

NOTICE REVIEW CHECKLIST – ANNUAL CYCLE SUBMITTALS

Note: Text shown below in underline reflects changes to the APA from SB 401 (Chapter 212, Statutes of 2013) effective January 1, 2014.

Reviewed by:

Date:

Project Number:

SUBMITTAL REQUIREMENTS		Submitted		Accepted		COMMENTS/NOTES
		YES	NO	YES	NO	
NOTICE 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"/>	
	One (1) Copy of Notice of Proposed Action (G.C. 11346.5(a))	<input type="checkbox"/>	<input type="checkbox"/>			
1	Statement of time, place, and nature of proceedings (G.C. 11346.5(a)(1))	<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 of 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"/>	
	▪ A policy statement overview explaining the broad objectives of the regulation and the specific benefits (G.C. 11346.5(a)(3)(C), lists examples of benefits)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

SUBMITTAL REQUIREMENTS		Submitted		Accepted		COMMENTS/NOTES
		YES	NO	YES	NO	
	<ul style="list-style-type: none"> An evaluation of whether the proposed regulation is inconsistent or incompatible with existing state regulations (G.C. 11346.3 (a)(3)(D)) 	<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	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))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Form 399 Attached	<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 Secretary (if required), and Department of Finance (if required) 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7	Statement of Significant Statewide Economic Adverse Impact directly affecting Business, including the ability of California businesses to compete with businesses in other states. (G.C. 11346.5(a)(7))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	If the state agency makes an initial determination that the proposed action will have significant adverse economic impact, the following shall be included:					

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	<ul style="list-style-type: none"> ▪ Identification of the types of businesses affected 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<ul style="list-style-type: none"> ▪ Description of the projected reporting, record keeping and other compliance requirements that would result 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<ul style="list-style-type: none"> ▪ The following statement: <i>“The (name of agency) has made an initial determination that the (adoption/amendment/repeal) of this regulation may have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The (name of agency) (has/has not) considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals. Submissions may include the following considerations:</i> <ul style="list-style-type: none"> (i) <i>The establishments of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.</i> (ii) <i>Consolidation or simplification of compliance and reporting requirements for businesses.</i> (iii) <i>The use of performance standards rather than prescriptive standards</i> (iv) <i>Exemption or partial exemption from the regulatory requirements for businesses”</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	OR					
8	If the State agency makes an initial determination that the proposed action will NOT have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete in other states, it shall make a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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	declaration to that effect (G.C. 11346.5(a)(8))					
	<ul style="list-style-type: none"> ▪ Record facts, evidence, documents, testimony, or other evidence upon which the agency relies to support its initial determination 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9	<p>A Description of all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.</p> <p>If no cost impact, the following statement shall be included: <i>“The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.”</i> (G.C. 11346.5(a)(9))</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
10	Statement of the result of the assessment of the effect of any administrative regulations on the creation or elimination of jobs or businesses or the expansion of businesses in California per Government Code Section 11346.3(b). (G.C. 11346.5(a)(10))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
11	<p>Finding prescribed by subdivision (d) of Section 11346.3, if required. (G.C. 11346.5(a)(11))</p> <p><i>(G.C.11346.3(d)) No regulation that requires a report shall apply to businesses, unless the state agency makes a finding that it is necessary for the health, safety, or welfare of the people of the state that the regulations apply to businesses.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
12	For regulations that impact housing costs, a statement including the cost of compliance and potential benefits that were included in the initial statement of reasons. In addition, the agency officers shall make available to the public, upon request, the agency’s evaluation, if any, of the effect of the proposed regulatory	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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13	action on housing costs (G.C. 11346.5(a)(12)) Statement that <i>“the adopting agency must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons, or would be more cost effective to private persons and equally effective in implementing the statutory policy or other provision of law.”</i> (G.C. 11346.5(a)(13))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
14	The name and telephone number of the agency representative and designated backup contact person to whom inquiries concerning the proposed action may be directed. (G.C. 11346.5(a)(14))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
15	Date by which comments submitted in writing must be received to present statements, arguments, or contentions in writing relating to the proposed action in order for them to be considered. (G.C. 11346.5(a)(15))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
16	Statement that <i>“the state agency proposing the action has prepared a statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action.”</i> (G.C. 11346.5(a)(16))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
17	Statement that <i>“if a public hearing is not scheduled, any interested person or his or her duly authorized representative may request, not later than 15 days prior to the close of the written comment period, a public hearing.”</i> (G.C. 11346.5(a)(17))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
18	Statement indicating, “Change could result from this proposed regulatory action. If a sufficiently related change is made, the full	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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	text of the resulting adoption, amendment, or repeal, with the change clearly indicated, shall be made available to the public for at least 15 days before the agency adopts, amends, or repeals the resulting regulation.” (G.C. 11346.5(a)(18) & 11346.8(c))					
19	A statement explaining how to obtain a copy of the final statement of reasons once it has been prepared pursuant to subdivision (a) of Section 11346.9. (G.C. 11346.5(a)(19))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
20	A statement explaining how materials published or distributed through an Internet Website can be accessed. (G.C. 11346.5(a)(20))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<u>21</u>	If the proposed regulation is subject to Section 11346.6, a statement that the agency shall provide, upon request, a description of the proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action. (G.C. 11346.5(a)(21))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
22	A state agency that adopts or amends a regulation mandated by federal law or regulations, the provisions of which are identical to a previously adopted or amended federal regulation, shall be deemed to have complied with GC 11346.2(b) if a statement to the effect that a federally mandated regulation or amendment to the regulation is being proposed, together with a citation to where an explanation of the provisions of the regulation can be found, is included in the notice. (G.C. 11346.2 (c))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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	<ul style="list-style-type: none"> One (1) copy of Express Terms (G.C. 11346.2(a)) 	<input type="checkbox"/>	<input type="checkbox"/>			
	The agency shall draft the regulation in plain English. (G.C. 11346.2(a)(1))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Notation following the express terms of each California Code of Regulations section listing the specific statutes authorizing the adoption and listing specific statutes being implemented, interpreted, or made specific by that section in the California Code of Regulations. (PART 1 – ADMINISTRATIVE CODE) (G.C. 11346.2(a)(2))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	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))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<ul style="list-style-type: none"> One (1) copy of Initial Statement of Reasons (G.C. 11346.2(b)) 	<input type="checkbox"/>	<input type="checkbox"/>			
1	Statement of the rationale for the determination that EACH adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed. (G.C. 11346.2(b)(1))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2	The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute (G.C. 11346.2(b)(1), list examples of benefits)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3	Identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the action. (G.C. 11346.2(b)(3))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4	A statement of the reasons why the agency believes any mandates for specific technologies or equipment or prescriptive	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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	standards are required. (G.C. 11346.2(b)(4))					
5	Description of reasonable alternatives considered and reasons for rejecting those alternatives. (G.C. 11346.2(b)(5)(A) list examples of reasonable alternatives)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6	Description of any reasonable alternatives to the regulation that would lessen any adverse impact on small business and reason for rejecting those alternatives. (G.C. 11346.2(b)(5)(B))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7	Facts, evidence, documents, testimony, or other evidence upon which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business. (G.C. 11346.2(b)(6)(A))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8	<u>The estimated cost of compliance, estimated potential benefits, and the related assumptions used to determine the estimates.</u> (G.C. 11346.2(b)(6)(B))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9	Description of efforts to avoid unnecessary duplication or conflict with federal regulations. [For departments, boards, or commissions within the Environmental Protection Agency, the Resource Agency, or the Office of the State Fire Marshal] (G.C. 11346.2(b)(7))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	These agencies may adopt regulations different from federal regulations based upon a finding of one or more of the following:					
	Differing state regulations are authorized by law. (G.C. 11346.2(b)(7)(A))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment. (G.C. 11346.2(b)(7)(B))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	