



# California Regulatory Notice Register

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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. CALIFORNIA VICTIM  
COMPENSATION BOARD**

**INCOME OR SUPPORT LOSS RESULTING  
FROM THE DEPRIVATION OF LIBERTY**

Title 2, section 649.32.1

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

**PUBLIC HEARING**

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

**WRITTEN COMMENT PERIOD**

Any interested individual, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period closes at 5:00 p.m. on March 31, 2020. The Board will consider only comments received at the Board's office by that time. Submit written comments to:

Neil Ennes, Legislative Manager  
California Victim Compensation Board  
P.O. Box 48  
Sacramento, CA 95812-0048

Comments may also be submitted by facsimile (FAX) at (916) 491-6441 or by e-mail to [regulations@victims.ca.gov](mailto:regulations@victims.ca.gov).

**AUTHORITY AND REFERENCE**

Government Code section 13920 authorizes the Board to adopt this proposed regulation. The proposed regulation action is intended to implement, interpret and make specific Government Code section 13957.5.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

Government Code section 13950 requires the California Victim Compensation Board (Board) to "assist residents of the State of California in obtaining compensation for the pecuniary losses they suffer as a direct result of criminal acts." The Board provides compensation for victims of violent crime who suffer physical injury, threat of physical injury or emotional injury. Among the crimes covered are domestic violence, child abuse, sexual and physical assault, homicide, robbery, vehicular manslaughter, and human trafficking. If a person meets eligibility criteria, the Board can provide compensation for many services when the costs are not covered by other sources. Eligible services include medical and dental care, mental health services, income loss, funeral expenses, rehabilitation and relocation, among many others.

AB 629 (Smith, Chapter 575, Statutes of 2019) amended Government Code section 13957.5 to expand the services provided by the Board to include compensation equal to the loss of income or support that a victim incurs as a direct result of the victim's deprivation of liberty during the crime of human trafficking. Compensation is to be calculated based on the value of the victim's labor as guaranteed under California law, the minimum wage, for up to 40 hours per week, not to exceed \$10,000 per year that the services were performed, for a maximum of two years.

The bill requires the Board, on or before July 1, 2020, to adopt regulations that allow it to rely on evidence other than official employment documentation in considering and approving an application for that compensation. The evidence may include any reliable corroborating information approved by the Board, including, but not limited to, a statement under penalty of perjury from the applicant, a human trafficking caseworker as defined in Section 1038.2 of the Evidence Code, a licensed attorney, or a witness to the circumstances of the crime. The proposed regulatory action is intended to comply with this requirement.

*Anticipated Benefits of the Proposed Regulation:*

The proposed regulation complies with the legislative mandate established by AB 629. It also makes specific the ability of the Board to consider evidence other than official employment documentation in considering and approving an application for compensation of

the loss of income or support that a victim incurs as a direct result of the victim's deprivation of liberty during the crime of human trafficking.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

The proposed regulation is not inconsistent or incompatible with existing state regulations as the statutory changes made by AB 629 provide an exception to existing requirements for the compensation of income or support loss in the case of a victim of human trafficking.

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 individual 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.

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

Significant effect on housing costs: None.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The purpose of the proposed regulation is to make specific an evidentiary standard that is created by recent legislation. Because the Board offers limited benefits for a limited group of individuals, it does not directly impact jobs or the wider economy.

*The Board has determined that the selected alternative will not affect:*

(A) The creation or elimination of jobs within the State of California,

The proposed regulation does not impact jobs because it applies only to applications to the Board for the compensation of the loss of income or support that a victim incurs as a direct result of the victim's deprivation of liberty during the crime of human trafficking.

(B) The creation of new businesses or the elimination of existing businesses within the State of California, and

The proposed regulation does not impact the creation of new businesses or elimination of existing businesses in California because it applies only to applications to the Board for the compensation of the loss of income or support that a victim incurs as a direct result of the victim's deprivation of liberty during the crime of human trafficking.

(C) The expansion of businesses currently doing business within the State of California.

The proposed regulation does not impact the expansion of businesses currently doing business within the State of California because it applies only to applications to the Board for the compensation of the loss of income or support that a victim incurs as a direct result of the victim's deprivation of liberty during the crime of human trafficking.

*The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment:*

The Board has determined that the proposed regulation does not impact worker safety or the state's environment because it applies only to applications to the Board for the compensation of the loss of income or support that a victim incurs as a direct result of the victim's deprivation of liberty during the crime of human trafficking. However, the proposed regulation will benefit the health and welfare of California residents by making the process of applying for this compensation clearer and more transparent.

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed regulation does not affect small businesses because it applies only to applications to the Board for the compensation of the loss of income or support that a victim incurs as a direct result of the victim's deprivation of liberty during the crime of human trafficking.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private individuals 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 individuals to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Neil Ennes  
California Victim Compensation Board  
P.O. Box 48  
Sacramento, CA 95812-0048  
Telephone: (916) 491-3728

The backup contact person concerning the proposed administrative action may be directed to:

Jenny Wong  
California Victim Compensation Board  
P.O. Box 48  
Sacramento, CA 95812-0048  
Telephone: (916) 491-3754

Please direct requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Neil Ennes at the above address.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATION 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, the proposed text of the regulation and the Initial Statement of Reasons. Copies may be obtained by contacting Neil Ennes at the P.O. Box or the phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing, if requested, and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If the Board makes modifications which are sufficiently related to the original proposed text, it will make the modified text available to the public at least 15 days before the Board adopts the regulation as revised. Please send requests for copies of

the modified regulation to the attention of Neil Ennes at the P.O. Box 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 Neil Ennes at the above P.O. Box address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons and the proposed text of the regulation in underline and ~~strikeout~~ can be accessed through our website at [www.victimca.gov](http://www.victimca.gov).

**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

STATE AGENCY:

California Collaborative for Educational Excellence

MULTI-COUNTY:

Association of California Water Agencies Joint Powers Insurance Authority  
Options for Youth — San Gabriel

A written comment period has been established commencing on February 14, 2020 and closing on March 30, 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 person, 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 30, 2020. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

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

#### EFFECT ON HOUSING COSTS AND BUSINESSES

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

#### AUTHORITY

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

#### REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act

and amend their codes when change is necessitated by changed circumstances.

#### CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 324-5854.

#### 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) 324-5854.

### TITLE 2. STATE ALLOCATION BOARD

#### THE STATE ALLOCATION BOARD PROPOSES TO AMEND REGULATION SECTION 1859.2, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced regulation section, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

#### AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend the above-referenced regulation sections under the authority provided by Sections 17070.35 and 17078.64 of the Education Code. The proposals interpret and make specific

Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.18, 17072.33, 17073.25, 17074.10, 17074.30, 17075.10, 17075.15, 17077.40, 17077.45, 17078.52, 17078.56, 17078.72(k), 17079, 17079.10, 17280, 56026 and 101012(a)(8) of the Education Code; Section 53311, Government Code; and Sections 1771.3 in effect on January 1, 2012 through June 19, 2014 and 1771.5, Labor Code.

### INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

At its September 25, 2019 meeting, the SAB adopted proposed regulatory amendments that amend the definitions of “Rural Area” and “Suburban Area” for purposes of determining the funding order for applications participating in the Career Technical Education Facilities Program (CTEFP) under the SFP. The California Department of Education (CDE) and OPSC collaboratively administer the CTEFP. School districts that wish to participate in the CTEFP submit applications to CDE in order to be assigned a plan score, which is based on statutory requirements, and then school districts file an application and submit it to OPSC. OPSC funds applications by the highest overall plan score and locale (Urban, Suburban and Rural) as provided in the SFP Regulations. This definition is also used in the Charter School Facilities Program (CSFP) and will have a similar effect in more accurately determining the locale code designation of a project.

#### Bond Funds Impacted

- Kindergarten–University Public Education Facilities Bond Act of 2006 (Proposition 1D)
- Kindergarten through Community College Public Education Facilities Bond Act of 2016 (Proposition 51)

Attached to this Notice is the specific regulatory language of the proposed regulatory action, along with the proposed regulatory amendments. The proposed regulations can also be reviewed on OPSC’s website at: <https://www.dgs.ca.gov/OPSC/Resources/Page>

#### Content/Office of Public School Construction Resources List Folder/Laws and Regulations.

Copies of the proposed regulatory amendments will be mailed to any person requesting this information by using OPSC’s contact information set forth below in this Notice. The proposed regulations amend the SFP Regulations under the California Code of Regulations, Title 2, Chapter 3, Subchapter 4, Group 1, State Allocation Board, Subgroup 5.5, Regulations relating to the Leroy F. Greene School Facilities Act of 1998.

#### Background and Problem Being Resolved

As stated above, the CDE and OPSC collaboratively administer the CTEFP. School districts that wish to participate in the CTEFP submit applications to CDE in order to be assigned a plan score, which is based on statutory requirements, and then school districts file an application and submit it to OPSC. OPSC funds applications by the highest overall plan score and locale (Urban, Suburban and Rural) as provided in the SFP Regulations.

In the fifth CTEFP funding cycle, 220 applications were filed and received by OPSC and once the applications were ordered by the highest overall plan score and locale (Urban, Suburban and Rural), the result was over 95 percent of the applications received in the “Rural Area” were funded, while only 26 percent were funded in the “Urban Area” and 23 percent in the “Suburban Area” locales. Stakeholders expressed concerns about the equity of the funding order for the CTEFP, specifically about the assignment off the Town locale codes in the definition of “Suburban Area.” OPSC held two stakeholder meetings to discuss and illustrate the impact of regulation changes. Although there was not an overwhelming consensus favoring one over another, there was consensus to move the sites classified as “Town” from the definition of “Suburban Area” to the definition of “Rural Area.”

OPSC performed a search on whether the proposed regulatory amendments were consistent and compatible with existing State laws and regulations. After performing the search, OPSC, on behalf of the SAB, has determined that the proposed regulatory amendments are consistent and compatible with existing State laws and regulations. Proceeding with the proposed regulatory amendments will help to equalize the number of applications funded across all three locales.

#### Anticipated Benefits of the Proposed Regulations

The proposed regulatory amendments promote fairness and equity to the funding process for the three locales so similar applications can compete against each other. This will benefit school districts and local educational agencies by distributing state bond funds on an equitable basis by moving the Town designation within the definition of “Rural Area.” In the CTEFP, this

should allow for higher scoring applications in the Town locale to compete with similar Rural applicants in order to receive funding, which is in alignment with the statutory intent to distribute CTEFP funding equitably. This will also help ensure that the most accurate locale designation is assigned to projects in the CSFP. The State of California will also benefit by continuing to provide facilities needed for students to learn the skills and knowledge critical for today's high-demand technical careers resulting in a positive impact to the State's economy as well as supporting job creation.

The proposed amendments are therefore determined to be consistent and compatible with existing State laws and regulations. Proceeding with the implementation of the proposed amendments carries out the will of the voters based on the successful passage of Proposition 1D in November 2006 and Proposition 51 in November 2016.

#### Summary of the Proposed Regulatory Amendments

Existing Regulation Section 1859.2 provides the meaning of additional specific words and terms that are essential to these regulations. The proposed regulatory amendments delete the locale codes (31, 32 and 33) from the definition of "Suburban Area" and add them to the definition of "Rural Area." It was necessary to amend these two definitions in order to help similarly situated applications compete against one another ["Suburban Area" and "Rural Area"].

#### Statutory Authority and Implementation

Education Code Section 17070.35(a). In addition to all other powers and duties as are granted to the board by this chapter, other statutes, or the California Constitution, the board shall do all of the following: (1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter.

Government Code Section 15503. Whenever the board is required to make allocations or apportionments under this part, it shall prescribe rules and regulations for the administration of, and not inconsistent with, the act making the appropriation of funds to be allocated or apportioned. The board shall require the procedure, forms, and the submission of any information it may deem necessary or appropriate. Unless otherwise provided in the appropriation act, the board may require that applications for allocations or apportionments be submitted to it for approval.

#### Determination of Inconsistency or Incompatibility with Existing State Regulations

The CDE and OPSC collaboratively administer the CTEFP. School districts that wish to participate in the CTEFP submit applications to CDE in order to be assigned a plan score, which is based on statutory require-

ments, and then school districts file an application and submit it to OPSC. OPSC funds applications by the highest overall plan score and locale (Urban, Suburban and Rural) as provided in the SFP Regulations.

In the fifth CTEFP funding cycle, 220 applications were filed and received by OPSC and once the applications were ordered by the highest overall plan score and locale (Urban, Suburban and Rural), the result was over 95 percent of the applications received in the "Rural Area" were funded, while only 26 percent were funded in the "Urban Area" and 23 percent in the "Suburban Area" locales. Stakeholders expressed concerns about the equity of the funding order for the CTEFP, specifically about the assignment of the Town locale codes in the definition of "Suburban Area." OPSC held two stakeholder meetings to discuss and illustrate the impact of regulation changes to the funding order. Although there was not an overwhelming consensus favoring one over another, there was consensus to move the sites classified as "Town" from the definition of "Suburban Area" to the definition of "Rural Area."

After conducting a review, the SAB has concluded that these are the only regulations on this subject area, and therefore, the proposed amendments are neither inconsistent nor incompatible with existing State laws and regulations. The proposed regulatory amendments are within the SAB's authority to enact regulations for the SFP under Education Code Section 17070.35 and Government Code Section 15503.

### IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulatory amendments do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulatory amendments.

### DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Executive Officer of the SAB has made the following initial determinations relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- The SAB is not aware of any cost impacts that a representative private person or business would

necessarily incur in reasonable compliance with the proposed action.

- There will be no non-discretionary costs or savings to local agencies.
- The proposed regulatory amendments create no costs to any local agency or school district requiring reimbursement pursuant to Section 17500 et seq., or beyond those required by law, except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- The proposed regulatory amendments create no costs or savings to any State agency beyond those required by law.
- The SAB has made an initial determination that there will be no impact on housing costs.

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

##### *Impact to Businesses and Jobs in California*

The proposed regulatory amendments promote fairness and equity to the funding process for the three locales so similar applications can compete against each other. This will benefit school districts and local educational agencies by distributing state bond funds on an equitable basis by moving the Town designation within the definition of “Rural Area.” In the CTEFP, this should allow for higher scoring applications in the Town locale to compete with similar Rural applicants in order to receive funding, which is in alignment with the statutory intent to distribute CTEFP funding equitably. This will also help ensure that the most accurate locale designation is assigned to projects in the CSFP.

Proceeding with the implementation of the proposed regulatory amendments will provide facilities needed for students to learn the skills and knowledge critical for today’s high-demand technical careers resulting in a positive impact to the State’s economy as well as supporting job creation. The CTEFP carries out the will of the voters based on the successful passage of Proposition 1D in November 2006 and Proposition 51 in November 2016.

Therefore, the proposed regulations will most likely have a positive effect on the State’s economy, creation of jobs, creation of new businesses, and expansion of businesses, and will not eliminate jobs or eliminate existing businesses within California.

##### *Benefits to Public Health and Welfare, Worker’s Safety, and the State’s Environment*

- The proposed regulatory amendments promote fairness and equity to the funding process for the

three locales so similar applications can compete against each other. This will benefit school districts and local educational agencies by distributing state bond funds on an equitable basis by moving the Town designation within the definition of “Rural Area.” In the CTEFP, this should allow for higher-scoring applications in the Town locale to compete with similar Rural applicants in order to receive funding, which is in alignment with the statutory intent to distribute CTEFP funding equitably. This will also help ensure that the most accurate locale designation is assigned to projects in the CSFP.

- The proposed regulations promote the State’s general welfare by providing facilities needed for students to learn the skills and knowledge critical for today’s high-demand technical careers. The CTEFP carries out the will of the voters based on the successful passage of Proposition 51 in November 2016.
- There are continued benefits to the health and welfare of California residents and worker safety. School districts and local educational agencies utilize construction and trades employees to work on school construction projects and although this proposed regulation does not directly impact worker safety, existing law provides for the availability of a skilled labor force and encourages improved health and safety of construction and trades employees through proper apprenticeship and training. Further, public health and safety is enhanced because a properly paid and trained workforce will build school construction projects that are higher quality, structurally code-compliant and safer for use by pupils, staff, and other occupants on the site.
- There is no impact to the State’s environment from the proposed regulatory amendments.

The SAB finds the proposed regulations fully consistent with the stated purposes and benefits.

#### EFFECT ON SMALL BUSINESSES

It has been determined that the proposed regulatory amendments will not have a negative impact on small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. Although the proposed regulatory amendments only apply to school districts and local education agencies for purposes of funding school facility projects, the demand on the manufacturing and construction-related industries could potentially stimulate the creation of small businesses in these areas.

**SUBMISSION OF COMMENTS, DOCUMENTS  
AND ADDITIONAL INFORMATION**

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at OPSC no later than March 30, 2020. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Lisa Jones, Regulations Coordinator

Mailing Address:

Office of Public School Construction  
707 Third Street, 6th Floor  
West Sacramento, CA 95605

E-mail Address:

[lisa.jones@dgs.ca.gov](mailto:lisa.jones@dgs.ca.gov)

Fax Number:

(916) 375-6721

**AGENCY CONTACT PERSONS**

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Ms. Lisa Jones at (916) 376-1753. If Ms. Jones is unavailable, these questions may be directed to the backup contact person, Mr. Michael Watanabe, Chief of Administrative Services, at (916) 376-1646.

**ADOPTION OF REGULATIONS**

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such

changes. Requests for copies of any modified regulations should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

**SUBSTANTIAL CHANGES WILL  
REQUIRE A NEW NOTICE**

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

**RULEMAKING FILE**

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~/underline.
2. A copy of this Notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received they will be added to the rulemaking file. The file is available for public inspection at OPSC during normal working hours. Items 1 through 3 are also available on OPSC's Internet Web site at: <https://www.dgs.ca.gov/OPSC/Resources/Page-Content/Office-of-Public-School-Construction-Resources-List-Folder/Laws-and-Regulations> then click on "SFP Pending Regulatory Changes."

**ALTERNATIVES**

In accordance with Government Code Section 11346.5(a)(13), the SAB 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, 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. OPSC held two stakeholder meetings to discuss and receive input from stakeholders regarding the "Suburban Area" and "Rural Area" locales. Stakeholders were supportive in having the Town locale codes moved to the "Rural

Area” so that similarly situated applicants in the three locales could more evenly compete against each other for state funding.

**AVAILABILITY OF THE  
FINAL STATEMENT OF REASONS**

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency’s regulation coordinator named in this notice or may be accessed on the website listed above.

**TITLE 13. CALIFORNIA  
HIGHWAY PATROL**

**AMEND TITLE 13, CALIFORNIA CODE OF  
REGULATIONS, DIVISION 2, CHAPTER 6,  
ARTICLE 1, SECTION 1153**

**Explosives Stops  
(CHP-R-2020-06202)**

The California Highway Patrol (CHP) proposes to amend regulations in Title 13 of the California Code of Regulations (CCR), Section 1153, Safe Stopping and Parking Places, related to the designation of safe stopping places, safe parking places, inspection stops, and required inspection stops for commercial vehicles transporting explosives on highways in the state.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

Pursuant to Section 31616, Designation of Routes, of the California Vehicle Code (CVC), the CHP shall prescribe, by regulation, a list of safe stopping places for commercial vehicles transporting explosives on highways. Section 31616 CVC further requires the CHP to revise the list and keep it current. The proposed amendments will update the list of safe stopping places in the regulation.

The CHP’s field commands conduct annual surveys on the explosives routes and safe stopping places to determine if changes are necessary. The CHP field commands inspected the locations of business establishments serving as safe stopping and parking places. Business owners expressed their willingness to provide their business location and service information in the CCR by signing the CHP 114, Designation as Safe Stopping Place, or CHP 114A, Designation as Safe Parking Place.

The proposed amendments will update the list of safe stopping places to be used by carriers transporting ex-

plosives along the designated explosives routes. These updates are due to permissions received or denied, or a change of business information or ownership. The CHP has received concurrence with the proposed regulation amendments from the State Fire Marshal.

This proposed regulatory action will continue to provide a nonmonetary benefit to the protection of the health, safety, and welfare of California’s residents, workers, and environment. The changes to the application of the regulation are not substantive and bring the regulation into conformance with existing statute. The proposed changes update and clarify safe stopping places designated for carriers transporting explosives, and contribute to transportation safety and public health.

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

**PUBLIC COMMENT**

Any interested person may submit written comments on the proposed action via facsimile at (916) 322-3154, by electronic mail to [cvsregulations@chp.ca.gov](mailto:cvsregulations@chp.ca.gov), or by writing to:

California Highway Patrol  
Commercial Vehicle Section  
Attention: Dr. Tian-Ting Shih  
P.O. Box 942898  
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 p.m., on March 30, 2020.

**PUBLIC HEARINGS**

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section (CVS), no later than 15 days prior to the close of the written comment period.

**AVAILABILITY OF INFORMATION**

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based, and the proposed regulation text in strikeout and underline format. Requests to review or receive copies of this information should be directed to the CHP either at the above address, by facsimile at (916) 322-3154, or by calling the CHP, CVS, at (916) 843-3400. All requests for information should include the following: the title of the

rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection. Interested parties are advised to call CHP, CVS, for an appointment.

All documents regarding the proposed action are available through the CHP's website at <https://www.chp.ca.gov/News-Alerts/Regulatory-Actions>. Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on the CHP website.

#### CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations or the substance of the proposed regulations should be directed to Dr. Tian-Ting Shih or Sergeant Robert Daniels at (916) 843-3400.

#### ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

#### FISCAL IMPACT AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) will involve no nondiscretionary cost or savings to any local agency, no cost to any local agency or school district for which Government Code (GC) Sections 17500-17630 require reimbursement, no cost or savings to any state agency, nor costs or savings in federal funding to the state; (4) will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses, or create or expand businesses in the State of California; and (5) 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.

**Benefits of the Proposed Action:** The proposed regulation updating safe stopping places designated for carriers transporting explosives will continue to provide benefits, including the nonmonetary benefit of protecting public health and safety for residents, workers, and the environment by providing a regulatory basis for enforcement efforts as they relate to safety compliance ratings.

The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

#### COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CHP 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 SMALL BUSINESSES

The CHP has determined the proposed regulatory action may affect small businesses. If a business can no longer meet the requirements for safety, they will be deleted from the list of safe stopping and safe parking places. However, due to the very limited number of commercial vehicles transporting explosives on the designated routes in the state, no foreseeable economic impact is projected for a small business to be removed from the list.

#### ALTERNATIVES

In accordance with Section 11346.5(a)(13) GC, the CHP has determined that no reasonable alternative considered by the CHP, or otherwise identified and brought to the attention of the CHP, 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 CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

#### AUTHORITY

This regulatory action is being taken pursuant to Section 31616, CVC.

#### REFERENCE

This action implements, interprets, or makes specific Sections 31303, 31304, 31601, 31602, 31607, 31611, 31614, and 31616, CVC.

**TITLE 13. CALIFORNIA  
HIGHWAY PATROL**

TITLE 13, CALIFORNIA CODE OF  
REGULATIONS, DIVISION 2, CHAPTER 6,  
ARTICLE 3, AMEND SECTIONS 1160.2, 1164

**GENERAL HAZARDOUS  
MATERIALS REGULATIONS  
(CHP-R-2018-08)**

In compliance with the requirements of Title 49, United States Code, Chapter 51, Section 5125, and Title 49, Code of Federal Regulations (CFR), Part 107, Subpart C, the California Highway Patrol (CHP) proposes to amend the state's hazardous materials regulations (HMR) to be consistent with national transportation requirements as required by federal law.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

Title 13, California Code of Regulations (CCR), Division 2, Chapter 6, Article 3, Sections 1160 through 1167, contain the CHP's regulations governing the highway transportation of hazardous materials (HM). These sections contain general provisions, hazard classification and shipping names, HM training, and the reporting of incidents involving HM or hazardous waste.

The proposed rulemaking action will make substantive changes to align state and federal HMR for persons subject to federal jurisdiction pursuant to Title 49, CFR, Section 171.1. Adopting and incorporating by reference the October 1, 2019, edition of the federal HMR in Title 13, CCR, Section 1160.2, ensures this alignment.

This proposed rulemaking action also proposes the amendment of one additional section. Title 13, CCR, Section 1164, prescribes the requirements for the loading and securement of HM in motor vehicles. Subsection (a) requires compliance with Title 49, CFR, Part 177, Subparts A, B, and C. Title 49, CFR, Section 177.834(a), requires HM to be secured against shifting, including relative motion between packages, within the vehicle on which it is being transported under conditions normally incident to transportation. Subsection (b) of Title 13, CCR, Section 1164, mandates the use of specific securement methods and places additional controls on the transportation of portable tanks. Subsection (b) requirements are inconsistent with the federal HMR and must be repealed to avoid federal preemption.

Anticipated Benefits of Proposed Regulation

This amendment would provide a nonmonetary benefit to the protection and safety of public health, em-

ployees, and the environment, as well as consistency between state and federal regulations, by providing a regulatory authority for enforcement efforts as they relate to violations of the current HMR found in Title 49, CFR.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

The CHP has determined this proposed regulation is neither inconsistent, nor incompatible, with existing regulations. After conducting a review for any regulations that would relate to or affect this area, CHP has concluded that these are the only regulations that concern the General Hazardous Materials Regulations.

**PUBLIC COMMENTS**

Interested persons may submit written comments on these proposed actions via facsimile to (916) 322-3154, by electronic mail to [cvsregulations@chp.ca.gov](mailto:cvsregulations@chp.ca.gov), or by writing to:

California Highway Patrol  
Enforcement and Planning Division  
Commercial Vehicle Section  
Attention: Sergeant Robert Daniels, Jr.  
P.O. Box 942898  
Sacramento, CA 94298-0001

Written comments will be accepted until March 30, 2020.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section (CVS), no later than 15 days prior to the close of the written comment period.

**AVAILABILITY OF INFORMATION**

The CHP has available for public review an Initial Statement of Reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile to (916) 322-3154, or by calling the CHP, CVS, at (916) 843-3400. All requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the requester's information is incomplete or illegible.

The rulemaking file is available for inspection at the CHP, CVS, 601 North 7th Street, Sacramento, CA 95811. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through the CHP's website at <https://www.chp.ca.gov/News-Alerts/Regulatory-Actions>.

### CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations, or questions regarding the substance of the proposed regulations, should be directed to Sergeant Robert Daniels, Jr. or Officer David Kelly, CHP, CVS, at (916) 843-3400.

### ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

### FISCAL AND ECONOMIC IMPACT/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will impose no new mandate upon local agencies or school districts; (3) will involve no nondiscretionary cost or savings to any local agency, no cost to any local agency or school district for which Sections 17500-17630 of the Government Code (GC) require reimbursement, no cost or savings to any state agency, nor costs or savings in federal funding to the state; (4) will neither create or eliminate jobs in the State of California, nor result in the elimination of existing businesses, nor create or expand businesses in the State of California; (5) will have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states; and (6) will continue to provide a nonmonetary benefit to the protection and safety of public health, employees, and the environment by providing a regulatory authority for enforcement efforts as they relate to violations of the current HMR found in Title 49, CFR. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

### COST IMPACTS ON PRIVATE PERSONS OR BUSINESSES

The CHP is not aware of any cost impacts that a private person or business would incur while maintaining compliance with the proposed action.

### EFFECT ON SMALL BUSINESSES

The CHP has not identified any significant adverse effect on small businesses. The proposed regulations do not increase any requirements upon any small businesses. Businesses subject to federal jurisdiction are currently required to comply with the federal HMR and, therefore, the mere adoption of regulations to avoid preemption or to grant enforcement authority of preexisting regulations provides no additional impact on businesses. The proposed regulatory amendment to Title 13, CCR, Section 1160.2, is already applicable and enforceable on businesses subject to federal jurisdiction pursuant to Title 49, CFR, Part 171.

The federal HMR being adopted by reference in Title 13, CCR, were subjected to procedures under the Federal Administrative Procedure Act (FAPA). The FAPA provided regulated businesses the opportunity to participate in the rulemaking process, prior to adopting the current federal HMR.

### CONSIDERATION OF ALTERNATIVES

In accordance with GC Section 11346.5(a)(13), the CHP must determine that no reasonable alternative considered, or otherwise identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

### AVAILABILITY OF FINAL STATEMENT OF REASONS

Once the Final Statement of Reasons for this proposed regulatory action is available, the public may request to review or receive copies of the statement. Requests should be directed to the CHP at the above address, by facsimile to (916) 322-3154, or by calling the CHP, CVS, at (916) 843-3400. All requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the requester's information is incomplete or illegible.

### AUTHORITY

This regulatory action is being taken pursuant to Sections 2402.7 and 34501(b), CVC.

REFERENCE

This action implements, interprets, and/or makes specific Sections 2402.7 and 34501(b), CVC.

**TITLE 13. DEPARTMENT OF MOTOR VEHICLES**

The Department of Motor Vehicles (department) proposes to adopt Section 26.03 in Article 2.1, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to entry-level behind the wheel driver training requirements for commercial driver's license applicants.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than **March 30, 2020**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt these regulations under the authority granted by Vehicle Code sections 1651 and 15250.1, in order to implement, interpret, or make specific Vehicle Code section 15250.1 and Parts 380, 383, and 384 in Title 49, Code of Federal Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Subpart F of Part 380, Title 49 of the Code of Federal Regulations, requires specified commercial driver's license applicants to fulfill entry-level driver training re-

quirements. Section 380.605 in Title 49 defines an entry-level driver as an individual who must complete the commercial driver's license skills test prior to receiving a CDL for the first time, a person who is upgrading to a Class A or Class B commercial driver's license, or a person who is obtaining a hazardous materials, passenger, or school bus endorsement for the first time. Section 380.609 in Title 49 requires the training be conducted by a provider listed on the Training Provider Registry, a federal repository of all authorized training providers in each state.

Senate Bill (SB) 1236 (Chapter 984; Statutes of 2018) adopted Vehicle Code section 15250.1, requiring the department to adopt regulations related to the entry-level driver training requirements for drivers of commercial motor vehicles to ensure compliance with Parts 380, 383, and 384 Title 49, CFR. Vehicle Code section 15250.1 also requires entry-level drivers to complete a minimum of 15 hours behind the wheel training, 10 hours of which shall be on a public road.

The department is proposing to adopt Section 26.03 as a means by which it can make clear that specified commercial driver's license applicants are required to complete federal behind the wheel driver training requirements, but to also identify the means by which the applicant can provide proof to the department of training completion. Proof of training completion will allow the applicant to continue with the commercial driver's license application process.

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

The department conducted a review of other regulations and has determined there are no other regulations related to the testing and licensing of commercial driver's license applicants. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

COMPARABLE FEDERAL STATUTES OR STATE REGULATIONS

Part 380 in Title 49 of the Code of Federal Regulations adopts rules related to the behind the wheel testing for specified commercial driver's license applicants. This action clarifies the federal testing rule and identifies the method by which an applicant can provide proof of completion, as required by statute. The department is adopting rules to clarify the requirements in the federal rules.

DOCUMENTS INCORPORATED  
BY REFERENCE

The following document is incorporated by reference in Section 26.03:

- California Commercial Driver Behind the Wheel Training Certification, form DL 1236, (New 6/2020)

This document will not be published in the California Code of Regulations because it would be impractical and cumbersome to do so; however, the document is readily available to interested parties by contacting the department representative identified below.

ECONOMIC AND FISCAL  
IMPACT DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- *Cost or Savings to Any State Agency:* None.
- *Other Non-Discretionary Cost or Savings to Local Agencies:* None.
- *Costs or Savings in Federal Funding to the State:* None.
- *Effects on Housing Costs:* None.
- *Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.:* None.
- *Cost Impact on Representative Private Persons or Businesses:* This action does not impose any costs on representative private persons or businesses. While a training provider would likely charge a fee to train an applicant, it is not required, and any fees charged by a training provider to train an applicant is outside the scope of this action. This proposed action has no associated costs to private persons or businesses.
- *Small Business Impact:* This proposed action is unlikely to impact small business as this proposed action affects individuals applying to the department for a commercial driver's license.
- *Local Agency/School District Mandate:* The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- *Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states:* This regulation will not

have an adverse economic impact on businesses. This proposed action requires specified commercial driver's license applicants to fulfill entry-level driver training requirements prior to taking a skills test or knowledge test. These rules impact individual applicants and not businesses.

RESULTS OF THE  
ECONOMIC IMPACT STATEMENT

The department has made the following determinations when assessing the economic impact associated with this proposed regulation:

The department has determined that this action will not impact 1) the creation or elimination of jobs within the State of California, 2) the creation or elimination of existing businesses within the State of California, or 3) the expansion of businesses currently doing business within the State of California, or 4) worker safety or the state's environment.

This proposed action may benefit the welfare of California residents. The proposed rule imposes federally mandated entry-level driver training requirements and state law ensures sufficient hours of experience by requiring applicants to complete a minimum of fifteen hours of behind the wheel training, with ten of those hours being on a public roadway. The state and federal rules, together, ensure that commercial driver's license applicants have adequate behind the wheel training as part of the licensing process.

PUBLIC DISCUSSIONS OF  
PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

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

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Randi Calkins, Regulations Analyst  
 Department of Motor Vehicles  
 Legal Affairs Division  
 P.O. Box 932382, MS C-244  
 Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657-8898  
 Facsimile: (916) 657-6243  
 E-Mail: LADRegulations@dmv.ca.gov

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

Shelly Johnson Marker, Chief of Staff  
 Department of Motor Vehicles  
 Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <http://www.dmv.ca.gov/portal/dmv/detail/about/lad/regactions>.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified

text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 16. BOARD OF PSYCHOLOGY

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereinafter "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held:

Wednesday, April 1, 2020, at 11:00 a.m.  
 Department of Consumer Affairs  
 1625 North Market Blvd., El Dorado Room  
 (2<sup>nd</sup> Floor North, #220)  
 Sacramento, CA 95834

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than Monday, March 30, 2020, or must be received by the Board at the hearing. The Board may thereafter adopt the proposals as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference:

Pursuant to the authority vested by Sections 481, 482, 493, and 2930 of the Business and Professions Code, and to implement, interpret or make specific Sections 141, 480, 481, 482, 490, 493, 2960, 2962, 2963, 2964.3 of said Code, the Board is considering changes to Division 13.1 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

A. Informative Digest

The California Board of Psychology (Board) seeks to make conforming changes as required by the passage of AB 2138 (Chiu, Chapter 995, Statutes of 2018), hereafter referenced as AB

2138. This bill requires the Board to amend its existing regulations governing substantially related crimes or acts, and rehabilitation criteria.

As required by AB 2138, the Board proposes to amend 16 CCR 1394, 1395, and 1395.1 to adhere to these mandates and revise its substantial relationship criteria, and rehabilitation criteria for denials, reinstatements, suspensions, and revocations.

**B. Policy Statement Overview/Anticipated Benefits of Proposal**

As specified in the legislative analyses of AB 2138, this proposal seeks to reduce barriers to licensure for individuals with prior criminal convictions, which may reduce recidivism and provide economic opportunity to California residents. In addition, the proposal seeks to improve clarity, transparency, and consistency for applicants and licensees in the Board’s use of criminal history information in relation to licensure and enforcement decisions. Further, by reducing barriers to licensure, the Board anticipates benefits to consumers who may have greater access to licensed professionals.

The proposed changes bring the Board into compliance with the upcoming changes to the law resulting from AB 2138 and, to the extent possible, maintains adequate consumer protections by ensuring Board licensees are fit to practice independently and safely with vulnerable consumer populations.

**C. Consistency and Compatibility with Existing State Regulations**

During the process of developing these regulations and amendments, the Board 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.

**INCORPORATION BY REFERENCE**

N/A

**FISCAL IMPACT ESTIMATES**

**Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:**

The Board anticipates that there may be an increased cost to the state as a result of amending and adopting the sections identified in the regulatory proposal. By further defining the substantial relationship and rehabilita-

tion criteria for criminal convictions, Board staff may see an increased workload to research convictions and to substantiate that rehabilitation has been achieved.

**Nondiscretionary Costs/Savings to Local Agencies:**

None.

**Local Mandate:**

None.

**Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement:**

None.

**Business Impact:**

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**Cost Impact on Representative Private Person or Business:**

The Board estimates that there will be no increased costs for businesses or individuals to comply with the proposed regulations, as there would be fewer restrictions for individuals with criminal convictions to obtain licensure.

**Effect on Housing Costs:**

None.

**EFFECT ON SMALL BUSINESS**

The Board has determined that the proposed regulations may affect small businesses. It may increase the ability of some individuals with past convictions or disciplinary action to obtain a Board license where they previously could not. Having more licensees increases the pool of hireable candidates for small businesses looking to hire licensed mental health professionals. In addition, the proposed regulations may affect small businesses, who wish to hire or contract with registrants of the Board who need to obtain Supervised Professional Experience for licensure. The effect would be a potentially greater pool of licensees and registrants from which to hire.

**RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS**

**Impact on Jobs/Businesses:**

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses, the elimination of jobs or existing businesses, or the expansion of businesses in the State of California. While these changes may make it easier for individuals to become licensed, maintain licensure, or

be reinstated, that has a negligible bearing on the creation of new jobs.

Benefits of Regulation:

The Board has determined that this proposal may benefit individuals with a criminal history who would have greater access to licensure and provide economic opportunity to California residents with a criminal history. The public may benefit from the proposal with increased access to mental health services, which may benefit the health and welfare of California’s residents. The practice of psychology, in California, may benefit as the State would have a larger pool of licensed professionals from which to select from. The regulatory proposal does not affect worker safety or the state’s environment.

CONSIDERATION OF ALTERNATIVES

The Board of Psychology must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board 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. Any interested person may present statements or arguments, orally or in writing, relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in the Notice under Contact Person or by accessing the Board’s website, [www.psychology.ca.gov](http://www.psychology.ca.gov).

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

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:

Jason Glasspiegel

Address:

1625 North Market Blvd., Suite N215  
Sacramento, CA 95834

Telephone Number:

(916) 574-7137

Fax Number:

(916) 574-8672

E-Mail Address:

[Jason.Glasspiegel@dca.ca.gov](mailto:Jason.Glasspiegel@dca.ca.gov)

The backup contact person is:

Name:

Jeffrey Thomas

Address:

1625 North Market Blvd., Suite N215  
Sacramento, CA 95834

Telephone Number:

(916) 574-7116

Fax Number:

(916) 574-8672

E-Mail Address:

[Jeffrey.Thomas@dca.ca.gov](mailto:Jeffrey.Thomas@dca.ca.gov)

Website Access: Materials regarding this proposal can be found at: [http://www.psychology.ca.gov/laws\\_regs/regulations.shtml](http://www.psychology.ca.gov/laws_regs/regulations.shtml).

**GENERAL PUBLIC INTEREST**

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

**Unified Program Fee Schedule  
Supplemental Revisions for Trinity  
County and Imperial County CUPAs**

**Notice is hereby given** that the Secretary for the California Environmental Protection Agency (CalEPA) has

identified and corrected errors made in notices previously published in the California Notice Register, Register 2019, Number 39–Z on September 27, 2019 and Register 2020, Number 3–Z, January 17, 2020. Both notices proposed an increase to the fee schedule for the California Department of Toxic Substances Control (DTSC) Certified Unified Program Agencies (CUPAS) of Imperial County and Trinity County. CalEPA approved the increases as necessary to cover the rise of costs necessary and reasonable to implement the Unified Program according to Title 27, Section 15241(b).

The conversion of the fee schedule tables to be accessible according to the American with Disabilities Act resulted in the errors detailed below.

The following are revisions to the fee schedule for Trinity County CUPA, Notice Number Z–2019–0917–05:

- Fiscal Year 2019/2020: Underground Storage Tank (UST) Program
  - Fee Type: UST:
    - Previous language should not read “Between or to 19,000 to 34,000 gallons” but should read “Equal to or greater than 19,000 to less than 34,000 gallons” — Current Rate: \$1,000 — Increase Amount: \$1,205 — New Rate: \$2,205
  - Fee Type: UST:
    - Previous language should not read “Greater than 34,000 gallons” but should read “Equal to or greater than 34,000 gallons” — Current Rate: \$1,200 — Increase Amount: \$1,318 — New Rate: \$2,518
- Fiscal Year 2020/2021: UST Program
  - Fee Type: UST:
    - Previous language should not read “Between or to 19,000 to 34,000 gallons” but should read “Equal to or greater than 19,000 to less than 34,000 gallons” — 2019/2020 Rate: \$2,205 — Increase Amount: \$1,205 — New Rate: \$3,410
  - Fee Type: UST:
    - Previous language should not read “Greater than 34,000 gallons” but should read “Equal to or greater than 34,000 gallons” — 2019/2020: \$2,518 — Increase Amount: \$1,319 — New Rate: \$3,837

The following are revisions to the fee schedule for Imperial County CUPA, Notice Number Z–2020–0107–02:

- Aboveground Petroleum Storage Tank (APSA) Program
  - Fee Type: APSA:
    - Previous language should not read “Greater than 10,000 to less than 100,000 gallons” but should read “Equal to or greater than 1,000,000 gallons” — Current Rate: n/a — Increase Amount: \$1,438\* — New Rate: \$1,537
- Underground Storage Tank Fees
  - Fee Type: UST
    - Previous language should not read “Between or Equal To 19,000 to 34,000 gallons” but should read “Equal to or greater than 19,000 to less than 34,000 gallons” — Current Rate: \$2,518 — Increase Amount: \$2,424 — New Rate: \$4,942
  - Fee Type: UST
    - Previous language should not read “Greater than 34,000 gallons” but should read “Equal to or greater than 34,000 gallons” — Current Rate: \$3,777 — Increase Amount: \$1,824 — New Rate: \$5,601
- California Accidental Release Program (CalARP)
  - Fee Type: CalARP
    - Current Rate: \$3,258 — Previous language should not read “Increase Amount” but should read “Decrease Amount”: (\$183) — New Rate: \$3,075
- Permitting: The categories of Conditional Exemption and Conditional Authorization were incorrectly identified as each other.
  - Fee Type: Previous language should not read “Tiered Permitting Conditional Exemption” but should read “Permit by Rule/Conditional Authorization”
    - Current Rate: \$864 — Increase Amount \$184 — New Rate: \$1,048
  - Fee Type: Previous language should not read “Permit by Rule/Conditional Authorization” but should read “Tiered Permitting Conditional Exemption”
    - Current Rate: \$518 — Increase Amount \$143 — New Rate: \$661

DTSC noticed impending Fiscal Year 2019 fee adjustments in recent invoices to all regulated entities. The Unified Program Fee Schedule corrections are considered effective immediately upon final publication in the California Regulatory Notice Register.

**FISH AND GAME COMMISSION**

**NOTICE OF RECEIPT OF PETITION**

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.3 of the Fish and Game Code, the California Fish and Game Commission (Commission), on January 23, 2020, received a petition from the Center for Biological Diversity and the Turtle Island Restoration Network to list Pacific leatherback sea turtle (*Dermochelys coriacea*) as an endangered species under the California Endangered Species Act.

Pacific leatherback sea turtles (leatherbacks) spend nearly their entire lives in the ocean’s pelagic zone (*i.e.*, the water column of the open ocean). Some females may forage year-round in tropical habitats near nesting beaches; others undertake a lengthy migration to exploit temperate foraging habitats like that off central California. The latter forage in temperate waters except during the nesting season, when gravid females migrate to tropical beaches to lay eggs. Recent research discovered distinct migration corridors used by the leatherback which follows seasonally abundant aggregations of prey along the temperate continental shelf. In summer and fall leatherbacks are known to exploit dense aggregations of jellyfish throughout the nearshore regions from Central California to Northern Oregon. Additionally, leatherbacks are known to exploit convergence zones and upwelling areas where aggregations of prey commonly occur. Oceanographic retention zones and upwelling shadows, such as those in the neritic waters off Central California, are particularly favorable habitat for leatherback prey. Leatherbacks are most frequently observed feeding on Pacific sea nettle (*Chrysaora fuscescens*), purple-striped jelly (*Chrysaora colorata*), and common or moon jellies (*Aurelia* spp.) which are especially common in retention areas between Point Reyes and Monterey Bay, California.

Pursuant to Section 2073 of the Fish and Game Code, on February 3, 2020, Commission staff transmitted the petition to the California Department of Fish and Wildlife (Department) for review pursuant to Section 2073.5 of said code. The Commission will receive the petition at its February 21, 2020 meeting in the Natural Resources Building Auditorium, First Floor, 1416 Ninth Street, Sacramento, California. It is anticipated that the Department’s evaluation and recommendation relating to the petition will be received by the Commission at its June 24–25, 2020, meeting. The exact location of the June 24–25, 2020 meeting has not yet been determined.

Interested parties may contact John Ugoretz, Pelagic Fisheries and Ecosystem Program Manager, California Department of Fish and Wildlife, 1933 Cliff Drive, Suite 9, Santa Barbara, CA 93109, telephone (805) 568–1226, or email [John.Ugoretz@wildlife.ca.gov](mailto:John.Ugoretz@wildlife.ca.gov) for information on the petition or to submit information to the Department relating to the petitioned species.

**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# 2019–1218–01  
 AIR RESOURCES BOARD  
 Zero–Emission Airport Shuttle Bus

The California Air Resources Board (CARB) is re-submitting this action (2019–0729–04S) which mandates the use of Zero–emission vehicle (ZEV) technology in airport shuttles and transitions the fleets to fully ZEV by 2035. CARB establishes the fleet requirements, record keeping requirements, exemptions and penalties for airport shuttle fleets transitioning to ZEV.

Title 17  
 ADOPT: 95690.1, 95690.2, 95690.3, 95690.4, 95690.5, 95690.6, 95690.7, 95690.8  
 Filed 01/30/2020  
 Effective 04/01/2020  
 Agency Contact: Bradley Bechtold (916) 322–6533

File# 2019–1218–02  
 BOARD OF EQUALIZATION  
 Veterans’ Exemption

In this change without a regulatory effect, the Board amends its regulation to modify the maximum welfare exemption amount for low–income housing properties, pursuant to Senate Bill 1115 (Stats. 2018, Ch. 694). The regulation is changed from stating that the amount of the exemption shall not exceed \$20,000 in tax to stating that the amount of the exemption shall not exceed \$20,000,000 in assessed value.

Title 18  
AMEND: 140  
Filed 01/29/2020  
Agency Contact: Lawrence Lin (916) 322-1982

File# 2019-1218-03  
BOARD OF EQUALIZATION  
Veterans' Exemption

In this change without a regulatory effect, the Board renumbers section 464 as section 149 to move the regulation, entitled Veterans Exemptions, to Division 1, Chapter 2, Article 3, of Title 18 of the California Code of Regulations, which addresses Exemptions and Immunities.

Title 18  
AMEND: 464 [renumbered as section 149]  
Filed 01/29/2020  
Agency Contact: Lawrence Lin (916) 322-1982

File# 2020-0123-03  
BOARD OF FORESTRY AND FIRE PROTECTION  
Emergency Fuel Hazard Reduction Amendments, 2019

This is the first readoption of emergency rulemaking action no. 2019-0731-01E, which amended emergency timber harvesting practices to reduce wildfire threat and hazardous fuel conditions.

Title 14  
AMEND: 913, 933, 953, 1052, 1052.4  
Filed 01/30/2020  
Effective 02/10/2020  
Agency Contact: Eric Hedge (916) 653-9633

File# 2020-0124-01  
CALIFORNIA ALTERNATIVE ENERGY AND  
ADVANCED TRANSPORTATION FINANCING  
AUTHORITY  
Affordable Multifamily Energy Efficiency Financing  
Program

The California Alternative Energy and Advanced Transportation Financing Authority submitted this emergency action to readopt regulations that establish the Affordable Multifamily Energy Efficiency Financing Program. The program will provide affordable financing for owners of multifamily dwellings of five or more units to retrofit specified energy savings measures by providing credit enhancements to private financing institutions.

Title 4  
ADOPT: 10093.1, 10093.2, 10093.3, 10093.4,  
10093.5, 10093.6, 10093.7, 10093.8, 10093.9,  
10093.10, 10093.11  
Filed 01/30/2020  
Effective 02/05/2020  
Agency Contact: Susan Mills (916) 651-3760

File# 2020-0130-01  
CALIFORNIA HEALTH BENEFIT EXCHANGE  
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.

Title 10  
AMEND: 6400  
Filed 02/05/2020  
Effective 03/06/2020  
Agency Contact: Faviola Adams (916) 228-8668

File# 2019-1220-03  
DEPARTMENT OF CORRECTIONS AND  
REHABILITATION  
Audio Video Surveillance Systems

This action by the Department of Corrections and Rehabilitation (Department) adopts and amends regulations regarding audio-video surveillance in Department Facilities.

Title 15  
ADOPT: 3270.2  
AMEND: 3084.7, 3288, 3314, 3315  
Filed 02/05/2020  
Effective 04/01/2020  
Agency Contact: Josh Jugum (916) 445-2266

File# 2019-1220-04  
DEPARTMENT OF CORRECTIONS AND  
REHABILITATION  
Condemned Inmate Transfer Pilot Program

This action by the Department of Corrections and Rehabilitation adopts section 3999.27 as a pilot program for the condemned inmate transfer program. This filing is exempt from chapter 3.5 of part 1 of division 3 of title 2 of the Government Code pursuant to Penal Code section 5058.1 and is not subject to review by the Office of Administrative Law. This action is effective on filing with the Secretary of State pursuant to Penal Code section 5058.1 and remains in effect for two years.

Title 15  
 ADOPT: 3999.27  
 Filed 01/29/2020  
 Effective 01/29/2020  
 Agency Contact: Josh Jugum (916) 445-2266

File# 2020-0102-01  
 DEPARTMENT OF SOCIAL SERVICES  
 Electronic Interview for CalWORKS  
 In this regular rulemaking, the Department of Social Services is amending CalWORKS interview regulations to provide County Welfare Departments the option to conduct the personal interviews in the California Work Opportunity and Responsibility to Kids program telephonically or by other electronic means.

Title MPP  
 AMEND: 40-129, 40-131  
 Filed 02/04/2020  
 Effective 04/01/2020  
 Agency Contact: Oliver Chu (916) 657-3588

File# 2020-0110-05  
 MENTAL HEALTH SERVICES OVERSIGHT AND ACCOUNTABILITY COMMISSION  
 Conflict-of-Interest Code

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

Title 2  
 AMEND: 59550  
 Filed 02/05/2020  
 Effective 03/06/2020  
 Agency Contact:  
 Filomena Yeroshek (916) 445-8701

File# 2019-1224-01  
 OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT  
 Chemicals Known to the State to Cause Cancer or Reproductive Toxicity

This file and print action adds the following to the list of chemicals known to the state to cause reproductive toxicity: cannabis and delta-9-tetrahydrocannabinol (THC). This action is exempt from the Administrative Procedure Act pursuant to Health and Safety Code section 25249.8.

Title 27  
 AMEND: 27001  
 Filed 02/04/2020  
 Effective 02/04/2020  
 Agency Contact: Tyler Saechao (916) 327-3015

File# 2020-0129-01  
 STRUCTURAL PEST CONTROL BOARD  
 Wood Destroying Organism Emergency Fee Increase  
 In this emergency rulemaking, the Structural Pest Control Board is increasing the filing fee for each property inspected or upon which work was completed pursuant to Business and Professions Code section 8518 from \$3.00 to \$4.00.

Title 16  
 AMEND: 1997  
 Filed 02/04/2020  
 Effective 02/19/2020  
 Agency Contact: David Skelton (916) 561-8722

**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](http://www.oal.ca.gov).