board's action by entering into another contract for the same or similar services or to continue the services that were the subject of the contract that was disapproved. The bill would require the state agency to serve notice of the discontinuation of the contract to the vendor within 15 days from the board's final action, and to serve a copy of the notice on the board and the employee organization that filed the contract challenge. The bill would make a related statement of legislative findings.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Vote Events:

04/05/2011 ASM. B.,P. & C.P. (Y:8 N:0 A:1) (P)

Organization

Assigned

Brian Clifford

Subject

All Bds/Bureaus

[AB 783](#)

(Hayashi D) Professional corporations: licensed physical therapists and occupational therapists.

Current Text: Amended: 4/7/2011 [pdf](#) [html](#)

Status: 4/11/2011-Read second time. Ordered to third reading.

Location: 4/11/2011-A. THIRD READING

Digest: Existing law regulating professional corporations provides that certain healing arts practitioners may be shareholders, officers, directors, or professional employees of a medical corporation ~~or a~~, podiatric medical corporation, ~~or a~~ *chiropractic corporation*, subject to certain limitations.

This bill would add licensed physical therapists *and licensed occupational therapists* to the list of healing arts practitioners who may be shareholders, officers, directors, or professional employees of those corporations. The bill would also make conforming changes to a related provision.

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: ~~2/3~~ majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

Vote Events:

04/05/2011 ASM. B.,P. & C.P. (Y:9 N:0 A:0) (P)

Organization

Assigned

Justin Paddock

Subject

Healing Arts
Bds, Physical
Therapy

[AB 800](#)

(Huber D) Boards and commissions: time reporting.

Current Text: Introduced: 2/17/2011 [pdf](#) [html](#)

Status: 3/10/2011-Referred to Com. on B., P. & C.P.

Location: 3/10/2011-A. B.,P. & C.P.

Calendar: 4/26/2011 9 a.m. - State Capitol, Room 447 ASSEMBLY BUSINESS, PROFESSIONS AND CONSUMER PROTECTION, HAYASHI, Chair

Digest: Existing law establishes various boards and commissions within state government. Existing law sets forth various standards and procedures that govern the amount of salary or per diem expenses that a member of a board or commission may earn or claim.

This bill would require that a member of a board or commission that meets specified requirements submit a quarterly report to the chair of the board or commission that details the time worked by the member fulfilling the duties of his or her position. This bill would also require that the chair of the board or commission submit a quarterly report to specified committees of the Legislature that contains copies of all of the time reports received by the chair.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization

Assigned

Jeff Toney

Subject

All Bds/Bureaus

[AB 958](#)

(Berryhill, Bill R) Regulatory boards: limitations periods.

Current Text: Introduced: 2/18/2011 [pdf](#) [html](#)

Status: 3/10/2011-Referred to Com. on B., P. & C.P.

Location: 3/10/2011-A. B.,P. & C.P.

Digest: Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law requires these boards to file disciplinary action accusations against licensees for various violations within a specified limitations period particular to each board.

This bill would delete those specified limitations periods for each board and would instead impose a specified limitations period on all boards within the Department of Consumer Affairs.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization

Assigned

Brian Clifford

Subject

All Bds/Bureaus

[AB 968](#)

(Chesbro D) California Indian tribes: state agencies.

Current Text: Introduced: 2/18/2011 [pdf](#) [html](#)

Status: 3/10/2011- Referred to Com. on G.O.

Location: 3/10/2011-A. G.O.

Digest: Existing law encourages and authorizes all state agencies to cooperate with federally recognized California Indian tribes on matters of economic development and improvement for the tribes.

This bill instead would require all state agencies to cooperate with federally recognized California Indian tribes pursuant to these provisions. It would also require every state agency to adopt a policy of communication and consultation with, and require the Governor to meet at least annually with elected officials of, California Indian tribes, regardless of whether a tribe qualifies as a federally recognized California Indian tribe.

This bill would establish the position of Native American Advisor on Tribal Issues in the Governor's office, to be a member of a federally recognized California Indian tribe. It would require the advisor to serve as a resource to the Governor and state agencies on issues affecting California Indian tribes and be an advocate on behalf of all California Indian tribes, regardless of whether a tribe qualifies as a federally recognized California Indian tribe.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization

Assigned

Subject

Justin Paddock All Bds/Bureaus

[AB 991](#)

(Olsen R) State government: licenses: California Licensing and Permit Center.

Current Text: Amended: 4/13/2011 [pdf](#) [html](#)

Status: 4/14/2011- Re-referred to Com. on B., P. & C.P.

Location: 4/14/2011-A. B.,P. & C.P.

Calendar: 4/26/2011 9 a.m. - State Capitol, Room 447 ASSEMBLY BUSINESS, PROFESSIONS AND CONSUMER PROTECTION, HAYASHI, Chair

Digest: Existing law requires members of the public to obtain license, permits, or to register with state agencies prior to undertaking certain types of tasks.

This bill would require the Governor to establish a Internet Web site, known as the California Licensing and Permit Center (CLPC), to assist the public with licensing, permitting, and registration requirements of state agencies. This bill would require the Governor to operate, via both e-mail and telephone methods, a help center to assist applicants with licensing, permitting, and registration requirements. This bill would require state agencies that the Governor determines has licensing authority to cooperate with this program by providing accurate updated information about their licensing requirements.

This bill would create the California License and Permit Fund in the State Treasury, and require state agencies that are required to participate in the CLPC to reallocate a portion of their operating budget, as specified, to pay for the operating cost of the CLPC. This bill would state that upon appropriation by the Legislature, revenues from the fund will be used only for purposes of the bill.

This bill would require the CLPC to be provided to the public free of charge.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization

Assigned

Subject

Justin Paddock All Bds/Bureaus

[AB 1037](#)

(V. Manuel Pérez D) Regulations: small business impact.

Current Text: Introduced: 2/18/2011 [pdf](#) [html](#)

Status: 4/12/2011-From committee: Do pass and re-refer to Com. on J., E.D. & E. (Ayes 8. Noes 0.) (April 12). Re-referred to Com. on J., E.D. & E.

Location: 4/12/2011-A. J., E.D. & E.

Calendar: 5/3/2011 9 a.m. - State Capitol, Room 127 ASSEMBLY JOBS, ECONOMIC DEVELOPMENT, AND THE ECONOMY, V. M. PÉREZ, Chair

Digest: 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. The act declares that it is the intent of the Legislature that neither the Office of Administrative Law nor the court should substitute its judgment for that of the rulemaking agency as expressed in the substantive content of adopted regulations.

This bill would, instead, declare that it is the intent of the Legislature that only the court not substitute its judgment for that of the rulemaking agency.

The act defines "small business" in a manner that does not include certain business activities that exceed prescribed thresholds for annual gross receipts.

This bill would increase the prescribed thresholds for these business activities and would add computer programming, data processing, and systems design to the list of business activities that are not small businesses if they exceed \$25,000,000 in annual gross receipts.

The act requires an agency to submit an initial statement of reasons for proposing a regulation to the office with specified information, including, among other things, a description of reasonable alternatives to the regulation.

This bill would, instead, require an agency to document why no alternatives were developed and list any alternatives that were submitted and determined to be unreasonable.

The act requires an agency, as part of the regulatory adoption process, to assess the potential for adverse economic impact on California business enterprises and individuals, as specified.

This bill would require that the assessment be based on sound economic theory and practice that is generally accepted within the related professional fields. The bill would require the assessment to include a determination whether there is a similar or related regulation that has been adopted by any other regulatory agency and information come from reasonably current existing state publications. The bill would require the agency, as part of the assessment to seek assistance from relevant persons or organizations to identify and develop alternatives to the regulation for consideration by the agency. The bill would require an agency, if it ultimately adopts the regulation, to perform the business assessment again, 5 years after the adoption of the regulation, as specified.

The act requires that an agency submit a final statement of reasons to the office that includes specified information, including, among other things, a determination that no alternative considered by the agency would be more effective in carrying out the purpose for which the regulation was proposed.

This bill would, instead, require a determination that no alternative would be equally or more effective in carrying out the purpose for which the regulation was proposed. The bill would also require the final statement of reasons to include a determination whether opportunities for cooperation exist with another state or federal agency that is implementing a similar regulation in order to reduce the cumulative negative impact of the regulation on small businesses.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Vote Events:

04/12/2011 ASM. B.,P. & C.P. (Y:8 N:0 A:1) (P)

Organization

Assigned

Subject

Justin Paddock

Regulations

[AB 1051](#) **(Feuer D) State government.**

Current Text: Amended: 3/31/2011 [pdf](#) [html](#)

Status: 4/4/2011-Re-referred to Com. on B., P. & C.P.

Location: 4/4/2011-A. B.,P. & C.P.

Calendar: 5/3/2011 9 a.m. - State Capitol, Room 447 ASSEMBLY BUSINESS, PROFESSIONS AND CONSUMER PROTECTION, HAYASHI, chair

Digest: *Existing law provides for the enforcement and collection of certain licensing fees, taxes, and charges levied by the state, and defines various terms for these purposes. Existing law authorizes an officer, as defined, to bring suit on behalf of the state against certain taxpayers to collect certain licensing fees, taxes, and charges owed to the state.*

This bill would modify the definition of officer to include secretary.

~~Existing law authorizes various entities to regulate business within the state.~~

~~This bill would declare the intent of the Legislature to enact legislation that promotes the growth of small businesses by ensuring agencies design regulations that take care to avoid unduly burdensome or duplicative constraints on small business growth while maintaining consumer, worker, and environmental protections.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

Organization

Assigned

Subject

Justin Paddock

Regulations

[AB 1088](#) **(Eng D) State agencies: collection of demographic data.**

Current Text: Introduced: 2/18/2011 [pdf](#) [html](#)

Status: 3/17/2011-Referred to Com. on B., P. & C.P.

Location: 3/17/2011-A. B.,P. & C.P.

Calendar: 5/3/2011 9 a.m. - State Capitol, Room 447 ASSEMBLY BUSINESS, PROFESSIONS AND CONSUMER PROTECTION, HAYASHI, chair

Digest: Existing law requires any state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for each major Asian and Pacific Islander group, including, but not limited to, Chinese, Japanese, Filipino, Korean, Vietnamese, Asian Indian, Hawaiian, Guamanian, Samoan, Laotian, and Cambodian.

This bill would require specified state agencies to use additional separate collection categories and tabulations for other major Asian groups and Native Hawaiian and other Pacific Islander groups, including, but not limited to, Bangladeshi, Fijian, Hmong, Indonesian, Malaysian, Pakistani, Sri Lankan, Taiwanese, Thai, and Tongan. This bill would also require that these specified state agencies update their data collection categories to match those used by the United States Census Bureau. This bill would further require a state agency, board, or commission that directly or by contract collects demographic data, include data on specified collection categories and tabulations in every demographic report on ancestry or ethnic origins of Californians that it publishes or releases on or after July 1, 2012. This bill would further require a state agency, board, or commission to make the collected data available to the public, in accordance with state and federal law, except for personal identifying information, which shall be deemed confidential. The bill would also require a state agency, board, or commission to post, and annually update, the demographic data on its Internet Web site.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization

Assigned

Subject

Jeff Toney

All Bds/Bureaus

[AB 1213](#) **(Nielsen R) Regulations.**

Current Text: Amended: 4/12/2011 [pdf](#) [html](#)

Status: 4/13/2011-Re-referred to Com. on B., P. & C.P.

Location: 4/13/2011-A. B.,P. & C.P.

Calendar: 5/3/2011 9 a.m. - State Capitol, Room 447 ASSEMBLY BUSINESS, PROFESSIONS AND CONSUMER PROTECTION, HAYASHI, chair

Digest: Existing law, the

~~(1) 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. The office is required to review the regulation, among other things, for "necessity" which is defined to mean that the record of the rulemaking proceeding demonstrates the need for the regulation by substantial evidence.~~

~~This bill would adopt the regulatory philosophy and the principles of regulation, as outlined in Presidential Executive Order 12866 and Presidential Executive Order 13563, in order to achieve the same regulatory benefits within the state by directing agencies, among other things, to improve public participation in the rulemaking process, to reduce redundant, inconsistent, or overlapping regulations through increased agency coordination to improve flexibility, and to develop and submit to the office a preliminary plan under which the agency will periodically review its existing significant regulations to determine whether any regulations should be modified, streamlined, expanded, or repealed.~~

~~This bill would revise the definition of "necessity" to require that the need for the regulation be demonstrated by a preponderance of the evidence.~~

~~(2) The act requires the office to initiate, at the request of a standing, select, or joint committee of the Legislature, a priority review of an existing regulation, that uses prescribed procedures to determine whether the regulation continues to satisfy specified standards.~~

~~This bill would additionally require the office to initiate a priority review of a regulation at the request of a chair or vice chair of those legislative committees.~~

~~(3) The act authorizes any interested person to obtain a judicial declaration as to the validity of any regulation or order of repeal by bringing an action for declaratory relief in superior court, as specified. The act authorizes the court to declare a regulation to be invalid for, among other things, a substantial failure to comply with the act or if the agency's determination that a regulation is reasonably necessary to effectuate the purpose of the statute, court decision, or other law is not supported by substantial evidence.~~

~~This bill would require, instead of authorize, a court to invalidate a regulation if the specified conditions exist. The bill would require that an agency's determination that a regulation is reasonably necessary to effectuate the purpose of a statute, court decision, or other law be supported by a preponderance of the evidence. The bill would require that a court invalidate a regulation upon a determination that it exceeds the scope of authority delegated to the agency by statute or, where the plain meaning of the language of the authorizing statute is determined to be ambiguous, the regulation is not consistent with the legislative intent in enacting the statute that is being interpreted, implemented, or made specific.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization

Assigned

Subject

Justin Paddock

Regulations

[AB 1273](#)

(Grove R) Boards and commissions.

Current Text: Introduced: 2/18/2011 [pdf](#) [html](#)

Status: 2/22/2011-From printer. May be heard in committee March 22.

Location: 2/18/2011-A. PRINT

Digest: Existing law establishes various boards and commissions to carry out particular tasks, investigations, or other activities.

This bill would state that it is the intent of the Legislature to enact legislation that would codify Governor Arnold Schwarzenegger's "Governor's Reorganization Plan 1: Reforming California's Boards and Commissions" from 2004.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

Organization

Assigned

Subject

Justin Paddock

All Bds/Bureaus

[AB 1277](#)

(Hill D) Sherman Food, Drug, and Cosmetic Law.

Current Text: Amended: 4/13/2011 [pdf](#) [html](#)

Status: 4/14/2011-Re-referred to Com. on HEALTH.

Location: 4/14/2011-A. HEALTH

Calendar: 4/26/2011 1:30 p.m. - State Capitol, Room 4202 ASSEMBLY HEALTH, MONNING, Chair

Digest: ~~(1) The~~

~~The Sherman Food, Drug, and Cosmetic Law regulates the packaging, labeling, and advertising of drugs and devices, and is administered by the State Department of Public Health. The law prohibits the sale, delivery, or giving away of any new drug or new device unless either the department has approved a new drug or device application for that new drug or new device and that approval has not been withdrawn, terminated, or suspended or a new drug application has been approved for it and that approval has not been withdrawn, terminated, or suspended under specified provisions of the federal Food, Drug, and Cosmetic Act, or it is a new device for which a premarket approval application has been approved, and that approval has not been withdrawn, terminated, or suspended under the federal act.~~

~~(2) The~~

~~The Sherman Food, Drug, and Cosmetic Law requires the department to adopt regulations to establish~~

the application form and set the fee for licensure and renewal of a drug or device license. This bill would revise the ~~above described~~ *above-described* prohibition, as specified, and require the department to waive the fee for the issuance and renew of a license for a person who has paid the most recent annual fees required pursuant to the federal act *to also apply to a new biologic product for which a license has been issued under federal law*. Existing law also requires the department to inspect the place of business of each licensed person once every 2 years, unless the United States Food and Drug Administration inspected the place of business within the previous 2 years. This bill would require inspections once every 4 years, unless the United States Food and Drug Administration inspected the place of business within the previous 4 years. Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization	Assigned	Subject
	Justin Paddock	Regulations

[AB 1322](#) **(Bradford D) Regulations: principles of regulation.**

Current Text: Amended: 4/15/2011 [pdf](#) [html](#)
Status: 4/15/2011-From committee chair, with author's amendments: Amend, and re-refer to Com. on B., P. & C.P. Read second time and amended.
Location: 4/15/2011-A. B.,P. & C.P.
Calendar: 5/3/2011 9 a.m. - State Capitol, Room 447 ASSEMBLY BUSINESS, PROFESSIONS AND CONSUMER PROTECTION, HAYASHI, chair
Digest: 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. This bill would adopt the regulatory philosophy and the principles of regulation, as outlined in Presidential Executive Order 12866, in order to achieve the same regulatory benefits within the state, as specified. Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization	Assigned	Subject
	Justin Paddock	Regulations

[AB 1328](#) **(Pan D) Clinical laboratories.**

Current Text: Amended: 3/31/2011 [pdf](#) [html](#)
Status: 4/4/2011-Re-referred to Com. on B., P. & C.P.
Location: 4/4/2011-A. B.,P. & C.P.
Calendar: 4/26/2011 9 a.m. - State Capitol, Room 447 ASSEMBLY BUSINESS, PROFESSIONS AND CONSUMER PROTECTION, HAYASHI, Chair
Digest: Existing law provides for the licensure and regulation of ~~various professions and vocations by boards and bureaus within the Department of Consumer Affairs and places the department under the control of the Director of Consumer Affairs. Existing law authorizes the director to request specified reports from these boards~~ *clinical laboratory personnel by the State Department of Public Health. Existing law authorizes the department to issue a clinical laboratory scientist's license to an applicant who is the lawful holder of a baccalaureate or an equivalent or higher degree and who meets specified training and experience requirements, subject to the payment of a licensing fee*. This bill would ~~make nonsubstantive, technical changes to that provision,~~ *notwithstanding those provisions, authorize the department to issue a clinical laboratory scientist's license to an applicant who completes at least 2 years of full-time employment as a clinical laboratory scientist at a CLIA certified laboratory, who possesses a baccalaureate or an equivalent or higher degree from an accredited institution, and who passes a national examination approved by the department, subject to the payment of the requisite licensing fee*. Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

Organization	Assigned	Subject
	Ryan Arnold	All Bds/Bureaus

[ABX1.3](#) **(Logue R) Regulations: 5-year review and report.**

Current Text: Introduced: 12/6/2010 [pdf](#) [html](#)
Status: 12/7/2010-From printer.
Location: 12/6/2010-A. PRINT
Digest: The Administrative Procedure Act generally sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies. This bill would additionally require a state agency to review and report on regulations that it adopts or amends on and after January 1, 2012, 5 years after adoption, as specified. The bill would require that the review and report include 10 specified factors, including a summary of the written criticisms of the regulation received by the agency within the immediately preceding 5 years and the estimated economic, small business, and consumer impact of the regulation. The bill would require the Office of Administrative Law to make the review and report available on the office's Internet Web site. The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 6, 2010. This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 6, 2010, pursuant to the California Constitution.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization

Assigned

Subject

Justin Paddock Regulations

[ABX1.4](#)

(Logue R) Regulations: effective date.

Current Text: Introduced: 12/6/2010 [pdf](#) [html](#)

Status: 12/7/2010-From printer.

Location: 12/6/2010-A. PRINT

Digest: 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 become effective, instead, on January 1 next following a 90-day period after the date it is filed with the Secretary of State, except as provided.

The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 6, 2010.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 6, 2010, pursuant to the California Constitution.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

Organization

Assigned

Subject

Justin Paddock Regulations

[ABX1.5](#)

(Logue R) Regulations: legislative notice.

Current Text: Introduced: 12/6/2010 [pdf](#) [html](#)

Status: 12/7/2010-From printer.

Location: 12/6/2010-A. PRINT

Digest: 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. Existing law requires that an agency mail a notice of proposed action to specified entities at least 45 days prior to the hearing and close of the public comment period on the adoption, amendment, or repeal of a regulation.

This bill would require that the notice of proposed action also be submitted to the Legislature if it includes particular information relating to economic and cost impacts of the regulation on businesses and private persons.

The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 6, 2010.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 6, 2010, pursuant to the California Constitution.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization

Assigned

Subject

Justin Paddock Regulations

[ABX1.6](#)

(Logue R) Regulations: economic impacts review.

Current Text: Introduced: 12/6/2010 [pdf](#) [html](#)

Status: 12/7/2010-From printer.

Location: 12/6/2010-A. PRINT

Digest: 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. Existing law requires the Department of Finance to adopt and update, as necessary, instructions for inclusion in the State Administrative Manual that prescribe the methods that any agency shall use in making certain determinations relating to the impact of proposed regulations. Existing law also authorizes the department to review any estimate prepared pursuant to these provisions for content.

This bill would additionally require the department to adopt and update instructions for inclusion in the State Administrative Manual that prescribe the methods that any agency shall use in making certain determinations, estimates, statements, and findings relating to the economic and cost impacts of a regulation on businesses and private individuals. The bill would require, instead of authorize, the department to review these determinations, estimates, statements, and findings for content. This bill would require the department, if it determines that an agency's determinations, estimates, statements, or findings are erroneous or otherwise inconsistent with the prescribed guidelines, criteria, or formats, to submit its determinations to the agency in the form of public comment to be considered by the agency, as specified.

The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 6, 2010.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 6, 2010, pursuant to the California Constitution.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization

Assigned

Subject

Justin Paddock Regulations

[SB 24](#)

(Simitian D) Personal information: privacy.

Current Text: Amended: 3/29/2011 [pdf](#) [html](#)

Status: 4/14/2011-In Assembly. Read first time. Held at Desk.

Location: 4/14/2011-A. DESK

Digest: Existing law requires any agency, and any person or business conducting business in California, that owns or licenses computerized data that includes personal information, as defined, to disclose in specified ways, any breach of the security of the system or data, as defined, following discovery or notification of the security breach, to any California resident whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. This bill would require any agency, person, or business that is required to issue a security breach notification pursuant to existing law to fulfill certain additional requirements pertaining to the security breach notification, as specified.

The bill would also require any agency, person, or business that is required to issue a security breach notification to more than 500 California residents pursuant to existing law to electronically submit a single sample copy of that security breach notification to the Attorney General, as specified.

This bill would provide that a covered entity under the federal Health Insurance Portability and Accountability Act of 1996 is deemed to have complied with these provisions, if it has complied with existing federal law, as specified.

The bill would also incorporate additional changes made by the Governor's Reorganization Plan No. 1 of 2009.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Vote Events:

04/14/2011 SEN. FLOOR (Y:31 N:6 A:3) (P)

03/22/2011 SEN. JUD. (Y:4 N:0 A:1) (P)

Organization

Assigned

Subject

Ryan Arnold

All Bds/Bureaus

[SB 103](#)

(Liu D) State government: meetings.

Current Text: Amended: 3/1/2011 [pdf](#) [html](#)

Status: 4/12/2011-Do pass as amended, and re-refer to the Committee on Appropriations

Location: 4/12/2011-S. APPR.

Digest: Existing law authorizes a state body to conduct teleconference meetings.

This bill would ~~urge~~ authorize a state body, to the extent ~~legally or financially possible, practicable~~, to conduct teleconference meetings.

This bill would require, upon the request of a member of a state body, a state body to hold an open or closed meeting by teleconference, unless the chair of that state body determines that it would be more costly to hold the meeting by teleconference than it would be to hold it in person.

This bill would require a state body that operates an Internet Web Site to provide a supplemental live audio or video broadcast on the Internet Web site of its board meetings that are open to the public, and would specify that a technical failure to provide a live broadcast would not prohibit the board from meeting and taking actions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

Vote Events:

04/12/2011 SEN. G.O. (Y:12 N:0 A:1) (P)

Organization

Assigned

Subject

John Perry

All Bds/Bureaus

[SB 227](#)

(Wyland R) Business and professions: licensure.

Current Text: Introduced: 2/9/2011 [pdf](#) [html](#)

Status: 2/17/2011-Referred to Com. on RLS.

Location: 2/17/2011-S. RLS.

Digest: Existing law, under the Business and Professions Code, provides for the regulation and licensure of various professionals. Existing law provides that the term "licentiate," as used in the Business and Professions Code, refers to any person authorized by a license, certificate, registration, or other means to engage in a business or profession regulated by that code and as specified.

This bill would make technical, nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

Organization

Assigned

Subject

Ryan Arnold

All Bds/Bureaus

[SB 231](#)

(Emmerson R) Regulatory boards: healing arts.

Current Text: Introduced: 2/9/2011 [pdf](#) [html](#)

Status: 2/17/2011-Referred to Com. on RLS.

Location: 2/17/2011-S. RLS.

Digest: Existing law creates various regulatory boards within the Department of Consumer Affairs. Existing law authorizes health-related boards to adopt regulations requiring licensees to display their

license or registration in the locality in which they are treating patients and to make specified disclosures to patients.

This bill would make nonsubstantive, technical changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

Organization

Assigned
Ryan Arnold

Subject
All Bds/Bureaus

[SB 252](#)

(Vargas D) Public contracts: personal services.

Current Text: Amended: 4/14/2011 [pdf](#) [html](#)

Status: 4/15/2011-Set for hearing April 26.

Location: 4/14/2011-S. JUD.

Calendar: 4/26/2011 1:30 p.m. - Room 112 SENATE JUDICIARY, EVANS, Chair

Digest: The California Constitution provides that the civil service includes every officer and employee of the state, except as otherwise provided. The California courts have interpreted the California Constitution as generally restricting the contracting out of state activities or tasks to the private sector, if those activities or tasks may be adequately and competently performed by state employees. Existing statutory law codifies certain judicially created exceptions to that constitutional provision, and authorizes the state to enter into personal services contracts when specified conditions are met. The California Public Records Act requires each state and local agency to make its records available for public inspection during office hours and, upon request of any person, to make copies available upon payment of fees, unless the records are exempt by law from disclosure.

This bill would enact the Government Oversight and Fiscal Accountability Review Act of ~~2010~~ 2011. The bill would require a state agency that enters into a privatization contract, as defined, to report to the ~~Secretary of State~~ Department of General Services regarding ~~those that~~ privatization ~~contracts~~ contract, and would require the ~~Secretary of State~~ department to compile, publish, and make ~~these~~ reports ~~that report~~ available for public inspection. The bill would also provide that a subcontract executed under a privatization contract is a public record, and would require the contractor to submit these subcontracts to the contracting agency, which would in turn be required to make the records available to the public pursuant to the California Public Records Act. State agencies would also be required to prepare, as part of their budget requests, a document that contains specified information relating to their use of private contractors. The bill ~~would also~~ ~~makes~~ ~~make~~ privatization contracts subject to audit or review by the Bureau of State Audits, at the discretion of the State Auditor.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Vote Events:

04/12/2011 SEN. G.O. (Y:7 N:4 A:2) (P)

Organization

Assigned
Brian Clifford

Subject
All Bds/Bureaus

[SB 353](#)

(Blakeslee R) Regulations: economic analysis.

Current Text: Amended: 4/7/2011 [pdf](#) [html](#)

Status: 4/7/2011-From committee with author's amendments. Read second time and amended. Re-referred to Com. on G.O.

Location: 4/7/2011-S. G.O.

Digest: ~~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. Existing law requires a state agency proposing to adopt, amend, or repeal any administrative regulation to assess the potential for adverse economic impact on California business enterprises and individuals, as prescribed.~~

~~Existing law exempts the adoption or revision of state policies for water quality control and water quality control plans and guidelines by the State Water Resources Control Board from the procedures of the act, except as provided.~~

~~(1) 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.~~

~~This bill would also provide that the activities of the office in reviewing and approving regulations, and amendments or repeal of regulations, as prescribed, be exempt from the California Environmental Quality Act.~~

~~(2) The act requires that state agencies proposing to adopt regulations, prior to publication of the notice of proposed action, involve parties that would be subject to the proposed regulations in public discussions regarding those proposed regulations, when the proposed regulations involve complex proposals or a large number of proposals that cannot easily be reviewed during the comment period.~~

~~This bill would make the requirement to involve parties that would be subject to the proposed regulations in public discussions regarding those proposed regulations applicable to all proposed regulations. The bill would also require, for a major regulation, as defined, that an agency consider and evaluate reasonable alternatives to a proposed regulation that are proposed by a party who would be subject to the proposed regulation.~~

~~(3) The act requires a state agency proposing to adopt, amend, or repeal any administrative regulation to assess the potential for adverse economic impact on California business enterprises and individuals, as prescribed. The act also requires the Department of Finance to adopt and update, as necessary, instructions for inclusion in the State Administrative Manual prescribing the methods that an agency shall use in making certain determinations relating to cost impacts of regulations.~~

~~This bill would require each state agency proposing to adopt, amend, or repeal a regulation, in addition to~~

those existing economic analysis requirements, to prepare a cost-benefit economic analysis of the proposed regulation with specified information. Commencing July 1, 2012, this bill would require an agency that proposes to adopt a major regulation to prepare an additional economic assessment with specified information.

The bill would establish within the Department of Finance the Office of Economic and Regulatory Analysis, which would be required to review and approve economic analyses of proposed regulations and perform other related duties, as specified. The bill would require the Office of Economic and Regulatory Analysis to adopt guidelines that each agency would be required to follow for purposes of performing the economic assessments.

(4) The act requires a state agency to issue a notice of proposed action, with specified information relating to the proposed regulation, including an informative digest and a statement related to the description of cost impacts known to the agency.

This bill would require additional information to be included in the informative digest, as specified, and would eliminate the requirement that the agency include a prescribed statement in the notice of proposed action when no cost impacts are known to the agency. The bill would also require that the notice of proposed action also include a statement of the results of the economic assessment, including the additional economic assessment performed for a major regulation, and the corresponding approval from the Office of Economic and Regulatory Analysis.

(5) The act requires the office to approve or disapprove regulations submitted by an agency within 30 days. The office is required to make determinations regarding submitted regulations using the standards of necessity, authority, clarity, consistency, reference, and nonduplication, as defined. The act requires that the office disapprove and return to the agency a regulation that does not satisfy prescribed requirements of the act. The act authorizes an agency to appeal to the Governor a decision by the office to disapprove a proposed regulation, as specified.

This bill would define the term "cost-effectiveness" as specified. The bill would increase to 60 days the amount of time in which the office is required to approve or disapprove a submitted regulation. The bill would repeal the provisions that authorize an agency to appeal an office decision to the Governor.

(6) The act requires the office, at the request of any standing, select, or joint committee of the Legislature, to initiate a priority review of any regulation, group of regulations, or series of regulations that the committee believes does not meet the standards of necessity, authority, clarity, consistency, reference, and nonduplication. If the office determines that the regulation no longer meets those standards, the office is required to file an order of repeal of the regulation with the Secretary of State, as specified.

This bill would require the Office of Administrative Law to convene public workshops, as specified, for determining whether regulations should be subject to the priority review process. The bill would require the office to initiate the priority review process for a regulation, if the office determines it no longer meets the required standards, as specified.

This bill would subject a major regulation to a mandatory priority review, that the office would be required to initiate 7 years after the date that the regulation is implemented, as specified.

(7) The act exempts the State Water Resources Control Board from the procedures of the act, except as provided.

This bill would require the State Water Resources Control Board to comply with the economic assessment requirement and the corresponding external economic peer review requirement of the act for any policy, plan, or guideline adopted by the board requirements of the act and would specify that an exemption for certain requirements and permits and waivers are limited to those for individual applicants, as specified.

(8) This bill would make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization

Assigned

Subject

Justin Paddock

Regulations

[SB 357](#)

(Dutton R) Regulations: obsolete equipment.

Current Text: Amended: 4/4/2011 [pdf](#) [html](#)

Status: 4/14/2011-Re-referred to Coms. on G.O. and E.O.

Location: 4/14/2011-S. G.O.

Calendar: 4/26/2011 Anticipated Hearing SENATE G.O., Not in daily file.

Digest: *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. The act requires that an agency identify, in the notice of proposed action for a regulation, an estimate, prepared in accordance with instructions adopted by the Department of Finance, of the cost or savings to a state agency.*

This bill would additionally require an agency to estimate the cost to the state in revenues that are lost as a result of a regulation that would make equipment obsolete, where that equipment would otherwise have a remaining depreciable life. The bill would require the Franchise Tax Board to provide to each state agency, and update every 5 years, the average tax rate to be applied to the amount of the estimated accelerated deduction due to reduced asset life attributable to the regulation for an increase in business depreciation.

The Personal Income Tax Law and the Corporation Tax Law authorize various deductions in computing the income that is subject to the taxes imposed by those laws, and authorizes credits against the taxes imposed by those laws. Existing law authorizes a taxpayer to deduct from income any remaining depreciation amount whenever depreciable property becomes obsolete, including as the result of regulatory or legislative action.

This bill would allow a refundable credit in the amount equal to the depreciation deduction a taxpayer would otherwise be entitled should a state agency regulation render depreciable property obsolete.

This bill would condition payment of any refundable portion of the credit upon a future appropriation

by the Legislature, and prohibit the state agency regulation regarding depreciable property from taking effect until such appropriation is made, as provided:

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization

Assigned

Subject

Justin Paddock

Regulations

[SB 366](#)

(Calderon D) Regulations: agency review.

Current Text: Introduced: 2/15/2011 [pdf](#) [html](#)

Status: 4/8/2011-Set, first hearing. Hearing canceled at the request of author.

Location: 2/24/2011-S. G.O.

Digest: (1) 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. Existing law creates the State and Consumer Services; Business, Transportation and Housing; California Emergency Management; California Environmental Protection; California Health and Human Services; Labor and Workforce Development; Natural Resources; and Youth and Adult Correctional Agencies in state government with various duties to oversee the actions of state departments that are within those agencies.

This bill would, until January 1, 2013, require each state agency, defined, to mean every state office, officer, department, division, bureau, board, and commission, except the California State University within 180 days of the effective date of the bill, to undertake specified actions in regards to the regulations that have been adopted by the state agency, including, among others, identifying any regulations that are duplicative, overlapping, inconsistent, or out of date, and adopting, amending, or repealing regulations to reconcile or eliminate any duplication, overlap, inconsistency, or out-of-date provisions, after conducting a publicly noticed hearing, as specified, and using procedures for adopting emergency regulations.

The bill would also require each of the overseeing agencies listed above, until January 1, 2013, and within 60 days of the effective date of the bill, to notify any state department, board, or commission within that state agency of any regulations adopted by those entities that the agency has determined may be duplicative, overlapping, or inconsistent with a regulation adopted by another state department, board, or commission within the agency. The bill would also require a state department, board, or commission within an agency to notify that state agency of revisions to regulations that the entity proposes to make at least 60 days prior to the required noticed public hearing and adoption of the emergency regulation, as specified.

(2) Existing law sets forth generally the procedures for the review and approval of permits for development projects in the state.

This bill would, until January 1, 2013, establish the Streamlined Permit Review Team in state government, consisting of the Secretary of Business, Transportation and Housing, the Secretary for Environmental Protection, and the Secretary of the Natural Resources Agency. The bill would require the team, upon the request of a permit applicant, to convene permitting agencies, as defined, to perform various activities in making the application process more efficient. The bill would require the permitting agencies to determine the completeness of an application complete and act upon the application within specified time periods, subject to certain conditions. This bill would require the team, on or before March 1, 2014, to submit a report to the Governor and to the Legislature with prescribed information relating to the permitting activities of the team.

The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. Governor Schwarzenegger issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 6, 2010. Governor Brown issued a proclamation on January 20, 2011, declaring and reaffirming that a fiscal emergency exists and stating that his proclamation supersedes the earlier proclamation for purposes of that constitutional provision.

This bill would state that it addresses the fiscal emergency declared and reaffirmed by the Governor by proclamation issued on January 20, 2011, pursuant to the California Constitution.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization

Assigned

Subject

Justin Paddock

Regulations

[SB 396](#)

(Huff R) Regulations: review process.

Current Text: Amended: 4/7/2011 [pdf](#) [html](#)

Status: 4/15/2011-Set for hearing May 2.

Location: 4/14/2011-S. E.Q.

Calendar: 5/2/2011 1:30 p.m. - Room 112 SENATE ENVIRONMENTAL QUALITY, SIMITIAN, Chairman

Digest: 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.

Vote Events:

Organization

Assigned

Subject

Justin Paddock

Regulations

[SB 400](#)

(Dutton R) Regulations: impact on businesses.

Current Text: Introduced: 2/16/2011 [pdf](#) [html](#)

Status: 4/15/2011-Set for hearing May 2.

Location: 4/14/2011-S. E.Q.

Calendar: 5/2/2011 1:30 p.m. - Room 112 SENATE ENVIRONMENTAL QUALITY, SIMITIAN, Chairman

Digest: 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. Existing law requires an agency that is proposing to adopt, amend, or repeal a regulation to perform an assessment of the potential for adverse economic impact on California business enterprises and individuals, as specified.

This bill would require that the impact assessment include specified additional criteria. The bill would also require the agency to submit economic assessments for certain regulations to the office for purposes of reviewing them and determining whether the assessment is based upon sound economic knowledge, methods, and practices, as specified. The bill would also require the office to reject a regulation that is based upon an economic assessment that was determined to not be based on sound economic knowledge, methods, and practices, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Vote Events:

04/12/2011 SEN. G.O. (Y:7 N:5 A:1) (P)

Organization

Assigned

Subject

Justin Paddock

Regulations

[SB 401](#)

(Fuller R) Regulations: repeal provisions.

Current Text: Introduced: 2/16/2011 [pdf](#) [html](#)

Status: 4/13/2011-Set for hearing April 26.

Location: 2/24/2011-S. G.O.

Calendar: 4/26/2011 9:30 a.m. - John L. Burton Hearing Room (4203) SENATE GOVERNMENTAL ORGANIZATION, WRIGHT, Chair

Digest: 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.

This bill would require that every regulation proposed by an agency after January 1, 2012, include a provision repealing the regulation in 5 years. The bill would prohibit the office from approving a proposed regulation unless it contains repeal provisions. The bill would authorize an agency, in the year prior to a regulation's scheduled repeal, to amend the regulation to extend the repeal date, as specified, after complying with certain public hearing requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Vote Events:

04/12/2011 SEN. G.O. (Y:12 N:0 A:1) (P)

04/12/2011 SEN. G.O. (Y:6 N:6 A:1) (F)

Organization

Assigned

Subject

Justin Paddock

Regulations

[SB 541](#)

(Price D) Contractors' State License Regulatory boards: expert consultants.

Current Text: Amended: 4/13/2011 [pdf](#) [html](#)

Status: 4/13/2011-From committee with author's amendments. Read second time and amended. Referred to Com. on B., P. & E.D.

Location: 4/13/2011-S. B., P. & E.D.

Calendar: 5/2/2011 1 p.m. and if necessary upon adjournment of session - Room 3191 SENATE BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT SPECIAL ORDER, PRICE, Chair

Digest: Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law, the Chiropractic Act, enacted by initiative, provides for the licensure and regulation of chiropractors by the State Board of Chiropractic Examiners. Existing law, the Osteopathic Act, requires the Osteopathic Medical Board of California to regulate osteopathic physicians and surgeons. Existing law generally requires applicants for a license to pass an examination and authorizes boards to take disciplinary action against licensees for violations of law. Existing law establishes standards relating to personal service contracts in state employment.

This bill would authorize these boards to enter into an agreement with an expert consultant, subject to the standards regarding personal service contracts described above, to provide enforcement and examination assistance. The bill would require each board to establish policies and procedures for the selection and use of these consultants.

This bill would declare that it is to take effect immediately as an urgency statute.

Existing law establishes within the Department of Consumer Affairs, until January 1, 2012, the Contractors' State License Board and a registrar of contractors, for purposes of the licensure and regulation of contractors. Under existing law, boards scheduled for repeal are required to be evaluated by the Joint Sunset Review Committee.

This bill would extend the operation of those provisions until January 1, 2016, and would specify that

the board would be subject to review by the appropriate policy committees of the Legislature.
Vote: majority 2/3 . Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization

Assigned

Subject

Brian Clifford

All Bds/Bureaus

[SB 553](#)

(Fuller R) Regulations: effective date.

Current Text: Amended: 4/5/2011 [pdf](#) [html](#)

Status: 4/12/2011-Set, first hearing. Hearing canceled at the request of author.

Location: 4/5/2011-S. G.O.

Digest: 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.

Organization

Assigned

Subject

Justin Paddock

Regulations

[SB 560](#)

(Wright D) Regulations: small businesses.

Current Text: Introduced: 2/17/2011 [pdf](#) [html](#)

Status: 4/13/2011-Set for hearing April 26.

Location: 3/3/2011-S. G.O.

Calendar: 4/26/2011 9:30 a.m. - John L. Burton Hearing Room (4203) SENATE GOVERNMENTAL ORGANIZATION, WRIGHT, Chair

Digest: (1) The Administrative Procedure Act generally sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies. An agency that is considering adopting, amending, or repealing a regulation is authorized to consult with interested persons before initiating regulatory action, and requires an agency to do so when the regulation involves complex or numerous proposals.

This bill would require the agency, if it does not, or is unable to, consult with these parties to inform in writing the Office of Small Business Advocate and the Department of Finance of its decision and the reasons for not consulting the impacted businesses.

(2) The act requires every state agency subject to the act to submit, with the notice of the proposed adoption, amendment, or repeal of a regulation, an initial statement of reasons for proposing the adoption, amendment, or repeal of a regulation, which is required to include, among other things, a description of any reasonable alternatives that would lessen any adverse impact on small business and the agency's reasons for rejecting those reasonable alternatives. The act specifies that the agency is not required, in this initial statement, to artificially construct alternatives, describe unreasonable alternatives, or justify why it has not described alternatives.

This bill would require the agency to describe the agency's reasons for rejecting each specific alternative, and would delete the specification that an agency is not required to artificially construct alternatives, describe unreasonable alternatives, or justify why it has not described alternatives.

(3) The act requires a state agency to assess the potential of a proposal to adopt, amend, or repeal a regulation to adversely affect business enterprises and individuals.

This bill would also require an agency to submit an economic impact statement that makes that assessment and would also require an agency, before submitting a proposal, to prepare a small business economic impact statement that contains specified information.

This bill would also require an agency that adopts a regulation that requires the use of a new or emerging technology or equipment in order to achieve the identified purpose of the regulation to post, as specified, prior to the effective date of the regulation, that the required technology or equipment is commercially available or will be commercially available prior to the effective date of the regulation.

This bill would, if the required technology or equipment is not commercially available on the effective date of a regulation, prohibit an agency from enforcing a violation of the regulation until at least 6 months after the technology or equipment becomes commercially available and the agency posts that information, as specified. This bill would also provide that the agency be required to reimburse a business or individual for the costs incurred in purchasing the required new or emerging technology or other equipment if that technology or other requirement is determined to not function as intended, as specified.

(4) Under the act, the agency must issue a notice of proposed action that includes prescribed information, including, if a state agency makes an initial determination that the adoption, amendment, or repeal of a regulation will not have a significant statewide adverse economic impact directly affecting business, a declaration of that determination.

This bill would delete that requirement and instead require, if an agency declares that it is not aware of any cost impact, that the notice of proposed action include a statement describing how a private person or business could comply with the proposed regulation without incurring a cost.

This bill would also require that the notice of proposed action include the small business economic impact statement that this bill requires an agency to prepare.

(5) The act also requires the Department of Finance to adopt and update, as necessary, instructions

for inclusion in the State Administrative Manual prescribing the methods that any agency is required to use in making the determinations relating to mandates on local agencies or school districts, as specified.

This bill would also require the Department of Finance to adopt and update, as necessary, instructions prescribing the methods that any agency is required to use in making the determinations relating to significant, statewide adverse economic impacts directly affecting business, as specified.

(6) The act requires the Office of Administrative Law to review and approve regulations that are adopted, amended, or repealed, using prescribed standards. The act requires that the office reject a proposed regulation in specified circumstances.

This bill would require that the office reject a proposed regulation if the adopting agency does not provide specified information relating to the small business economic impact statement.

(7) The act authorizes any interested person to obtain a judicial declaration as to the validity of specified regulations or orders of repeal, by bringing an action for declaratory relief in the superior court in accordance with the Code of Civil Procedure.

This bill would specify that an interested person includes, but is not limited to, a small business or an organization or trade association that represents small businesses and whose members are affected by the regulation.

(8) The bill would also make conforming changes to the act.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization

Assigned

Subject

Justin Paddock Regulations

[SB 591](#)

(Gaines R) Administrative regulations: reductions.

Current Text: Amended: 3/29/2011 [pdf](#) [html](#)

Status: 3/29/2011-From committee with author's amendments. Read second time and amended. Re-referred to Com. on G.O.

Location: 3/29/2011-S. G.O.

Calendar: 4/26/2011 9:30 a.m. - John L. Burton Hearing Room (4203) SENATE GOVERNMENTAL ORGANIZATION, WRIGHT, Chair

Digest: (1) The Administrative Procedure Act generally sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies, and for review of those regulatory actions by the Office of Administrative Law. Existing law requires the office to review a proposed regulation for necessity, authority, clarity, consistency, reference, and nonduplication, as defined. This bill would also require the office to review a proposed regulation for burden, as defined.

This bill would, until December 31, 2021, enact the California Smart Regulation Act. The bill would require, on or before July 1, 2012, that a state agency determine how many regulations it imposes and, on or before December 31, 2013, to reduce the total number of regulations it has identified by 33%. The bill would require an agency to give priority to eliminating regulations that increase the regulatory burden on businesses and the business climate. The bill would also require, until December 31, 2021, that any new regulation proposed by an agency also eliminate another regulation. The bill would repeal these provisions on January 1, 2022, as specified.

(2) Existing law establishes the Bureau of State Audits, which is headed by the State Auditor and has specified statutory duties.

This bill would require an agency to submit a report of the regulations eliminated or identified for elimination to the State Auditor. The bill would require the State Auditor to perform an evaluation of the identified regulations and determine, in a report submitted to the Legislature, whether the removal of the regulations will result in a positive impact on the regulatory burden on businesses and the business climate. This bill would require the Legislature to appropriate funds to the State Auditor sufficient to fulfill these duties. The bill would repeal these provisions on January 1, 2022, as specified.

(3) This bill would repeal its provisions on January 1, 2022, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization

Assigned

Subject

Justin Paddock Regulations

[SB 617](#)

(Calderon D) State government: financial accountability.

Current Text: Introduced: 2/18/2011 [pdf](#) [html](#)

Status: 4/14/2011-Set for hearing May 2.

Location: 4/12/2011-S. APPR.

Calendar: 5/2/2011 11 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, KEHOE, Chair

Digest: The Financial Integrity and State Manager's Accountability Act of 1983 provides that state agency heads are responsible for the establishment and maintenance of a system or systems of internal accounting and administrative control within their agencies, as specified.

This bill would rename that act the State Government Fraud Prevention, Detection, and Financial Integrity Monitoring and Accountability Act of 2011, and require that effective, independent, and ongoing monitoring of the internal accounting and administrative controls of state agencies be included within that system or systems.

Existing law requires state agencies to prepare and submit a report to the Legislature and other state officials on the adequacy of the agency's systems of internal accounting and administrative control by December 31 of each odd-numbered fiscal year and to identify any material inadequacy or material weakness in these systems and implement a plan and schedule for corrections.

This bill would sunset that reporting requirement by January 1, 2014, unless a later enacted statute

extends that date.

Existing law requires that the Director of Finance establish a general framework to guide state agencies in conducting internal reviews of their systems of internal accounting and administrative controls.

This bill would require that the Director of Finance also establish a general framework of recommended practices to guide state agencies in conducting active ongoing monitoring of processes for internal accounting and administrative control.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Vote Events:

04/12/2011 SEN. G.O. (Y:13 N:0 A:0) (P)

Organization

Assigned

Subject

Ryan Arnold

All Bds/Bureaus

[SB 688](#)

(Wright D) Regulations: legislative approval.

Current Text: Amended: 3/29/2011 [pdf](#) [html](#)

Status: 4/13/2011-Set for hearing April 26.

Location: 3/29/2011-S. G.O.

Calendar: 4/26/2011 9:30 a.m. - John L. Burton Hearing Room (4203) SENATE GOVERNMENTAL ORGANIZATION, WRIGHT, Chair

Digest: 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. Existing law requires the agency to assess the potential for adverse economic impact on California business enterprises and individuals, as specified. Existing law provides that a regulation shall become effective 30 days after the date it is filed with the Secretary of State, as specified.

This bill would also require an agency to produce, as part of the required impact assessment, a detailed estimate of the ~~total actual costs of compliance~~ *cumulative statewide cost impacts* for affected businesses ~~and individuals~~. This bill would require the agency to notify specified committees of the Legislature if the estimated ~~total costs of compliance exceed an unspecified amount~~ *cumulative statewide cost impacts for affected businesses exceed \$10,000,000*, as specified.

This bill would require that a regulation that has an estimated ~~total cost of compliance in excess of an unspecified amount~~ *cumulative statewide cost impact for affected businesses that exceed \$10,000,000* not take effect until January 1, next, one year following the date that the regulation is filed with the Secretary of State.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Organization

Assigned

Subject

Justin Paddock

Regulations

[SB 823](#)

(Corbett D) Consumer protections: Made in California Program.

Current Text: Amended: 4/14/2011 [pdf](#) [html](#)

Status: 4/15/2011-Set for hearing April 26.

Location: 4/14/2011-S. JUD.

Calendar: 4/26/2011 1:30 p.m. - Room 112 SENATE JUDICIARY, EVANS, Chair

Digest: Existing law makes unlawful certain acts identified as unfair methods of competition and unfair or deceptive acts or practices undertaken by any person in a transaction intended to result or which results in the sale or lease of goods to any consumer.

This bill would include in that list of acts representing a product as made in California unless ~~certain~~ criteria are met, including that the company that manufactures the product is headquartered in California, and primarily designs and manufactures a physical product rather than a digital product or service *the product complies with standards adopted by the Governor's Office of Economic Development, to the extent those standards are adopted. The bill would establish the Made in California Program within the office, as provided, and would create the continuously appropriated Made in California Fund as a special fund in the State Treasury for that purpose. The bill would require the office to report to the Legislature on January 1, 2013, and annually thereafter, regarding expenditures and progress of the program.*

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~-yes. State-mandated local program: no.

Organization

Assigned

Subject

Jeff Toney

All Bds/Bureaus

[SB 921](#)

(Lieu D) Employment: employee leave.

Current Text: Amended: 3/24/2011 [pdf](#) [html](#)

Status: 3/31/2011-Re-referred to Com. on L. & I.R.

Location: 3/31/2011-S. L. & I.R.

Digest: Existing law provides that an employer who employs 25 or more employees may not discharge or retaliate against an employee who takes time off for specified activities or treatment as the result of domestic violence or sexual assault.

This bill would require the Department of Industrial Relations to create and an employer to display for employees to read specified information regarding the rights of workers to seek counseling or treatment for domestic abuse or sexual assault and redress against an employer who violates these rights.

Existing law establishes the Department of Consumer Affairs in the State and Consumer Services Agency. Existing law provides that the department is comprised of various state agencies that regulate specified professions and vocations. Existing law sets forth the Legislature's findings that

~~unlicensed activity in the professions and vocations regulated by the department is a threat to the health, welfare, and safety of the people of the State of California.~~
~~This bill would, instead, set forth the Legislature's findings that unlicensed activity in the professions and vocations regulated by the department is a dire and immediate threat to the health, welfare, and safety of the people of the State of California.~~

~~Vote: majority. Appropriation: no. Fiscal committee: no. yes . State-mandated local program: no.~~

Organization

Assigned

Subject

Brian Clifford

All Bds/Bureaus

[SB 924](#)

(Walters R) Physical therapists: direct access to services.

Current Text: Amended: 3/30/2011 [pdf](#) [html](#)

Status: 4/12/2011-Set for hearing April 25.

Location: 4/7/2011-S. B., P. & E.D.

Calendar: 4/25/2011 Upon adjournment of session - Room 3191 SENATE BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT, PRICE, Chair

Digest: *Existing law, the Physical Therapy Practice Act, creates the Physical Therapy Board of California and makes it responsible for the licensure and regulation of physical therapists. The act defines the term "physical therapy" for its purposes and makes it a crime to violate any of its provisions. The act authorizes the board to suspend, revoke, or impose probationary conditions on a license, certificate, or approval issued under the act for unprofessional conduct, as specified.*

This bill would specify that patients may access physical therapy treatment directly, and would, in those circumstances, require a physical therapist to refer his or her patient to another specified healing arts practitioner if the physical therapist has reason to believe the patient has a condition requiring treatment or services beyond that scope of practice, to disclose to the patient any financial interest he or she has in treating the patient, and, with the patient's written authorization, to notify the patient's physician and surgeon, if any, that the physical therapist is treating the patient. The bill would provide that failure to comply with these provisions constitutes unprofessional conduct subject to disciplinary action by the board.

Because the bill would specify additional requirements under the Physical Therapy Practice Act, the violation of which would be a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law, the Physical Therapy Practice Act, provides for the licensure and regulation of physical therapists by the Physical Therapy Board of California within the Department of Consumer Affairs.~~

~~Existing law defines "physical therapy" to mean, among other things, the art and science of physical or corrective rehabilitation or of physical or corrective treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, light, water, electricity, sound, massage, and active, passive, and resistive exercise.~~

~~This bill would make a technical, nonsubstantive change to that provision.~~

~~Vote: majority. Appropriation: no. Fiscal committee: no. yes . State-mandated local program: no. yes .~~

Organization

Assigned

Subject

Justin Paddock

Physical Therapy

[SB 944](#)

(Committee on Business, Professions and Economic De) Committee on Business, Professions and Economic Redevelopment.

Current Text: Introduced: 3/31/2011 [pdf](#) [html](#)

Status: 4/12/2011-Set for hearing May 2.

Location: 4/7/2011-S. B., P. & E.D.

Calendar: 5/2/2011 1 p.m. and if necessary upon adjournment of session - Room 3191 SENATE BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT, PRICE, Chair

Digest: (1) Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors by the Contractors' State License Board within the Department of Consumer Affairs.

Existing law requires licensed contractors to be classified and authorizes them to be classified as, among other things, a plumbing contractor, an electrical contractor, a sign contractor, and a well-drilling contractor. Existing law requires all plumbing contractors, sign contractors, and well-drilling contractors to display on their business motor vehicle certain identifying information pertaining to their contractor's license.

This bill would make that requirement applicable, instead, to C-36 plumbing contractors, C-45 sign contractors, and C-57 well-drilling contractors.

Existing law authorizes persons to obtain blank license application, renewal, or reinstatement forms from the Department of Consumer Affairs.

This bill would instead authorize persons to obtain blank license applications from the board.

(2) Existing law establishes within the Department of Consumer Affairs the State Board of Guide Dogs for the Blind that, among others things, licenses and regulates schools and instructors for the training of guide dogs for the blind and the instruction of blind persons in the use of guide dogs.

Existing law requires applicants for an instructor's license to file an application with the secretary.

Under existing law, the secretary keeps the records of the boards and carries out other duties as prescribed by the board.

This bill would instead require and executive officer to keep those records and carry out those duties and would require the application described above to be filed with the board.

Existing law prohibits a person from selling, giving, or furnishing any guide dog or seeing-eye dog to a blind person unless certain requirements have been met, including that the dog has been neutered. Under existing law, a certificate from a veterinarian certifying that those requirements have been met is required to be delivered to the recipient of the dog at the time of delivery.

This bill would require that the dog be spayed or neutered and would require that certificate to be delivered at the time the dog is assigned to a blind person. Because a violation of these requirements would constitute a crime, the bill would impose a state-mandated local program.

(3) Existing law defines a weighmaster as any person who, for hire or otherwise, weighs, measures, or counts any commodity and issues a statement or memorandum of the weight, measure, or count which is used as the basis for either the purchase or sale of that commodity or charge for service. It is unlawful for any person to weigh, measure, or count any commodity unless the person is licensed as a weighmaster, but certain persons are exempt from being deemed weighmasters.

This bill would exempt medical waste haulers who are handling medical waste destined for disposal or destruction from being deemed weighmasters.

(4) Under existing law, prior to January 1, 2011, regulatory boards and other boards in state government, as specified, were subject to review by the Joint Committee on Boards, Commissions, and Consumer Protection. On and after January 1, 2011, existing law requires boards scheduled for repeal to be evaluated by the Joint Sunset Review Committee. Existing law in effect prior to January 1, 2011, required the former Joint Committee on Boards, Commissions, and Consumer Protection, upon request from the chairperson of the appropriate policy committee, to evaluate plans for the establishment and operation of a new specified state board or to create a new category of licensed professionals.

This bill would instead require the appropriate policy committees to evaluate those plans.

(5) Existing law requires any public works contract of any public entity to include an affidavit, as specified, affirming that the bidder has not participated in various collusive activities.

This bill would recast these provisions to, instead, require every bid on every public works contract of any public entity to include a declaration under penalty of perjury that the bidder has not participated in various collusive activities, and to require that the declaration include a representation that the person executing the declaration on behalf of a corporation or other entity, as prescribed, is fully empowered to execute the declaration. By expanding the definition of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

Organization

Assigned

Subject

John Perry

All Bds/Bureaus

[SCA 1](#)

(Wyland R) State Auditor: duties.

Current Text: Introduced: 12/6/2010 [pdf](#) [html](#)

Status: 3/31/2011-Re-referred to Coms. on G.O., E. & C.A., and RLS.

Location: 3/31/2011-S. G.O.

Digest: Existing statutory law establishes the Bureau of State Audits, which is headed by the State Auditor and has specified statutory duties, including the performance of statutorily mandated audits. Existing law states that the Bureau of State Audits, in order to be free of organizational impairments to independence, shall be independent of the executive branch and legislative control.

This measure would require the State Auditor to biennially conduct a performance evaluation of each state program, including the administration or oversight of that program by the department or agency that is responsible for the program, and submit a report of the results of that performance evaluation to the Legislature, as prescribed. This measure would require the committee that considers the budget in each house of the Legislature to meet and consider recommendations made in each performance evaluation within 90 days of submission by the State Auditor. This measure would require the State Auditor to make each performance evaluation available to the public on an Internet Web site and in hardcopy format and require the Legislature to appropriate to the Bureau of State Audits funds as necessary to implement these provisions.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.

Organization

Assigned

Subject

Ryan Arnold

All Bds/Bureaus

Total Measures: 55

Total Tracking Forms: 55