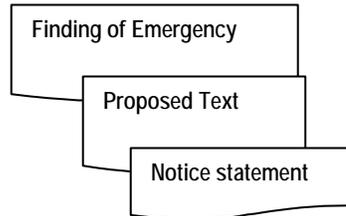


Emergency Rulemaking Process -- Timeline

Day: - 5 (minus 5) Pre-OAL Submission Emergency Notice Stage

Emergency notice documents =



At least five working days prior to submitting emergency filing to OAL, agency must provide notice* of its proposed emergency regulations by sending the:

- (1) **finding of emergency**
- (2) **proposed text** of emergency regulations
- (3) **statement** required by section 48, title 1, CCR

to interested parties, unless the emergency “clearly poses such an immediate, serious harm that delaying action to allow public comment would be inconsistent with the public interest.” (GC 11346.1(a))

* “Notice” in this context is not the full-length Notice of Proposed Action for a regular rulemaking defined in Government Code (GC) sec. 11346.5. No documents are filed with OAL at this point. **Emergency notice documents (finding, text, statement) must be posted on agency’s website.** (GC 11340.85(c)) There is no comment period at this stage.

Day: 0 Emergency Filed with OAL

Agency files Form 400, Emergency notice documents, and statements/findings as set forth in section 50, title 1, CCR

OAL posts Form 400, emergency regulation text, and Finding of Emergency on its website. Public comment period begins. (GC 11349.6(b))

Agency adds the date emergency is filed with OAL to its website. (GC 11340.85(c), 11364)

Day: + 5 Emergency Comment Deadline

The public may submit comments for five calendar days, unless “the emergency situation clearly poses such an immediate, serious harm that delaying action to allow public comment would be inconsistent with the public interest.” (GC 11349.6(b))

Day: + 8 Agency Response Deadline
(Agency response is voluntary.)

Day: + 10 OAL Decision Deadline

OAL has up to 10 calendar days to review emergency regulations. (GC 11349.6)

Approved emergency regulations remain in effect for 180 days. Emergency regulations are repealed by operation of law unless agency files a completed Certificate of Compliance rulemaking by the 180th day or OAL approves a readopted emergency during that time.

To make regulations permanent, agency must conduct a regular rulemaking and file a Certificate of Compliance. (GC 11346.1(e), 11349.6(d))

Only TWO 90 day emergency readoptions are allowed. (GC 11346.1(h))