

EMERGENCY RULEMAKING FILE REVIEW CHECKLIST
 (For CBSC use to review rulemaking files proposing emergency building standards)

Reviewed by: _____ Date: _____ Rulemaking File Number: _____

SUBMITTAL REQUIREMENTS		Submitted		Accepted		COMMENTS/NOTES
		YES	NO	YES	NO	
EMERGENCY SUBMITTAL PACKAGE						
	One (1) Face Sheet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Written Delegation Order, if the person whose signature appears on the BSC Face Sheet is other than the person statutorily authorized to sign.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Two (2) Copies of Finding of Emergency prepared in accordance with Government Code G.C. §11346.1(b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1	Description of specific facts showing the need for IMMEDIATE action (Note: enactment of an urgency statute shall not, in and of itself, constitute a need for immediate action.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2	Reference to the authority under which the regulation is proposed and reference to . . . code sections . . . being implemented, interpreted or made specific (G.C. §11346.5(a)(2))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3	Informative Digest (G.C. §11346.5(a)(3))	<input type="checkbox"/>	<input type="checkbox"/>			
	▪ Summary of related existing laws (G.C. §11346.5(a)(3)(A))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	▪ Summary of related existing regulations (G.C. §11346.5(a)(3)(A))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	▪ Summary of effect (G.C. §11346.5(a)(3)(A))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	▪ Statement of comparable federal statute or regulations (G.C. §11346.5(a)(3)(B)) If federal statutes or regulations exist include a brief description of the significant differences and the full citation of the federal statutes or regulations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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	<ul style="list-style-type: none"> A policy statement overview explaining the broad objectives of the regulation and if appropriate, the specific objectives (G.C. §11346.5(a)(3)(C)) 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4	Other Matters prescribed by statute applicable (G.C. §11346.5 (a)(4))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5	A determination as to whether the regulation imposes a mandate on local agencies or school districts and, if so, whether the mandate requires state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4. (G.C. §11346.5(a)(5))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6	<p>An estimate prepared in accordance with instructions adopted by the Department of Finance, of the cost or savings to any state agency, the cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4, other non-discretionary cost or savings imposed on local agencies, and the cost or savings in federal funding to the state. (G.C. §11346.5(a)(6))</p> <p>Form 399 Attached</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<ul style="list-style-type: none"> Statements of cost or savings 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<ul style="list-style-type: none"> Estimate of cost or savings 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<ul style="list-style-type: none"> Signatures of promulgating state agency, agency (if required), and Department of Finance (if required) 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Thirty-five (35) copies of express terms prepared in accordance with Government Code G.C. §11346.2(a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Plain, straightforward language, avoiding technical terms as much as possible	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	If not feasible to draft the regulation in plain English due to the technical nature of the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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	regulation, the agency shall prepare a noncontrolling plain English summary of the regulations.					
	Notation following the express terms of each regulation listing the specific statutes authorizing the adoption and listing specific statutes being implemented, interpreted, or made specific. (PART 1 – ADMINISTRATIVE CODE)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Underline to indicate additions, strikethrough to indicate deletions, italics to indicate California regulations, and normal type to indicate Model Code.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Thirty-five (35) copies of “Nine Point Criteria” analysis prepared in accordance with Health and Safety Code §18930.	<input type="checkbox"/>	<input type="checkbox"/>			
	Criterion 1–Conflict, overlap or duplication	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Criterion 2–Established by enabling legislation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Criterion 3–In the public interest	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Criterion 4–Not unreasonable, arbitrary, unfair, capricious	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Criterion 5–Cost to the public reasonable based on the overall benefit to be derived	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Criterion 6–Not unnecessarily ambiguous or vague	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Criterion 7 – National specification, published standard, or model code incorporated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<ul style="list-style-type: none"> A statement defining the inadequacy of a national specification, published standard, and model code 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	OR					
	<ul style="list-style-type: none"> A statement informing the Commission of no national specification, published standard, and model code 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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	Criterion 8—Format consistent with that of the Commission	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Criterion 9— <ul style="list-style-type: none"> Written approval of the Office of the State Fire Marshal, if it promotes fire and panic safety as determined by the Office of the State Fire Marshal 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	One (1) copy of the Notice of Proposed Emergency prepared in accordance with Government Code §11346.1(a)(2) (use commission template)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	An agency is not required to provide this notice if the emergency situation clearly poses such an immediate, serious harm that delaying action to allow public comment would be inconsistent with the public interest.
	The specific language proposed to be adopted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	The Finding of Emergency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	