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**SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION**

**Senator Susan Rubio**

**Chair**

**2025 - 2026 Regular**

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<b>Bill No:</b>	SB 885	<b>Hearing Date:</b>	4/14/2026
<b>Author:</b>	Strickland, et al.		
<b>Version:</b>	4/7/2026 Amended		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Brian Duke		

**SUBJECT:** Major regulations

**DIGEST:** This bill, the Restoring Accountability Act, among other things, prohibits a state agency from taking final action to adopt a major regulation until certain requirements are met, including that a state agency submit a proposal to the Legislature recommending legislation to authorize the adoption of the major regulation and the Legislature enacts a law expressly authorizing the state agency to adopt that major regulation, as specified.

**ANALYSIS:**

Existing law:

- 1) Governs, pursuant to the Administrative Procedures Act (APA), the procedures 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 (OAL).
- 2) Requires a state agency proposing to adopt, amend, or repeal an administrative regulation to, among other things, assess the potential for adverse economic impact on California business enterprises and individuals, as specified.
- 3) Requires a state agency proposing to adopt, amend, or repeal a “major regulation” on or after November 1, 2013, to prepare and submit to the Department of Finance (DOF) for comment, a standardized regulatory impact analysis, as specified.
- 4) Defines “major regulation,” for purposes of the APA, to mean any proposed adoption, amendment, or repeal of a regulation subject to review by the OAL that will have an economic impact on California business enterprises and individuals in an amount exceeding \$50 million, as specified.

- 5) Defines “agency,” for the purposes of the APA, to mean a board, bureau, commission, department, division, office, officer, or other administrative unit, including the agency head, and one or more members of the agency head or agency employees or other persons directly or indirectly purporting to act on behalf of or under the authority of the agency head. To the extent it purports to exercise authority pursuant to the APA, an administrative unit otherwise qualifying as an agency shall be treated as a separate agency even if the unit is located within or subordinate to another agency.
- 6) Establishes procedures for the adoption of emergency regulations, including requiring that the state agency make a finding that the adoption of a regulation or order of repeal is necessary to address an emergency, as defined.
- 7) Specifies that any regulation, amendment, or order of repeal adopted as an emergency regulatory action may only remain in effect for up to 180 days, unless the adopting agency complies with specified requirements.

This bill:

- 1) Prohibits, pursuant to the Restoring Accountability Act, a state agency from taking a final action to adopt a major regulation on or after January 1, 2027, until all the following requirements have been met:
  - a) The state agency proposing to adopt a major regulation shall comply with the requirements of the APA, as specified.
  - b) After the state agency prepares a SRIA and submits the analysis to the DOF for comment, the state agency shall submit a proposal to the Legislature recommending legislation to authorize the adoption of the major regulation.
  - c) The state agency shall not take final action to adopt the major regulation unless the Legislature has enacted a law expressly authorizing the state agency to adopt that major regulation.
- 2) A state agency may adopt an emergency regulation that is a major regulation, subject to the following requirements:
  - a) The state agency shall make a finding that the adoption of the regulation is necessary to address an emergency.
  - b) The emergency regulation shall be adopted in accordance with the APA, as specified.
  - c) The emergency regulation shall not remain in effect more than 180 days.
  - d) The state agency may readopt, for a period not to exceed 90 days, an emergency regulation that is the same or substantially equivalent to the

emergency regulation previously adopted by that state agency if the state agency does both of the following:

- i) Prepares a SRIA and submits the analysis to DOF for comment, as specified.
  - ii) Submits a proposal to the Legislature recommending legislation to authorize the adoption of the major regulation.
- 3) Limits a state agency to readopting an emergency regulation pursuant to this bill two times.
  - 4) Provides that a proposal submitted to the Legislature pursuant to this bill shall be submitted in compliance with existing law, as specified.
  - 5) Includes related Legislative findings and declarations, as specified.

## Background

*Author Statement.* According to the author’s office, “SB 885 prohibits state agencies from adopting a major regulation by themselves. Instead, it dictates that, after submitting the SRIA to DOF as is currently required, they must submit the proposed regulation to the Legislature. Without the Legislature’s express approval via legislation, the regulation cannot be adopted. The bill includes an exemption for emergency regulations that allows them to remain in effect for up to 360 days total before requiring legislative approval (mirroring the time limits the APA currently places on emergency regulations). Finally, it makes findings and declarations about the need for the bill and legislative intent.”

Further, “[i]n doing so, SB 885 restores accountability and transparency to the regulatory process, guaranteeing that legislators are able to oversee major regulations and ensure rulemaking effectively implements the Legislature’s policy goals without creating unintended consequences—and ensuring that legislators are accountable to the voters for the impacts of the policies they enact.”

*The California Administrative Procedures Act.* The APA, originally established by SB 705 (DeLap, Chapter 867, Statutes of 1945), predates the federal version and is a set of laws and regulations that governs how state agencies in California must conduct administrative rulemaking and adjudicative proceedings. The APA was established in response to concerns that the number of administrative regulations had grown significantly, and that many regulations were written in an unclear and unnecessarily complex manner. The APA aims to ensure that regulations are

written in a comprehensible manner, are authorized by statute, and are consistent with other law.

To achieve these goals, the APA established the OAL as a central office within state government charged with the orderly review of adopted regulations. The OAL is responsible for reviewing regulations to ensure that they are written in a comprehensible manner, are authorized by statute, and are consistent with other law. The OAL is also tasked with reducing the number of administrative regulations and improving the quality of those regulations that are adopted.

State agencies must actively seek to reduce the unnecessary regulatory burden on private individuals and entities by substituting performance standards for prescriptive standards wherever performance standards can be reasonably expected to be as effective and less burdensome, and that this substitution shall be considered during the course of the agency rulemaking process. The APA requires that state agencies must give the OAL ready access to their records and full information and reasonable assistance in any matter of research requiring recourse to them or to data within their knowledge or control.

Furthermore, any interested person may petition a state agency requesting the adoption, amendment, or repeal of a regulation as provided in Article 5 of the APA. The state agency must notify the petitioner in writing of the receipt and must within 30 days deny the petition indicating why the agency has reached its decision on the merits of the petition in writing or schedule the matter for public hearing in accordance with the notice and hearing requirements of that article.

The APA was designed to promote transparency, fairness, and public participation in the administrative process. Its main objectives are to ensure that regulations are written in a comprehensible manner, are authorized by statute, and are consistent with other law. The APA established the OAL to review and improve the quality of adopted regulations, and state agencies must actively seek to reduce the unnecessary regulatory burden on private individuals and entities.

*Standardized Regulatory Impact Analysis.* An SRIA is an evaluation conducted by a state agency proposing to adopt, amend, or repeal a major regulation. The purpose of this analysis is to assess the potential economic, social, and environmental impacts of the proposed regulation on businesses, consumers, and other stakeholders. SB 617 (Calderon, Chapter 496, Statutes of 2011) requires state agencies to conduct an SRIA when it estimates that a proposed regulation has an economic impact exceeding \$50 million.

In California, DOF oversees the standardized regulatory impact analysis process and provides guidance to state agencies. The analysis typically includes information on the problem the regulation aims to address, the objectives of the regulation, alternative options considered, and the potential benefits and costs associated with the proposed regulation.

The goal of a standardized regulatory impact analysis is to ensure that the potential impacts of regulations are thoroughly assessed and weighed against alternative solutions, and to promote transparency and informed decision-making in the rulemaking process. Existing law requires each state agency proposing to adopt, amend, or repeal a major regulation to prepare an SRIA. For purposes of the APA, “major regulation” generally means the proposed adoption, amendment, or repeal of a regulation that would have an economic impact on California business enterprises and individuals in an amount exceeding \$50 million, as estimated by the agency.

*Office of Administrative Law.* Established in July, 1980, the OAL ensures that agency regulations are clear, necessary, legally valid, and available to the public. Since its creation, OAL has been and continues to be responsible for reviewing administrative regulations proposed by over 200 state agencies for compliance with the standards set forth in California’s APA, for transmitting these regulations to the SOS and for publishing regulations in the California Code of Regulations.

OAL assists state regulatory agencies through a formal training program, as well as through other less formal methods, to understand and comply with the APA. OAL also accepts petitions challenging alleged underground regulations—those rules issued by state agencies which meet the APA’s definition of a “regulation” but were not adopted pursuant to the APA process and are not expressly exempt. OAL also oversees the publication and distribution, in print and online, of the California Code of Regulations and the California Regulatory Notice Register.

*Rulemaking Process.* OAL is responsible for ensuring that California state agencies comply with the rulemaking procedures and standards set forth in the APA. A “regulation” is any 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. When adopting regulations, every department, division, office, officer, bureau, board or commission in the executive branch of California state government must follow the rulemaking procedures in the APA (Government Code section 11340 et seq.) and regulations adopted by the OAL, unless expressly exempted by statute from some or all of these requirements.

The APA requirements are designed to provide the public with a meaningful opportunity to participate in the adoption of regulations or rules that have the force of law by California state agencies and to ensure the creation of an adequate record for the OAL and judicial review.

Regulations subject to the APA are generally adopted through the “Regular” or “Emergency” rulemaking processes. The rulemaking process used by an agency to adopt regulations will dictate what procedural requirements must be followed, including but not limited to the contents of the rulemaking record, timeframes, and opportunities for public participation, OAL’s review, and effective dates for the regulations.

*The Legislature Enacts Statutes.* The People of the State may also enact statutes and constitutional provisions. Administrative agencies adopt, amend, and repeal regulations under the authority granted to them by either constitutional provisions or legislative statute. Unless the Legislature has created an exemption, agencies must follow the procedures in the APA when adopting, amending or repealing regulations.

Generally, OAL has 30 working days to approve or disapprove a regulation after it has been submitted to OAL for review (Government Code section 11349.3). Weekends and state holidays are excluded from counting this 30 working day time period. OAL only has 10 calendar days to approve or disapprove an emergency regulation after it has been submitted to OAL for review (Government Code section 11349.6).

*California Regulatory Notice Register.* The California Regulatory Notice Register contains notices of proposed regulatory actions by state regulatory agencies to adopt, amend, or repeal regulations contained in the California Code of Regulations. A state agency must complete its rulemaking and submit the rulemaking file to OAL within one year of the date of publication of a Notice of Proposed Action (“Notice”) in the Notice Register (Government Code Section 11346.4(b)). OAL provides online access to current and past issues of the California Regulatory Notice Register online.

The Notice of Proposed Action contains a variety of information about the nature of the proposed regulatory changes including various findings, determinations, statutory authority and the law(s) being implemented. The Notice of Proposed Action also contains procedural information, such as deadlines for submitting comments, scheduling of hearings, and where copies of the Express Terms, Initial Statement of Reasons, and any other supporting information can be obtained. For non-major regulations, the results of the Economic Impact Assessment will be

included in the Notice of Proposed Action. If the rulemaking is a major regulation, any comments provided by the Department of Finance (DOF), along with the agency's responses, will be included in the Notice of Proposed Action.

OAL publishes the Notice Register every Friday. To be published, a Notice must be received by OAL no later than 10 calendar days before the publication date. Section 5, Title 1, California Code of Regulations describes what an agency must submit with its Notice. The Notice for a rulemaking must be published at least 45 calendar days before the close of the public comment period and public hearing, if a hearing is scheduled (Government Code section 11346.4(a)).

The Department of Finance has adopted regulations for state agencies to follow when conducting a SRIA for major regulations. Finance is required to review the completed SRIA submitted by agencies and provide comment(s) to the agency on the extent to which the assessment adheres to the regulations adopted by Finance. Any questions regarding these regulations or completing a SRIA should be directed to the Economic Research Unit.

On October 29, 2013, Finance's regulations on major regulations and Standardized Regulatory Impact Assessments were approved by the Office of Administrative Law and filed with the Secretary of State. These became effective on November 1, 2013. Some minor modifications were approved by the Office of Administrative Law and filed with the Secretary of State on November 21, 2013. The effective date of these regulations is December 1, 2013. [Proposed and previously completed major regulation SRIAs and the regulatory calendar can be found at DOF's internet website.](#) The 2025 major regulation SRIA calendar included three major regulations, there are currently two listed in 2026.

*Policy Considerations.* This bill requires the Legislature to pass a law, and for the Governor to sign, each major regulation before it can be adopted. This new requirement would likely significantly slow the implementation of regulations which currently are experiencing a significant backlog. Since the enactment of SB 617 (Calderon, Chapter 496, Statutes of 2011), all proposed major regulations and corresponding SRIAs can be found on DOF's internet website.

Rulemaking is often a years-long process guided by technical analysis and a robust public process that extends to members of the Legislature. Often, Senators and Assemblymembers are on agency boards and have further insight into the actions of a particular regulatory body throughout the rule development process. Should regulations be further subjected to the Legislative process, the already lengthy rulemaking process will be exacerbated, with the potential to cause further delays.

Of course, the Legislature already has the ability to pass legislation that can further prescribe or direct an agency on how to draft regulations, or to outright repeal any statute authorizing such a regulation. This is currently available any time the Legislature feels that a regulation has been finalized that is not shaped with the intent originally envisioned by lawmakers. Should the Legislature wish to dismantle any regulation in its entirety, any member may introduce a bill as such.

Rather than a required approval process as contemplated in this bill, the Committee may wish to consider amending the bill to allow the Legislature a window of time for disapproval of a major regulation, following a policy committee informational hearing. This approach provides the Legislature with a preverbal “second bite at the apple” for major regulations and the opportunity to review those in a formal and public setting. As such, the Committee may wish to amend this bill as follows:

Amendment #1: Strike Section 2

Amendment #2: Insert Section 2

*Section 11346.10 is added to the Government Code, to read:*

*11346.10. (a) For purposes of this section, “major regulation” has the same meaning as that term is defined in Section 11342.548.*

*(b) Notwithstanding any other law, a state agency that adopts a major regulation shall, within five calendar days of approval by the Office of Administrative Law, submit the final approved regulation to the Legislature in compliance with Section 9795.*

*(1) A state agency shall notify the Legislature of the major regulation at least 15 days prior to submission pursuant to this subdivision.*

*(2) Notwithstanding subdivision (a) of Section 11349.3, a major regulation submitted to the Legislature pursuant to this subdivision shall not become effective until the expiration of the review period described in subdivision (c).*

*(c) The Legislature shall have 60 business days from the date of receipt of the major regulation to review the regulation and may, by concurrent resolution, reject the regulation. The period of review shall be tolled for days when the Legislature is not in session and for days when the Legislature is in recess.*

*(1) The Legislature shall hold an informational hearing on a major regulation submitted pursuant to subdivision (b) before the expiration of the period specified in this subdivision.*

*(2) A concurrent resolution rejecting a major regulation pursuant to this subdivision shall include a statement with an explanation for the rejection.*

*(d) If the Legislature adopts a concurrent resolution rejecting the major regulation within the period specified in subdivision (c), all of the following shall apply:*

- (1) The regulation shall not become effective.*
- (2) The regulation shall be returned to the adopting state agency for further consideration.*
- (3) The adopting state agency may revise and resubmit the regulation in accordance with the Administrative Procedure Act.*
- (e) If the Legislature does not adopt a concurrent resolution rejecting the major regulation within the period specified in subdivision (c), the regulation shall become effective as provided by law.*
- (i) This section shall not apply to emergency regulations adopted pursuant to Section 11346.1.*
- (j) The review process established by this section is intended to provide legislative oversight and shall not be construed to impair the authority of the Office of Administrative Law to review regulations for compliance with this chapter.*

### **Prior/Related Legislation**

SB 986 (Seyarto, 2026) prohibits a major regulation from taking effect until the Legislature enacts a law to approve the regulation, as specified. (Pending in the Senate Governmental Organization Committee)

SB 1123 (Wiener, 2026) requires a state agency, when estimating the economic impact of adopting, amending, or repealing a major regulation, to calculate any offsetting benefits, impacts, or savings that might result directly or indirectly from that adoption, amendment, or repeal and factor that into its economic impact estimate. (Pending in the Senate Governmental Organization Committee)

AB 2366 (Ávila Farías, 2026) among other things, would include among the requirements for assessing the potential for adverse economic impact the consideration of the proposal's cost-of-living impacts on the residents of the state, as specified. (Pending in the Assembly Economic Development, Growth, and Household Committee)

SB 688 (Niello, 2025) would have established the Office of Regulatory Counsel, as specified, and would have tasked the office with drafting and assisting in the preparation, consideration, amendment, and repeal of regulations for a state agency, before the state agency submits a proposed action regarding that regulation to the OAL, as specified. (Held on the Senate Appropriations Committee Suspense File)

SB 617 (Calderon, Chapter 496, Statutes of 2011) established additional regulatory impact assessment standards for major regulations, as specified.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

**SUPPORT:**

California Credit Union League  
California Taxpayers Association  
Mesa Water District

**OPPOSITION:**

American Federation of State, County and Municipal Employees, AFL-CIO  
Center for Environmental Health  
CFT – a Union of Educators & Classified Professionals, AFT, AFL-CIO  
Clean Water Action  
CleanEarth4Kids.org  
Coalition for Clean Air  
Environmental Defense Fund  
Environmental Working Group  
Friends of the River  
Mono Lake Committee  
Pesticide Action and Agroecology Network  
San Francisco Bay Physicians for Social Responsibility  
San Francisco Baykeeper  
Union of Concerned Scientists  
University of San Diego School of Law  
350 Humboldt  
7<sup>th</sup> Generation Advisors

**ARGUMENTS IN SUPPORT:** In support of the bill, the California Taxpayers Association writes, “[t]his change would build upon the [APA], which establishes procedures for state agencies to adopt, amend, or repeal regulations. Regulations with significant economic impacts affect California taxpayers, businesses, and the state’s broader economy, and it is important that they receive direct legislative approval to ensure that they comply with the laws approved by lawmakers.”

Further, “[a]long with strengthening the Legislature’s oversight and ensuring government accountability for taxpayers, SB 885 would preserve agencies’ flexibility to respond to emergencies. This bill maintains exceptions for immediate action to protect public peace, safety, or general welfare, forming a balanced regulatory process.”

**ARGUMENTS IN OPPOSITION:** In opposition to the bill, the CFT writes, “California's regulatory infrastructure is already a model of inefficiency. Thanks to the involvement of too many agencies and too many duplicative and unnecessary steps and layers of review, a process that should take weeks or months can easily take years if not decades. Opportunities for litigation and delay abound, and forces that oppose progress on key issues like worker safety can grind the system to a halt, leaving workers to suffer and die while lawyers and bureaucrats argue.

“SB 885 (Strickland) would dramatically worsen these problems by requiring that all major regulations be put on hold until the legislature passes a bill explicitly authorizing a state agency to enact a given major regulation. It is hard to overstate how devastating such a structure would be for everyone in California.

“For example, major worker safety regulations—without any exception we’re aware of—prevent fatalities and injuries while saving employers money. This bill, which by definition would add a year or more to this process, would mean more injuries and greater employer costs. Dozens of additional bills would be necessary in the legislature, assuming agencies were even able to get bills placed, though nothing in the bill requires agencies to even take the step of proposing legislation.”

And finally, “[t]he best case scenario would be that an already grueling process would just take years longer and cost far more taxpayer money, while the worst case scenario is that many if not most major regulations would simply not happen. This would mean more dangerous work places, more toxic air and water, and an immeasurable variety of other negative outcomes. This bill would help no one and hurt everyone.”