

**STATE OF CALIFORNIA**  
**OFFICE OF ADMINISTRATIVE LAW**  
**NOTICE OF PROPOSED RULEMAKING ACTION:**  
**SUBMISSION OF DOCUMENTS TO OAL**

The Office of Administrative Law (OAL) proposes to adopt the amended regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

OAL will hold a virtual public hearing on July 17, 2023, beginning at 9:00 a.m.

Attendees may participate via Microsoft Teams online meeting platform or telephone conferencing. To participate via Microsoft Teams online meeting platform please contact Thanh Huynh at [OALProposedRulemakings@oal.ca.gov](mailto:OALProposedRulemakings@oal.ca.gov) or (916) 323-6225 by 4:30 p.m. on July 14, 2023, to request a link to the meeting. A link to the meeting will also be posted under the "Announcements" heading on the homepage of the OAL website no later than 8:00 a.m. the day of the hearing. To participate by telephone, call 1- 916-245-8850 and enter Conference ID: 280 483 988#.

For those who wish to attend the hearing in person, including those who require reasonable accommodations, limited seating will be available in the OAL Training Room, 300 Capitol Mall, Suite 1210, Sacramento, CA 95814. Please contact Thanh Huynh at [OALProposedRulemakings@oal.ca.gov](mailto:OALProposedRulemakings@oal.ca.gov) or (916) 323-6225 by 4:30 p.m. on July 14, 2023, to request to attend the hearing in person or if reasonable accommodations are necessary.

Participants will be given instructions on how to provide oral comment once they have accessed the hearing. The hearing will proceed on the date noted above until all testimony is submitted or 12:00 p.m., whichever is later. At the hearing, any person may present oral or written statements or arguments relevant to the proposed action described in the Informative Digest. OAL requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony via email.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Office of Administrative Law  
Attn: Thanh Huynh  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at (916) 323-6826 or by e-mail to [OALProposedRulemakings@oal.ca.gov](mailto:OALProposedRulemakings@oal.ca.gov). The written comment period closes on July 17, 2023. To ensure OAL will consider your comment, it must be received by July 17, 2023. When commenting, please indicate the proposed rulemaking action to which your comment refers.

## **AUTHORITY**

Government Code section 11342.4.

## **REFERENCE**

Government Code sections 11343, 11343.1, 11343.8, 11346.1, 11347.3, and 11349.6.

## **INFORMATIVE DIGEST**

### Summary of Existing Laws and Effect of the Proposed Action

Government Code section 11343, subdivisions (a) and (b), require agencies to transmit a certified copy of proposed regulation text to OAL. Prior to June 30, 2022, Government Code section 11343, subdivision (d), required agencies to transmit six additional copies of proposed regulation text to OAL. Existing regulations in chapter 1, division 1, title 1 of the California Code of Regulations (CCR) establish requirements and procedures for both hard-copy and electronic submission of these documents to OAL.

Effective June 30, 2022, Senate Bill (SB) 189 (Stats. 2022, Ch. 48, Sec. 22) amended Government Code section 11343, subdivision (d), to delete the requirement to transmit six additional copies of proposed regulation text to OAL. The changes proposed in this rulemaking action would reduce the number of hard-copy and electronic documents required for submission of certified regulation text to OAL.

### Anticipated Benefits of the Proposed Regulations

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.

### Evaluation of Inconsistency/Incompatibility with Existing State Regulations

The only existing state regulations concerning submission of the APA-related documents described above to OAL are in division 1, title 1 of the CCR. After careful evaluation, OAL has determined that the proposed changes are not inconsistent or incompatible with existing regulations.

### **DISCLOSURES REGARDING THE PROPOSED ACTION**

OAL has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: OAL anticipates that the proposed changes will lead to a reduction in printing materials (e.g., paper, toner) used for purposes of submitting APA-related documents to OAL, which will result in a small savings to other state agencies. OAL anticipates a slight increase in its own printing costs, as some hard-copy documents that must still be distributed for various purposes were previously provided by agencies pursuant to Government Code section 11343, subdivision (d), and will instead have to be reproduced by OAL when electronic copies or scans will not suffice. The costs of processing electronic submissions should not increase because OAL has been producing necessary hard-copy documents since the electronic submission procedures were first adopted in 2020, and this practice will not be affected by the proposed regulatory changes.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.

Significant effect on housing costs: None.

Cost impacts on a representative private person or business: OAL is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulations.

## Results of the Economic Impact Analysis/Assessment

OAL concludes that it is unlikely that the proposal will (1) eliminate any jobs, (2) create any jobs, (3) create any new businesses, or (4) eliminate any existing businesses or result in the expansion of businesses currently doing business within the state. 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.

## Small Business Determination

The proposed regulations will not affect small businesses. These regulations establish procedures that only state agencies must follow.

## **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), OAL must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, as effective and less burdensome to affected private persons than the proposed action, or more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

OAL invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

## **CONTACT PERSONS**

Inquiries concerning the proposed rulemaking action may be directed to:

Thanh Huynh  
Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814  
Phone: (916) 323-6225  
Email: [OALProposedRulemakings@oal.ca.gov](mailto:OALProposedRulemakings@oal.ca.gov)

The backup contact person for these inquiries is:

Eric Partington  
Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814  
Phone: (916) 323-6225  
Email: [OALProposedRulemakings@oal.ca.gov](mailto:OALProposedRulemakings@oal.ca.gov)

### **AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE**

OAL will make the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of the Notice of Proposed Action, the proposed text of the regulations, the Initial Statement of Reasons, and the STD. 399. Please direct requests to inspect or copy the rulemaking file to the contact person(s) listed above.

### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After considering all timely and relevant comments received, OAL may adopt the proposed regulations substantially as described in this notice. If OAL makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before adopting the regulations as revised. Please direct requests for copies of any modified regulations to the contact person(s) listed above. If substantive modifications are made, OAL will accept written comments on the modified regulations for the duration of the period of public availability.

### **AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, OAL will make copies of the Final Statement of Reasons available. Please direct requests for copies to the contact person(s) listed above.

### **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications highlighted, as well as the Final Statement of Reasons, when completed, and modified text and notices thereof, if any, may be accessed via OAL's website at [www.oal.ca.gov](http://www.oal.ca.gov).