PROCESS SC UPDATE AND RECOMMENDATIONS

SEP 23, 2022

CPPA

PROPOSED PROCESS

Notice of Proposed Rulemaking

45 Day Public Comment Ends

Public Hearing(s)

Additional PC/PHs [15 or 45 Days]

Final Package Submitted

← pre-rulemaking →

← formal rulemaking →
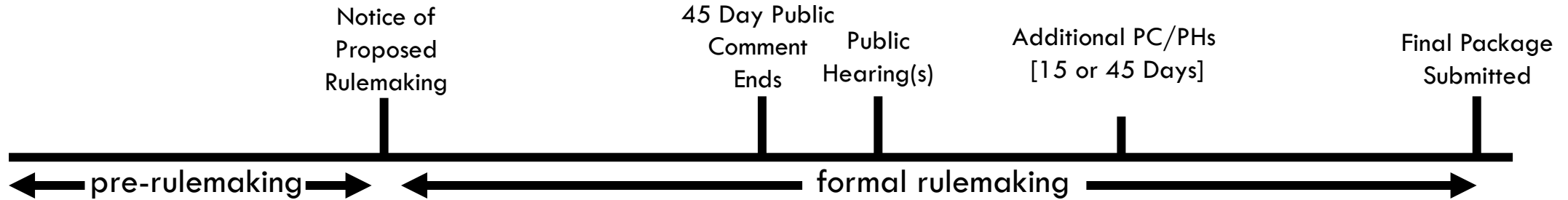
1st meeting: Draft of regulations + ISOR presented.

- Staff to present rules to the board
- Board to discuss
- **Board will vote** to approve filing notice package with OAL and delegate authority to ED

NOTE: Board will have an opportunity to discuss/comment on presented rules in more detail during 2nd meeting (to be held 20 to 45 days after 1st meeting

2nd meeting (20 to 45 days after 1st meeting)

- Staff to collect from board members questions/request prior to meeting and prepare answers
- Staff to provide initial presentation to board based on questions/requests collected
- Board to discuss/comment in detail

[NOTE: Board Members may choose to present their comments verbally at the meeting or in writing – staff will advise members as to when written comments should be submitted]

Additional meetings: (after closing of initial/subsequent CPs)

- Staff to present updated rules and explanations on changes
- Board members to discuss/request changes/request further presentations by experts if needed
- **Board will vote** to approve moving forward with the proposed edits or direct staff to include changes to address concerns

[NOTE: As with prior meeting Board Members may choose to present their comments verbally/in writing]

Final meeting: Rule approval

- Once Board states regulation text is final, staff will prepare the final package, including Final Statement of Reasons (FSOR) and responses to all public comments
- **Board will vote** to approve the filing of the final package with OAL

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FORMAL RULEMAKING PERIOD

APA REQUIREMENTS RE: COMMENTS

Staff are currently reviewing all public comments (written and oral) submitted during the 45-day public comment period

Even untimely comments must be included in rulemaking file. But no response required.

Board members should forward any public comments to ED

A new public comment period will be noticed once revised regulations are ready

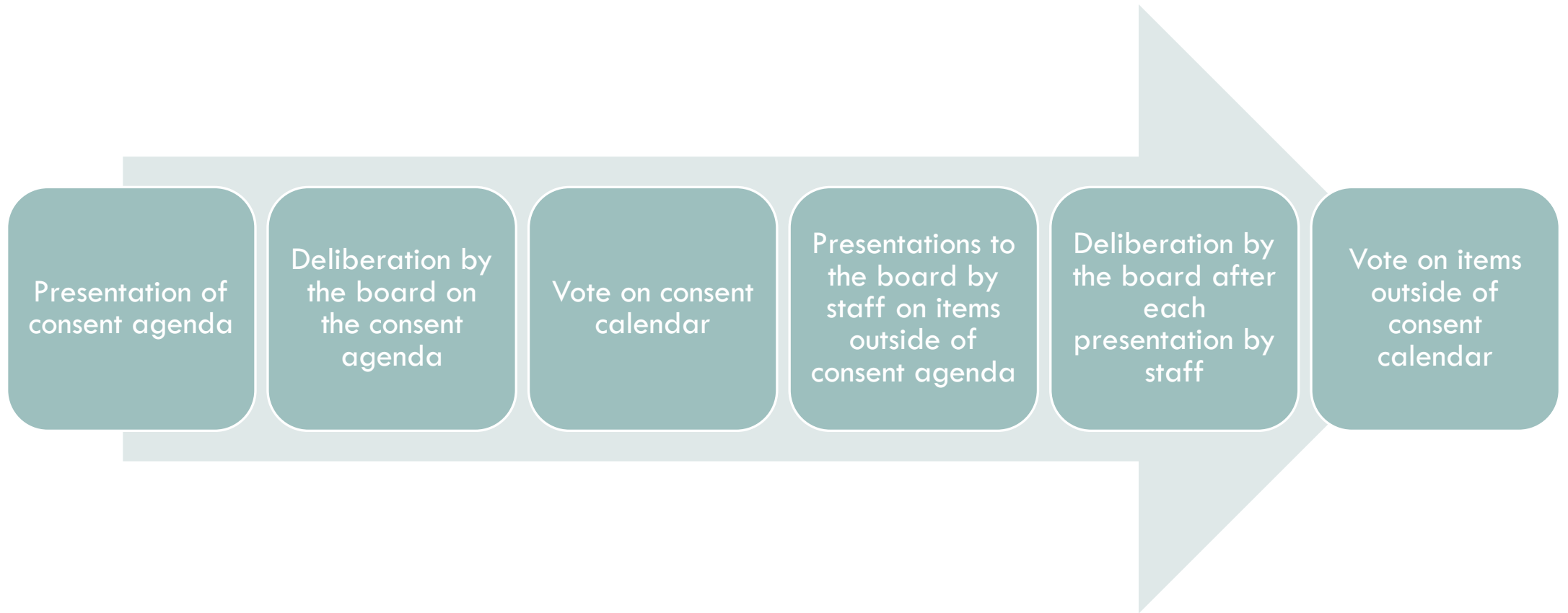# ROLES OF RULES SUBCOMMITTEES AFTER THE FORMAL RULEMAKING PERIOD OPENS

Dormant, not dissolved

Available to staff as needed for historical memory

Subcommittees do not review proposed revisions

Staff propose revisions to Board

PROPOSED STEPS LEADING TO DELIBERATION AND VOTE

| Presentation of consent agenda | Deliberation by the board on the consent agenda | Vote on consent calendar | Presentations to the board by staff on items outside of consent agenda | Deliberation by the board after each presentation by staff | Vote on items outside of consent calendar |

CONSENT AGENDA

The consent agenda is intended to efficiently process board approval of non-controversial revisions to the draft rules.

It will group multiple items that do not necessitate individual deliberation into one agenda item.

The grouped items will be considered en bloc by the Board. Not intended to be debated and will be approved by one vote.

Agency staff will identify items to be placed on the consent agenda

Any board member may pull items out of the consent agenda.

- The fact that an item out of the consent calendar does not necessary indicate disagreement (just indicates a need/preference for individual public deliberation for that item)

GENERAL EXPECTATIONS

Deliberations May Require Multiple Board Meetings Over Several Days
- Anticipate multiple-day meetings will be required
- Breaks may be required to allow for staff to work on drafting/propose edits and/or for board members to review resources

In-person vs. Remote Meetings
E.g. A two-day session in-person to deliberate could be required, followed by a virtual session the following week to vote.
Staff will provide proposed text to Board in advance of every meeting.

Drafting Revisions
- Drafting by staff based on policy-based requests by the Board may be preferable to ensure consistency and compliance with OAL rules but Board members can draft/propose specific amendments if that is their preference.

GENERAL EXPECTATIONS

Grouping of Proposed Changes
- Staff to group all proposed changes into three categories: (a) consent (things that are non-contentious); (b) for discussion/deliberation; and (c) non-substantive

Voice Vote

- Board may voice vote ("All in favor say aye") for conceptual or text changes Board wants staff to make

END OF PRESENTATION