

ITEM 5

ADOPTION OF COMMISSION ORDER TO INITIATE RULEMAKING FORMATTING REQUIREMENTS FOR ACCESSIBILITY, CLARIFICATION OF DESIGNATED REPRESENTATIVES, WITHDRAWAL OF INCOMPLETE FILINGS, CORRECTION OF INCORRECT CITATIONS AND MINOR CLEANUP EDITS

PROPOSED AMENDMENTS TO
CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5

ARTICLES 1, 3, 4, 5, AND 7

SECTIONS 1181.2, 1181.3, 1181.13, 1183.1, 1183.5, 1183.6, 1184.1, 1185.4, 1185.6,
1187.5, 1187.7, AND 1187.8

EXECUTIVE SUMMARY

Section 1188.1(b) of the Commission on State Mandates' (Commission's) regulations authorizes the Commission to adopt an order to initiate rulemaking. Following adoption of the order, staff will publish a notice of hearing and notice and rulemaking package to all interested persons for public comment.

The purpose of this rulemaking is to (1) add new formatting requirements for accessibility of new filings and written materials filed with the Commission; (2) clarify that firms or organizations may be a party's designated representative; (3) clarify the Commission's regulation on holding teleconferenced meetings; (4) delegate authority to the executive director to deem incomplete requests to review claiming instructions and notices of intent to join a consolidated incorrect reduction claim, withdrawn; (5) fix incorrect citations and add or remove authority and reference citations; and (6) make minor, non-substantive edits and corrections. These changes are discussed in detail in the attached Initial Statement of Reasons.¹

I. Exhibits

The proposed regulatory text is attached as Exhibit B. The proposed text is in ~~strikeout~~ and underline to show proposed changes to current regulatory language. Before filing with OAL, staff may make technical corrections, as required. The Notice of Proposed Rulemaking is attached as Exhibit C and the Initial Statement of Reasons is attached as Exhibit D.

II. Timetable

If the order is adopted at the December 1, 2023 hearing of the Commission, staff will proceed pursuant to the following timetable:

¹ Exhibit D.

December 5, 2023	Notice of Rulemaking, Initial Statement of Reasons, and Proposed Text will be filed with the Office of Administrative Law for publication.
December 15, 2023	Notice of Proposed Regulatory Action will be issued and published. Comment period opens.
January 15, 2024	Last day to request public hearing.
January 29, 2024	End of public comment period
March 22, 2024	Public Hearing, if requested
March 22, 2024	Adopt proposed rulemaking package, if no public hearing is requested.
May 24, 2024	Adopt proposed rulemaking package, if a public hearing is requested.
April 18, 2024	File Adopted Regulations with the Office of Administrative Law, if no public hearing is requested.
July 19, 2024	File Adopted Regulations with the Office of Administrative Law, if a public hearing is requested.
May 31, 2024	Office of Administrative Law files Adopted Regulations with the Secretary of State, if no public hearing is requested.
August 31, 2024	Office of Administrative Law files Adopted Regulations with the Secretary of State, if a public hearing is requested.
July 1, 2024	Effective date of adopted regulations, if no public hearing is requested.
October 1, 2024	Effective date of adopted regulations, if a public hearing is requested.

Staff Recommendation

Staff recommends the Commission adopt Proposed Order 23-01.