

**State of California
Office of Administrative Law**

In re:
Office of Administrative Law

Regulatory Action:

Title 01, California Code of Regulations

APPROVED:

Adopt sections: 85, 88

Amend sections: 84, 86

WITHDRAWN:

Adopt sections: 87

NOTICE OF APPROVAL IN PART AND
WITHDRAWAL IN PART OF REGULATORY
ACTION

Government Code Section 11349.3

OAL Matter Number: 2025-1030-03

OAL Matter Type: Regular (S)

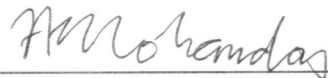
In this action, the Office of Administrative Law proposes to adopt rules regarding notice by electronic communication and notice of scheduled, continued, or postponed hearings, and to amend existing rules regarding incorporation of prior files by reference and the statement of mailing the notice.

OAL approves the sections listed as APPROVED above pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2026.

The section listed as WITHDRAWN above were withdrawn from OAL review on December 11, 2025 pursuant to Government Code section 11349.3(c).

Please contact me at (916) 323-6831 or ashita.mohandas@oal.ca.gov, or the OAL Reference Attorney at (916) 323-6815, if you have any questions about the resubmittal process. You may request the return of your rulemaking record by contacting the OAL Front Desk at (916) 323-6225.

Date: December 16, 2025



Ashita Mohandas
Attorney

For: Kenneth J. Pogue
Director

Original: Kenneth J. Pogue,

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

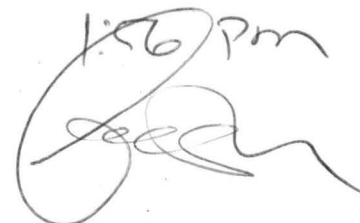
REGULAR

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2024-1114-01	REGULATORY ACTION NUMBER 2025-1030-035	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Office of Administrative Law			

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

DEC 16 2025

1:56 PM
**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE Electronic Notice, Notice of Hearings		TITLE(S) 1	FIRST SECTION AFFECTED 84	2. REQUESTED PUBLICATION DATE 11/29/2024
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Nicole Carrillo	TELEPHONE NUMBER (916) 323-6808	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2024,48-2	PUBLICATION DATE 11/29/24

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Notice by Electronic Communication, Method of Electronic Notice, etc.		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT 85, 88 AMEND 84, 86 REPEAL	
TITLE(S) 1			
3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) April 25, 2025 - May 16, 2025			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input checked="" type="checkbox"/> Effective other (Specify) 1/1/2026 per G.C. 11343.9 (b) (3)			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Nicole Carrillo		TELEPHONE NUMBER 916-323-6808	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) nicole.carrillo@oal.ca.gov

PER AGENCY REQUEST
AM 12/16/25PER AGENCY REQUEST
AM 12/16/25

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY
Kenneth J. Pogue, Director

10/30/2025

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

DEC 16 2025

Office of Administrative Law

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW**

**TITLE 1, CALIFORNIA CODE OF REGULATIONS
AMENDING SECS. 84 & 86; ADOPTING SECS. 85 & 88**

FINAL TEXT

The existing CCR text is shown below as underlying text, with final changes illustrated in single underline and ~~single strikeout~~.

Title 1. General Provisions

Division 1. Office of Administrative Law

Chapter 1. Review of Proposed Regulations

Article 2. Criteria Applied in the Review of Proposed Regulations

Section 84. Incorporation of Prior Files Rulemaking Records by Reference.

(a) In re-submitting a regulation to OAL ~~a regulation~~ previously withdrawn or disapproved ~~in accordance with either~~ pursuant to Government Code section 11349.3 or 11349.4, an agency may incorporate by reference all or any part of the ~~withdrawn or disapproved file~~ prior rulemaking record.

(b) To incorporate items from such a prior rulemaking record~~files~~, the agency shall ~~submit a transmittal memo~~ include in the table of contents required by Government Code section 11347.3(b)(12) for the resubmittal, a statement:

(1) identifying the prior rulemaking action file by its previously related OAL Regulatory Action Number ~~date of submission~~; and

(2) specifying ~~that~~ what items from ~~portion of the prior rulemaking record file~~ that is are incorporated by reference.

Note: Authority cited: Sections 11342.4 and 11349.1~~(c)~~, Government Code.

Reference: Sections 11347.3(b) ~~and~~ 11349.4, Government Code.

Section 85. Notice by Electronic Communication.

(a) A person shall be deemed to have expressly indicated a willingness to receive a notice by means of electronic communication, within the meaning of Government Code section 11340.85(b)(3), if:

(1) The person specifically requested that the agency deliver its notice(s) by means of electronic communication; or

(2) The person submitted a written comment, via electronic communication, to the agency in connection with any rulemaking action undertaken by the agency and has not previously or otherwise requested that the agency deliver its notice(s) via non-electronic communication; or

(3) The person, via electronic communication, submits a request to receive notices from the agency and does not request that notices be delivered by non-electronic communication.

(b) The method of the electronic notice provided by the agency must be the same as the method specified or used by the person described in subsection (a). For example, a comment received by email represents an express willingness to receive notices by email and not a different electronic format.

Note: Authority cited: Sections 11342.4 and 11349.1, Government Code.
Reference: Section 11340.85, Government Code.

Section 86. Statement of Mailing Notice.

(a) The rulemaking record shall contain a statement confirming that the agency complied with the provisions of Government Code §section 11346.4(a)(1) through (4) and (6) regarding the mailing and posting of notice of proposed action at least 45 days prior to the public hearing, if any, and close of the public comment period, and stating the method(s) of delivery and the date(s) upon which the notice was mailed and posted on the agency's website, if the agency has a website. This section is not intended to require an agency to provide a copy of its mailing list to support the statement.

(b) For purposes of this section, the term "mailing" includes delivery by means of electronic communication pursuant to Government Code section 11340.85(b)(3).

Note: Authority cited: Sections 11342.4 and 11349.1(e), Government Code.
Reference: Section 11346.4, Government Code.

Section 88. Method of Electronic Notice.

(a) An agency may provide notice by means of electronic communication only if:

(1) the person on the agency's distribution list is deemed to have expressly indicated a willingness to receive notice(s) by means of electronic communication pursuant to section 85, subsection (a); and

(2) the agency complies with the requirements of section 85, subsection (b).

(b) When providing notice of any APA-related document by electronic communication, an agency shall:

(1) Transmit the complete content of the actual document(s) in the body of the electronic communication; or

(2) Include the actual document(s) as electronic file(s) attached to the electronic communication; or

(3) Provide a hyperlink or URL in the body of the electronic communication that redirects the person:

(A) directly to the actual document(s); or

(B) to an internet web page containing clearly identified hyperlinks that redirect the person directly to the actual document(s) for that rulemaking action.

Note: Authority cited: Sections 11342.4 and 11349.1, Government Code.

Reference: Sections 11340.85, 11346.1, 11346.4, 11346.8 and 11347.1, Government Code.