

AGENDA ITEM #13(B)(15)

Miscellaneous Bills to Eliminate Existing Regulations

Senate Bill 366

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state agency, including, among others, identifying any regulations that are duplicative, overlapping, inconsistent, or out of date, and adopting, amending, or repealing regulations to reconcile or eliminate any duplication, overlap, inconsistency, or out-of-date provisions, after conducting a publicly noticed hearing, as specified, and using procedures for adopting emergency regulations.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.

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. 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.

Senate Bill 396

This bill would require each agency to review each regulation adopted prior to January 1, 1990, 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.

Senate Bill 400

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

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Senate Bill 401

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.

Senate Bill 560

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.

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.

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.

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.

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.

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. 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.

Senate Bill 591

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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. 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.

Senate Bill 688

This bill would also require an agency to produce, as part of the required impact assessment, a detailed estimate of the cumulative statewide cost impacts for affected businesses. This bill would require the agency to notify specified committees of the Legislature if the estimated cumulative statewide cost impacts for affected businesses exceed \$10,000,000, as specified.

This bill would require that a regulation that has an estimated 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.