

ITEM 6
STAFF REPORT
ADOPTION OF PROPOSED 2022 RULEMAKING CALENDAR

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 on State Mandates (Commission) is exempt from review and approval by the Office of Administrative Law (OAL), it has traditionally submitted the calendar to keep the public informed of its rulemaking plans. The calendar is due to OAL before February 14, 2022.

Proposed 2022 Rulemaking Calendar

The attached Proposed 2022 Rulemaking Calendar consists of three rulemakings.

The first is for the Order to Initiate Rulemaking 21-02: Amendment to Conflict of Interest Code which was adopted by the Commission on January 22, 2021. Rulemaking 21-02 did not complete preliminary Fair Political Practices Commission (FPPC) review as originally adopted by the Commission, therefore was not commenced with the Office of Administrative Law (OAL).

Order 22-01: Amendment to Conflict of Interest Code

This rulemaking would amend Title 2, Chapter 2.5, Article 9 to provide an update to the Commission’s Conflict of Interest Code.

Timeline

Order to CSM	March 25, 2022
Notice to OAL	March 29, 2022
Notice Publication Date	April 8, 2022
End of Public Comment Period	May 23, 2022
Public Hearing, if requested	May 27, 2022
Proposed Date for Adoption	May 27, 2022, if no public hearing is requested or July 22, 2022 if a public hearing is requested
To OAL	2 Weeks Following Adoption (No later than 7/19/22 for SOS filing by 8/31/22 or no later than 10/14/22 for SOS filing by 11/30/22)
Effective Date of Regulations	October 1, 2022, if no public hearing is requested or January 1, 2023, if a public hearing is requested

The second and third are to address the Commission’s acceptance of electronic signatures on its forms: one emergency package so that this may be implemented immediately, and a second, regular package, to make this rule permanent:

Order 22-02: Emergency Electronic Signature

This emergency rulemaking would amend Title 2, Chapter 2.5, Articles 1 and 7 to allow for E-Signatures.

Timeline

Emergency Order to CSM	March 25, 2022
Emergency Rulemaking to OAL	March 29, 2022
Emergency Rulemaking to SOS	April 13, 2022
Effective Dates of Emergency Regulations (180 days)	April 13, 2022 – October 10, 2022

Order 22-03: Electronic Signature

This rulemaking would amend Title 2, Chapter 2.5, Articles 1 and 7 to allow for E-Signatures.

Timeline

Order to CSM	March 25, 2022
Notice to OAL	March 29, 2022
Notice Publication Date	April 8, 2022
End of Public Comment Period	May 23, 2022
Public Hearing, if requested	May 27, 2022
Proposed Date for Adoption	May 27, 2022, if no public hearing is requested or July 22, 2022 if a public hearing was requested
Effective Date of Regulations	October 1, 2022, if no public hearing is requested or January 1, 2023, if a public hearing is requested

Staff Recommendation

Staff recommends that the Commission adopt the Proposed 2022 Rulemaking Calendar for transmittal to the Office of Administrative Law.

(attached Proposed Rulemaking Calendar 2022)

**COMMISSION ON STATE MANDATES
2022 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR
TO THE YEAR 2021**

Subject: Amendment of Conflict of Interest Code Update (Order 22-01)

**California Code of Regulations Title and Sections Affected: Title 2, Chapter 2.5,
Article 9**

Statute(s) Being Implemented: Government Code sections 87100-87505

Responsible Agency Unit: Executive

Contact Person and Phone Number: Heidi Palchik (916) 323-3562

Projected Notice Publication Date: April 8, 2022

Projected Public Hearing Date: May 27, 2022, if requested

**Projected Adoption by Your Agency Date: May 27, 2022, if no public hearing is
requested; July 22, 2022 if a public hearing is requested**

Projected To OAL to File and Print Date: two weeks following adoption

Subject: Emergency Electronic Signature (Order 22-02)

**California Code of Regulations Title and Sections Affected: Title 2, Chapter 2.5,
Articles 1 and 7**

**Statute(s) And Authorities Being Implemented: State Contracting Manual (SCM);
California State Records and Information Management (CalRIM); State
Administrative Manual (SAM) 1600 et seq; Uniform Electronic Transactions Act
(California Civil Code (CIV) § 1633.1-1633.17); AB 2296; California Code of
Regulations, Title 2, § 22003(a)(6)(B); Government Code § 16.5(b)**

Responsible Agency Unit: Executive

Contact Person and Phone Number: Heidi Palchik (916) 323-3562

Projected To OAL to File and Print Date: March 29, 2022

Subject: Electronic Signature (Order 22-03)

California Code of Regulations Title and Sections Affected: Title 2, Chapter 2.5, Articles 1 and 7

Statute(s) Being Implemented: Government Code section 16.5, Title 2. CCR Administration, Division 7. Secretary of State, Chapter 10. Digital Signatures

Responsible Agency Unit: Executive

Contact Person and Phone Number: Heidi Palchik (916) 323-3562

Projected Notice Publication Date: April 8, 2022

Projected Public Hearing Date: May 27, 2022, if requested

Projected Adoption by Your Agency Date: May 27, 2022, if no public hearing is requested; July 22, 2022 if a public hearing is requested

Projected To OAL to File and Print Date: two weeks following adoption

Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars: The Commission on State Mandates (Commission) adopted the Order to Initiate Rulemaking 21-01 on January 22, 2021, but did not complete Fair Political Practices Commission (FPPC) preliminary review therefore did not commence the rulemaking with Office of Administrative Law (OAL) listed on the 2021 Rulemaking Calendar (21-01).