

**ITEM 9**  
**STAFF REPORT**  
**ADOPTION OF PROPOSED 2005 RULEMAKING CALENDAR**

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**Executive Summary**

**Background**

Government Code section 11017.6 requires covered state agencies to prepare an annual rulemaking calendar for publication in the California Regulatory Notice Register. While the Commission is exempt from the Office of Administrative Law's (OAL) review and approval, it has traditionally submitted the calendar to keep the public informed of its rulemaking plans. The calendar is due to OAL on January 30.

**Proposed 2005 Rulemaking Calendar**

The attached proposed 2005 Rulemaking Calendar consists of two rulemakings:

- ?? The first rulemaking would amend current regulations, to implement the statutory changes made by AB 2856.
- ?? The second rulemaking would amend current regulations to specify procedures for the appeal of Executive Director decisions.

Before noticing proposed regulatory actions, staff will convene workshops with interested parties to review staff's proposed amendments. This has been an effective strategy to minimize modifications to the original proposal once it is noticed.

Timeline – Rulemaking 1: Implementation of AB 2856, Test Claim Procedures

Date to OAL	March 29, 2005
Publication Date	April 8, 2005
Public Hearing/End Comment Period	May 26, 2005
Proposed Date for Adoption	July 28, 2005
To OAL	August 15, 2005

Timeline – Rulemaking 2: Appeals of Executive Director Decisions

Date to OAL	May 31, 2005
Publication Date	June 10, 2005
Public Hearing/End Comment Period	July 25, 2005
Proposed Date for Adoption	September 25, 2005
To OAL	October 17, 2005

**Staff Recommendation**

Staff recommends that the Commission adopt the Proposed 2005 Rulemaking Calendar for transmittal to the Office of Administrative Law.

**COMMISSION ON STATE MANDATES**  
**2005 RULEMAKING CALENDAR**

**SCHEDULE A: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED DURING THE YEAR 2004**

Subject: Implementation of AB 2856, Test Claim Procedures		CCR Title & Sections Affected: Title 2, Chapter 2.5 Articles 1, 3, 4, 7, 8, and 8.5		Statutes Being Implemented: Chapter 890	
Responsible Agency Unit: Executive	Contact Person & Phone Number: Paula Higashi (916) 323-8210	Projected Dates:			
		Notice: April 8, 2005	Hearing: May 26, 2005	Adoption: July 28, 2005	To OAL: August 15, 2005

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**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2004**

Subject:  Procedures for Appeal of Executive Director Decisions.		CCR Title & Sections Affected:  Title 2, Chapter 2.5, Article 1, section 1181		Statutes Being Implemented:  Government Code section 17530			
Responsible Agency Unit: Executive		Contact Person & Phone Number: Paula Higashi (916) 323-8210		Projected Dates:			
				Notice: June 10, 2005	Hearing: July 25, 2005	Adoption: September 25, 2005	To OAL: October 1, 2005
<p>Report on the status of all uncompleted rulemaking described on previous calendars:</p> <ol style="list-style-type: none"> <li>1. Ethics Orientation, Title 2, Article 9, operative 2-23-2004. (Register 2004, No. 9)</li> <li>2. Statewide Cost Estimates, Title 2, Articles 1, 3, 4, 7, and 8 – Postponed due to pending legislation.</li> <li>3. Bureau of State Audits Recommendations, Title 2, Articles 1 and 3 – Postponed due to pending legislation.</li> <li>4. Consistency and Clarity to Streamline Process for Test Claims and Incorrect Reduction Claims, including electronic service of documents, Title 2, Articles 1, 2, 3, 4, 4.5, 5, 6, 7, 8, and 8.5 – Postponed due to pending legislation.</li> <li>5. Procedures for Appeal of Executive Director Decisions – Postponed due to workload.</li> </ol> <p>No rulemaking actions will be initiated for items 2-4, as described on the 2004 Rulemaking Calendar, but instead as identified on Schedule A.  Item 5, is included on Schedule B with new projected dates.</p>							