

Date of Hearing: June 9, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
SB 1204 (Ochoa Bogh) – As Introduced February 19, 2026

SENATE VOTE: 38-0

SUBJECT: ADMINISTRATIVE REGULATIONS

SYNOPSIS

Although the Legislature passes hundreds of new laws each year, many of these laws need additional refinement or detail to be fully implemented. Accordingly, the existing law authorizes the executive branch agencies tasked with implementing legislation to adopt regulations to add clarity or additional subject-matter specificity to better implement the law. The adoption of regulations is governed by the Administrative Procedure Act and is overseen by the Office of Administrative Law. One of the primary tasks of the Office of Administrative Law is to review all final regulations to ensure that the regulations comply with the technical and procedural requirements of the Administrative Procedure Act. Should the Office determine that a regulation is not legally sufficient or required procedural steps were overlooked, the Office must reject the regulation and inform the agency promulgating the rule of the rationale for the decision. The author notes, however, that no such notice is provided to the Legislature.

This bill would require the Office of Administrative Law to inform the Legislature any time a regulation is rejected and provide the reason for the decision. The author hopes this notice lessens confusion and provides bill authors with information regarding why statutory deadlines for promulgating regulations may have been missed.

This non-controversial and common-sense measure is supported by the California Apartment Association and the Roofing Contractors Association of California. The supporters of the bill note that this bill will ensure that the Legislature is better informed about all happenings within California's massive state government. This bill has no known opposition.

SUMMARY: Requires the Office of Administrative Law to inform the Legislature if the Office disapproves of a regulatory package. Specifically, **this bill** requires the Office of Administrative Law, within 60 days of returning a regulation to the adopting agency, to report the disapproval and the reasons for disapproval to the Legislature, as specified.

EXISTING LAW:

- 1) Establishes the Office of Administrative Law and tasks the Office with reviewing all regulations proposed by state agencies. (Government Code Section 11340.2.)
- 2) Prohibits a state agency from issuing, utilizing, enforcing, or attempting to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation, as defined, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State. (Government Code Section 11340.5.)

- 3) Requires every state agency to do the following:
 - a) Transmit to the Office of Administrative Law for filing with the Secretary of State a certified copy of every regulation adopted or amended by it except one that is a building standard;
 - b) Transmit to the Office of Administrative Law for filing with the Secretary of State a certified copy of every order of repeal of a regulation;
 - c) Within 15 days of the office filing a state agency's regulation with the Secretary of State, post the regulation on its internet website for at least 60 days after filing the regulation in an easily marked and identifiable location;
 - d) Deliver to the Office of Administrative Law, at the time of transmittal for filing a regulation or order of repeal, a citation of the authority pursuant to which it or any part thereof was adopted;
 - e) Deliver to the Office of Administrative Law a copy of the notice of proposed action; and
 - f) Transmit to the California Building Standards Commission for approval a certified copy of every regulation, or order of repeal of a regulation, that is a building standard, as specified. (Government Code Section 11343.)
- 4) Requires the Office of Administrative Law to review all regulations adopted, amended, or repealed and submitted to it for publication in the California Code of Regulations Supplement and for transmittal to the Secretary of State and make determinations using all of the following standards:
 - a) Necessity;
 - b) Authority;
 - c) Clarity;
 - d) Consistency;
 - e) Reference; and
 - f) Nonduplication. (Government Code Section 11349.1 (a).)
- 5) Requires the Office of Administrative Law to return any proposed regulation if any of the following occur:
 - a) The adopting agency has not prepared the cost estimates required by existing law and has not included the data used and calculations made and the summary report of the estimate in the file of the rulemaking;
 - b) The adopting agency has not conducted an economic impact or standard regulatory impact assessment as required by existing law;

- c) The adopting agency has not provided specified information to the Department of Finance if a regulation will result in a cost to local agencies or school districts that is required to be reimbursed;
 - d) The proposed regulation conflicts with an existing state regulation and the agency has not identified the manner in which the conflict may be resolved; or
 - e) The adopting agency has not conducted an alternatives analysis as required by existing law. (Government Code Section 11349.1 (d).)
- 6) Requires the Office of Administrative Law to notify an adopting agency, within three state working days, of any deficiency identified. (Government Code Section 11349.1 (f).)
- 7) Requires the Office of Administrative Law to either approve a regulation submitted to it for review and transmit it to the Secretary of State for filing or disapprove it within 30 working days after the regulation has been submitted to the office for review, as specified. (Government Code Section 11349.3 (a).)
- 8) Requires the Office of Administrative Law to transmit to the adopting agency the reason any regulation was disapproved. (Government Code Section 11349.3 (b).)
- 9) Defines the following:
- a) “Necessity” means the record of the rulemaking proceeding demonstrates by substantial evidence the need for a regulation to effectuate the purpose of the statute, court decision, or other provision of law that the regulation implements, interprets, or makes specific, taking into account the totality of the record;
 - b) “Authority” means the provision of law which permits or obligates the agency to adopt, amend, or repeal a regulation;
 - c) “Clarity” means written or displayed so that the meaning of regulations will be easily understood by those persons directly affected by them;
 - d) “Consistency” means being in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or other provisions of law;
 - e) “Reference” means the statute, court decision, or other provision of law which the agency implements, interprets, or makes specific by adopting, amending, or repealing a regulation; and
 - f) “Nonduplication” means that a regulation does not serve the same purpose as a state or federal statute or another regulation. (Government Code Section 11349.)
- 10) Defines “regulation” as every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure. (Government Code Section 11342.600.)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: California law authorizes the agencies, departments, and commissions of the executive branch to adopt regulations any time additional legal requirements are necessary to implement, interpret, or make specific the law enforced or administered by the agency, department, or commissions. The California Administrative Procedure Act governs the adoption and revision of regulations. The Administrative Procedure Act tasks the Office of Administrative Law with reviewing and approving all final regulations. Should the Office find a defect in the regulation, the law requires the Office of Administrative Law to reject the regulation and explain the rationale to the agency that submitted the language.

Presently, however, no such notice is transmitted to the Legislature, even if the regulatory package was developed based on a statutory requirement. The author contends that this results in confusion and frustration for the Legislature, especially if a rejected regulation causes an agency to miss a statutorily mandated timeline for developing the regulation. Seeking to ensure the Legislature remains aware of the development of regulations, this bill would require the Office of Administrative Law to inform the Legislature if a regulation is rejected and provide the rationale for the decision. In support of the measure, the author states:

The purpose of the bill is to keep the Legislature formally informed about state agency regulations, especially when those regulations are disapproved. This ensures that the Legislature is aware not only of the rejection of a regulation but also of the reasons for its disapproval, allowing lawmakers to be informed about state agency regulatory actions.

The Office of Administrative Law ensures that agencies comply with the Administrative Procedure Act when developing regulations. California law authorizes the agencies, departments, and commissions of the executive branch to enact regulations when additional clarity is needed to implement a statute. The adoption of regulations is governed by the Administrative Procedure Act. The Administrative Procedure Act, generally, outlines the public process an agency must undertake when developing regulations and provides the timelines that govern the regulatory process. Of note to this bill, the Administrative Procedure Act also outlines the contents of a regulatory package, including the supplemental documentation an agency must generate when developing a regulation, as well as provides for the permissible scope and contents of a regulation.

The existing law requires an agency promulgating a regulation to have the legal authority to adopt the regulation, requires the regulation to be clear and consistent with existing law, to properly cite to an authorizing statute, and prohibits regulations from being duplicative. To ensure that regulations meet these standards, all final draft regulations must be submitted to the Office of Administrative Law for review. Should the Office of Administrative Law determine that a regulation does not meet these standards, the Office is obligated to reject the regulation and inform the agency promulgating the regulations as to why the regulation was defective. Additionally, the Administrative Procedure Act requires agencies adopting regulations to justify the regulation, respond to public comment regarding the regulations, and analyze the regulation's economic impact. A failure to adequately conduct any of the above-described analysis will also result in rejection of the regulation by the Office of Administrative Law.

Seeking to assist regulatory agencies, should the Office of Administrative Law reject a regulatory package for any reason, the Office is required to notify the promulgating agency of the deficiency in the regulatory package in order to permit the agency to remedy the issue and resubmit the regulations. However, the Legislature is not notified if a regulation is rejected by

the Office of Administrative Law, even if the development of the regulation was mandated by statute. This may lead some bill authors to erroneously believe an agency is not complying with the law, when in reality the failure to adopt a regulation in a timely manner may simply be the result of a technicality or error.

This bill ensures that the Legislature is aware of decisions regarding final regulations.

Seeking to ensure that the Legislature maintains awareness of the status of regulations, especially those mandated by statute, this bill would require the Office of Administrative Law to notify the Legislature any time a regulation is rejected by the Office and to provide the justification for the Office's decision. The notice contemplated by this bill largely overlaps with the notice that the Office of Administrative Law must already provide to the agency that offered the regulation, thus this bill does not appear to impose any new or burdensome mandates on the Office of Administrative Law.

ARGUMENTS IN SUPPORT: This bill is supported by the California Apartment Association and the Roofing Contractors Association of California. In support of the bill, the California Apartment Association writes:

The Office of Administrative Law (OAL) plays a critical role in determining whether proposed regulations may be filed with the Secretary of State and become part of the California Code of Regulations. When the OAL disapproves a regulation, it returns the proposal to the adopting agency with written reasons for the decision. However, there is currently no requirement that these disapprovals be formally reported to the Legislature which limits visibility and transparency in the rulemaking process because those agencies are under no obligation to share with the public the reason the regulation was denied. Since the OAL is already required by the Administrative Procedures Act to provide its reasons for disapproving of a regulation to the adopting agency, SB 1204 is a commonsense next step that would help inform lawmakers why regulations fail to be adopted. This information would in turn help the Legislature in their future efforts.

REGISTERED SUPPORT / OPPOSITION:

Support

California Apartment Association
Roofing Contractors Association of California

Opposition

None on file

Analysis Prepared by: Nicholas Liedtke / JUD. / (916) 319-2334