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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 CODES

AMENDMENT

MULTI-COUNTY: Shared Agency Risk Pool

ADOPTION

MULTI-COUNTY: KIPP SoCal Public Schools

A written comment period has been established commencing on January 31, 2020 and closing on March 16, 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 his 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 his 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 March 16, 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) 322-5660.

**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 4. CALIFORNIA ALTERNATIVE
ENERGY AND ADVANCED
TRANSPORTATION
FINANCING AUTHORITY**

The California Alternative Energy and Advanced Transportation Financing Authority (the “Authority” or “CAEATFA”), organized and operating pursuant to Division 16 (commencing with Section 26000) of the California Public Resources Code (the “Act”) — pursuant to the authority vested in it by the Public Resources Code Section 26009 to promulgate regulations and Public Resources Code Section 26011 to provide financial assistance to a participating party, and acting pursuant to the Memorandum of Agreement (“MOA”) between CAEATFA and the California Public Utilities Commission (“CPUC”) which sets forth the policies and procedures for establishment of a series of ratepayer — funded pilot programs as authorized and described in the initial CPUC — approved Decision 13-09-044, Decision Implementing 2013-14 Energy Efficiency Financing Pilot Programs (the “Decision”), issued September 20, 2013 and subsequent CPUC actions¹ — proposes to adopt the Affordable Multifamily Energy Efficiency Financing Program regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Authority proposes to adopt Title 4, Division 13, Article 7, Sections 10093.1, 10093.2, 10093.3, 10093.4, 10093.5, 10093.6, 10093.7, 10093.8, 10093.9, 10093.10, and 10093.11 of the California Code of Regulations concerning the implementation of the Affordable Multifamily Energy Efficiency Financing Program (“AMF Program” or “Program”).

The Authority has solicited stakeholder input on Program design since October 2016, which included indi-

¹ CPUC has issued additional decisions and rulings addressing issues related to the implementation of the pilot programs, including: D. 15-06-008, D. 15-12-002, and D. 17-03-026.

vidual meetings and consultation with State agencies and interested parties, notices to interested parties, public availability with comment periods specific to preliminary drafts of proposed regulations and Program structure, and public workshops. Stakeholders included CPUC staff, representatives of the IOUs, implementers of affordable multifamily energy efficiency program, affordable multifamily property owners, cities and counties, various interest and consumer advocacy groups, financial institutions, and technical consulting groups representing the energy efficiency industries. On March 29, 2017, the CPUC issued Decision 17-03-026 which granted the Authority greater flexibility with regard to Program design and structure than previous guidance documents and requirements. As a result, CAEATFA staff determined that it would be most effective to make modifications to the Program, integrating structural changes intended to improve Program reach and impact.

Staff began the initial regulation drafting process in late 2018, and conducted a public workshop seeking input on the Program design in February 2019, followed by public comment period. Initial regulations under the emergency rulemaking process were approved by the CAEATFA Board on April 16, 2019, and subsequently approved by OAL on May 9, 2019 (OAL File No. 2019-0429-01E).

In order to allow time for the regular rulemaking process, Authority staff proposed re-adopting the emergency regulations with no modifications, which was approved by the Office of Administrative Law with an effective date of November 6, 2019 (OAL File No. 2019-1023-01EE). A second re-adoption of the emergency regulations was necessary to allow for additional time to complete the Certificate of Compliance. This second re-adoption was noticed on January 15, 2020, to be submitted to the Office of Administrative Law on January 23, 2020.

This current rulemaking action is substantively similar to the previous rulemaking actions under the emergency rulemaking process (File No. 2019-0429-01E, 2019-1023-01EE, and including the second re-adoption that is yet to have a file number).

PUBLIC HEARING

A public hearing regarding the regulations is scheduled from 2:00 p.m. until business is concluded on Tuesday, March 17, 2020, at 801 Capitol Mall, Room 141, Sacramento, California 95814. Any additional public hearings will be publicized on CAEATFA’s List-serv and on the Authority’s website located at <https://www.treasurer.ca.gov/caeatfa/cheef/multifamily.asp>. To register to participate for the public hearing via webinar, click the link below:

https://zoom.us/webinar/register/WN_ncKVY_PcSGCpbZx3LZIOPg.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the regulations to the Authority. **The written comment period on the regulations ends on Monday, March 16, 2020.** Public comments may be submitted during the public hearing. All comments must be submitted in writing to the Agency Contact Person identified in this Notice by that time in order for them to be considered by the Authority.

In the event that substantial changes are made to the regulations during the written comment period, the Authority will also accept additional written comments limited to any changed or modified regulations for fifteen (15) calendar days after the date on which such regulations, as changed or modified, are made available to the public pursuant to Title 1, Division 1, Chapter 1, Article 2, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency Contact Person identified in this Notice.

AUTHORITY AND REFERENCE

Authority: Public Resources Code Section 26006 and 26009. Section 26006 and 26009 of the Public Resources Code authorizes the Authority to adopt necessary regulations relating to its authority established by the Act, and Public Resources Code 26011 establishes the authority to provide financial assistance to a participating party.

Reference: Public Resources Code Sections 26002, 26002.5, 26003(a)(3)(A), 26003(a)(6), 26003(a)(7)(A), 26003(a)(8)(A), 26011 and 26040. On September 19, 2013, the CPUC approved Decision 13-09-044, and requested the Authority act as the master administrator of the California Hub for Energy Efficiency Financing (“CHEEF”), funded by ratepayer funds collected by the four investor owned utilities — Pacific Gas and Electric Company, San Diego Gas and Electric Company, Southern California Edison Company, and Southern California Gas Company (collectively the “IOUs”). CAEATFA’s purpose is to advance the State’s goals of reducing the levels of greenhouse gas emissions, increasing the deployment of sustainable and renewable energy sources, implementing measures that increase the efficiency of the use of energy, creating high quality employment opportunities, and lessening the State’s dependence on fossil fuels. The Authority’s statute enables it to provide financial assistance to vari-

ous participating parties that carry out eligible projects. In July 2014, CAEATFA received initial Legislative budget authority to administer the CHEEF functions, and subsequently entered into a Memorandum of Agreement with the CPUC and a receivables contract with the IOUs to implement the CHEEF.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes the California Alternative Energy and Advanced Transportation Financing Authority and authorizes the Authority to provide “financial assistance” to “participating parties” for the implementation of “projects” as those terms are defined in Public Resources Code Section 26003. A Memorandum of Agreement between CAEATFA and the CPUC sets forth the policies and procedures for establishment of a series of ratepayer-funded pilot programs as authorized and described in the CPUC-approved Decision 13-09-044, Decision Implementing 2013-14 Energy Efficiency Financing Pilot Programs, and associated governing actions.

Primarily, the pilot programs are intended to attract a greater amount of private capital to the energy efficiency retrofit market by reducing risk to finance companies; broadening the availability of financing to individuals and businesses who might not have been able to access it otherwise; and addressing the upfront cost barrier to energy efficiency retrofit projects.

These proposed regulations establish the rules, process and procedures for the Affordable Multifamily Energy Efficiency Financing Program, including the eligibility and evaluative criteria financing agreements must meet in order for Eligible Financing Agreements to qualify and receive a Loss Reserve Contribution. These regulations also address the eligibility and evaluative criteria of Projects and of contractors performing the installation of Scopes of Work. These regulations are the result of stakeholder comments obtained during public workshops and the regulation review process outlined above.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations.

The Authority has conducted an evaluation of whether or not the proposed regulations are inconsistent or incompatible with existing state regulations and has found that these proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Authority has existing regulations to two similar energy efficiency financing programs, but those regulations are specific to single family residential and small businesses that want to finance energy efficiency retrofits in single family homes and small businesses. As these regulations are specific to affordable multi-

family properties, these regulations are not inconsistent or incompatible with any existing State regulations.

Section 10093.1. Definitions.

This section defines terms commonly used throughout the regulations and Program documents. The definitions provide detail on Program requirements and terminology related to the measures, financing, and participating entities within the Program. In certain instances, the Authority has defined terms which are common in the industry but can be interpreted in many different ways, such as “Distributed Generation” and “Demand Response”. In other instances, terms are defined to improve clarity, avoid unnecessary repetition, and to improve consistency throughout the regulations. For instance, a distinction is made between a “Project”, consisting of one or more Scopes of Work that are installed at an Eligible Property, and an “Eligible Financing Agreement”, which is the agreement between the Finance Provider Entity and Eligible Affordable Multifamily Financing Customer that provides funds to pay for a Project. Further, the Authority clarifies that “Eligible Financing Agreements” must be used to fund improvements to existing buildings rather than new construction or the purchase of a building.

Since the Decision does not define all of the terms required to implement the Program, this section is necessary to define key terms used throughout the regulations to ensure that stakeholders and consumers are provided a clear and transparent description of Program requirements, processes, and procedures. Without proper definitions, terms that require precise interpretation within the context of the Program may have multiple meanings, which could lead to improper utilization of ratepayer funds. Definitions are also necessary to clearly specify requirements and roles of Program participants, standardize naming conventions, avoid unnecessary repetition, and improve general clarity and consistency throughout the regulations.

Section 10093.2. Finance Entity Enrollment.

The purpose of this section is to specify the roles, application process, and eligibility requirements for a finance company to apply for participation in the Program. It details the information and qualifications required of a Finance Provider Applicant, including a comprehensive description of its proposed financing products and how it will utilize credit enhancements to offer benefits to Eligible Affordable Multifamily Financing Customers compared to its typical product offerings. This section also stipulates required acknowledgements, certifications, and representations from Finance Provider Applicants, and establishes procedures for changing product offerings or enrollment status.

This section is necessary to make the application process clear and transparent for private finance com-

panies that want to participate in the Program, making it easier to partner with and attract private capital to increase the volume of Energy Efficiency financing, while establishing a minimum level of requirements to protect ratepayer funds allocated to the Program and maximize their benefits to customers. The information, standards, and covenants required of the Finance Provider Entity are necessary to better ensure that the Authority enters into formal relationships with experienced business partners, and appropriately balances industry standards and innovative approaches to safeguard ratepayer investment.

Section 10093.3. Additional Requirements for Entities that are not Financial Institutions.

The purpose of this section is to set additional standards and requirements for a non-Financial Institution applicant’s qualifications, insurance, quality control systems, and net worth when applying for enrollment in the Program.

Financial Institutions, as defined in these regulations, abide by state and/or federal financial regulatory and insurance requirements that guarantee their financial viability. This section is necessary to attract additional private capital by also providing a path for non-Financial Institutions to participate in the Program, while ensuring they are adequately qualified. It is necessary to provide non-Financial Institution applicants with clear information and expectations, while providing an additional level of oversight to better ensure consumer protection and protect ratepayer funds, and better ensures Program participants operate under industry standards and have the necessary business infrastructure, track record, and experience to bring value and reliability to Eligible Affordable Multifamily Financing Customers under the Program. The provision of standardized detailed information will create uniformity in the information the Authority collects when reviewing applications, and ensure equitable treatment of market actors.

Section 10093.4. Eligible Financial Products.

The purpose of this section is to describe the requirements and establish the minimum standards for Eligible Financing Agreements to be eligible for enrollment in the Program. This section requires that Finance Provider Entities disclose the annual percentage rate or total cost of the Eligible Financing Agreement to the Eligible Affordable Multifamily Financing Customer, and describes the additional requirements for Eligible Financing Agreements, including maximum financed amount, fees, security interests, and whether and how refinancing is allowable. This section also requires that each Enrolled Financing Agreement is consistent with the terms of the Finance Provider Entity’s products that have been approved by the Authority for participation in the Program.

This section is necessary to provide Eligible Affordable Multifamily Financing Customers with certain consumer protections. Disclosing the annual percentage rate or the total financed amount provides the Eligible Affordable Multifamily Financing Customer with information that will assist them in making an informed decision relating to whether or not to finance Energy Efficiency upgrades. A description of other requirements for eligible products is necessary for finance companies to understand what terms and provisions they may offer under the Program, and provides a prospective finance company with information to assist them in deciding whether to apply to the Program.

Section 10093.5. Project Eligibility.

This section details the requirements for Projects to be eligible for financing through the Program. It describes the general eligibility criteria that apply to all Projects, such as a Bill Impact Estimate and inclusion of an Energy Saving Measure, as well as the specific eligibility requirements for Self-Installers. This section specifies the two ways that an Energy Saving Measure may qualify for the Program, and outlines the scope and process for review and verification of installed Energy Saving Measures to ensure compliance with Program requirements, which vary depending on the qualification method.

This section is necessary to establish Project eligibility criteria, measure eligibility criteria, and a verification process for Projects. All improvements installed through the Program must meet these criteria to help ensure Project performance and consumer protection, and help meet the state’s energy policy goals of achieving energy conservation and reduction.

Section 10093.6. Financing Submittal and Enrollment.

The purpose of this section is to detail the full requirements for Project eligibility, including the documentation, data, and signed certifications that must be submitted by each participant to the Authority for the Eligible Financing Agreement for a Project to enroll in the Program.

This section is necessary for the Program to detail requirements that ensure Eligible Financing Agreements comply with and are eligibility under the Program regulations when submitted for enrollment. Additionally, the requirements standardize the submitted data points, which in aggregate will allow the Authority to analyze the impact, reach, and public benefits of the Program.

Section 10093.7. Credit Enhancement.

The purpose of this section is to describe how the Authority will administer credit enhancements to Finance Provider Entities in the form of Loss Reserve Accounts for each Finance Provider Entity, funded by Loss Reserve Contributions upon enrollment of Eligible Financing Agreements.

This section is necessary to establish the administrative process for Loss Reserve Accounts for the benefit of the Finance Provider Entity, as each Eligible Financing Agreement is enrolled in the Program. This section is also necessary to provide the methodology for the calculation of each Loss Reserve Contribution, and the annual rebalance of the Loss Reserve Account funds so that there is procedural certainty, and clarity for Finance Provider Applicants contemplating enrolling in the Program.

Section 10093.8. Claims.

The purpose of this section is to establish the process and terms whereby a Finance Provider Entity may claim and receive reimbursement for a loss incurred from an Eligible Affordable Multifamily Financing Customer’s default on an Enrolled Financing Agreement that results in the Finance Provider Entity charging-off of some or all of its outstanding principal.

This section is necessary to establish processes and procedures for appropriate disbursement of the ratepayer dollars from Loss Reserve Accounts. The Program utilizes ratepayer funds as credit enhancements to incentivize finance companies to extend or improve credit terms, but for the credit enhancements to have the desired effect, the funds in Loss Reserve Accounts must be accessible to Finance Provider Entities when they incur a loss from a charge-off of defaulted Enrolled Financing Agreements.

Section 10093.9. Sale and Transfer of Enrolled Financings and Transfer of Program Roles.

The purpose of this section is to permit the sale, transfer, or assignment of an Enrolled Financing Agreement or the repayments associated with an Enrolled Financing Agreement. This section also permits and establishes requirements for the transfer of Program roles among Affiliate Finance Provider Entities and the Primary Finance Provider Entity when a Finance Provider Entity has more than one entity fulfilling those roles.

This section is necessary to provide Finance Provider Entities with the flexibility to transfer, sell, or assign an Enrolled Financing Agreement to third parties, which is common in the finance industry, and is necessary to encourage a secondary market that expands the energy efficiency financing sector and leads to more capital available for Energy Efficiency improvements. This section is also necessary to provide the flexibility to Finance Provider Entities to share Program roles, while ensuring that at least one entity fulfills each Program role.

Section 10093.10. Reporting.

The purpose of this section is to establish the reporting requirements of Finance Provider Entities to the Authority required under the Program, including the balance, status, and ownership of Enrolled Financing

Agreements, and updates on the Finance Provider Entity's material changes since their application for enrollment.

This section is necessary to enable the Authority to track and audit repayment performance and sale of financings for all Enrolled Financing Agreements, and track customer applications received and approved by the Finance Provider Entity during their participation in the Program. Reporting is necessary to appropriately protect the use of ratepayer funds, analyze the impact on repayments and defaults under the Program, and monitor the creation of a secondary market for the sale of financings. This section is also necessary to help ensure that Finance Provider Entities remain compliant with Program regulations and continue efforts to enroll new financings.

Section 10093.11. California Hub for Energy Efficiency Financing Privacy Rights Disclosure.

The purpose of this section is to discuss the Eligible Affordable Multifamily Financing Customer's privacy rights relating to information collected through the Program, and obtain approval and acknowledgement that authorizes the Program Partners, IOUs, and Finance Provider Entity to share certain information, including information that may be personally identifiable, with the Authority. This was intended in the CPUC Decision, and requires an affirmative release from the borrower. Financing and Energy Efficiency Project performance data may then be made publicly available in an anonymized form and aggregated with information from other Program participants to protect the Eligible Affordable Multifamily Financing Customer's privacy while providing needed transparency into the Program's performance to other government agencies and the public.

This section is necessary for the Authority to obtain customer permission to collect personally identifiable data relating to them, their Projects, and their Enrolled Financing Agreements. Certain information is necessary to understand which customers are being served by the Program, to protect ratepayer funds by ensuring Program compliance, and to determine the Program's performance and reach to strengthen its impact and usability. These data requirements are necessary to comply with reporting requirements contained in the Authority's contracts with the CPUC and the IOUs, and to study the benefits of combining Program benefits with Energy Efficiency rebate and incentive programs. This section is also necessary to follow up with Eligible Affordable Multifamily Financing Customers for post-Project quality assurance and quality control inspections and customer survey and feedback purposes, which is information required under the Decision. An affirmative release of the data is necessary to ensure ad-

equate consumer protection and privacy standards are met.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Executive Director of the Authority has made the following determinations regarding the effects of the regulations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17561: None.

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

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

Significant effect on housing costs: None.

Effect on small business: The proposed regulation may have an effect on small business.

Significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: The Authority has made the determination that the regulations 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.

Cost impact on a representative private person or business: The Authority 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 ECONOMIC IMPACT ANALYSIS

The Authority anticipates that the proposed regulations will (1) unlikely eliminate any jobs within the state, (2) likely create an unknown number of jobs in the energy efficiency industry, (3) unlikely eliminate any existing businesses within the state, and (4) likely have an indirect, non-monetary benefit on small businesses, the health and welfare of California consumers and the state's environment.

The Authority finds that the proposed regulations will have a positive effect on businesses of contractors who conduct the energy efficiency retrofits, and project developers of these retrofits. The proposed regulations may also have a positive effect on the state's economy and environment generally as a result of the increased economic activity and energy conservation as a result of an Eligible Affordable Multifamily Financing Cus-

tomers' investment in energy upgrades to their businesses. Studies have cited the need for lower cost financing as a barrier for business owners to invest in energy upgrades.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Authority must determine that no reasonable alternative 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, 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 Authority invites interested persons to present statements with respect to alternatives to the regulations during the written comment period.

AGENCY CONTACT PERSON

Written comments, inquiries and any questions regarding the substance of the regulations shall be submitted or directed to:

Susan Mills
Program Specialist
CAEATFA
915 Capitol Mall
Sacramento, California 95814
Telephone: 916-651-3760
Email: susan.mills@treasurer.ca.gov

(backup contact) Darren Shearer
Office Technician
CAEATFA
915 Capitol Mall
Sacramento, California 95814
Telephone: 916-653-2510
Email: darren.shearer@treasurer.ca.gov

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF THE PROPOSED REGULATIONS

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the

Authority's office at 801 Capitol Mall, Second Floor, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons, the proposed text of the regulations, the Economic Impact Statement, and the Technical, Theoretical, and/or Empirical Studies, Reports, or Documents. Copies of these items are available upon request from the Agency Contact Person designated in this Notice or at the Authority's website located at <http://www.treasurer.ca.gov/caeatfa/>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the public hearing and at the end of the written comment period, the Authority may adopt the regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that 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 fifteen (15) calendar days before the Authority adopts the proposed regulations, as modified. Inquiries about and requests for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice. The Authority will accept written comments on the modified regulations for fifteen (15) calendar days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, a copy of the Final Statement of Reasons may be requested from the Agency Contact Person designated in this Notice or at the Authority's website located at <https://www.treasurer.ca.gov/caeatfa/cheef/multifamily.asp>.

AVAILABILITY OF MATERIALS ON THE INTERNET

Materials prepared for this rulemaking, including this Notice, the Initial Statement of Reasons, the text of the proposed regulations, the Economic Impact Analysis, and Technical, Theoretical, and/or Empirical Studies, Reports, or Documents may be accessed on the Authority's website located at <https://www.treasurer.ca.gov/caeatfa/cheef/multifamily.asp>.

TITLE 4. CALIFORNIA HORSE RACING BOARD

RULE 1503. QUALIFICATIONS FOR LICENSE AS TRAINER OR ASSISTANT TRAINER

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Board Rule 1503, Qualifications for License as Trainer or Assistant Trainer to change the requirements for taking and passing the trainer examination and for obtaining a Board trainer license. Applicants who have never held a Board occupational license as a trainer or assistant trainer, and who do not currently hold such license in another horse racing jurisdiction, must take the trainer examination. The applicant must pass the trainer examination with a score of 80 percent or higher. Persons taking the trainer examination may no longer re-test for only the failed portion of the test and the entire test must be re-administered. If a candidate fails the test he or she must wait a minimum of 90 days before re-examination. If a candidate fails the test three times within a calendar year, he or she must wait at least one year for re-examination. A successful first-time applicant will no longer receive a Board trainer license. Instead, he or she will be licensed as an assistant trainer and must work for a Board-licensed trainer for a period of one year before becoming eligible to receive a trainer license. A person licensed as an assistant trainer who wishes to obtain a Board trainer license must present a recommendation card signed by a Board-licensed trainer who has employed the applicant for at least one year. The recommendation card also must be signed by a Board steward. The steward's signature certifies that the applicant has maintained a valid Board assistant trainer license in good standing for at least one year and has passed the trainer examination with a score of 80 percent or higher. Applicants for license as trainer or assistant trainer who are currently licensed in another jurisdiction may be subject to any portion of the Board trainer test, as determined by the stewards. Applicants for licensure as a trainer or assistant trainer who wish to change the type of license they hold (ex: from harness racing to flat racing) will be subject to the trainer's test. The proposed amendment changes the title of the regulation from "Qualifications for License as Trainer or Assistant Trainer" to "Qualifications for License as Assistant

Trainer and Trainer" as the change to the title more accurately reflects the steps an applicant must take to ultimately be licensed as trainer. All other changes to the regulation are for purposes of clarity and consistency.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, March 19, 2020**, or as soon after that as business before the Board will permit, at the **Clubhouse at the California Exposition and State Fair Grandstand, 1600 Exposition Boulevard, Sacramento, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes **March 16, 2020**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Zachary Voss, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6036
Fax: (916) 263-6022
Email: zavoss@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19420, 19440, and 19460, Business and Professions Code (BPC).

Reference: Sections 19420, 19440, and 19460, BPC.

BPC sections 19420, 19440, and 19460 authorize the Board to adopt the proposed regulation, which would implement, interpret, or make specific sections 19420, 19440, and 19460 of the BPC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC section 19420 provides that jurisdiction and supervision over meetings in California where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the op-

eration of such meetings, is vested in the Board. BPC section 19440 states the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. BPC section 19460 provides that all licenses granted under this chapter are subject to all rules, regulations, and conditions from time to time prescribed by the Board. Board Rule 1503, Qualifications for License as Trainer or Assistant Trainer, describes the requirements and license examination process for license as trainer or assistant trainer.

Trainers' and assistant trainers' professional duties involve considerable responsibility, complexity, and variety as they decide the day-to-day preparations needed to train a horse to run in a race. They manage the care, feeding, and grooming regimen of the horse, as well as the horse's exercise and rest. In addition, trainers participate in decisions regarding the medication and physical therapy treatments their horses receive. Ideally, trainers and assistant trainers work to run stables that are efficient, cost-effective, and successful, and they hire and train employees in the best practices. This requires that trainers and assistant trainers must be informed about such issues as changing theories in training methods, discoveries regarding the physiological effects of exercise, or research regarding medications and their effects on the horses in their care. Trainers and assistant trainers must also be aware of issues involving stable management and their employees.

Ideally, much of a trainer or assistant trainer's knowledge regarding the management of horse racing operations would come from practical on-track experience. Applicants for a trainer license, however, do not necessarily need on-track experience. Under Board Rule 1503, the Board requires first-time applicants for license as trainer or assistant trainer to pass written, oral, and practical examinations prior to issuance of a license. A candidate for license as trainer or assistant trainer must pass each portion of the examination with a score of at least 80 percent. Under existing regulation, an applicant who fails any portion of the examination must wait one month before being eligible to apply to re-take the failed portion of the exam. The applicant does not have to re-test for those portions of the exam he or she passed. Any person who can pass the trainer examination, pay the fee, and in the case of trainers, provide evidence that liability for worker's compensation has been secured in accordance with California's Labor Code, may obtain a Board trainer license.

Practical on-track experience under the guidance of a Board-licensed trainer is critical for applicants to develop their horsemanship and practical knowledge re-

garding stable operations. Opportunities for guidance and study under a more experienced trainer help develop a familiarity with the day-to-day responsibilities and skills necessary to train race horses, and assistant trainers then are ultimately better equipped to run cost-effective, efficient and safe stables that promote the health and welfare of the equine athletes under their care.

To ensure that applicants for a trainer license possess practical on-track experience, the Board proposes to amend Board Rule 1503. The title of the regulation has been changed to "Qualifications for License as Assistant Trainer and Trainer." The change more accurately reflects the steps an applicant (who has never held a trainer license) must take to ultimately be licensed as a trainer. The applicant must take and pass the trainer test, as well as work with a Board-licensed trainer for a period of at least one year before being eligible to obtain a Board trainer license.

Subsection 1503(a) of the proposed amendment to Board Rule 1503 has been modified to require applicants for license as assistant trainer to pass the trainer examination before being awarded an assistant trainer license. The trainer test is rigorous and includes a written portion that demonstrates an applicant's knowledge of the Board's rules and regulations. The oral and practical portions of the examination include testing the applicant's knowledge of equipment for exercising and racing, different types of leg wraps and bandaging, as well as knowledge of proper stable management. The oral portion is given by the official veterinarian and covers such areas as medication issues, feeding, and track procedures. The trainer test is designed to measure in 15 or 20 minutes a candidate's ability to watch a horse working and decide if the horse needs more, or less training, or if the horse is traveling sore. The ability to judge the horse's overall health and ability is largely the result of hands-on experience, and stewards test for this ability by administering the trainer examination.

Subsection 1503(a)(2) of the proposed amendment to Board Rule 1503 has been modified to provide that applicants who fail any portion of the trainer examination must re-take the examination in its entirety and may not apply for re-examination for at least 90 days from the date of the failed examination. Under the current regulation, applicants may re-apply to take the failed portion of the examination within one month of taking the test. The Board has determined, however, that applicants are qualified for license if they are proficient in all aspects of the trainer examination at any given time, not just a portion of them. Therefore, allowing applicants to re-apply to take only the failed portion of the examination is ineffective for testing the aptitude of potential trainers for the skills and knowledge to manage horse racing operations. Additionally, the Board has deter-

mined that 30 days is not enough time for applicants to prepare for re-examination and the 90-day interlude will provide applicants with the time necessary to improve in areas of the test in which they failed.

A new subsection 1503(a)(3) of the proposed amendment to Board Rule 1503 provides that an applicant who fails the trainer examination three times within a calendar year may not apply for re-examination for at least one year from the date of the third failed examination. An applicant who fails the trainer examination three times within a calendar year has demonstrated a lack of the necessary skills and knowledge required of trainers and assistant trainers and the Board has determined it is necessary to provide a one-year examination hiatus for these applicants so that they may work to improve their horsemanship before retesting.

Subsection 1503(a)(4) of the proposed amendment to Board Rule 1503 provides that the trainer examination shall be scheduled not less than once a month at a time and location designated by the Board. The amendment to this subsection was for purposes of clarity.

New subsections 1503(b) through (b)(2) of the proposed amendment to Board Rule 1503 provide that an applicant for original license as trainer shall hold a Board assistant trainer license in good standing for a minimum of one year and shall have worked in California as an assistant trainer under a Board-licensed trainer for a minimum of one year. To ensure that all aspiring Board-licensed trainers have a solid foundation in race horse management and operations grounded in practical on-track experience, the Board has determined it is necessary for an assistant trainer to have at least one year's experience under the guidance of a Board-licensed trainer before being eligible to apply for license as trainer. The experience of an assistant trainer working under a trainer is the ideal preparation in practical on-track management of horse racing operations. If the trainer works strings of horses at more than one track, the assistant trainer under their supervision may oversee one of the many barns and report to the trainer on progress and important information daily. The assistant trainer would communicate any important details about the horses' ability and soundness. Other assistant trainers may work for a trainer who stays at one track and the trainer and assistant trainer would work together, sharing barn responsibilities. Assistant trainer duties may include communicating with the veterinarian, blacksmith, dentist, and bookkeeper, entering horses to race, recording workout times, completing paperwork, checking the horse for injuries, paddock schooling upcoming runners, saddling for the race, managing grooms, hot walkers and riders, and scheduling workouts and races with agents and jockeys. The assistant trainer's job is to care for the barn as if they are the train-

er and to adequately prepare them to become a Board-licensed trainer.

New subsections 1503(b)(3) through (b)(3)(ii) of the proposed amendment to Board Rule 1503 provide that prior to applying for a trainer license, an applicant for an original license as trainer must submit a California Horse Racing Board Trainer Recommendation Card, Form CHRB-59C (59C) (New 09/19), which is incorporated by reference in Board Rule 1503. The 59C must be signed by a Board-licensed trainer in good standing and a Board steward. The steward's signature certifies that the applicant has maintained a Board assistant trainer's license in good standing for at least one year and that the applicant has passed the Board trainer examination with a score of 80 percent or higher. Traditionally, the stewards have looked for evidence of horse racing experience in persons who wish to take the Board trainer test. Most often this has taken the form of a verbal recommendation by a Board-licensed trainer who has employed the applicant, or a period as a race horse owner. The Board has determined that more substantial evidence of an applicant's horse racing experience is a necessary precondition for qualification to apply for an initial license as a trainer. Therefore, the Board proposes to require assistant trainers to work for a minimum of one year under the employ of a Board-licensed trainer before being eligible to apply for a trainer's license. The trainer's signature on the form 59C certifies that the applicant has worked for him or her as an assistant trainer for a period of at least one year and satisfactorily performed the duties of an assistant trainer while under his or her supervision. If the applicant has worked for multiple trainers with a combined experience of at least one year, the applicant may submit multiple signed recommendation cards.

New Subsections 1503(c) through 1503(c)(1) of the proposed amendment to Board Rule 1503 provide that trainers or assistant trainers from out-of-state jurisdictions who seek licensure in California must demonstrate that they have held similar licenses in other jurisdictions for a minimum of one year and in good standing. The applicants must also appear before the Board of Stewards and may be subject to any portion of the trainer examination and must pass any portion of the trainer examination that the Board of Stewards chooses to administer with a minimum score of 80 percent. If the applicant fails, he or she is subject to the same 90-day or one-year interludes before re-examination that apply to new applicants for licensure. Though the Board recognizes reciprocal licensing between states, some racing jurisdictions do not have licensing standards similar to California and the Board requires a mechanism to ensure that licensees from other jurisdictions possess the requisite horsemanship and command of Board rules

and regulations to responsibly manage racing operations in California.

New subsection 1503(d) of the proposed amendment to Board Rule 1503 provides that a currently licensed trainer or assistant trainer who wishes to change his or her license from one type of racing to another (ex: from harness to flat racing), is required to take the trainer examination and pass with a minimum score of 80 percent. Different breeds of race horses are subject to unique rules and regulations and the idiosyncrasies in stable management and care for race horses of one breed do not always match the requirements of another breed. The Board has determined it is necessary to require re-administration of the trainer examination to ensure that trainers and assistant trainers are well versed in the requirements of the different breeds, prior to switching the type of racing that an applicant is licensed in.

Reference to Business and Professions Code (BPC) section 19510 has been removed as section 19510 applies to stewards and racing officials, not to occupational licensees such as assistant trainers and trainers.

FORMS INCORPORATED BY REFERENCE

- 1) Form CHRB-59C, California Horse Racing Board Trainer Recommendation Card (New 09/19).

The proposed amendment of Board Rule 1503 incorporates by reference Form CHRB-59C, California Horse Racing Board Trainer Recommendation Card (New 09/19) (59C), as it would be cumbersome, unduly expensive or otherwise impractical to publish the documents in the California Code of Regulations (CCR).

The 59C will be used to demonstrate that an applicant for license as a trainer has held a Board assistant trainer license in good standing for a minimum of one year prior to applying for license as a trainer, and the applicant has worked in this state as an assistant trainer under the supervision of a Board-licensed trainer for at least one year. The 59C will be signed by a Board-licensed trainer to certify that the applicant worked for him or her as an assistant trainer and satisfactorily performed the duties of an assistant trainer while under his or her supervision. The 59C will also be signed by a Board steward to certify that the applicant has passed the written, practical and oral portions of the trainer examination and has maintained an assistant trainer license for a minimum of one year in good standing.

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed amendment to Board Rule 1503 will have the benefit of promoting the safety and welfare of race horses, backstretch workers, and exercise riders/jockeys. The amendment provides clarity about how to become qualified for a license as an assistant trainer or trainer and ensures that every eligible applicant has a firm grounding in practical on-track experience with managing racetrack operations. The amendment provides that aspiring trainers work under the supervision of a Board-licensed trainer as assistant trainers for a minimum of one year. This has the benefit of providing assistant trainers an opportunity to study under experienced trainers and gain insight into the practical operation and management of stables, race horses, and staff. Additionally, the proposed amendment provides that qualification for license as assistant trainer and trainer is contingent upon passing the trainer examination with a score of 80 percent or higher. Ensuring that qualifying applicants are well qualified has the benefit of promoting the health and safety of the horses under their care, and the health and safety of the jockeys and drivers who ride those horses.

The proposed amendment to Board Rule 1503 will promote capable and knowledgeable applicants applying for licensure as assistant trainer and trainer. This, in turn, safeguards the health and welfare of horse and rider, but also may result in increased public confidence in the California horse racing industry, which may result in increased wagering. An increase in wagering will have a positive economic impact on the industry by increasing handle, which in turn increases purses and commissions.

CONSISTENCY EVALUATION

During the process of developing the amendment to Board Rule 1503, the Board has conducted a search of any similar regulations on this topic and has concluded that the regulation is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code (GC) sections 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment of Board Rule 1503 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: none.

Cost impact on representative private persons or businesses: none.

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 action. The examination for licensure of trainers and assistant trainers is of no cost to applicants, and so no costs would be incurred by mandating additional examination requirements for applicants.

Significant effect on housing costs: none.

ECONOMIC IMPACT ASSESSMENT

The results of the Board's Economic Impact Assessment as required by GC section 11346.3(b) are as follows:

The proposed amendment to Board Rule 1503 will provide consistency and clarity with regards to the process for trainers and assistant trainers to obtain licensure and will ensure that qualifying applicants for license as assistant trainer and trainer have a solid background with practical on-track experience in management of horse racing operations. The proposed amendment will protect the interests of California horsemen and the public by ensuring trainers and assistant trainers are informed regarding advancements in horsemanship, equine medication and health and safety issues, and issues relating to the health, safety, and welfare of backstretch personnel and jockeys.

The proposed amendment to Board Rule 1503 will impact applicants for license as assistant trainer and trainer. However, the net economic effect of the proposed regulation will be neutral, as the proposed regulation does not impose any new licensure fees.

The proposed regulation will not impact the state's environment.

Cost impact on representative private persons or businesses: 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 action.

Significant effect on housing costs: none.

The adoption of the proposed amendment to Board Rule 1503 will not (1) create or eliminate jobs within

California. Although Board Rule 1503 will require assistant trainers to work for one year under the supervision of a Board-licensed trainer if they wish to ultimately apply for license as trainer, the proposed rule will not create any new jobs in California. A current Board-licensed assistant trainer already must work for a licensed trainer to use such a license; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Board Rule 1503 does not affect small businesses because horse racing is not a small business under GC section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with GC section 11346.5, subdivision (a)(13), the Board has determined 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 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 Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Zachary Voss, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6036
Fax: (916) 263-6022
E-Mail: zavoss@chr.ca.gov

If the person named above is not available, interested parties may contact:

Amanda Drummond, Policy and Regulations
Manager
California Horse Racing Board
Telephone (916) 263-6033
E-mail: amdummond@chr.ca.gov

AVAILABILITY OF INITIAL
STATEMENT OF REASONS AND TEXT OF
PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices 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 the regulation, and the initial statement of reasons. Copies of these documents, or any of the information upon which the proposed rulemaking is based on, may be obtained by contacting Zachary Voss, or the alternative contact person at the address, phone number, or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Zachary Voss at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL
STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Zachary Voss at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its website. The rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. The Board's website address is: www.chrb.ca.gov.

**TITLE 8. OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

**Construction Safety Orders
Section 1630(a)**

Elevators for Hoisting Workers

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) proposes to adopt, amend or repeal the foregoing provisions of Title 8 of the California Code of Regulations in the manner described in the Informative Digest, below.

PUBLIC HEARING

The Board will hold a public hearing starting at 10:00 a.m. on **March 19, 2020** in the **Council Chambers**, of the **Pasadena City Hall, 100 North Garfield Avenue, Pasadena, California**. At this public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

WRITTEN COMMENT PERIOD

In addition to written or oral comments submitted at the public hearing, written comments may also be submitted to the Board's office. The written comment period commences on **January 31, 2020** and closes at 5:00 p.m. on **March 19, 2020**. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments can be submitted as follows:

By mail to Sarah Money, Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; or

By e-mail sent to oshsb@dir.ca.gov.

AUTHORITY AND REFERENCE

Labor Code Section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, Labor Code Section 142.3 requires the adoption of occupational safety and health standards that are at least as effective as federal occupational safety and health standards.

INFORMATIVE DIGEST OF PROPOSED
ACTION/POLICY STATEMENT OVERVIEW

This rulemaking was initiated in response to Occupational Safety and Health Standards Board (Standards

Board) Petition File No. 577 submitted by Mr. Donald A. Zampa, President of the District Council of Iron Workers, and Mr. Greg McClelland, Executive Director of the Western Steel Council, dated June 7, 2019. In the Standards Board’s Decision, dated June 20, 2019, the Petitioners’ request was granted to the extent that Standards Board staff was directed to promptly develop a highly expedited permanent rulemaking limited in scope to clarify the definition of height as used in Section 1630, such that it is more clearly understood to require that an elevator be installed in a building or structure that will ultimately be at least 60 feet, at the time it reaches 36 feet.

The Division of Occupational Safety and Health (Division) reports and stakeholder comments concur, that it has been a prevalent practice during the construction of buildings designed to be 60 feet or more in height upon completion. Federal OSHA does not have an equivalent regulation.

The Board evaluated the proposed regulations pursuant to Government Code section 11346.5(a)(3)(D) and has determined that the regulations are not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system’s component regulations is provided by such things as: (1) the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).

Anticipated Benefit

1630(a) states that buildings or structures at least 60 feet tall require an elevator for hoisting workers. Subsection (d) states that the first landing be installed at 36 feet. A long-standing acceptance within the construction industry resulted in the elevator being installed when the building or structure reached 36 feet.

An Occupational Safety and Health Appeals Board (Appeals Board), Decision After Reconsideration (DAR) of May 29, 2019, ruled that the elevator was not required to be installed until the building reached 60 feet. The ruling has created confusion in the construction industry and creates a hazard to workers who, without an elevator, would need to climb stairs to access the 60-foot building or structure.

Benefits of having an elevator installed at 36 feet versus 60 feet include:

- Allows emergency responders to reach and evacuate workers expeditiously in the event of an injury;

- Faster labor productivity of the workforce due to not using stairs for overall access to the building from lower floors;
- Allows stocking of the building without the use of additional hoisting equipment such as forklifts and cranes;
- Allows for a safer work environment where workers are able to use the hoist rather than stairs to haul tools and equipment to upper floors; and
- Allows for emergency access to upper floors in a more timely manner.

The specific change is as follows:

Existing Section 1630(a) is modified to reflect that an elevator for hoisting workers is to be installed at 36 feet on a building or structure which will be at least 60 feet tall upon completion.

The proposed revision will make it clear that the elevator is required to be installed at the time the building or structure reaches 36 feet in height. The revision will end the confusion created by the Appeals Board decision and ensure it is clear to construction industry employers what their duty to comply is with regard to CPH installation.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on Local Agencies or School Districts:

None.

Cost or Savings to State Agencies: None.

Cost to Any Local Government or School District Which Must be Reimbursed in Accordance with Government Code Sections 17500 through 17630:

None.

Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

Cost or Savings in Federal Funding to the State:

None.

Cost Impact on a 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 action.

Statewide Adverse Economic Impact Directly Affecting Businesses and Individuals: Including the Ability of California Businesses to Compete:

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses/individuals, including the ability of California businesses to compete with businesses in other states.

The proposed revision to Section 1630 is not a new requirement but rather the clarification of a requirement prevalently conformed to within the building industry. As a result of the Appeals Board decision, the proposed revision is necessary to further clarify the requirements of Section 1630(a).

Significant Effect on Housing Costs: None.

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed amendment will not affect small businesses, because the regulation applies to buildings or structures that are 60 feet and higher. Resources required to complete such projects are beyond the scope of small businesses.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The proposed regulation will not have any effect on the creation or elimination of California jobs or the creation of new businesses or the elimination of existing California businesses or affect the expansion of existing California businesses, since this is only a clarification of a long-term understanding that an elevator is to be installed at 36 feet.

BENEFITS OF THE PROPOSED ACTION

The benefits of the regulation to the health and welfare of California residents and worker safety are:

- Allowing emergency responders to reach and evacuate workers expeditiously in the event of an injury;
- Allowing for a safer work environment where workers are able to use the hoist rather than stairs to haul tools and equipment to upper floors;
- Allowing for emergency access to upper floors in a more timely manner; and
- Allowing stocking of the building without the use of additional hoisting equipment such as forklifts and cranes.

This regulation provides no identified benefit to the state's environment.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), 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 either 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 than the proposal described in this Notice.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled public hearing or during the written comment period.

CONTACT PERSONS

Inquiries regarding this proposed regulatory action may be directed to Christina Shupe (Executive Officer) or the back-up contact person, Michael Manieri (Principal Safety Engineer) at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274-5721.

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

The Board 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 of Proposed Action is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulations, the Initial Statement of Reasons, supporting documents, or other information upon which the rulemaking is based. Copies may be obtained by contacting Ms. Shupe or Mr. Manieri at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this Notice. If the Board 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 at least 15 days before the Board adopts the regulations as revised. Please request copies of any modified regulations by contacting Ms. Shupe or Mr. Manieri at the address or telephone number listed above. The Board will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Shupe or Mr. Manieri at the address or telephone number listed above or via the internet.

**AVAILABILITY OF
DOCUMENTS ON THE INTERNET**

The Board will have rulemaking documents available for inspection throughout the rulemaking process on its website. Copies of the text of the regulations in an underline/strikeout format, the Notice of Proposed Action and the Initial Statement of Reasons can be accessed through the Standards Board's website at <http://www.dir.ca.gov/oshsb>

**TITLE 10. BUREAU OF REAL
ESTATE APPRAISERS**

NOTICE IS HEREBY GIVEN that the Bureau of Real Estate Appraisers ("Bureau" or "BREA") is proposing to take the action described in the informative digest below.

PUBLIC HEARING

The Bureau has not scheduled a public hearing on this proposed action. However, the Bureau 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 or email to the address listed under "Contact Person" in this Notice, must be received by the Bureau at its office not later than 5:00 p.m. on March 17, 2020.

AVAILABILITY OF MODIFICATIONS

The Bureau, upon its own motion or at the instance 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 pro-

posal 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 comment related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Authority vested by Sections 481, 482, 493, 11313, and 11314 of the Business and Professions Code to implement, interpret and make specific sections 141, 480, 481, 482, 488, 490, 493, and 11340 of the Business and Professions Code.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Assembly Bill (AB) 2138 (Chiu, Chapter 995, Statutes of 2018) amended the Business and Professions Code related to the substantial relationship determination and the criteria of rehabilitation. These amendments require the Bureau to amend its regulations to consider certain issues when evaluating whether there is a substantial relationship between a crime or act and being an appraiser and whether the individual has been rehabilitated. The Bureau proposes to amend sections 3722 and 3723 to comply with the directive in AB 2138.

Section 3722: Substantial Relationship Criteria

The proposed regulation would change the substantial relationship criteria to allow denial, suspension, or revocation of a license for commission of a crime, professional misconduct, or an act if it is substantially related to the qualifications, functions or duties of a licensee. To determine whether a crime, professional misconduct, or an act is substantially related to the qualifications, functions or duties of a licensee, the Bureau would evaluate if to a substantial degree the crime, professional misconduct, or act evidences present or potential unfitness to hold such a license to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare. The amendments would also establish criteria for the Bureau to consider when making the substantial relationship determination for a crime.

The regulation already lists when a crime or act shall be deemed substantially related to the qualifications, functions or duties of a licensed appraiser. The proposal would add professional misconduct to crimes and acts to be consistent with earlier subsections. The Bureau does not propose amending the actions that are deemed to be substantially related to the qualifications, functions or duties of a licensee.

Section 3723: Criteria of Rehabilitation

The proposed regulation would require the Bureau, when considering denying an applicant who completed the criminal sentence at issue without a violation of probation or parole, to determine whether the applicant made a showing of rehabilitation and is presently eligible for a license. In making that determination, the proposed regulation would require the Bureau 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 rehabilitation, and the extent to which the terms or conditions of parole were modified; and why. When considering denying a license for something other than a completed criminal sentence under Section 480 of the Business and Professions Code or if the Bureau determines the applicant is not rehabilitated pursuant to the criteria above, the Bureau would consider the following criteria: the nature and gravity of the act or crime, evidence of any act or crime committed subsequent to the act under consideration, the number of years that have elapsed since the act or crime, whether the applicant complied with lawful sanctions, all evidence of rehabilitation submitted by the applicant, and the criteria stated above. When the Bureau is considering suspending or revoking a license, the Bureau will consider similar criteria.

ANTICIPATED BENEFITS

As specified in the legislative analyses of AB 2138, this proposal seeks to reduce barriers to licensure for individuals with prior criminal convictions, 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 Bureau’s use of their criminal histories. Further, by reducing barriers to licensure, the Bureau anticipates benefits to consumers who may have greater access to licensees.

CONSISTENCY OR COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing these regulations, the Bureau has conducted a search of any 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 or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to, or mandate imposed on, any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact: The Bureau has made the 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. This is based upon the fact that the proposed amendments are limited to determining whether individuals qualify for a license and whether they have been rehabilitated. These changes will affect few individuals and will likely not result in a significant shift in more or less licensees for businesses to hire.

Cost Impact on Representative Private Person or Business: The Bureau does not anticipate any cost impact as the amendments will not require more from private persons or businesses. As a result the Bureau is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None.

Effect on Small Businesses: The proposed regulations will not impact small businesses because the proposed amendments will affect few individuals and will likely not result in a significant shift in more or less licensees for businesses to hire.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Impact on Jobs/Businesses: The Bureau has determined 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 business in the State of California. This is because the proposed amendments will likely not result in a significant shift in more or less licensees.

Benefits of Regulation: The Bureau has determined that this proposal may benefit individuals, who would have greater access to licensure, reduce criminal recidivism, and provide economic opportunity to California residents with a criminal history. The proposal also improves clarity, transparency, and consistency for applicants and licensees when determining substantial relationship. The public may benefit from the proposal with increased access to licensed professionals. 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 Bureau must determine that no reasonable alternative considered by the Bureau or that has otherwise been identified and brought to the attention of the Bureau 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 Bureau rejected the following alternative. Do nothing, meaning the Bureau would not adopt the regulations. The Bureau opted not to pursue this option because per AB 2138, the Bureau is mandated to adopt proposed regulations by July 1, 2020.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Bureau 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

The proposed text, this notice, the statement of reasons, and any other relevant documents are on the Bureau's website at www.brea.ca.gov. Click the "Laws and Enforcement" tab at the top of the page. Under the heading "Rulemaking Notifications" find the documents associated with this rulemaking subject: "Substantial Relationship and Rehabilitation Criteria."

AVAILABILITY AND LOCATON OF THE STATEMENT OF REASONS, TEXT OF PROPOSED REGULATION 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 person named below. As of the date this notice is published in the Notice of Register, the rulemaking file consists of this notice, the proposed text of the regulation and the initial statement of reasons. Copies may be obtained by

contacting the person named below or by accessing the website as provided above.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its competition, copies of the Final Statement of Reasons may be obtained by contacting the person named below.

CONTACT PERSON

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

Kyle Muteff, Legal Counsel
3075 Prospect Park Drive, Suite 190
Rancho Cordova, CA 95670
Phone: 916-341-6126
kyle.muteff@brea.ca.gov

The backup person is:
Mary Ann Lopez
3075 Prospect Park Drive, Suite 190
Rancho Cordova, CA 95670
Phone: 916-503-5840
maryann.lopez@brea.ca.gov

TITLE 16. CALIFORNIA ACUPUNCTURE BOARD

The Acupuncture Board (Board) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board will hold a public hearing starting at **10:00 a.m. on March 17, 2020**, in the Hearing Room — Room #186 located at 1747 North Market Blvd., Sacramento, CA 95834. The Hearing Room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his/her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments

may also be submitted by facsimile (FAX) at (916) 928-2204 or by e-mail to acupuncture@dca.ca.gov. The written comment period closes **on March 16, 2020**. The Board will consider only comments received at the Board's office by that time. Submit comments to:

Alex Dodge, Policy Analyst
Acupuncture Board
1747 N. Market Blvd., Suite 180
Sacramento, CA 95834

AUTHORITY AND REFERENCE

Business and Professions Code (BPC) sections 481, 482, 493, and 4933 authorize the Board to adopt the proposed regulations. The proposed regulations implement, interpret, and make specific BPC sections 141, 480, 481, 482, 488, 489, 490, 493, 4938, 4944(a), 4955, subdivisions 4955(b), (h), and (j), 4955.1, 4955.2, and 4956.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board licenses acupuncturists, who are licensed health care practitioners that provide health care services. (BPC, sections 4926 and 4927.) Existing law (BPC, sections 480 and 490) presently authorizes the Board to deny an application for licensure or discipline an acupuncturist based on a conviction for a crime or act substantially related to the licensed business or profession. BPC section 481 authorizes the Board to develop criteria for determining whether a crime or act is substantially related to the qualifications, functions, or duties of the acupuncture profession. BPC section 482 requires the Board to develop criteria to evaluate an applicant's or licensee's rehabilitation when considering the denial or discipline of an acupuncture license. The Board has not adopted regulations that set forth its substantial relationship criteria and rehabilitation criteria for crimes or acts considered substantially related to qualifications, functions, or duties of an acupuncture licensee.

Effective July 1, 2020, pursuant to the provisions of Assembly Bill 2138 (Stats. 2018, ch. 995) (hereafter, AB 2138), the Board's existing authority to deny an applicant a license based upon a substantially related criminal conviction will significantly change. This proposal seeks to adopt regulations consistent with this recently enacted legislation and to more accurately reflect the Board's authority to consider denials and discipline under these new criteria.

Effective July 1, 2020, BPC section 481, subsection (b) will require the Board's substantial relationship criteria regulations to include all of the following:

- The nature and gravity of the offense.
- The number of years elapsed since the date of the offense.
- The nature and duties of the profession in which the applicant seeks licensure or in which the licensee is licensed.

The new regulations will also address other changes to law enacted by AB 2138. These proposed regulations include references to "professional misconduct;" this will be considered a legal basis for denial under BPC section 480, if a licensing board, inside or outside of California, subjects the applicant to formal discipline that is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made. The proposed language will also add references to discipline pursuant to BPC section 141 because substantially related acts that are the basis for discipline in another jurisdiction may be used to discipline a licensee under that section.

In addition, the Board proposes to add new rehabilitation criteria to help the Board consider whether an applicant or licensee made a "showing of rehabilitation" as required by AB 2138. (BPC, sections 480, 482, as added by AB 2138, sections 4, 9.) This proposal will also implement changes to how the Board considers rehabilitation evidence when considering denials or discipline.

Anticipated Benefits of the Proposed Regulation:

The proposed new regulations would place applicants and licensees on notice that the Board is statutorily authorized to deny, suspend, or revoke a license because of professional misconduct and discipline taken by another licensing board or jurisdiction. The proposal would also make relevant parties (e.g., the Office of the Attorney General, Office of Administrative Hearings, respondents, and respondent's counsels) aware that when considering denial or discipline of applicants or licensees, the Board uses the listed criteria to determine whether the crime, act, or professional misconduct is substantially related to the practice of acupuncture.

Specifically, AB 2138 was enacted to reduce licensing and employment barriers for people who are rehabilitated. These proposed new regulations would further that goal by adopting criteria that would emphasize an applicant's or licensee's rehabilitative efforts and what would be needed to make a showing of rehabilitation. This may lead to fewer denials and an increase in the number of licensed acupuncturists in the marketplace. Therefore, allowing for more health care

providers to treat increasing numbers of California consumers.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

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

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board 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 cost or savings imposed on local agencies: None.

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

Cost impacts on a 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 action.

Statewide adverse economic impact directly affecting businesses and individuals: None.

Significant effect on housing costs: None.

Business Impact:

This regulation will not have a significant statewide adverse economic impact directly affecting businesses. This initial determination is based on the following facts:

The Board has approximately 12,000 licensees for the current fiscal year. During fiscal year 2016–2017, the Board issued 534 licenses and denied one; in 2017–2018, the Board issued 452 licenses and denied three; and in the first half of 2018–2019, the Board has issued 172 licenses and denied zero. Therefore, the Board has denied fewer than one percent of all applicants over the past three fiscal years.

Since the Board has denied fewer than one percent of all applicants, this proposal will not have an adverse economic impact. AB 2138 was enacted to reduce licensing and employment barriers for people who have been convicted of a crime or due to acts underlying the conviction, who have a certificate of rehabilitation, were granted clemency, made a showing of rehabilitation, or the conviction was dismissed or expunged. These regulations will further assist in that effort

through the adoption of standards designed to implement new substantial relationship and rehabilitation criteria. As a result, the Board anticipates that there will be fewer denials or disciplinary actions based upon criminal convictions and, therefore, no significant or statewide adverse economic impacts.

Effect on Small Business:

The Board has determined that the proposed regulation will not affect small businesses because the proposal is not of sufficient magnitude to positively or negatively affect businesses significantly. Historically, similar regulations adopted by the Board have resulted in fewer than one percent of all applicants being denied. Even assuming the number of denials or discipline would decrease (thus creating more licensed acupuncturists) because of these regulations, the Board believes that the forgoing data demonstrates that the decrease would not be significant enough to expand businesses who hire acupuncturists.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The proposed new regulations will not create new jobs or businesses or eliminate existing jobs or businesses and will not affect the expansion of businesses currently doing business within the State of California because the proposal is not of sufficient magnitude to create or eliminate businesses. Historically, similar regulations adopted by the Board have resulted in fewer than one percent of all applicants being denied. Even assuming the number of denials or discipline would decrease because of these new regulations, the Board believes that this data demonstrates that these regulations would not be significant enough to create or eliminate businesses who hire acupuncturists.

This regulatory proposal will benefit the health and welfare of California residents because by implementing criteria that emphasize rehabilitative efforts, the proposal will create an opportunity for employment for people who have been convicted of a crime and are able to make a showing of rehabilitation. This should lead to an increase in acupuncturists in the marketplace and, therefore, allow more medical providers to treat the increasing numbers of California health care consumers.

This regulatory proposal will not affect worker safety because the proposal does not involve worker safety. The proposal will add new regulations to add substantial relationship criteria and rehabilitation criteria that emphasize an applicant's or licensee's rehabilitative efforts, which may result in having fewer license denials or disciplinary actions based on substantially related crimes, acts, or professional misconduct.

This regulatory proposal will not affect the State's environment because the proposal does not involve envi-

ronmental issues. The proposal will add new regulations to add substantial relationship criteria and rehabilitation criteria that emphasize an applicant’s or licensee’s rehabilitative efforts, which may result in having fewer license denials or disciplinary actions based on substantially related crimes, acts, or professional misconduct.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Name:

Alex Dodge

Address:

1747 N. Market Blvd., Suite 180
Sacramento, CA 95834

Telephone Number:

(916) 515-5200

Fax Number:

(916) 928-2204

E-Mail Address:

acupuncture@dca.ca.gov

The backup contact person is:

Name:

Ben Bodea

Address:

1747 N. Market Blvd., Suite 180
Sacramento, CA 95834

Telephone Number:

(916) 515-5200

Fax No.:

(916) 928-2204

E-Mail Address:

acupuncture@dca.ca.gov

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

The Board 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 of Proposed Action, the proposed Text of the regulations, the Initial Statement of Reasons, and other information upon which the rulemaking is based, including:

- Board’s March 28-29, 2019 approved meeting minutes,
- Board meeting materials (number 10) from March 2019 Board meeting,
- Assembly Bill 2138 (as amended in Assembly April 2, 2018),
- Assembly Bill 2138 (as amended in Senate June 20, 2018),
- Assembly Bill 2138 (chapter 995, Statutes of 2018),
- Senate Committee on Business, Professions and Economic Development Analysis, dated June 18, 2018, and
- Assembly Floor Analysis, dated August 24, 2018.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, the Board will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. Please send requests for copies of any modified regula-

tions to the attention of Kristine Brothers at the address indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Alex Dodge 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 strikeout can be accessed through our website at: https://www.acupuncture.ca.gov/about_us/dpopp.shtml.

**TITLE 27. OFFICE OF
ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
PROPOSITION 65**

**PROPOSED AMENDMENTS TO ARTICLE 6
CLEAR AND REASONABLE WARNINGS**

**AMENDMENTS TO
SECTIONS 25602, 25607, 25607.1, AND 25607.3**

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to amend Title 27, California Code of Regulations, sections 25602, 25607, 25607.1, and 25607.3 to clarify certain provisions of the regulations addressing consumer product exposure warnings, specific product, chemical and area exposure warnings, food exposure warnings, and alcoholic beverage exposure warnings.¹ OEHHA adopted the new Article 6 of Title 27, California Code of Regulations, Section 25600 et seq. in August 2016 and has since adopted several amendments to the regulations to clarify and make specific certain provisions of Article 6. This rulemaking proposes addi-

tional clarifying changes to Section 25602(a), (a)(2), (b) and (c), Section 25607(a)–(d), Section 25607.1(a) and Section 25607.3(a), (a)(1)–(4) and (b).

PUBLIC PROCEEDINGS

In order to be considered, **OEHHA must receive comments on or before March 16, 2020**, the designated close of the written comment period. All comments will be posted on the OEHHA website at the close of the public comment period.

Comments may be submitted electronically through our website at <https://oehha.ca.gov/comments>. In the alternative, comments can be mailed or delivered in person to the address below.

Monet Vela
Office of Environmental Health Hazard Assessment
1001 I Street, 23rd Floor
P. O. Box 4010
Sacramento, California 95812–4010
Telephone: 916–323–2517

OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. If you provide comments, please be aware that your name, address and e-mail may be available to third parties.

A public hearing on these proposed regulatory amendments will only be scheduled upon request. To request a hearing, send an e-mail to Monet Vela at monet.vela@oehha.ca.gov or to the address listed above by no later than **March 2, 2020**. If such a request is made, OEHHA will mail a notice of the hearing to the requester and interested parties on the Proposition 65 mailing list for regulatory public hearings, and the notice will be posted on OEHHA's website at least ten days before the public hearing date. The notice will provide the date, time, and location of the hearing.

CONTACT

Please direct inquiries concerning the proposed regulatory action described in this notice to Monet Vela at (916) 323–2517, or by e-mail to monet.vela@oehha.ca.gov. Carl DeNigris is a back-up contact person for inquiries concerning processing of this action and is available at (916) 322–5624 or carl.denigris@oehha.ca.gov.

AUTHORITY

Health and Safety Code section 25249.12.

¹ All further references are to sections of Title 27, Cal. Code of Regs., unless indicated otherwise.

REFERENCE

Health and Safety Code sections 25249.6, 25249.7 and 25249.11(f).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BACKGROUND

OEHHA is the lead agency that implements Proposition 65² and has the authority to promulgate and amend regulations to further the purposes of the Act. The Act requires businesses to provide a clear and reasonable warning before they cause an exposure to a chemical listed as known to the state to cause cancer or reproductive toxicity.³ The proposed amendments will clarify the requirements for providing safe harbor warnings for products sold on the internet, in catalogs, and certain provisions specific to alcoholic beverage warnings. These amendments track the provisions of a recently proposed settlement between the Attorney General's Office and a number of retailers of alcoholic beverages, thus allowing any alcoholic beverage manufacturer or retailer to use warning methods proposed in that settlement.

SPECIFIC BENEFITS OF THE PROPOSED REGULATIONS

The proposed regulatory action will facilitate businesses' compliance with the Act by providing clarifying changes to the regulations as they relate to specific consumer product exposure warnings for products sold over the internet or through a catalog. The changes will also clarify that internet warnings are required for alcoholic beverage sales and update existing provisions to address other methods for providing warnings for alcoholic beverages. These changes track the provisions of a recently proposed settlement between the Attorney General's Office and a number of retailers of alcoholic beverages, thus allowing any alcoholic beverage manufacturer or retailer to use warning methods proposed in that settlement. The health and welfare of California residents will likely benefit by increasing the public's ability to understand the warnings they receive for certain consumer products they may choose to purchase and the manner by which they receive those warnings.

² Health and Safety Code section 25249.5 et seq., The Safe Drinking Water and Toxic Enforcement Act of 1986, commonly known as "Proposition 65". Hereafter referred to as "Proposition 65" or "the Act".

³ Health and Safety Code section 25249.6.

Businesses will also have more clarity concerning the provision of warnings for consumer products sold via the internet or by catalog, including alcoholic beverages.

NO INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING REGULATIONS

OEHHA has conducted an evaluation and has determined that Article 6 is the only regulation concerning Proposition 65 warnings. Therefore, the proposed regulatory action is neither inconsistent nor incompatible with any other existing state regulations. The action does not change the existing warning requirements on businesses subject to Proposition 65 or state or local agencies, and does not address compliance with any other law or regulation.

LOCAL MANDATE/FISCAL IMPACT

Because Proposition 65 by its terms⁴ does not apply to local agencies or school districts, OEHHA has determined the proposed regulatory action does not impose a mandate on local agencies or school districts; nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action, nor will there be any costs or savings to the state or in federal funding to the state because of the proposed regulatory action.

EFFECT ON HOUSING COSTS

OEHHA has initially determined that the proposed regulatory action will have no effect on housing costs because it does not impose any significant new requirements on any business.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

The proposed regulatory action clarifies existing regulations for safe-harbor warning methods for products sold on the internet and through catalogs, and provides more clarity regarding warning methods for alcoholic beverages, including those sold on the internet or delivered to consumers. The proposed action does not impose any significant new requirements on those businesses. OEHHA has therefore made an initial determination that the adoption of this action will not have a

⁴ See Health and Safety Code section 25249.11(b).

significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

RESULTS OF ECONOMIC IMPACT ANALYSIS
(Gov. Code section 11346.3(b))

OEHHA finds there will be no economic impact related to clarifying the safe-harbor warning methods for products sold on the internet and through catalogs, including warning methods for alcoholic beverages. The amendments do not impose any new costs because they simply clarify these safe-harbor warning methods. The action would not alter the requirement to provide a warning under the Act; it simply modifies non-mandatory safe harbor provisions in the existing regulations.

Creation or Elimination of Jobs within the State of California

The proposed regulatory action will not affect the creation or elimination of jobs within California. The action provides clarity and specificity to the existing safe harbor warning methods for internet and catalog sales, including the sale of alcoholic beverages. It does not alter the requirement to provide a warning under the Act.

Creation of New Businesses or Elimination of Existing Businesses within the State of California

The proposed regulatory action will not affect the creation of new businesses or the elimination of existing businesses within California. The action provides clarification and specificity to the existing safe harbor warning methods for internet and catalog sales, including the sale of alcoholic beverages.

The Expansion of Businesses Currently Doing Business within the State

OEHHA does not anticipate any major impact on the expansion of businesses currently doing business within the state. The action provides clarification and specificity to the existing safe harbor warning methods for internet and catalog sales, including the sale of alcoholic beverages.

Benefits of the Proposed Regulation

Affected businesses will likely benefit from the proposed regulatory action because the amendments provide guidance concerning the manner in which safe-harbor warnings are provided for consumer products sold via the internet or by catalog. For alcoholic beverages, the amendments provide clarity concerning when and how to provide the safe-harbor warning to the purchaser or delivery recipient during internet sales of such

products and prior to consumption, and track the provisions of a recently proposed settlement between the Attorney General's Office and a number of retailers of alcoholic beverages. The health and welfare of California residents will likely benefit by increasing the public's ability to receive timely warnings for certain consumer products, particularly alcoholic beverages, that they purchase via the internet or by catalog, including alcoholic beverages delivered to the consumer.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

OEHHA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory action. The action does not impose any new requirements upon private persons or businesses; it simply clarifies existing provisions of the regulations.

EFFECT ON SMALL BUSINESSES

The proposed regulatory action will not adversely affect very small businesses because Proposition 65 is limited by its terms to businesses with 10 or more employees.⁵

CONSIDERATION OF ALTERNATIVES

Pursuant to Government Code section 11346.5(a)(13), OEHHA must determine that no reasonable alternative considered by OEHHA, or that has otherwise been identified and brought to the attention of OEHHA, would be more effective in carrying out the purpose for which Proposition 65 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.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the proposed amendments to the regulations, all the information upon which the amendments are based, and the text of the proposed amendments. These documents are available on OEHHA's website at www.oehha.ca.gov.

⁵ Health and Safety Code section 25249.11(b).

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

The full text of any amendment to the regulations that is changed or modified from the express terms of this proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on the revised proposed regulatory amendments and the full text will be sent to individuals whose comments were received by OEHHA during the public comment period, individuals who testified or submitted oral or written comments at a public hearing if one is held, and anyone who requests notification from OEHHA of the availability of such changes. Copies of the notice and the changes to the proposed amendments will also be available on the OEHHA website at www.oehha.ca.gov.

AVAILABILITY OF THE FINAL
STATEMENT OF REASONS

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from Monet Vela at the e-mail or telephone number indicated above. The Final Statement of Reasons will also be available on OEHHA's website at www.oehha.ca.gov.

GENERAL PUBLIC INTEREST

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**ANNOUNCEMENT OF AVAILABILITY OF A
DRAFT TECHNICAL SUPPORT DOCUMENT
AND PUBLIC WORKSHOP FOR PROPOSED
PUBLIC HEALTH GOALS FOR HALOACETIC
ACIDS IN DRINKING WATER**

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is announcing the release of a draft document for public review describing proposed Public Health Goals (PHGs) for the five regulated haloacetic acids (HAAs) found in drinking water as a result of disinfection methods: monochloroacetic acid (MCA), dichloroacetic acid (DCA), trichloroacetic acid (TCA), monobromoacetic acid (MBA), and dibromoacetic acid (DBA).

A PHG is the level of a drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drink-

ing Water Act of 1996¹ requires OEHHA to develop PHGs based exclusively on public health considerations.² PHGs published by OEHHA are considered by the State Water Resources Control Board in setting drinking water standards (Maximum Contaminant Levels, or MCLs) for California.³

The technical support document, posted on the OEHHA website (<https://oehha.ca.gov/water>), presents the scientific information available on the toxicity of the HAAs and the calculation of the proposed PHGs. The proposed PHGs of 0.2 parts per billion (ppb) for DCA, 0.1 ppb for TCA, and 0.03 ppb for DBA are based on carcinogenicity and are set at a level of risk of one additional cancer case per one million persons exposed over a 70-year lifetime. The proposed PHGs of 53 ppb for MCA and 25 ppb for MBA are based on noncancer health effects. The draft document also presents health-protective drinking water concentrations for noncancer health effects for DCA, TCA, and DBA.

The public comment period for the draft document begins January 31, 2020 and ends April 1, 2020. The public is encouraged to submit written comments via OEHHA's website, rather than in paper form. Comments may be submitted electronically through the following link: <https://oehha.ca.gov/comments>.

Hard-copy comments may be mailed, faxed, or hand-delivered to the address below. Any written comments concerning this draft PHG document, regardless of the form or method of transmission, must be received by the PHG program by April 1, 2020 to be considered.

The Office will hold a public workshop on March 26, 2020 at the California Environmental Protection Agency Headquarters Building, 1001 I Street, Sacramento, California, 95814, Sierra Hearing Room, from 1:00 p.m. to 3:00 p.m., or until business is concluded, whichever occurs first. The workshop will be webcast, which can be accessed on the day of the workshop at <https://video.calepa.ca.gov>.

Pursuant to Health and Safety Code section 57003, the workshop is provided to enable a dialogue between OEHHA scientists and the public to discuss the scientific basis of the proposed PHGs, and to receive comments. After the closure of the comment period, OEHHA will submit the draft risk assessment for external scientific peer review.⁴

Following the workshop, public comment period and external scientific peer review, OEHHA will evaluate all the comments received, revise the document as appropriate, and make it available for an additional

¹ Codified at Health and Safety Code, section 116270 *et seq.*

² Health and Safety Code, section 116365(c).

³ Health and Safety Code, section 116365(a) and (b).

⁴ Health and Safety Code section 116365(c)(3)(D).

30-day public comment period. After any subsequent revisions, the final document will be posted on the OEHHHA website along with responses to the external peer review comments and to major comments received at the workshop and during the two public comment periods.

If you would like to receive further information on this announcement or have questions, please contact Hermelinda Jimenez at PHG.Program@oehha.ca.gov or at (916) 324-7572. FAX inquiries or comments can be submitted to (916) 323-2265. Written inquiries can also be addressed to:

Pesticide and Environmental Toxicology Branch
Office of Environmental Health Hazard Assessment
California Environmental Protection Agency
P.O. Box 4010, MS-12B
Sacramento, California 95812-4010
Attention: PHG Program

DISAPPROVAL DECISION

**DECISION OF DISAPPROVAL OF
REGULATORY ACTION**

Printed below is the summary of an Office of Administrative Law disapproval decision. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

**DEPARTMENT OF ALCOHOLIC
BEVERAGE CONTROL**

**State of California
Office of Administrative Law**

**In re:
Department of Alcoholic Beverage Control**

**Regulatory Action: Title 04
California Code of Regulations
Adopt sections: 160, 161, 162, 163, 164, 165, 166, 167,
168, 168.1, 168.2, 168.3, 169, 170, 171, 172, 173**

**DECISION OF DISAPPROVAL OF
REGULATORY ACTION**

**Government Code Section 11349.3
OAL Matter Number: 2019-1119-02
OAL Matter Type: Regular (S)**

SUMMARY OF REGULATORY ACTION

On November 19, 2019, the Department of Alcoholic Beverage Control (Department) submitted its regulatory action to the Office of Administrative Law (OAL) by which it proposed to adopt regulations implementing the Responsible Beverage Service Training Program Act of 2017 (Bus. and Prof. Code, sections 25680 *et seq.*).

On January 6, 2020, OAL notified the Department that OAL disapproved the proposed regulations. This Decision of Disapproval of Regulatory Action explains OAL's reasons for disapproval pursuant to the Administrative Procedure Act (APA).

DECISION

OAL disapproved the regulatory action because the proposed regulations failed to comply with the following standards of the APA: (1) clarity; (2) necessity; and (3) procedural standards. The Department must resolve all APA issues before OAL approves any resubmission.

CONCLUSION

For the reasons discussed above, the Department has not complied with the substantive and procedural standards of the APA. Thus, OAL disapproved this regulatory action. On January 13, 2020, OAL emailed a copy of this decision to the Department.

The Department must resolve these issues through modified regulatory text and an addendum to the ISOR, making the modified text and addendum available to the public for comment for at least 15 calendar days before resubmitting this regulatory action to OAL for review. (Gov. Code, sections 11346.8, subd. (c), 11347.1; Cal. Code Regs., tit. 1, section 44.)

Date: January 13, 2020

Mark Storm
Senior Attorney

For: Kenneth J. Pogue
Director

Original:

Jacob Appelsmith, Director

Copy:

Robert de Ruyter
Department of Finance

**AVAILABILITY OF INDEX OF
PRECEDENTIAL DECISIONS**

**CALIFORNIA GAMBLING
CONTROL COMMISSION**

**NOTICE OF AVAILABILITY OF PRECEDENTIAL
DECISIONS AND DECISION INDEX**

Re: Government Code section 11425.60, subdivision (c).

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission (Commission), pursuant to the requirements of section 11425.60 of the Government Code, maintains an index of precedential decisions. The index is available to the public by annual e-mail subscription from the Commission. The index and the text of the precedent decisions can be viewed, by appointment, at the Commission's office below. For subscription or additional information, or to schedule an appointment to view precedent decisions, contact:

Russell Johnson, Staff Counsel
Legal Division
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220
Sacramento, California 95833-4231
Telephone: (916) 263-1523
Facsimile: (916) 263-1365
E-Mail: rjohnson@cgcc.ca.gov

The index and text of the precedential decisions also can be viewed on the Internet at http://www.cgcc.ca.gov/?pageID=Precedential_Decisions.

**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# 2019-1206-02
AIR RESOURCES BOARD
Zero-Emission Powertrain Certification

The Air Resources Board filed this action to establish optional certification procedures for zero-emission powertrains manufactured for 2021 and subsequent model year heavy-duty and incomplete medium-duty electric and fuel-cell vehicles.

Title 13, 17
AMEND: Title 13: 1956.8; Title 17: 95663
Filed 01/21/2020
Effective 04/01/2020
Agency Contact: Chris Hopkins (916) 445-9564

File# 2020-0110-04
BOARD OF EDUCATION
English Language Proficiency Assessments for California

In this emergency readopt rulemaking, the Board of Education is adopting and amending regulations to transition from a paper-based English Language Proficiency Assessment for California to an online test delivery system.

Title 5
ADOPT: 11518.37, 11518.77
AMEND: 11518, 11518.5, 11518.15, 11518.20, 11518.25, 11518.30, 11518.35, 11518.40, 11518.45, 11518.50, 11518.75
Filed 01/17/2020
Effective 01/29/2020
Agency Contact: Hillary Wirick (916) 319-0860

File# 2019-1213-02

**CALIFORNIA ALTERNATIVE ENERGY AND
ADVANCED TRANSPORTATION FINANCING
AUTHORITY**

Commercial Energy Efficiency Financing Program

This action makes permanent the emergency regulations which authorized the California Alternative Energy and Advanced Transportation Financing Authority (Authority) to administer the “Commercial Energy Efficiency Financing Program” which enables the Authority to continue to promote energy savings and the reduction of greenhouse gases through more affordable small business energy efficiency upgrades.

Title 4

AMEND: 10092.1, 10092.2, 10092.3, 10092.4, 10092.5, 10092.6, 10092.7, 10092.8, 10092.9, 10092.10, 10092.11, 10092.12, 10092.13, 10092.14

Filed 01/21/2020

Effective 01/21/2020

Agency Contact: David Gibbs (916) 653-2212

File# 2019-1206-01

**CALIFORNIA GAMBLING CONTROL
COMMISSION**

Updates and Amendments to Hearings

This resubmittal action amends the evidentiary hearing process related to applications for licenses or other approvals under Commission jurisdiction, pursuant to Business and Professions Code section 19800 et seq. (See OAL Matter No. 2019-0910-02.)

Title 4

ADOPT: 12057

AMEND: 12002, 12006, 12012, 12014, 12015, 12017, 12035, 12050, 12052, 12054, 12056, 12058, 12060, 12062, 12064, 1266, 12068

Filed 01/22/2020

Effective 04/01/2020

Agency Contact: Josh Rosenstein (916) 274-5823

File# 2019-1203-01

**CALIFORNIA HEALTH FACILITIES FINANCING
AUTHORITY**

Children’s Hospital Program of 2018

On November 6, 2018, California voters passed Proposition 4, which enabled the State of California to issue \$1.5 billion in general obligation bonds to fund the Children’s Hospital Program of 2018 (the “Program”).

Pursuant to Health and Safety Code section 1179.84, “The purpose of the . . . Program is to improve the health and welfare of California’s critically ill children by providing a stable and ready source of funds for capital improvement projects for children’s hospitals.” In this Certificate of Compliance, which makes permanent the changes made in OAL Matter No. 2020-0102-03EE, the California Health Facilities Financing Authority is creating the mechanism whereby these funds may be disbursed to eligible entities.

Title 4

ADOPT: 7000, 7001, 7002, 7003, 7003.1, 7004, 7004.1, 7005, 7006, 7006.1, 7007, 7007.1, 7008, 7008.1, 7009, 7010, 7011, 7012, 7013, 7013.1, 7013.2, 7014, 7015, 7015, 7017

Filed 01/16/2020

Effective 01/16/2020

Agency Contact: Yuanyuan Wei (916) 653-3839

File# 2019-1205-02

CALIFORNIA HIGHWAY PATROL

Inhalation Hazards Routes — Map 5

This action amends the designated routes for the transportation of inhalation hazards by commercial vehicles on highways in the Mojave and Barstow-Hinkley areas of California.

Title 13

AMEND: 1157.14

Filed 01/15/2020

Effective 04/01/2020

Agency Contact: Tian-Ting Shih (916) 843-3400

File# 2019-1202-01

**COMMISSION ON PEACE OFFICER STANDARDS
AND TRAINING**

Regulation 1052(b)(6) Budget

The Commission on Peace Officer Standards and Training are establishing when a budget is required for a certified course. A budget is not required unless the total course tuition per student is more than \$125 per day of instruction.

Title 11

AMEND: 1052

Filed 01/15/2020

Effective 04/01/2020

Agency Contact: David Cheng (916) 227-4855

File# 2019-1212-02
 DEPARTMENT OF CHILD SUPPORT SERVICES
 Repeal MPP Chapter 12-500; Adopt Refunds of Over-Collections

This action repeals all of Chapter 12-500 of the Manual of Policies and Procedures, and adds new procedures for processing over-collected payments.

Title 22, MPP
 ADOPT: 110487, 119905
 REPEAL: 12-501, 12-505, 12-510, 12-515, 12-520
 Filed 01/22/2020
 Effective 04/01/2020
 Agency Contact: Andrew Enriques (916) 464-6689

File# 2020-0110-01
 DEPARTMENT OF INSURANCE
 Conflict-of-Interest Code

This is a Conflict-of-Interest code that has been approved by the Fair Political Commission and is being submitted for filing with the Secretary of State and printing only.

Title 10
 AMEND: 2690, 2690.1
 Filed 01/15/2020
 Effective 02/14/2020
 Agency Contact:
 Lisbeth Landsman-Smith (916) 492-3561

File# 2019-1224-02
 FAIR POLITICAL PRACTICES COMMISSION
 18702.5 Materiality Standard

This action by the Fair Political Practices Commission repeals existing section 18702.5 and adopts new section 18702.5 relating to the materiality standard for financial interests in an official's personal finances.

Title 2
 ADOPT: 18702.5
 REPEAL: 18702.5
 Filed 01/15/2020
 Effective 02/14/2020
 Agency Contact: Amanda Apostol (916) 324-3854

File# 2019-1224-03
 FAIR POLITICAL PRACTICES COMMISSION
 18702.4 Materiality Standard

This action by the Fair Political Practices Commission amends to redefine the meaning of a material financial effect of a governmental decision on the source of a gift to a public official.

Title 2
 AMEND: 18702.4
 Filed 01/21/2020
 Effective 02/20/2020
 Agency Contact: Amanda Apostol (916) 324-3854

File# 2019-1227-01
 FAIR POLITICAL PRACTICES COMMISSION
 Governance Principles

This action by the Fair Political Practices Commission (Commission) repeals regulation sections relating to governance principles for the Commission.

Title 2
 REPEAL: 18308, 18308.1, 18308.2, 18308.3
 Filed 01/16/2020
 Effective 02/15/2020
 Agency Contact: Amanda Apostol (916) 324-3854

File# 2020-0106-02
 OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
 Protection from Wildfire Smoke

This emergency readopt action clarifies existing regulations regarding general respiratory protection at the workplace by adopting more specific standards with respect to protections from wildfire smoke. (See OAL Matter No. 2019-0709-04E.)

Title 8
 ADOPT: 5141.1
 Filed 01/16/2020
 Effective 01/24/2020
 Agency Contact: Christina Shupe (916) 274-5721

File# 2019-1203-03
 STATE WATER RESOURCES CONTROL BOARD
 Central Valley Salt and Nitrate Control Program Basin Plan Amendments

On May 31, 2018, the Central Valley Regional Water Quality Control Board adopted Resolution No. R5-2018-0034 amending the Water Quality Control Plans for the Central Valley Region to incorporate a Central Valley-wide Salt and Nitrate Control Program. On October 16, 2019, the State Water Resources Control Board approved this amendment under Resolution No. 2019-0057. This action is submitted to the Office of Administrative Law for review pursuant to Government Code section 11353.

Title 23
 ADOPT: 3949.16
 Filed 01/15/2020
 Effective 01/15/2020
 Agency Contact: Anne Walters (916) 464-4840

**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.