



California Regulatory Notice Register

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State Agency:

California Community Colleges

State Personnel Board

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

**CONFLICT-OF-INTEREST CODE
AMENDMENT**

MULTI-COUNTY:

Antelope Valley Community College District

STATE AGENCY:

California Community Colleges
State Personnel Board

A written comment period has been established commencing on December 27, 2019 and closing on February 10, 2020. Written comments should be directed to the Fair Political Practices Commission, Attention Amanda Apostol, 1102 Q Street, Suite 3000, Sacramento, California 95811.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for her review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon her or its own motion or at the request of any interested per-

son, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than February 10, 2020. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

**EFFECT ON HOUSING
COSTS AND BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code-reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 324-3854.

**AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES**

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

**TITLE 2. HASTINGS CAMPUS
HOUSING FINANCE AUTHORITY**

NOTICE IS HEREBY GIVEN that the Hastings Campus Housing Finance Authority (the "Authority") has adopted a proposed form of Conflict-of-Interest Code pursuant to California Government Code Section 87300. Pursuant to California Government Code Section 87302, the Conflict-of-Interest Code designates officials and employees who must disclose certain investments, income, interests in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

A written comment period has been established commencing on December 27, 2019 and terminating on February 10, 2020. Any interested person may present written comments concerning the proposed Conflict-of-Interest Code no later than February 10, 2020 to the Hastings Campus Housing Finance Authority, 200 McAllister Street, San Francisco, California 94102, Attention: John K. DiPaolo, General Counsel. No public hearing on this matter will be held unless any interested person or his or her representative requests, no later than 15 days prior to the close of the written comment period, a public hearing.

Copies of the proposed Conflict-of-Interest Code and all of the information upon which it is based may be obtained from the Hastings Campus Housing Finance Authority, 200 McAllister Street, San Francisco, California 94102, Attention: John K. DiPaolo, General Counsel. Any inquiries concerning the proposed Conflict-of-Interest Code should be directed to 200 McAllister Street, San Francisco, California 94102, Attention: John K. DiPaolo, General Counsel, (415) 565-4787.

The adoption of such Conflict-of-Interest Code will not impose a cost or savings on any state agency, or school district that is required to be reimbursed under part 7 (commencing with Section 17500) of Division 4 of the Government Code; will not result in any nondiscretionary cost or savings to local agencies; will not result in any cost or savings in federal funding to the state;

will not impose a mandate on local agencies or school districts; and will not have any potential cost impact on private persons or businesses including small businesses. The Authority must determine that no alternatives considered by the Authority would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 2. STATE PERSONNEL BOARD

NOTICE IS HEREBY GIVEN that the State Personnel Board, pursuant to the authority vested in it by Section 87306 of the Government Code proposes amendment to its conflict-of-interest code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code. A comment period has been established commencing on December 27, 2019 and ending on February 10, 2020. All inquiries should be directed to the contact listed below.

The State Personnel Board proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict-of-interest code include: This amendment designates additional employees that must file a Form 700 Statement of Economic Interests and makes other technical changes to reflect the current organizational structure of the Board. Information on the code amendment is available on the agency's intranet site and attached to this email.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than February 10, 2020, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing has been scheduled concerning the proposed amendments. A person may request a hearing no later than January 26, 2020.

The State Personnel Board has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Dorothy Bacskai Egel, Senior Attorney, State Personnel Board, 801 Capitol Mall, Sacramento, California 95814; (916) 653-1403; Dorothy.Egel@spb.ca.gov.

TITLE 4. DEPARTMENT OF FOOD AND AGRICULTURE

Fireplace and Stove Wood

The California Department of Food and Agriculture (Department) proposes to amend California Code of Regulations (CCR) Title 4, sections 4530 through 4536.2, inclusive, relating to the method of sale and test procedures for stacked and packaged natural firewood (fireplace and stove wood), manufactured wood (artificial compressed or processed logs), stove wood pellets or chips, and wood flavoring chips.

PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person or his or her duly authorized representative submits to the Department a written request for a public hearing no later than 15 days prior to the close of the public comment period. Address the written request for a public hearing to the primary contact person below.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit to the Department written comments relevant to the proposed regulatory action by email, fax, or mail addressed to the primary contact person listed below. Please include 'Firewood Regulation' in the subject line of any email, fax, or letter regarding this rulemaking. The public comment period begins on December 27, 2019, and closes at 5:00 p.m. on February 11, 2020.

AUTHORITY/REFERENCE

The Legislature has charged the Department in Business and Professions Code (BPC) Division 5, section 12100 with the responsibility of supervising weights and measures activities in California. The secretary of the Department is granted authority in BPC section 12027 to adopt such regulations as are reasonably necessary to carry out the provisions of Division 5. The Department's authority to promulgate this regulation is granted in BPC section 12024.11 mandating the secretary to adopt necessary rules and regulations pertaining to the sale or advertisement of firewood products, and to standardize quantities of measurement of these commodities. Authority is also provided in BPC section 12211 and CCR section 4600, requiring the secretary to adopt and incorporate by reference the package checking procedures in the current edition of the National Institute of Standards and Technology (NIST) Handbook 133, *Checking the Net Contents of Packaged Goods* (NIST Handbook 133), "Chapter 3. Test Procedures — For Packages Labeled by Volume, Section 3.14. Firewood — Volumetric Test Procedure for Packaged Firewood with a Labeled Volume of 113 L [4 cubic feet] or Less and Stacked Firewood Sold by the Cord or Fractions of a Cord."

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Method of Sale Requirements

With this rulemaking, the Department proposes to standardize and make consistent the state's method of sale, advertising, and labeling requirements for packaged and non-packaged firewood in CCR sections 4530-4534 with the national uniform model standard for fireplace and stove wood. The Department references the 2019 edition of NIST Handbook 130, *Uniform Laws and Regulations in the Areas of Legal Metrology and Fuel Quality* (NIST Handbook 130), "IV. Uniform Regulations, Section B. Uniform Regulation for the Method of Sale of Commodities, Section 2. Non-Food Products, Section 2.4. Fireplace and Stove Wood," inclusive, for the method of sale, advertising, and labeling requirements of stacked and packaged natural firewood, artificial compressed or processed wood, stove wood pellets or chips, and wood flavoring chips. Current California regulation in CCR section 4531 requires firewood products to be sold by the cord, fraction of a cord, or percentage of a cord; with some exceptions. For example, CCR section 4531(a) requires natural firewood packaged in quantities less than one-eighth cord to be sold in terms of a cubic foot or fraction of a cubic foot, yet it does not include a requirement for declaring the packaged quantity in terms of a liter or fraction of a liter.

In 2016, the National Conference on Weights and Measures (NCWM) changed NIST Handbook 130 requirements for the method of sale of natural firewood and wood flavoring chips packaged in quantities less than one-eighth cord to be advertised and sold in terms of a liter or fraction of a liter, and permissively to include a declaration of quantity in terms of a cubic foot or fraction of a cubic foot. This change created significant conflict between the national uniform model standard and California's regulation. The Department proposes to remove current California regulation and adopt and incorporate by reference the 2019 edition of NIST Handbook 130 for the method of sale of firewood. Doing so will align California's method of sale, advertising, and labeling requirements with the rest of the U.S.

Volumetric Sampling and Test Procedures

In 1991, the Department was ordered by the California Superior Court to adopt necessary rules and regulations pertaining to the sale or advertisement of firewood products, and to standardize quantities of measurement of those commodities. Concurrently and unrelated, the Department was in the process of adopting in regulation all requirements in NIST Handbook 133 in CCR section 4600. However, at that time, NIST Handbook 133 did not include a national uniform model standard for volumetric sampling and test procedures for stacked and packaged firewood. To fulfill the court order, in 1996, the Department cooperatively worked with the firewood industry to draft volumetric sampling and test procedures for stacked and packaged natural firewood. The Department adopted that regulation in CCR sections 4535–4536.2, inclusive. Two years later, California's regulation was presented to NCWM to be considered for adoption in NIST Handbook 133. It was adopted that year and published in the 1999 edition of NIST Handbook 133. Pursuant to CCR section 4600, the Department already adopts the current edition of NIST Handbook 133, so when NCWM changed the national uniform model standard for firewood test procedures, it inadvertently allowed for duplication and conflict of the test procedures in CCR sections 4534–4536.2, inclusive. Being that they were identical at the time, there wasn't a real concern to correct the duplication. Subsequently, NCWM has modified the sampling and test procedures for firewood in NIST Handbook 133 causing the national uniform model standard adopted in CCR section 4600 to be slightly different than the test procedures in CCR sections 4534–4536.2, inclusive.

Consequently, by complying with one they are in violation of the other, and vice versa. Several counties have expressed confusion whether to follow the latest procedures published in NIST Handbook 133, pursuant to BPC section 12221 and CCR section 4600, or those adopted in CCR sections 4535–4536.2, inclusive. Some

weights and measures officials throughout the state are susceptible to misinterpreting and inconsistently applying the dissimilar regulations compared to their counterparts elsewhere in the state. The firewood industry may not be uniformly regulated throughout the state as a result of the differences with the two regulations. To resolve the regulatory conflict and remove the confusion, the Department proposes to repeal CCR sections 4535–4536.2, inclusive. Repealing these sections and deferring to the national uniform model standard published in the current edition of NIST Handbook 133 will harmonize California regulation with other states.

Anticipated Benefits of the Proposed Regulation

The proposed regulation standardizes the unit of measure on the labels and packages of firewood products nationwide. Weights and measures officials in California will have clear test procedures that are identical to those applied throughout the state and in other states that adopt NIST Handbook 133.

The packaged natural firewood industry in California will benefit from the proposed regulation by complying with the method of sale requirements adopted in NIST Handbook 130. The fireplace and stove wood industries can confidently sell firewood products both in California and across the country using the same advertising and package labeling. This proposed regulation also removes confusion and conflict with differing requirements in the national uniform model standard and California regulation. Following NIST Handbook 133 regarding sampling and test procedures for firewood provides the firewood industry and state and county officials with uniform procedures to apply nationwide.

The proposed regulation strengthens consumer confidence and improves the marketplace. Harmonization with the national uniform model standard provides consumers a similar basis of value comparison by having the same unit of measure declared on package labeling. The Department believes this will lead to greater consumer satisfaction and maintain demand for stacked and packaged natural firewood, artificial compressed or processed logs, stove wood pellets or chips, and wood flavoring chips.

The Department determines there will be no significant benefit to the health and welfare of California residents, worker safety, and the state's environment due to the adoption of this regulation.

Consistency and Compatibility with Existing State and Federal Regulations

The Department has determined that this proposed regulation harmonizes method of sale, advertising, and labeling requirements, and removes existing inconsistencies and dissimilarities of firewood test procedures in the California Code of Regulations. The Department is the only state agency with the authority to regulate

firewood and stove wood sold in California. The Department determines that there are no other regulations regarding the method of sale, advertising, and labeling requirements, or sampling and test procedures of firewood and stove wood than those referenced above.

The proposed changes to this regulation do not conflict with any federal regulations contained in the Code of Federal Regulations. The Department is not aware of any Federal laws or regulations relating to the advertising and testing of firewood and stove wood products, and this rulemaking is not mandated by federal law or regulation.

DOCUMENTS ADOPTED AND INCORPORATED BY REFERENCE

The following documents are adopted and incorporated by reference in this proposed regulation:

The 2019 edition of NIST Handbook 130, *Uniform Laws and Regulations in the Areas of Legal Metrology and Fuel Quality* (NIST Handbook 130), “IV. Uniform Regulations, Section B. Uniform Regulation for the Method of Sale of Commodities, Section 2. Non-Food Products, Section 2.4. Fireplace and Stove Wood.” inclusive.

The current edition of NIST Handbook 133, *Checking the Net Contents of Packaged Goods*, “Chapter 3. Test Procedures — For Packages Labeled by Volume, Section 3.14. Firewood — Volumetric Test Procedure for Packaged Firewood with a Labeled Volume of 113 L [4 cubic feet] or Less and Stacked Firewood Sold by the Cord or Fractions of a Cord.” is already adopted and incorporated by reference in CCR section 4600.

LOCAL MANDATE, FISCAL IMPACT, AND HOUSING COSTS

The Department determines that because the proposed regulation only makes technical changes by modifying the state’s method of sale, advertising, and labeling requirements, and the sampling and test procedures, it:

1. Does not impose a mandate on local agencies or school districts;
2. Does not incur costs to any local agency or school district requiring reimbursement pursuant to Government Code sections 17500 et seq.;
3. Does not incur costs or savings to any state agency;
4. Does not incur other non-discretionary costs or savings imposed on local agencies;
5. Does not incur costs or savings in federal funding to the state; and

6. Does not have a significant effect on housing costs.

STATEWIDE ADVERSE ECONOMIC IMPACT

This proposed regulation will have a nominal impact on small and large businesses. However, the Department initially determines that impact is not a significant, statewide adverse economic impact directly affecting California businesses, large or small, including the ability of California businesses to compete with businesses in other states. The costs incurred are nominal.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The Department determines that because the proposed regulation only makes technical changes by modifying the state’s method of sale, advertising, and labeling requirements, and the sampling and test procedures, it:

1. Does not create or eliminate jobs in California;
2. May create new businesses in California that have not previously done business in California because of differences with California’s current regulation compared to the national uniform model standards. The proposed regulation will not eliminate existing businesses in California; and
3. May allow for the expansion of businesses in California, to do business in other states that have also adopted firewood requirements in NIST Handbooks 130 and 133.

Other Anticipated Benefits of this Regulation

In addition to the anticipated benefits mentioned above, the Department determines there will be no other significant benefits to the health and welfare of California residents, worker safety, and the state’s environment due to the adoption of this regulation.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS, INCLUDING SMALL BUSINESSES

The Department is aware of nominal costs imposed on large and small businesses to comply with the method of sale requirements of this proposed regulation. In compliance with current state regulation, many firewood businesses in California, large and small, sell firewood packaged in quantities less than one-eighth cord in terms of a cubic foot or fraction of a cubic foot, and not in terms of a liter or fraction of a liter. Large and small businesses that do not already advertise in terms of a liter or fraction of a liter will have to modify their la-

belonging and advertising to sell packaged quantities in terms of a liter or fraction of a liter. The Department determines that at nominal cost the firewood industry can easily switch from selling firewood in terms of a cubic foot or fraction of a cubic foot to terms of a liter or fraction of a liter.

There will not be a direct economic impact to any California business, large or small, due to the proposed changes to the firewood sampling and test procedures. The Department is not aware of any direct or indirect economic impact to private persons because of this proposed regulation. The Department believes the retail price of firewood and stove wood will not be directly affected.

REPORTING REQUIREMENTS

This proposed regulation does not mandate reporting requirements.

CONSIDERATION OF ALTERNATIVES

Government Code section 11346.5(a)(13) requires that the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

CONTACT INFORMATION

Primary and Secondary Contacts:

Samuel Ferris, Senior Environmental
Scientist (Specialist)
Kevin Schnepf, Environmental Program
Manager I

California Department of Food and Agriculture
Division of Measurement Standards
6790 Florin Perkins Road, Suite 100
Sacramento, CA 95828-1812
Main: (916) 229-3000
Fax: (916) 229-3055
Email: dms@cdfa.ca.gov

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the California Regulatory Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, the Initial Statement of Reasons, and all supporting documents and information relied upon in the development of this proposed regulation. Please submit a request to the address above to receive a copy of the rulemaking file.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After receiving and considering all timely and relevant comments, the Department may adopt the proposed regulation substantially as described in this notice. If, however, the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before the Department adopts the modified regulation. Please submit a request to the above address for a copy of the modified text of the regulation. Include 'Firewood Regulation' in the subject line of any email, fax, or letter regarding this rulemaking.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by submitting a request to the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Department posts electronic copies of this rulemaking file on its website at: www.cdfa.ca.gov/dms/regulations.html

TITLE 14. DIVISION OF BOATING AND WATERWAYS

Division of Boating and Waterways ("Division") proposes to amend the Quagga and Zebra Mussel Infestation Prevention Program ("QZ Program") regulations after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Division has not scheduled a public hearing on this proposed action. However, the Division will hold a

hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period. Such request should be addressed to the Division contact person identified in this Notice and should specify the QZ Mussel Sticker regulations for which the hearing is being requested.

WRITTEN COMMENT PERIOD;
CONTACT PERSON(S)

All persons or their identified representative are invited to submit written comments relevant to the proposed regulations during the public comment period.

The public comment period will end at midnight **February 11, 2020**. Please direct all written comments to the following contact person(s):

Primary Contact:
Charley Hesse
Department of Parks and Recreation
Division of Boating and Waterways
One Capitol Mall, Suite 500
Sacramento, CA 95814
charley.hesse@parks.ca.gov
916.327.1741 office telephone

Back-Up Contact:
Lane Massey
Department of Parks and Recreation
Division of Boating and Waterways
One Capitol Mall, Suite 500
Sacramento, CA 95814
lane.massey@parks.ca.gov
916.327.1916 office telephone

Comments shall satisfy the following requirements:

- Comments shall be in writing, which includes email.
- Comments shall identify the regulations being addressed.
- Comments shall be sent to the rulemaking agency's primary contact person for the regulations.
- All comments no matter how they are routed to primary contact will be made part of the record.

AUTHORITY AND REFERENCE

The Division is authorized by Harbors and Navigation Code, Division 2, Chapter 2, Article 2, Section 63.9, to adopt any rule or regulation or take any action it deems reasonable and necessary to carry out the provi-

sions of the division, and Division 3 commencing with Section 399.

The Division is proposing this action pursuant to the authority vested by the Harbors and Navigation Code, Chapter 5, Division 3, Article 1.3, Section 675 (c): "The department shall adopt an emergency regulation to prescribe procedures for the collection and use of the quagga and zebra mussel infestation prevention fee for the purposes of this article. The emergency regulations shall include rules for administering the grants awarded pursuant to Section 676."

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

This rulemaking action clarifies the procedures for the collection of the quagga and zebra mussel infestation prevention fee in order to comply with federal law and allow the Division to continue receiving its full allocation of federal funding from the Recreational Boating Safety Grant ("RBS") program (46 U.S.C.A. section 12307). This includes changes to provisions in order to uncouple the quagga and zebra mussel infestation prevention fee and the vessel registration fee.

The Legislature enacted Vehicle Code, Chapter 2, Division 3.5, sections 9853 and 9860, which became effective January 1, 1971. These statutes require vessel owners to file an application for original vessel registration and its renewal with the Department of Motor Vehicles ("DMV"), and establishes the fee for such registration. These statutes also require the DMV to collect a QZ Mussel prevention fee from vessel registrants.

This article shall not prevent a special district, city, county or joint powers authority from adopting local regulations or ordinances related to the prevention and eradication of invasive species that exceed the requirements of this article.

ANTICIPATED BENEFITS OF THE
PROPOSED REGULATION

The payment of the QZ Mussel Prevention Fee will be uncoupled from the payment of the Vessel Registration Fee.

The Division will continue to receive the necessary funding to support critical boating safety and enforcement programs by promulgating these regulations. These programs include mandated school-age boating education materials, boating safety publications, a boating safety media campaign, life jacket programs, mandated aquatic center grants, and equipment and training for boating law enforcement. All of these programs enhance boating safety on California's waterways, as well as providing the necessary law enforcement to keep boaters safe.

The Division can continue receiving annual federal grant funding from the RBS Grant program, administered by the U.S. Coast Guard. If withholdings to the RBS grant continue as a result of non-compliance with federal law, the Division would be forced to defund critical programs in the Harbors and Watercraft Revolving Fund (“HWRF”). The HWRF is a special fund supported by vessel registration fees, gas taxes attributed to boats, and interest collected on construction loans. These expenditures are monies that provide the required match for the federal funds. In recent years, the HWRF has become insolvent due to transfers out of the fund, while also experiencing marked decreases in vessel registration income and repaid loan interest. If the U.S. Coast Guard ceases to grant RBS funds to the Department, it would not be feasible for the HWRF to fund an additional \$2–5 million dollars annually due to the loss of federal funding.

DETERMINATION OF
INCONSISTENCY/INCOMPATIBILITY WITH
EXISTING STATE REGULATIONS

The Division has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulation that would relate to or affect this area, the Division has concluded that these are the only regulations that concern the quagga and zebra mussel infestation prevention fee.

DISCLOSURES REGARDING THE
PROPOSED ACTION

The Division has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17500–17630: None.

Other non-discretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to this State: The U.S. Coast Guard will continue to withhold approximately \$2.5 million in federal grant dollars until the mussel fee collection process complies with federal law. This reduction in annual funding (approximately) \$2.5 million will hinder the Department’s ability to maintain existing programs and the HWRF.

Cost impacts on a representative private person or business: None.

The agency is not aware of any cost impacts that a representative private person or business would neces-

sarily incur in reasonable compliance with the proposed action.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.

Significant effect on housing costs: None.

RESULTS OF THE ECONOMIC IMPACT
ANALYSIS/ASSESSMENT

The Division concludes that it is (1) unlikely the proposed action will eliminate any jobs, (2) unlikely the proposed action may create an unknown number of jobs, (3) unlikely the proposal will create new businesses, (4) unlikely that the proposal will eliminate any existing businesses, and (5) unlikely that the proposal will impact the expansion of existing businesses.

The quagga and zebra mussel infestation prevention fee will be transferred to the Harbors and Watercraft Revolving Fund pursuant to the Harbors and Navigation Code section 675(d). While the proposed amendments make changes to the way in which the fee is collected, the amount of the fee itself remains the same.

The payment of the QZ Mussel Prevention Fee will be uncoupled from the payment of the Vessel Registration Fee through these regulatory actions.

The Division will continue to receive the necessary funding to support critical boating safety and enforcement programs by promulgating these regulations. These programs include mandated school-age boating education materials, boating safety publications, a boating safety media campaign, life jacket programs, mandated aquatic center grants, and equipment and training for boating law enforcement. All of these programs enhance boating safety on California’s waterways, as well as providing the necessary law enforcement to keep boaters safe.

The Division can continue receiving annual federal grant funding from the RBS Grant program, administered by the U.S. Coast Guard. If withholdings to the RBS grant continue as a result of non-compliance with federal law, the Division would be forced to defund critical programs in the HWRF. The HWRF is a special fund supported by vessel registration fees, gas taxes attributed to boats, and interest collected on construction loans. These expenditures are monies that provide the required match for the federal funds. In recent years, the HWRF has become insolvent due to transfers out of the fund, while also experiencing marked decreases in vessel registration income and repaid loan interest. If the U.S. Coast Guard ceases to grant RBS funds to the Department, it would not be feasible for the HWRF to fund an additional \$2–5 million dollars annually due to the loss of federal funding.

SMALL BUSINESS DETERMINATION

The Division has determined that it is unlikely the proposed regulations will adversely affect small businesses. The proposed regulations will amend existing regulations, 14 CCR sections 5200.5, 5201, 5202, 5203, 5207, 5209, and adopt section 5212, to clarify procedures for the collection and use of the quagga and zebra infestation prevention fee (“prevention fee”), as required by California Harbors and Navigation Code Chapter 5, Division 3, Article 1.3, section 675. These regulations clarify how the fee will be collected in accordance with the statute and provide consistency with federal law. (46 U.S.C.A. section 12307).

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code 11346.5, subdivision (a)(13), the Division must determine that no reasonable alternatives considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Division is not aware of any reasonable alternatives. However, the Division invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Charley Hesse
Department of Parks and Recreation
Division of Boating and Waterways
One Capitol Mall, Suite 500
Sacramento, CA 95814
charley.hesse@parks.ca.gov
916.327.1741 office telephone

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Lane Massey
Department of Parks and Recreation
Division of Boating and Waterways
One Capitol Mall, Suite 500
Sacramento, CA 95814
lane.massey@parks.ca.gov
916.327.1916 office telephone

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS AND RULEMAKING FILE

The Division will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the Proposed Text of Regulations, the Economic and Fiscal Impact Statement (STD 399) and the Initial Statement of Reasons. Copies may be obtained by contacting **Charley Hesse** at the address or phone number above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing, if any, and considering all timely and relevant comments received the Division may adopt the proposed regulations substantially as described in this notice. If the Division makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Division adopts the regulations as revised, please send requests for copies of any modified regulations to the attention of **Charley Hesse** at the address indicated above. The Division will accept written comments on the modified regulations for 15 days after the date of which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting **Charley Hesse** at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the initial Statement of Reasons, and the text of the regulations in

underline and strikethrough can be accessed through our website at www.dbw.ca.gov.

TITLE 15. BOARD OF STATE AND COMMUNITY CORRECTIONS

MINIMUM STANDARDS FOR TRAINING

Pursuant to the authority granted by Penal Code Sections 6035 and 6036, the Board of State and Community Corrections (BSCC) hereby gives notice of the proposed regulatory action(s) described in this public notice. It is the intent of the BSCC to amend regulations contained in Title 15, Division 1, Chapter 1, Subchapter 1, Article 3, California Code of Regulations, which is commonly known as the Minimum Standards for Training, after considering all comments, objections, and recommendations regarding these regulations.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. **A written comment period has been established commencing on December 27, 2019 and closing on February 10, 2020.** Only comments received at BSCC offices by that date will be considered. Submit comments to:

Ginger Wolfe, Standards and Compliance Officer
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833
(916) 445-5073
ginger.wolfe@bscc.ca.gov

PUBLIC HEARING

BSCC has not yet scheduled a public hearing on this proposed action. However, the BSCC will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public comment period, the BSCC may adopt the proposed regulations substantially as proposed in this notice. If the BSCC makes modifications which are sufficiently related to the original proposed text, it will make the modified text (with the

changes clearly indicated) available to the public for at least 15 days prior to the date that the BSCC adopts the regulation as revised. The BSCC will accept written comments on the modified regulation text during the 15-day period. Comments should be addressed to the primary contact person as provide above.

NOTE: To be notified of any modifications, you must submit written/oral comments at the public hearing, if a hearing is held; submit comments to the BSCC during the written public comment period; or specifically request to be notified of any modifications.

AUTHORITY AND REFERENCE

Penal Code Sections 6035 and 6036 authorize the BSCC to establish and revise the proposed regulations, which would implement, interpret, or make specific Sections 6035 and 6036 of the Penal Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws

Penal Code Sections 6035 and 6036 authorize the BSCC to adopt regulations necessary to establish minimum standards for the selection and training of local corrections and probations officers.

Summary of Existing Regulations

The BSCC promulgates the existing standards which prescribe minimum standards for the selection and training of local corrections and probation officers. These existing standards are codified in Title 15 Crime Prevention and Corrections, Division 1, Chapter 1, Subchapter 1 of the California Code of Regulations (CCR).

Determination of Inconsistency/Incompatibility with Existing State Regulations

The BSCC has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the BSCC has concluded that these are the only regulations that concern minimum training standards for local corrections and probation officers.

Summary of Effect

The proposed action will update Title 15, Division 1, Chapter 1, Subchapter 1, Article 3, CCR by amending hours of instruction required for newly hired local corrections and probation officers and by adopting newly designed transfer academies for officers transferring between classifications.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain regulations for local corrections and probation officers by updating required hours of instruction and to create career opportunities by establishing transfer academies between classifications.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment

The BSCC has determined that there may be a positive impact on the health and welfare of California residents and working safety. The regulations have been updated to improve and enhance training, ensuring that officers are receiving a minimum number of hours for each classification and in transfer academies.

The BSCC has determined that the state’s environment will not be affected by the adoption of these regulations because the regulation only pertains to the minimum standards for training and not to any environmental–related requirements or issues.

The BSCC has determined that there may be a positive impact on the health and welfare of California residents and working safety. The regulations have been updated to improve and enhance training, ensuring that officers are receiving a minimum number of hours for each classification and in transfer academies.

The BSCC has determined that the state’s environment will not be affected by the adoption of these regulations because the regulation only pertains to the minimum standards for training and not to any environmental–related requirements or issues.

Significant effect on housing costs: None.

Business Report Determination: The BSCC finds that this regulation does not impose reporting requirements on businesses.

Small Business Determination: The BSCC has concluded that the implementation of this action will not affect small business as the proposed regulations are only applicable to local city, county, or city and county agencies.

DISCLOSURE REGARDING THE PROPOSED ACTION

The BSCC has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None.

Other nondiscretionary costs or savings imposed on local agencies: None.

Costs or savings in federal funding to the state: None.

Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The BSCC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Adoption of these regulations will not:

- (1) Create jobs or eliminate jobs within California.
- (2) Create new businesses or eliminate existing businesses within California.
- (3) Affect the expansion of businesses currently doing business within California.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the BSCC must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The BSCC invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations at a scheduled hearing or during the written comment period.

AVAILABILITY OF RULEMAKING DOCUMENTS

The Rulemaking File, which includes all the information on which this proposal is based, is available for viewing at the BSCC’s office at the above address and may also be accessed through the BSCC’s website at <http://www.bscc.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the BSCC makes modifications that are sufficiently related to the originally proposed text, it will clearly indicate the changes and make the modified text available to the public for at least 15 days before the BSCC adopts the regulations as revised. The modified text may be accessed through the BSCC website at: <http://www.bscc>.

[ca.gov](http://www.bscc.ca.gov). Those persons who do not have access to the Internet may submit a written request to the contact persons listed below.

**AVAILABILITY OF INITIAL
STATEMENT OF REASONS AND FINAL
STATEMENT OF REASONS**

The Initial and Final Statement of Reasons may be accessed through the BSCC website at: <http://www.bscc.ca.gov>. Those persons who do not have access to the Internet may submit a written request to the contact persons listed below.

**AVAILABILITY OF DOCUMENTS;
INTERNET ACCESS**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in ~~strikeout~~ and underline can be accessed through our website at: <http://www.bscc.ca.gov>. Those persons who do not have access to the Internet may submit a written request to the contact persons listed below.

**CONTACT PERSON FOR SUBSTANTIVE
AND/OR TECHNICAL QUESTIONS**

Inquiries concerning the proposed action may be directed to the primary contact person:

Ginger Wolfe, Standards and Compliance Officer
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833
Phone: (916) 445-5073
ginger.wolfe@bscc.ca.gov
Fax: (916) 327-3317

The auxiliary contact person is:

Mary Wakefield, Field Representative
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833
Phone: (916) 445-5073
mary.wakefield@bscc.ca.gov
Fax: (916) 327-3317

**TITLE 16. CALIFORNIA
ARCHITECTS BOARD**

**Substantial Relationship Criteria, section 110
Criteria for Rehabilitation, section 110.1**

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under Contact Person in this Notice.

COMMENT PERIOD

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than February 10, 2020, or must be received by the Board at the hearing, should one be scheduled.

AVAILABILITY OF MODIFICATIONS

The Board, upon its own motion or at the insistence of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as Contact Person and will be mailed to those persons who submit written testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 481, 482, 493 and 5526 of the Business and Professions Code (BPC), and to implement, interpret or make specific sections 141, 475, 480, 481, 482, 488, 490, 493, 5577, and 5586 of said Code, the Board is considering

changes to sections 110 and 110.1 of article 2 of division 2 of title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST

The California Architects Board (Board) licenses architects. BPC section 5526 requires the Board to adopt rules and regulations governing the examination of applicants for licenses to practice architecture in this state and authorizes the Board to adopt other rules and regulations as may be necessary and proper. In accordance with the statutory amendments implemented by Assembly Bill (AB) 2138 (Chiu, Chapter 995, Statutes of 2018), beginning July 1, 2020, BPC sections 481 and 493 will require the Board, when considering the denial, suspension, or revocation of a license based on a crime, to determine whether the crime is substantially related to the qualifications, functions, or duties of an architect by using specified criteria, including the nature and gravity of the offense, the number of years elapsed since the date of the offense, and the nature and duties of an architect.

BPC section 482 requires the Board to develop criteria to evaluate the rehabilitation of a person when considering the denial, suspension, or revocation of a license. Beginning July 1, 2020, BPC section 482 will require the Board, when considering the denial, suspension, or revocation of a license based on a crime, professional misconduct, or act, to consider whether the applicant or licensee is rehabilitated based on either (1) having completed their criminal sentence without violating parole or probation, or (2) the Board’s standard criteria for evaluating the rehabilitation of applicants and licensees. (BPC section 482, as added by AB 2138, section 9.)

Currently, CCR section 110 establishes the criteria for determining when a crime or act is substantially related to the qualifications, functions, and duties of an architect, and CCR section 110.1 establishes the criteria for determining rehabilitation of an applicant or licensee when considering the denial, suspension, or revocation of an architectural license, or a petition for reinstatement of an architectural license.

The passage of AB 2138 requires CCR sections 110 and 110.1 to be updated to clearly specify the criteria the Board uses when making a substantial relationship determination for an applicant’s or licensee’s criminal conviction or formal discipline by another licensing board and evaluating the rehabilitation of an applicant or licensee when considering denial, suspension, or revocation of a license.

The Board is proposing the following changes:

Amend Title 16 CCR Section 110 — Substantial Relationship Criteria:

The proposed regulation, for purposes of denial, suspension, or revocation of a license, would add professional misconduct and disciplinary actions taken under non-California laws as grounds requiring the Board to consider the substantial relationship criteria, and require the Board, in making the substantial relationship determination for a crime, to consider the following criteria: (1) the nature and gravity of the offense; (2) the number of years elapsed since the date of the offense; and (3) the nature and duties of an architect. The proposal would also clarify that substantially related crimes, professional misconduct, or acts include violating other state laws (including laws of other states) or federal laws governing the practice of architecture.

Amend Title 16 CCR Section 110.1 — Criteria for Rehabilitation:

The proposed regulation would clarify that the Board, when considering a license denial, suspension, or revocation on the ground that the applicant or licensee was convicted of a crime, would have to determine whether the applicant or licensee made a showing of rehabilitation and is presently eligible for a license, if the applicant or licensee completed the criminal sentence without a violation of parole or probation. In making that determination, the proposal would require the Board to consider the nature and gravity of the crime, the length of the parole or probation period, the extent to which the parole or probation period was shortened or lengthened, and the reasons therefor, the terms or conditions of parole or probation and the extent to which they bear on the applicant’s or licensee’s rehabilitation, and the extent to which the terms or conditions of parole were modified, and why. The proposal would require a broader set of rehabilitation criteria to be considered for applicants and licensees who had not completed the criminal sentence without a violation of parole or probation, did not sufficiently demonstrate their rehabilitation under the narrower set of criteria, or when the denial, suspension, or revocation was based on something other than a criminal conviction. Consistent with current CCR section 110.1, subdivision (c), the proposal would also require the Board to consider the two sets of criteria described above when evaluating whether a petitioner for reinstatement of a license is rehabilitated.

POLICY STATEMENT
OVERVIEW/ANTICIPATED
BENEFITS OF PROPOSAL

As specified in the legislative analyses of AB 2138, this proposal seeks to reduce barriers to licensure for individuals with prior criminal convictions or who have been disciplined for professional misconduct or com-

mitted other acts that are grounds for denial, suspension, or revocation of a license, which may reduce recidivism and provide economic opportunity to California's residents. In addition, the proposal seeks to improve clarity, transparency, and consistency for applicants and licensees in the Board's use of their criminal or disciplinary histories. Further, by reducing barriers to licensure, the Board anticipates benefits to consumers who may have greater access to licensed professionals.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing these regulations and amendments, the Board has conducted a search of similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies:

The Board anticipates that there may be an increased cost to the state as a result of amending and adopting the sections identified in the regulatory proposal. By further defining the substantial relationship and rehabilitation criteria for evaluating applicants and licensees with criminal or disciplinary histories, or who have committed other acts that are grounds for denial, suspension, or revocation of a license, Board staff may see an increased workload to research convictions and to substantiate that rehabilitation has been achieved. The Board has determined that the changes and the potential increase would be minor and absorbable.

Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation affects only architect licensure candidates who are subject to denial of a license, licensees who are subject to discipline, and does not affect architectural businesses.

Cost Impact on Representative Private Person or Business: The Board is not aware of any cost impacts

that a representative private person or business would necessarily incur in reasonable compliance with the proposed actions. The intent of AB 2138 is less restriction from licensure for individuals with criminal or disciplinary histories.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The proposed regulations may affect small businesses because they would have a greater pool of licensed professionals from which to hire.

RESULT OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The Board has determined that this proposal may benefit individuals, who would have greater access to licensure, may reduce criminal recidivism, and may provide economic opportunity to California residents with a criminal history. The public may benefit from the proposal with increased access to licensed professionals. Architectural businesses may benefit as they would have a larger pool of licensed professionals from which to hire. The regulatory proposal does not affect worker safety or the state's environment.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

To date, the following options were considered by the Board and rejected:

- Option 1: To pursue a regulatory change that requires the Board to find rehabilitation if the applicant or licensee completed their terms of their criminal probation or parole. Courts give little weight to the fact that an applicant or licensee did not commit additional crimes or continue

addictive behavior while in prison or while on probation or parole since they are under the direct supervision of correctional authorities and are required to behave in an exemplary fashion. As such, the Board believes that reviewing each individual on the basis of multiple criteria is the better indicator of whether individuals are rehabilitated and not a danger to the public's health, safety, and welfare. For these reasons, the Board rejected this option.

- Option 2: To do nothing, meaning the Board would not adopt the regulations. The Board opted not to pursue this option because per AB 2138, the Board is mandated to adopt proposed regulations by July 1, 2020.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, the initial statement of reasons, and all of the information upon which the proposal is based may be obtained at the hearing or prior to the hearing upon request from the California Architects Board at 2420 Del Paso Road, Suite 105, Sacramento, California 95834 or by telephoning the Contact Person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the Contact Person named below.

You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the Contact Person named below (or by accessing the website listed below).

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to the following Board representative:

Name:

Timothy Rodda

Address:

2420 Del Paso Road, Suite 105
Sacramento, CA 95834

Telephone Number:

(916) 575-7217

Fax Number:

(916) 575-7283

E-Mail Address:

timothy.rodde@dca.ca.gov

The backup contact person is:

Name:

Alicia Hegje

Address:

2420 Del Paso Road, Suite 105
Sacramento, CA 95834

Telephone Number:

(916) 575-7216

Fax Number:

(916) 575-7283

E-Mail Address:

alicia.hegje@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.cab.ca.gov.

TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

ORD # 0719-12

ITEM #1 Intercounty Transfer Process

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held on February 12, 2020, at the following address:

Office Building # 8

744 P St. Room 103

Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only if attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with

disabilities. If you need a language interpreter at the hearing (including sign language), please notify CDSS at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, email, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on February 12, 2020.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. Except for nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the initial Statement of Reasons and the text of the proposed regulations are available on the internet at [CDSS' public hearing page](http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information) (<http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information>). Additionally, all the information which CDSS considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading at the address listed below. Following the public hearing, copies of the Final Statement of Reasons will also be available at the following address:

CONTACT

California Department of Social Services
Office of Regulations Development
744 P. Street, MS 8-4-192
Sacramento, CA 95814
Telephone: (916) 657-2586
Fax: (916) 654-3286
Email: ord@dss.ca.gov

CHAPTERS

Manual of Policies and Procedures sections 40-100, 42-400, and 80-300

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These proposed regulations amend the California Work Opportunities and Responsibility to Kids (CalWORKS) Intercounty Transfer (ICT) regulation procedures for a recipient of aid who changes residence from one county to another within the state. These changes are a result of Senate Bill (SB) 1339 (Chapter 801, Statutes of 2016), which became effective June 1, 2017.

Under previous CalWORKS rules, the county where a recipient lived was responsible for paying aid. When a recipient moved from one county to another, the recipient was required to notify the county paying aid of the move and to apply for a redetermination of eligibility in the new county of residence. The first county of residence was required to transfer the recipient's case to the second county of residence no later than the first day of the month following 30 days after notification to the second county.

SB 1339 now requires the recipients to notify either the county from which they move or the county to which they move of the change of residence. The notified county must then initiate an ICT of benefits within seven working days of notification of the new residence. SB 1339 also prohibits the new county of residence from interviewing recipients to determine continued eligibility for CalWORKS until the next scheduled redetermination.

Further, the proposed amendments will clarify the ICT regulations by introducing what actions are taken when the SAR 7 or redetermination is due during the ICT process. The proposed amendments also introduce what action to take when the recipient moves again during the ICT process.

The Department conducted a review of existing regulations and evaluated the proposed regulations for any inconsistency or incompatibility. CDSS has found that these are the only regulations concerning the ICT process in CalWORKS. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations but do fulfill the intent of the Legislature in enacting SB 1339.

Anticipated Benefits of the Proposed Regulation

This regulatory action will benefit the health and welfare of California residents. By requiring the ICT process to be as simple and client friendly as possible, while minimizing county workload, recipients will not receive a break in aid when they move from one county to another. This regulatory action does not make changes to regulations involving worker safety or the state's environment. The amended and adopted regulations will increase the likelihood of stable families moving towards self-sufficiency, resulting in a positive economic impact to the state. In addition, the proposed

regulations will make other technical, conforming changes, such as renumbering of sections and amending cross references as necessary.

COST ESTIMATE

1. Costs or Savings to State Agencies: None.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance with Government Code Sections 17500–17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not on school districts. There are no “state–mandated local costs” in these regulations because there are no new costs to local agencies. These regulations do not make any substantive changes to the existing laws and regulations. Even though there is more detail in the regulations, the intent is to simplify and make the ICT process easier for the recipient, which does not result in any additional costs.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on new State law that makes changes to the CalWORKs ICT process, including no redeterminations unless the annual redetermination is due.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This regulatory action is designed to impact only the CalWORKs population in order to aid and strengthen needy families and there are no known expected costs associated to the individuals.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies. These regulations are mandated by SB 1339 and are only applicable to CalWORKs program recipients; therefore, they do not have a cost impact on the private sector, including small businesses.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The implementation of this regulatory action will benefit CalWORKs recipients who move from one county to another. There are no additional benefits for worker safety or the state’s environment, as the regulations only affect individuals participating in the CalWORKs program.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternatives were identified or brought to the attention of CDSS that would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

CDSS invites interested persons to submit comments, including any alternatives, with respect to the proposed regulation.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10553, 10554, and 10604 of the Welfare and Institutions Code (WIC). Sections 10003 and 11102 of the WIC are referenced to make these regulations more specific.

CDSS REPRESENTATIVE
REGARDING THE RULEMAKING
PROCESS OF THE PROPOSED REGULATION

Contact Person:
Oliver Chu
(916) 657-2586

Backup:
Sylvester Okeke
(916) 657-2586

GENERAL PUBLIC INTEREST

**DEPARTMENT OF
FISH AND WILDLIFE**

CONSISTENCY DETERMINATION
REQUEST FOR

RPH Comptche Ranch Safe Harbor Agreement
2089-2019-003-01
Mendocino County

The California Department of Fish and Wildlife (CDFW) received a notice on December 13, 2019 that RPH Comptche Properties LLC (Applicant) proposes to rely on a federal Safe Harbor Agreement to carry out a project that may provide a net conservation benefit to a species protected by the California Endangered Species Act (CESA). The proposed project involves the implementation of beneficial management activities to provide a net conservation benefit for northern spotted owl (*Strix occidentalis caurina*). The proposed project will occur on the RPH Comptche Ranch in Comptche, Mendocino County, California.

The December 13, 2019 notice requested a CDFW determination pursuant to California Fish and Game Code Section 2089.22, that the Biological Opinion (AFWO-16B0074-18F0403) issued by the U.S. Fish and Wildlife (Service) on August 2, 2019 and safe harbor agreement (TE21176D-0) issued by the Service to the Applicants on August 29, 2019, are consistent with CESA for purposes of the proposed Project. If CDFW determines the federal safe harbor agreement is consistent with CESA for the proposed Project, the Applicants will not be required to obtain a California state safe harbor agreement under Fish and Game Code section 2089 for the Project.

**RULEMAKING PETITION
DECISION**

**DEPARTMENT OF CORRECTIONS AND
REHABILITATION**

**NOTICE OF DECISION ON PETITION TO
AMEND REGULATIONS**

Pursuant to Government Code 11340.7

Petitioner

Christopher Khalil, #AZ3154

Department Contact Person

Please direct any inquiries regarding this action to Ying Sun, Associate Director, Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001.

Availability of Petition

The petition to amend regulations is available upon request directed to the Department's contact person.

Authority

Penal Code Sections 5054 and 5058

**Provisions of California Code Of Regulations
Affected:**

Title 15, Crime Prevention and Corrections
Division 2, Board of Parole Hearings
Division 3, Adult Institutions, Programs and Parole

Summary of Petition and Department Decision:

Subsections 2449.1(e) and 3490(e)

Petitioner's Request: Amend the definition of "Full Term" to remove the word "actual" and the text "not including any sentencing credits."

"Full Term" is currently defined as "the actual number of years imposed by the sentencing court for the inmate's primary offense, not including any sentencing credits."

Reason for Request:

- 1) "Exceed[s] the authority conferred" from Government Code (GC) Section 11342.1.
- 2) Lack[s] "consistency" and is not "reasonably necessary to effectuate" the enabling statute Section 32(b) of the California Constitution.

Department's Response: Petitioner's request is denied for the following reasons:

Subsections 2449.1(e) and 3490(e) were adopted into the California Code of Regulations in June 2018 in the regulatory action concerning the Public Safety and Rehabilitation Act of 2016 (the "Act"). The Act was ap-

proved by California voters on November 8, 2016, and authorizes the California Department of Corrections and Rehabilitation (CDCR) to develop regulations that establish a process for nonviolent offenders who have served the full term for their primary offense in State prison to be considered for parole and to earn sentencing credits.

The Initial Statement of Reasons (ISOR) for the June 2018 regulatory action provides that the term “primary offense,” and the term “full term,” as defined, determine the inmate’s “nonviolent parole eligibility date,” which is the date on which the nonviolent offender is eligible for parole consideration, as required by the Act. Specifically, “primary offense” is defined as “the single crime for which any sentencing court imposed the longest term of imprisonment, excluding all enhancements, alternative sentences, and consecutive sentences.” “Full term” is defined as “the actual number of years, months, and days the sentencing court imposed for that primary offense, not including any sentencing credits.” Taken together, this means that an eligible nonviolent offender will be considered for parole after serving the actual number of years, months, and days imposed by the sentencing court for the crime with the longest sentence. That date, less any pre-sentence credits awarded by the sentencing court, represents the inmate’s “nonviolent parole eligible date,” which determines when the inmate first becomes eligible for parole consideration under this process.

Petitioner argues that the language “actual” and “not including any sentencing credits” in the regulatory definition of full term “stagnates” the purpose of section 32 to provide an earlier avenue for release for nonviolent offenders. However, this argument appears to be based on a misunderstanding of the regulations. California Constitution, Article 1, Section (32)(a)(1) states “Any person convicted of a nonviolent felony offense and sentenced to State prison shall be eligible for parole consideration after completing the full term for his or her primary offense, excluding the imposition of an enhancement, consecutive sentence, or alternative sentence.” Section 32(b) then mandates the Department to adopt regulations in furtherance of those provisions. The purpose of regulations is for an agency to interpret, implement, or make specific the laws it carries out. In accordance with the mandate of section 32(b), the Department adopted language specifying how an inmate’s full term of his or her primary offense will be determined. These regulatory definitions reasonably interpret the intent of the California voters in passing section 32. Contrary to the allegations, the regulations implement the purpose of section 32 by providing parole consideration for nonviolent offenders without application of enhancements, consecutive sentences or alternative sentences. Therefore, the current definition of “Full

Term” in the California Code of Regulations, Title 15, Sections 2449.1(e) and 3490(e) do not exceed any authority granted to the department and are both consistent with the Constitution and necessary to implement this constitutional requirement.

Subsection 2449.1(f) and subsection 3490(f)

Petitioner’s Request: Amend the subsections to remove the language “less any actual days served prior to sentencing as ordered by the court under section 2900.5 of the Penal Code and any actual days served in custody between sentencing and the date the inmate is received by the department” from the definition of “nonviolent parole eligible date.”

“Nonviolent parole eligible date” is currently defined as “the date on which a nonviolent offender who is eligible for parole consideration under Section 3491 has served the full term of his or her primary offense, less any actual days served prior to sentencing as ordered by the court under Section 2900.5 of the Penal Code and any actual days served in custody between sentencing and the date the inmate is received by the department.”

Reason for Request: Petitioner states the noted language:

- 1) “Exceed[s] the authority conferred” from GC Section 11342.1.
- 2) Lack[s] “consistency” and is not “reasonably necessary to effectuate” the enabling statute Section 32(b) of the California Constitution.
- 3) Violates the “expectant liberty interest” those sentenced to incarceration have in “retaining their sentencing credits.”

Department’s Response: Petitioner’s request is denied for the following reasons:

Regarding Petitioner’s concern about the expectant liberty interest in retaining sentencing credits, Petitioner’s argument appears to be based on a misunderstanding of the effect of the language at issue. Specifically, Petitioner appears to believe that the calculation of an inmate’s nonviolent parole eligible date will not credit an inmate for time served on the offense prior to admission into State prison. This is not correct. The petitioner appears to be confusing the processes through which the full term of the primary offense will be calculated, and how the inmate’s actual nonviolent parole eligible date will be determined. As described above, under the regulations, the full term of the primary offense is assessed by determining the exact number of years, months, and days imposed by the court for the crime with the longest term of imprisonment, and does not include any sentencing credits, enhancements, or alternative sentences. To determine the inmate’s nonviolent parole eligible date, which determines when he or she is eligible to begin receiving parole consideration under this process, this length of time is then added to the date

on which the inmate first entered State prison. However, the calculation of the nonviolent parole eligible date is not yet complete because it does not credit the inmate for actual time served toward this full term prior to entering State prison. Thus, to properly credit the inmate for this time already served, it is necessary to subtract from the full term the “actual days served prior to sentencing as ordered by the court under Section 2900.5 of the Penal Code and any actual days served in custody between sentencing and the date the inmate is received by the Department.” The inclusion of this language is how the Department credits inmates for time served prior to entering prison, in contrast with the Petitioner’s belief.

For reasons stated above, this definition does not exceed any authority granted to the Department and is both consistent with the Constitution and necessary to implement this constitutional requirement.

Subsection 3043.2(b)(5)(A)

Petitioner’s Request: Amend the subsection to delete the phrase, “who is assigned to a Minimum A Custody or Minimum B Custody pursuant to section 3377.1.”

Section 3043.2, Good Conduct Credit, subsection (b)(5)(A) currently states: “An inmate eligible to earn day-for-day credit (50 percent) pursuant to paragraph (4)(A) above who is assigned to Minimum A Custody or Minimum B Custody pursuant to section 3377.1.”

Reason for Request: The language violates the equal protection clause of the California Constitution, Article 1.

Department’s Response: Petitioner’s request is denied for the following reasons:

The California Constitution, Article I, section 32(a)(2) states, “Credit Earning: The Department of Corrections and Rehabilitation shall have authority to award credits earned for good behavior. . . .” Section 32(b) then requires the Department to “adopt regulations in furtherance of these provisions.” Section 32 does not specify how the department should determine the manner in which to award credits, but does mandate that, in establishing those processes, “the Secretary of the Department of Corrections and Rehabilitation shall certify that these regulations protect and enhance public safety.”

Subsection 3043.2(b)(5)(A) was enacted along with multiple other regulatory sections to implement and make specific the Department’s processes of awarding credits to inmates for good behavior. The ISOR for the regulatory action adopting subsection 3043.2(b)(5) states, “Subsection 3043.2(b)(5) is adopted to establish that inmates who are eligible to earn day for day credit (50 percent) and who are assigned to Minimum A Custody or Minimum B Custody pursuant to sections

3377.1 . . . will be eligible to earn two days of credit for every day of incarceration (66.6 percent).” Notably, under the California Code of Regulations, Title 15, subsections 3377.1(a)(6) and (a)(7), Minimum A Custody and Minimum B Custody are the two lowest levels of custody classification, meaning the inmates who are demonstrating the highest level of good behavior and the least threat to public safety.

Petitioner requests the Department to remove the limitation on subsection 3043.2(b)(5)(A) to inmates currently assigned to Minimum A Custody or Minimum B Custody because Petitioner states this limitation “effects a disparity in treatment,” in violation of California’s Equal Protection Clause in Article 1, section 7. However, Petitioner’s argument is not correct. Inmates in different custody classification levels are not similarly situated because they demonstrate different levels of behavior and pose different levels of threat to public safety. Thus, establishing different credit earning capacity for different custody levels does not violate the Equal Protection Clause because it is based on the threats posed by inmates at each level. Moreover, under the California Constitution, Article 1, subsections 32(a)(2) and 32(b), the Department is authorized to determine how best to award credit to incentivize “good behavior,” so long as the process enhances “public safety.” Since inmates currently assigned to Minimum A Custody and Minimum B custody under California Code of Regulations, Title 15, Section 3377.1 have most consistently demonstrated good behavior and the least threat to public safety, the department reasonably incentivizes inmates to achieve these custody classification levels by offering them higher credit earning capacity to enhance public safety.

DATE OF DECISION: December 6, 2019

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2019-1203-04
 AIR RESOURCES BOARD
 Cargo Tank Vapor Recovery Program

This action by the California Air Resources Board updates the annual certification fee of vapor recovery systems for cargo tanks.

Title 17
 AMEND: 94014
 Filed 12/11/2019
 Effective 12/11/2019
 Agency Contact: Chris Hopkins (916) 445-9564

File# 2019-1204-01
**CALIFORNIA ALTERNATIVE ENERGY AND
 ADVANCED TRANSPORTATION FINANCING
 AUTHORITY**
 Sales and Use Tax Exclusion Program

This emergency rulemaking by the California Alternative Energy and Advanced Transportation Financing Authority (“CAEATFA”) amends the Sales and Use Tax Exclusion Program to revise definitions, application requirements, eligibility requirements, and compliance deadlines, and to update cross-references and numbering.

Title 4
 AMEND: 10031, 10032, 10033, 10034, 10035,
 10036
 Filed 12/16/2019
 Effective 12/16/2019
 Agency Contact: Ashley Emery (916) 651-5100

File# 2019-1107-01
CALIFORNIA ENERGY COMMISSION
 Appliance Efficiency Regulations

As changes without regulatory effect, the California Energy Commission is amending Appliance Efficiency Regulations by renumbering and relocating definitions into subheadings, making grammatical changes, and updating a cross-reference to reflect a renumbered definition.

Title 20
 AMEND: 1602, 1605.1
 Filed 12/12/2019
 Agency Contact: Corrine Fishman (916) 654-4976

File# 2019-1106-01
**DEPARTMENT OF CORRECTIONS AND
 REHABILITATION**
 Unfavorable Behavior Points

This action amends regulations concerning the calculation of unfavorable behavior points to establish a 10-year limitation period on the length of time a prior serious disciplinary offense, as specified, may count toward an inmate’s preliminary classification score.

Title 15
 AMEND: 3375, 3375.3
 Filed 12/18/2019
 Effective 04/01/2020
 Agency Contact: Jon Struckmann (916) 445-2314

File# 2019-1101-01
DEPARTMENT OF FOOD AND AGRICULTURE
 Electric Vehicle Fueling Systems

Pursuant to section 4000 in Title 4 of the California Code of Regulations, “Commercial weighing and measuring devices shall, except where [otherwise noted], conform to the latest requirements set forth in the National Institute of Standards and Technology Handbook 44 ‘Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices’ [(‘Handbook 44’)]” and to other additional requirements. In this regular rulemaking, the Department of Food and Agriculture is amending and repealing requirements in Handbook 44 for their application in California.

Title 4
 ADOPT: 4002.11
 AMEND: 4001
 Filed 12/17/2019
 Effective 04/01/2020
 Agency Contact: Samuel Ferris (916) 229-3000

File# 2019-1112-06
DEPARTMENT OF JUSTICE
 Phone Number Update

The Department of Justice submitted this action without regulatory effect, pursuant to California Code of Regulations, title 1, section 100, to update four telephone numbers provided in several regulations and in 23 incorporated by reference forms, to update the version date of the forms, and to update the version date in each regulation where the forms are incorporated by reference.

Title 11
 AMEND: 4002, 4018, 4033, 4035, 4045.1, 4130,
 4140, 4142, 4251, 4259, 4260, 4307, 4340, 4352,
 5474.2, 5478, 5480, 5482
 Filed 12/17/2019
 Agency Contact: Julia Zuffelato (916) 210-6040

File# 2019-1210-04
DEPARTMENT OF JUSTICE
 Data Broker Registration

This emergency rulemaking action establishes the initial fee that must be paid in order to register with the Office of the Attorney General as a data broker.

Title 11
 ADOPT: 999.400
 Filed 12/18/2019
 Effective 01/01/2020
 Agency Contact: Julia Zuffelato (916) 210-6040

File# 2019-1030-02
 DEPARTMENT OF MOTOR VEHICLES
 Autonomous Vehicles — Motortrucks

This action by the Department of Motor Vehicles amends regulations relating to the safe operation of autonomous vehicles on public roads in California to include the testing and deployment of autonomous vehicles that can be classified as a motortruck with a gross vehicle weight rating of less than 10,001 pounds.

Title 13
 AMEND: 227.26, 227.28, 228.02
 Filed 12/16/2019
 Effective 12/16/2019
 Agency Contact: Randi Calkins (916) 657-8898

File# 2019-1122-02
 DEPARTMENT OF PUBLIC HEALTH
 Requirements for Use of X-Ray Mammography

The Department of Public Health made comprehensive amendments to regulations pertaining to requirements for the use of X-ray in mammography.

Title 17
 ADOPT: 30315.05, 30315.20, 30315.22, 30315.23, 30315.33, 30315.50, 30315.52, 30316.30, 30317.10, 30317.20, 30318.11
 AMEND: 30315.10, 30315.34, 30315.36, 30315.60, 30316, 30316.10, 30316.20, 30316.60, 30316.61, 30318.10, 30319, 30320.90
 REPEAL: 30315.33, 30315.35, 30315.50, 30315.51, 30315.52, 30316.22, 30316.30, 30316.40, 30316.50, 30317, 30317.10, 30317.20, 30317.30, 30317.40, 30317.50, 30317.60, 30317.70, 30318.11, 30319.20
 Filed 12/18/2019
 Effective 07/01/2020
 Agency Contact: Veronica Rollin (916) 445-2529

File# 2019-1205-01
 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
 Processing Payments

This emergency rulemaking by the Department of Resources Recycling and Recovery establishes a fixed, reasonable financial return for urban and rural recycling centers for the 2020 calendar year. The reasonable financial return for recycling centers shall be equal to 10

percent of the statewide average allowable costs calculated in section 2960 of Title 14 of the California Code of Regulations.

Title 14
 AMEND: 2975
 Filed 12/12/2019
 Effective 12/12/2019
 Agency Contact: Kris Chisholm (916) 322-2404

File# 2019-1031-04
 DIVISION OF BOATING AND WATERWAYS
 California Boater Card

This resubmittal action adopts regulations to clarify and implement the California Boater Card Program pursuant to Harbors and Navigation Code section 678 et seq. (See OAL Matter No. 2019-1031-04.)

Title 14
 ADOPT: 8200, 8200.1, 8200.2, 8200.4
 Filed 12/16/2019
 Effective 12/16/2019
 Agency Contact: Charley Hesse (916) 327-1741

File# 2019-1031-03
 DIVISION OF WORKERS' COMPENSATION
 Workers' Compensation-Official Medical Fee Schedule-Inpatient Hospital

This action by the Division of Workers' Compensation within the Department of Industrial Relations amends the Official Medical Fee Schedule — Inpatient Hospital. This action was submitted to OAL for filing and printing only pursuant to Labor Code section 5307.1, subdivision (g)(2).

Title 8
 AMEND: 9789.25
 Filed 12/12/2019
 Effective 11/01/2019
 Agency Contact: Jarvia Shu (510) 286-0646

File# 2019-1029-02
 FAIR EMPLOYMENT AND HOUSING COUNCIL
 Fair Housing Standard for Denying Reasonable Accommodation Request

These changes without regulatory effect conform three regulations to the language of corresponding federal provisions so that, pursuant to Government Code section 12955.6, state regulations do not provide less fair housing protection for persons with disabilities than does federal law.

Title 2
 AMEND: 12176, 12179, 12180
 Filed 12/12/2019
 Agency Contact: Brian Sperber (213) 337-4495

File# 2019-1118-01
 NEW MOTOR VEHICLE BOARD
 Peremptory Challenge

The New Motor Vehicle Board (Board) filed this action to amend two regulations. The action excludes an intervenor as a party for purposes of filing a peremptory challenge to an Administrative Law Judge for litigants that appear before the Board. An intervenor would still be able to file a challenge for cause to request disqualification of an Administrative Law Judge pursuant to other regulations.

Title 13
 AMEND: 550, 551.12
 Filed 12/17/2019
 Effective 04/01/2020
 Agency Contact:
 Danielle R. Phomsopha (916) 327-3129

File# 2019-1029-03
 OCCUPATIONAL SAFETY AND HEALTH
 (CAL-OSHA) DIVISION
 Recording and Reporting of Occupational Injuries

The Division of Occupational Safety and Health amended two regulations and related exhibits addressing employers' duty to record and report occupational injuries and illnesses.

Title 8
 AMEND: 14300.35, 14300.41
 Filed 12/11/2019
 Effective 12/11/2019
 Agency Contact: Willie N. Nguyen (510) 286-7348

File# 2019-1030-01
 OFFICE OF STATEWIDE HEALTH PLANNING
 AND DEVELOPMENT
 OSHPD Patient Data Reporting Infrastructure
 Modernization

This change without regulatory effect replaced all existing references to an old patient data system with references to the new system, and made other related amendments.

Title 22
 AMEND: 97210, 97212, 97213, 97215, 97240,
 97241, 97244, 97245, 97246, 97247, 97249, 97250
 Filed 12/13/2019
 Agency Contact:
 Kimberly Gustafson (916) 326-3939

File# 2019-1031-01
 WORKERS COMPENSATION APPEALS BOARD
 WCAB Rules of Practice and Procedure

This rulemaking action by the Workers' Compensation Appeals Board (Board) adopted and amended the Board's Rules of Practice and Procedure contained in Title 8 of the California Code of Regulations. This regulatory action is exempt from review by the Office of Administrative Law pursuant to section 11351 of the Government Code.

Title 8
 ADOPT: 10300, 10302, 10355, 10370, 10382,
 10400, 10401, 10403, 10404, 10440, 10450, 10455,
 10462, 10465, 10525, 10540, 10547, 10555, 10560,
 10565, 10610, 10615, 10620, 10625, 10628, 10629,
 10632, 10635, 10637, 10670, 10680, 10700, 10751,
 10752, 10755, 10756, 10758, 10759, 10786, 10787,
 10803, 10807, 10832, 10835, 10862, 10868, 10872,
 10873, 10875, 10876, 10878, 10880, 10888, 10900,
 10905, 10910, 10914, 10940
 REPEAL: 10300, 10302, 10304, 10322, 10349,
 10350, 10351, 10352, 10353, 10364, 10380, 10390,
 10391, 10392, 10393, 10400, 10401, 10402, 10403,
 10412, 10430, 10440, 10445, 10451.1, 10451.2,
 10454, 10462, 10464, 10466, 10480, 10484, 10496,
 10497, 10500, 10501, 10505, 10506, 10510, 10560,
 10562, 10563, 10563.1, 10566, 10578, 10582.5,
 10583, 10600, 10601, 10604, 10605, 10607, 10608,
 10608.5, 10615, 10616, 10622, 10626, 10629,
 10631, 10632, 10633, 10634, 10750, 10751, 10753,
 10770, 10770.1, 10770.7, 10773, 10774.5, 10785,
 10828, 10840, 10844, 10845, 10850, 10852, 10870,
 10874, 10878, 10882, 10888, 10940, 10942, 10946,
 10950, 10995, 10996, 10997
 Filed 12/17/2019
 Effective 01/01/2020
 Agency Contact: Rachel E. Brill (415) 703-4574

**PRIOR REGULATORY
 DECISIONS AND CCR
 CHANGES FILED WITH THE
 SECRETARY OF STATE**

A quarterly index of regulatory decisions by the Office of Administrative Law (OAL) is provided in the California Regulatory Notice Register in the volume published by the second Friday in January, April, July, and October following the end of the preceding quarter. For additional information on actions taken by OAL, please visit www.oal.ca.gov.