

OFFICE OF ADMINISTRATIVE LAW

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Debra Cornez, Director

April 27, 2012

NOTICE OF LEGISLATIVE REQUEST FOR PRIORITY REVIEW OF REGULATION

TO: ALL PERSONS INTERESTED IN THE GOVERNMENT CODE SECTION 11349.7 PRIORITY REVIEW OF STATE ALLOCATION BOARD FORM 50-04, *APPLICATION FOR FUNDING*, ITEM 22, OTHERWISE KNOWN AS THE "60 PERCENT COMMENSURATE REGULATION," INCORPORATED BY REFERENCE AT TITLE 2, CALIFORNIA CODE OF REGULATIONS SECTION 1859.2

The Administrative Procedure Act, at Government Code section 11349.7, provides that the Office of Administrative Law (OAL), upon the request of any standing, select, or joint committee of the Legislature, shall initiate a priority review of any regulation, group of regulations, or series of regulations that the committee believes does not meet the standards set forth in Government Code section 11349.1. A notice of the request shall be published in the California Regulatory Notice Register and sent to interested parties. The OAL shall consider the written comments submitted by interested persons and shall determine if the regulation complies with the standards set forth in Government Code section 11349.1. The review shall be completed within 90 calendar days of receipt of the committee's request. If the OAL determines that the regulation does not comply with those standards, it shall order the agency to show cause why the regulation should not be repealed and shall seek repeal as provided by Government Code section 11349.7. On April 17, 2012, OAL received a request for a priority review, pursuant to Government Code section 11349.7 and Joint Rule of the Senate and Assembly No. 40.1, of Item 22 of State Allocation Board Form 50-04, *Application for Funding*, incorporated by reference in title 2 California Code of Regulations section 1859.2, from the Senate Rules Committee, the Honorable Darrell Steinberg, Chair.

Interested parties may address written comments relevant to this request to: Priority Review No. 2012-1, Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA, 95814, or by fax at (916) 323-6826, or dmentink@oal.ca.gov. Inquiries concerning this request may be directed to Dale Mentink, Senior Staff Counsel, at 916-323-4237. Please be advised that, in conducting this priority review, the Office of Administrative Law will consider written public comments received **no later than 5:00 p.m., June 11, 2012**. The scope of written comments should be confined to whether the regulation meets the standards set forth in Government Code section 11349.1, and specifically:

- whether the regulation lacks reference to law as set forth in Government Code Section 11349.1(a)(5) and Title 1 Cal. Code of Regs. Sec. 14(b);
- whether the regulation is inconsistent with Education Code section 17070.63(c); or
- whether the State Allocation Board, in adopting the regulation, relied upon any inaccurate information.

A copy of the Senate Rules Committee request for Priority Review and accompanying material can be viewed at <http://www.oal.ca.gov> under "News/Information."