

OAL CHECKLIST

CHANGES WITHOUT REGULATORY EFFECT

OAL File No: _____ - _____ - _____

Agency: _____

Reviewer: _____

Due Date: _____

(All citations are to the Government Code, unless otherwise specified. CCR means California Code of Regulations.)

REQUIREMENT

PROBLEMS

1. FORM 400 (1 CCR 6)		
Is the name of rulemaking agency set out in AGENCY WITH RULEMAKING AUTHORITY box? (1 CCR 6(b)(10))	Y	N
Is the subject described in SUBJECT OF REGULATION(S) box? (1 CCR 6(b)(10))	Y	N
Are all SECTION(S) AFFECTED and TITLE(S) listed?	Y	N
Is “Changes Without Regulatory Effect” box checked under TYPE OF FILING ?	Y	N
Is “§100 Changes Without Regulatory Effect” box checked under B.5, EFFECTIVE DATE OF CHANGES ? Note: The standard history note for section 100 filings does not specify an effective date. It reads: “Change without regulatory effect amending section filed [date] pursuant to section 100, title 1, California Code of Regulations (Register YY, No. WK)”	Y	N
Is the name of agency CONTACT PERSON and TELEPHONE NUMBER included?	Y	N
Does it include the SIGNATURE OF AGENCY HEAD OR DESIGNEE ? (1 CCR 100(b)(2)) <i>Note:</i> Designee must be listed in a signed delegation order in rulemaking file or on file with OAL.	Y	N
Is it dated? (1 CCR 6(b)(8)(D))	Y	N
Is the name and title typed? (11343(f), 1 CCR 6(b)(8)(E))	Y	N

2. TEXT OF CHANGES WITHOUT REGULATORY EFFECT		
Is the final regulation text attached to the original and six copies of the Form 400? (11343; 1 CCR 6(a))	Y	N
REGULATION TEXT		
Do(es) the regulation section number(s) fit into the CCR?	Y	N
Are Authority and Reference citations included with the final text?	Y	N
Does the underlying text of regulation (and Authority and Reference cites) match what is printed in CCR?	Y	N
Does the text show changes to the CCR in underline/italic and strikeout format for additions and deletions? (1 CCR 8(b))	Y	N
Are documents incorporated by reference attached to original and six copies? Six duplicate copies of document incorporated by reference <i>not required</i> if it is a formal publication reasonably available from a commonly known or identified source. (1 CCR 20(d))	Y	N/A N
3. EXPLANATORY STATEMENT		
Did the agency provide a written statement adequately explaining why each <i>change does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any CCR provision</i> (1CCR 100) including: <ul style="list-style-type: none"> • Renumbering, reordering, or relocating a regulatory provision; • Deleting a regulatory provision for which all statutory or constitutional authority has been repealed; • Deleting a regulatory provision held invalid in a judgment that has become final, entered by a California court of competent jurisdiction, a U.S. District Court located in California, the U.S. Court of Appeals for the Ninth Circuit, or the U.S. Supreme Court; (NOTE: OAL shall not approve any proposed change if based on a superior court decision which invalidated the regulatory provision 	Y	N

<p>solely on the grounds that the underlying statute was unconstitutional);</p> <ul style="list-style-type: none"> • Revising structure, syntax, cross-reference, grammar, or punctuation; • Changing an “authority” or “reference” citation for a regulation; • Making a regulatory provision consistent with a changed California statute if <i>both</i> the following conditions are met: <ul style="list-style-type: none"> (A) The regulatory provision is inconsistent with and superseded by the changed statute; and (B) The adopting agency has no discretion to adopt a change which differs in substance from the one chosen. 	
<p>Is each and every change included in the filing a change without regulatory effect?</p>	<p>Y N</p>