FINAL RULEMAKING FILE REVIEW CHECKLIST

(Regular or Emergency Submittal)

Reviewed by: _____ Date: _____Rulemaking File Number: _____

		Submitted		Correct		
	SUBMITTAL REQUIREMENTS	YES	NO	YES	NO	COMMENTS/NOTES
	RULEMAKING FILE APPROVAL SUBMITTAL PACKAGE					
	One (1) Face Sheet	☐	☐	☐	☐	
	Written Delegation Order, if the person whose signature appears on the BSC Face Sheet is other than the person statutorily authorized to sign	☐	☐	☐	☐	
	One (1) Certification of Compliance (Emergency Submittals ONLY – Post Hearing) (G.C. 11346.1(e))					
	• A certification of compliance with G.C. 11346.2 to 11347.3, inclusive, either before the emergency regulation was adopted or within the 180-day period	☐	☐	☐	☐	
	One(1) Complete Rulemaking File (G.C. 11347.3)					
1	Indexed or Table of Contents that identifies each item contained (G.C. 11347.3(b)(12))	☐	☐	☐	☐	
	• An affidavit or a declaration under penalty of perjury in the form specified by Section 2015.5 of the Code of Civil Procedures by the agency official who has compiled the rulemaking file, specifying the date on which the record was closed, and the file or the copy, if submitted, is complete	☐	☐	☐	☐	
2	Copies of any petitions from interested persons and copies of any decisions related to proposed action (G.C. 11347.3(b)(1)	☐	☐			
3	(G.C. 11347.3(b)(2))					
	• Published notice(s) of proposed action	☐	☐			
	• Updated Informative Digest	☐	☐	☐	☐	
	• Initial Statement of Reasons	☐	☐			
	• Final Statement of Reasons	☐	☐	☐	☐	
4	A determination, together with supporting data, as to whether the regulations impose 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. 11347.3(b)(3))	☐	☐	☐	☐	
5	A determination, together with supporting data, that the proposed action will not have					

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		a significant adverse impact on business, including the ability of California businesses to compete with businesses in other states (G.C. 11347.3(b)(4))	☐	☐	☐	☐	
6		An Estimate, together with supporting data and calculations, required by G.C. 11346.5(a)(6). (G.C. 11347.3(b)(5))	☐	☐			
		• 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 Section17500) 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))	☐	☐	☐	☐	
		• Statements of cost or savings	☐	☐	☐	☐	
		• Estimate of cost or savings	☐	☐	☐	☐	
		• Signatures of promulgating state agency, agency (if required), and Department of Finance (if required)	☐	☐	☐	☐	
7		All data and other factual information, any studies or reports, and written comments submitted to the agency (G.C. 11347.3(b)(6))	☐	☐			
8		All data and other factual information, technical, theoretical, and empirical studies or reports, if any, on which the agencies is relying including any cost impact required by G.C 11346.3. (G.C. 11347.3(b)(7))	☐	☐			
9		A transcript, recording, or minutes of any public hearing (G.C. 11347.3(b)(8))	☐	☐			
10		The date on which the agency made available the full text of the proposed regulations to the public for 15 days prior to the adoption amendment or repeal of the regulations if required to do so by subsection (c) of G.C. Section 11346.8. (G.C. 11347.3(b)(9))	☐	☐	☐	☐	
11		The text of the regulation as originally proposed and the modified text of the regulation, if any, that were made available to public (G.C. 11347.3(b)(10))	☐	☐			
12		Any other information, statement, report, or data that the agency is required by law to consider or prepare (G.C. 11347.3(b)(11))	☐	☐			
13		Statement of documents added to rulemaking file – Statement confirming that the state agency complied with requirements of G.C. 11347.1 & stating the date on which the notice was mailed (G.C. 11347.1(e))	☐	☐	☐	☐	

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	OR If there are no persons in categories listed in G.C 11347.1(b), the rulemaking fi le shall contain a confirming statement to the effect. (G.C. 11347.1(f))	☐	☐	☐	☐	
	Two (2) copies of Final Express Terms	☐	☐			
	The agency shall draft the regulations in plain English (G.C. 11346.2(a)(1))	☐	☐	☐	☐	
	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. (G.C. 11346.2(a)(2))	☐	☐	☐	☐	
	Underline to indicate additions, strikeout to indicate deletions, italics to indicate California regulations, and normal type to indicate Model Code. (G.C. 11346.2(a)(3))	☐	☐	☐	☐	
	Two (2) copies of Final Statement of Reasons	☐	☐			
	Update to information in the initial statement of reasons (G.C. 11346.9(a))	☐	☐	☐	☐	
1	• Any data or any technical, theoretical or empirical study, report or similar document on which the agency is relying in proposing that was not identified or made available for public review prior to the close of the comment period	☐	☐	☐	☐	
2	• A determination as to whether proposed regulation imposes a mandate on local agencies or school districts. If the determination is that the proposed regulation would impose a local mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the findings	☐	☐	☐	☐	
3	• A summary of each objection or recommendation made together with an explanation of how the proposed action has been changed to accommodate each objection or recommendation, or the reasons for making no change	☐	☐	☐	☐	
4	• A determination with supporting information that no alternative considered by the agency would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective or less burdensome to affected private persons than the adopted regulations	☐	☐	☐	☐	

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5	• An explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses.	☐	☐	☐	☐	
	Two (2) copies of the Updated Informative Digest (G.C. 11346.9(b))	☐	☐			
	• Summary of related immediately preceding laws and regulations and their effect on the proposed action or	☐	☐	☐	☐	
	• A statement indicating no change	☐	☐	☐	☐	
	Two (2) copies of the "Nine Point Criteria" analysis (Health and Safety Code 18930(a))	☐	☐			
	Criterion 1—Conflict, overlap or duplication	☐	☐	☐	☐	
	Criterion 2—Established by enabling legislation	☐	☐	☐	☐	
	Criterion 3—Public interest	☐	☐	☐	☐	
	Criterion 4—Not unreasonable, arbitrary, unfair, capricious	☐	☐	☐	☐	
	Criterion 5—Cost to the public reasonable based on the overall benefit	☐	☐	☐	☐	
	Criterion 6—Not unnecessarily ambiguous or vague	☐	☐	☐	☐	
	Criterion 7—National specification, published standard or model code	☐	☐	☐	☐	
	• A statement defining the inadequacy of a national specification, published standard, and model code	☐	☐	☐	☐	
	• A statement informing the Commission of no national specification, published standard, and model code	☐	☐	☐	☐	
	Criterion 8—Format consistent with that of the Commission	☐	☐	☐	☐	
	Criterion 9 – 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	☐	☐	☐	☐	