

**STATE OF CALIFORNIA**  
**OFFICE OF ADMINISTRATIVE LAW**  
**INITIAL STATEMENT OF REASONS:**  
**SUBMISSION OF DOCUMENTS TO OAL**

**INTRODUCTION**

The rulemaking provisions of the California Administrative Procedure Act (“APA,” Gov. Code, § 11340 *et seq.*) govern state agency rulemaking. Specifically, the APA establishes procedures with which state agencies must comply, unless exempt, to adopt regulations lawfully. Government Code section 11343, subdivisions (a) and (b), require every state agency to transmit a certified copy of every regulation adopted, amended, or repealed (except regulations that are building standards) to the Office of Administrative Law (“OAL”) for filing with the Secretary of State. Government Code section 11343.1 requires all regulations transmitted to OAL for filing with the Secretary of State to conform to the style prescribed by OAL.

**PROBLEM STATEMENT**

Existing sections 6 and 6.5 of title 1 of the California Code of Regulations (“CCR”) currently require state agencies to submit seven copies of the certified regulation text. These regulations implement Government Code section 11343, which since 1987 has required state agencies to transmit not only a certified copy of their proposed regulation, but also six duplicate copies of the proposed text (Gov. Code, sec. 11343, subd. (d).)

However, Senate Bill (SB) 189 (Stats. 2022, Ch. 48, Sec. 22) amended Government Code section 11343, subdivision (d), to remove the six-copy requirement. Effective June 30, 2022, one certified copy is still required to be transmitted pursuant to Government Code section 11343, subdivisions (a) and (b), and OAL has discretion to require additional copies as needed. OAL’s existing regulations requiring submission of seven copies of an agency’s proposed regulation text, which were, at the time of adoption, required to align with the underlying Government Code, are overly burdensome and wasteful and must be amended to reduce the number of copies of documents required to be submitted to OAL.

**SPECIFIC PURPOSE OF, AND RATIONALE FOR, EACH PROPOSED AMENDMENT**

Section 6 addresses hard-copy submissions of regulatory actions. Subsection (a) currently requires state agencies to transmit seven copies (one “original” plus six

copies) of the certified regulation text to OAL. This subsection is being amended to instead require three copies (one "original" plus two copies) of the certified regulation text. OAL has determined that only three copies of text are actually necessary upon submission. The "original" required by Government Code section 11343, subdivisions (a) and (b), is ultimately filed with the Secretary of State. After OAL processes the submission, one copy of the regulation is immediately sent to the CCR publisher and the other copy becomes the reviewing attorney's working document.

Section 6.5 addresses electronic submissions of regulatory actions. Subsection (a)(1) currently requires state agencies to transmit seven copies of the certified regulation text to OAL. This subsection is being amended to instead require only one copy of the certified regulation text, since one electronic document can be printed as many times as necessary. OAL will still need to print three copies of the text for the same three purposes described above regarding hard-copy submissions, but this has been OAL's practice since the electronic submission process began in 2020 and it will not be affected by these proposed changes to section 6.5. Subsection (b)(1)(A) is being amended for grammatical purposes to align with the proposed changes to subsection (a)(1).

### **ANTICIPATED BENEFITS**

The specific anticipated benefits of the proposed regulations are increased efficiency in creating and processing rulemaking actions and reduction in use of government resources. A smaller number of copies required for submission to OAL will be easier and cheaper for agencies to compile and faster for OAL to process upon receipt and, for those actions that are approved by OAL, prior to filing with the Secretary of State.

### **ECONOMIC IMPACT ASSESSMENT**

The regulations proposed to be amended in this action only apply to state agencies and simply address the procedures governing submission of APA-related documents to OAL for review and/or publication. Given that these amendments should not increase or decrease agencies' existing workload regarding submissions or the sheer number of submissions, the proposed changes are very unlikely to affect the creation or elimination of jobs or the creation, elimination, or expansion of businesses in California. OAL believes reducing the number of documents required for submission will reduce paper usage by state agencies, which may be beneficial to the environment. OAL believes requiring fewer documents to be created and submitted will reduce interpersonal contact and handling of paper documents, which may lessen exposure and transmission of diseases and improve worker safety as well as the health and welfare of California residents.

## **OTHER REQUIRED DISCLOSURES**

Studies, Reports, or Documents Relied Upon (Gov. Code §11346.2(b)(3)): None.

Reasonable alternatives that would be less burdensome and equally effective (Gov. Code §11346.2(b)(4)(A)): None.

Reasonable alternatives that would lessen the impact on small businesses (Gov. Code §11346.2(b)(4)(B)): None.

Evidence relied upon to support the initial determination that the regulation will not have a significant adverse economic impact on business (Gov. Code §11346.2(b)(5)(A)): There will be a reduction in the amount of paper and printing supplies used by submitting agencies, and although OAL's usage of paper and printing supplies is not expected to increase commensurately, OAL still expects that these proposed changes will have, at most, a negligible impact on the quantity of paper and printing supplies being purchased from private businesses by state agencies.