

Item 7B – REQUESTED ACTION



EXTENSION OF EMERGENCY REGULATIONS EFFECTIVE PERIOD

Presenter: Curt Taras

June 27, 2014

BOARD ACTION



- Consider approval of a 90 day extension of the effective period of the emergency regulations OAL File # 2014 -0102-02E to accommodate the Office of Administrative Law (OAL) review period required for the regular rulemaking.

BOARD AUTHORITY



- GOVERNMENT CODE Section 11346.1 – Adoption, amendment and repeal of emergency regulations.
 - Allows agencies to adopt emergency regulations.
 - Provides 180 days for an agency to submit a certificate of compliance to make the regulations permanent.
 - Allows approval of up to two 90-day readoptions of the Emergency Regulations.

BACKGROUND



- Emergency regulations to implement Senate Bill 753 became effective on January 9, 2014.
- The Board has completed the regular rulemaking process to implement permanent regulations by:
 - Publishing a notice of proposed rulemaking in the California Regulatory Notice Register,
 - Holding a 45-day public comment period,
 - Conducting a public hearing,
 - Adopting the proposed permanent regulations, and
 - Timely submitting the final rulemaking file to the Office of Administrative Law.

RULEMAKING TIMELINE



EMERGENCY REGULATIONS - 180 DAYS

Approved Jan 9, 2014
Expire July 9, 2014

PERMANENT REGULATIONS
REVIEW - 30 WORK DAYS

Submitted May 29, 2014
IN PROGRESS

Needed only if permanent
regulations are rejected.

EXTENTION - 90 DAYS

REQUIRED NOTICES



- A Notice of the 90-day Extension of Emergency Regulations was mailed to all persons who have requested to be notified of proposed regulatory actions by the Board at least five working days prior to this meeting.
- The notice was also posted on the Board's website .
- Public comments for this extension action can be made for up to five calendar days after it is submitted to the Office of Administrative Law.
- Upon filing OAL will have ten calendar days to review the extension request.

STAFF RECOMMENDATION



Board Staff is recommending the Board:

- Find that the Central Valley Flood Protection Board has made substantial progress and proceeded with diligence to complete a regular, noticed rulemaking action to make the emergency regulations permanent, as evidenced by the Certificate of Compliance submission to the California Office of Administrative Law on May 29, 2014 .
- Re-adopt the emergency regulations for a 90 day period.
- Direct the Executive Officer to submit an emergency re-adopt filing to the California Office of Administrative Law.