



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 EARTHQUAKE
AUTHORITY**

**NOTICE OF INTENTION TO AMEND THE
CONFLICT-OF-INTEREST CODE OF THE
CALIFORNIA EARTHQUAKE AUTHORITY**

NOTICE IS HEREBY GIVEN that the California Earthquake Authority, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on July 17, 2020 and closing on August 31, 2020. All inquiries should be directed to the contact listed below.

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

Changes to the conflict-of-interest code include: addition of the position of Chief Information Security Officer, Research Specialist, Reinsurance and Risk Transfer Director, Accounting Administrator, Financial Accountant, Facilities Coordinator, Information Technology Manager, Insurance Education and Sales Support Director, Enterprise Risk Management Officer, renaming of the positions of Compliance Officer or Manager, Legislative Director or Manager, Attorney, Controller, Chief Information Officer; and removing of the position Data Processing Manager, as well as other technical changes. The proposed amendment and explanation of the reasons can be obtained from the agency's contact.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than August 31, 2020, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than August 16, 2020.

The California Earthquake Authority has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Shannon McEuen
California Earthquake Authority
801 K Street, Suite 1000
Sacramento, CA 95814
Telephone: (916) 661-5430
E-mail: SMcEuen@calquake.com

**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

ADOPT

MULTI-COUNTY: Riverfront Joint Powers Authority

A written comment period has been established commencing on July 17, 2020 and closing on August 31, 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 August 31, 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 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it under the Political Reform Act (the Act)¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulations at a public hearing on or after **August 20, 2020**, at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m.** on **August 18, 2020**.

BACKGROUND/OVERVIEW

Sections 83115, 83115.5 and 83116 address the Commission's authority to generally investigate alleged violations of the Act, find probable cause that a violation of the Act has occurred, and hold an administrative hearing to determine if a violation of the Act has occurred, respectively. Under Section 83116, the APA is applicable to the enforcement proceedings, including the au-

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

thority of the Commission to seek a default finding where no timely notice of defense is submitted. Moreover, pursuant to Section 84214, committees must terminate their filing obligation as required by Commission regulations. Finally, Section 83111 states that “[t]he Commission has primary responsibility for the impartial, effective administration and implementation of this title.”

Section 83112 provides that “[t]he commission may adopt, amend and rescind rules and regulations to carry out the purposes and provisions of this title, and to govern procedures of the Commission.”

The Commission has identified several areas of improvement to multiple regulations governing enforcement matters including revised procedures and requirements for probable cause proceedings, administrative hearings, briefing procedures associated with proposed decisions, and administrative terminations. These recommended improvements would modify existing regulations in accordance with governing statutes to promote and facilitate compliance with, and enforcement of, the Act, while ensuring fairness and due process for persons subject to enforcement proceedings. In addition to proposed substantive amendments to Regulations 18360, 18361.4, 18361.5, 18361.9, 18361.11 and 18404.2, the Commission also proposes numerous non-substantive changes intended to clarify existing regulations.

REGULATORY ACTION

Adopt 2 Cal. Code Regs. Section 18360 — Enforcement Complaints

The Commission will consider the adoption of proposed Regulation 18360 to reflect the application of its new Electronic Complaint System (“ECS”), as well as several technical changes to clarify and improve the existing provisions. At a minimum, the Commission may consider:

- A provision to post information available to the public with respect to complaints and referrals on the Commission website; and
- A provision allowing duplicate complaints or referrals submitted by the same complainant or filing officer to be rejected as well as complaints deemed by the Executive Director to address issues outside the jurisdiction of the Act.

Repeal 2 Cal. Code Regs. Section 18360 — Enforcement Complaints

The Commission will consider repealing current Regulation 18360.

Amend 2 Cal. Code Regs. Section 18361.4 — Probable Cause Proceedings

The Commission will consider amending Regulation 18361.4 to rearrange the regulatory provisions to correspond with the sequence of events that occur in a probable cause proceeding; rephrase the existing probable cause standard; clarify and simplify filing deadlines, service requirements and scheduling procedures; and eliminate existing regulatory procedures and requirements that, in practice, provide little or no benefit to the parties and make the process less efficient. At a minimum, the Commission may consider:

- A provision amending the probable cause standard to a simpler more straightforward standard conspicuously located in new subdivision (a);
- A provision eliminating the requirement that the probable cause report contain “exculpatory and mitigating information and any other relevant material and arguments” because this information is not relevant to whether probable cause exists. Any response would accordingly be limited to only law and evidence supporting the respondent’s position that the probable cause report fails to establish probable cause;
- A provision that eliminates the requirement that the Enforcement Division produce exculpatory or mitigating evidence at the probable cause stage and to produce only the evidence in the Enforcement Division’s possession that supports a finding of probable cause for each alleged violation of the Act;
- A provision requiring the Enforcement Division to send respondent a checklist form that explains all of the possible actions and associated deadlines available at the probable cause stage, and requests specified information from the respondent;
- A provision imposing a 75-day deadline, to begin when the Commission Assistant receives a request for a probable cause conference, for the conference to proceed subject to extension for good cause; and
- A provision that requires any respondent seeking witness testimony to submit a request to the Commission Assistant at least 7 days before the conference.

Amend 2 Cal. Code Regs. Section 18361.5 — Administrative Hearings

The Commission will consider amending Regulation 18361.5 to update, clarify and rearrange the regulatory provisions implementing the Commission’s authority under Section 83116 to hold a hearing once it determines there is probable cause to believe a violation of the Act has occurred. At a minimum, the Commission may consider:

- A provision requiring that the Commission must vote to have a hearing before the Commission itself rather than an administrative law judge alone;
- A provision adding factors to be considered by an administrative law judge and Commission in an order following the finding of a violation of the Act or a stipulated order following a negotiated settlement to include “comparable cases” and “sophistication of the respondent” while amending the existing factor in subdivision (d)(1) to eliminate the term “seriousness,” replacing it with a factor that takes into account the public harm or the type of violation.

Amend 2 Cal. Code Regs. Section 18361.9 — Briefing Procedure of Proposed Decision by an Administrative Law Judge; Reconsideration

The Commission will consider amending Regulation 18361.9 to rearrange and clarify the existing provisions concerning briefing procedures by the parties prior to the Commission’s consideration of an administrative law judge’s proposed decision. At a minimum, the Commission may consider:

- A provision eliminating the factor to be considered by the Enforcement Division in its opening brief concerning additional material evidence that could not, with reasonable diligence, have been discovered during the administrative hearing (subdivision (b)(1)(c)) as it is duplicative of the factor used in Petitions for Reconsideration in subdivision (c)(2)(A).
- A provision requiring the Executive Director to submit the briefs to the Commissioners “no later than 14 days after the Enforcement Division’s deadline to file a reply brief” rather than “in a timely fashion.”
- A provision expressly prohibiting oral argument by the parties and/or public comment concerning the ALJ’s proposed decision to be considered by the Commission in closed session.

Amend 2 Cal. Code Regs. Section 18361.11 — Default Proceedings

The Commission will consider changing the method in which default orders are served on respondents from certified mail to personal service.

Amend 2 Cal. Code Regs. Section 18404.2 — Administrative Termination

The Commission will consider amending Regulation 18404.2 to authorize the Chief of Enforcement to administratively terminate a recipient committee based on two additional grounds: (1) The committee filed a Statement of Organization in error; and (2) The Chief of the Enforcement Division obtains sufficient evidence to

show the individual responsible for the committee is deceased or incapacitated.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or any related issues.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state entity or program.

AUTHORITY

Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Act.

REFERENCE

Sections 82103, 83108, 83110, 83111, 83112, 83115, 83115.5, 83116, 84212

CONTACT

Any inquiries should be made to Jack Woodside, Fair Political Practices Commission, 1102 Q St., Suite 3000, Sacramento, CA 95811; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>.

TITLE 5. COMMISSION ON TEACHER CREDENTIALING

Section 80022
Teaching Permit for Statutory Leave

NOTICE IS HEREBY GIVEN that the Commission on Teacher Credentialing (Commission) proposes to amend Title 5 of the California Code of Regulations (CCR), section 80022 to allow local education agencies

(LEAs) to request a Teaching Permit for Statutory Leave (TPSL) to be used when a teacher of record is unable to provide instructional services due to being placed on Military Leave or Administrative Leave.

The Commission is issuing this notice to meet requirements set forth in Government Code section 11346.5.

PUBLIC HEARING

No public hearing is scheduled for this proposal. However, a public hearing may be scheduled for this item if any interested party or his or her duly authorized representative submits in writing a request to hold a public hearing no later than 15 days prior to the close of the 45-day written comment period. (Gov. Code §11346.5(a)(17).)

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail relevant to the proposed action. **The written comment period closes at midnight on September 1, 2020.**

Comments must be received by that time. You may fax your response to (916) 322-0048; write to the Commission on Teacher Credentialing, attn. Thomas Johnson, 1900 Capitol Avenue, Sacramento, California 95811; or submit an e-mail to Thomas Johnson (tjohnson@ctc.ca.gov) or Joshua Speaks (JSpeaks@ctc.ca.gov).

INFORMATIVE DIGEST/POLICY STATEMENT

This rulemaking action proposes to amend Title 5 of the CCR section 80022(f)(19) to allow LEAs to request a TPSL to be used when a teacher of record is unable to provide instructional services due to being placed on Military Leave or Administrative Leave.

Background

In February 2016, the Commission proposed regulations to create the TPSL in order to cover statutory leave assignments. The purpose of the TPSL was to serve as an option for local educational agencies (LEAs) to use when faced with staffing classrooms when the teacher of record is out on extended leave, thereby allowing LEAs the benefit of not having to continually rotate Emergency 30-Day Substitute Teaching Permit holders to cover these assignments. A public hearing was held in June 2016, and the Commission approved the proposed regulations to create the TPSL. The addition of §80022 to Title 5 of the CCR creating the TPSL was

approved by the Office of Administrative Law and became effective on August 16, 2016.

Currently, the TPSL allows an individual to provide instructional services beyond the 20 or 30 day substitute teaching limit only when the teacher of record is out on one of the statutory leaves specified in regulations as shown in Table 1 below.

Table 1:

Type of Leave: Sick Leave — *Length of Leave:* As accumulated by teacher — *Statutory Reference:* Education Code section 49978

Type of Leave: Differential Sick Leave — *Length of Leave:* 5 months — *Statutory Reference:* Education Code section 44977.

Type of Leave: Pregnancy Disability Leave Act — *Length of Leave:* 4 months — *Statutory Reference:* Government Code section 12945

Type of Leave: Family and Medical Leave — *Length of Leave:* 12 workweeks — *Statutory Reference:* Government Code section 12945 and Title 29, U.S. Code section 2601 et seq.

Type of Leave: California Family Rights Act — *Length of Leave:* 12 workweeks — *Statutory Reference:* Government Code section 12945.2

Type of Leave: Industrial Accident and Illness Leave — *Length of Leave:* 60 days — *Statutory Reference:* Education Code section 44984

Recently, stakeholder groups have voiced a desire to add new forms of statutory leave to §80022. Specifically, stakeholders have requested that the TPSL be allowed to cover assignments resulting from teachers of record being placed on extended Military Leave or Administrative Leave.

Currently, Military Leave and Administrative Leave are not recognized in §80022. Consequently, LEAs are faced with the challenge of covering assignments for teachers of record on extended Military Leave or Administrative Leave by continuously rotating through substitute teachers.

The proposed amendments to Title 5 of the CCR §80022 will expand the definition of statutory leave to allow LEAs to request a TPSL when a teacher of record is unable to provide instructional services due to being on extended Military Leave or Administrative Leave, as both of these leave types align with the purpose and intent of the permit as created by the Commission.

Benefits of the Proposed Action:

The Commission anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California by providing schools with option to use a TPSL in situations

where the teacher of record is placed on extended Military Leave or Administrative Leave for periods that extend beyond the service limitation of the Emergency 30-Day Substitute Teaching Permit. The Commission also anticipates that the proposed regulations will result in an increase in the protection of public health and safety, worker safety, or the environment, the prevention of social inequity, or an increase in openness and transparency in business.

Inconsistency with Federal Regulations or Statutes:

None.

Consistency with Existing State Regulations:

As required by Government Code section 11346.5(a)(3)(D), the Commission has conducted an evaluation of these regulations and has determined that they are not inconsistent or incompatible with existing state regulations and has found that these are the only regulations concerning an LEA's ability to cover assignments when their teacher of record is placed on statutory leave.

PLAIN ENGLISH REQUIREMENT

Commission staff prepared the proposed regulations pursuant to the standard of clarity provided in Government Code section 11349 and the plain English requirements of Government Code sections 11342.580 and 11346.2, subdivision (a)(1). The proposed regulations are written to be easily understood by the persons that will use them.

DOCUMENTS INCORPORATED
BY REFERENCE

Teaching Permit for Statutory Leave, CL-902. (rev. 08/2016.):
https://www.ctc.ca.gov/docs/default-source/leaflets/cl902.pdf?sfvrsn=526b8c66_0

DOCUMENTS RELIED UPON IN
PREPARING REGULATIONS

February 11, 2016 Agenda Item 2A — Proposed Regulations for Teaching Permit for Statutory Leave [for document, send email to ArchiveRequest@ctc.ca.gov]

Approval of February 2016 minutes [for document, send email to ArchiveRequest@ctc.ca.gov]

April 2016 — Initial Statement of Reasons for TPSL [for document, send email to ArchiveRequest@ctc.ca.gov]

April 19, 2016 Coded Correspondence 16-02: Proposed Addition and Amendments to Title 5 of the Cali-

fornia Code of Regulations Pertaining to Teaching Permit for Statutory Leave (TPSL): https://www.ctc.ca.gov/docs/defaultsource/commission/coded/2016/1602.pdf?sfvrsn=1f7a6a31_0

August 16, 2016 Text Approved by the Office of Administrative Law and Filed with the Secretary of State [for document, send email to ArchiveRequest@ctc.ca.gov]

August 23, 2016 Coded Correspondence 16-10: Approved Addition and Amendment to Title 5 of the California Code of Regulations Pertaining to Teaching Permit for Statutory Leave (TPSL): <https://www.ctc.ca.gov/docs/default-source/commission/coded/2016/1610.pdf>

DISCLOSURES REGARDING THE
PROPOSED ACTION

The Commission has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 et seq.: None.

Cost or savings to state agencies: None.

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

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

Cost impacts on a representative private person or business: The Commission 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 business: There may be an effect on small business.

Effect on housing costs: None.

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

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

RESULTS OF THE ECONOMIC
IMPACT ANALYSIS

[Govt. Code § 11346.5(a)(10).]

The Commission concludes that it is 1) unlikely that the proposal will create any jobs within the State of California; 2) unlikely that the proposal will eliminate any jobs within the State of California; 3) unlikely that the proposal will create any new businesses within the State of California; 4) unlikely that the proposal will elimi-

nate any existing businesses within the State of California; and 5) unlikely the proposal would cause the expansion of businesses currently doing business within the State of California; and 6) as stated above, the Commission anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California by providing schools with option to use a TPSL in situations where the teacher of record is placed on extended Military Leave or Administrative Leave for periods that extend beyond the service limitation of the Emergency 30-Day Substitute Teaching Permit. The Commission also anticipates that the proposed regulations will result in an increase in the protection of public health and safety, worker safety, or the environment, the prevention of social inequity, or an increase in openness and transparency in business.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Commission must determine that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which this 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 provisions of law.

The Commission invites interested parties to submit alternatives with respect to the proposed regulations during the written comment period.

AUTHORITY AND REFERENCE

Education Code section 44255 authorizes the Commission to adopt these proposed regulation amendments. The proposed amendments implement, interpret, and make specific Education Code section 80022 pertaining to the TPSL.

CONTACT PERSONS

Inquiries concerning the proposed action may be directed to:

Thomas Johnson
Commission on Teacher Credentialing
Certification Division
1900 Capitol Avenue
Sacramento, CA 95811-4213
tjohnson@ctc.ca.gov

The backup contact person for these inquiries is:

Joshua Speaks
Commission on Teacher Credentialing
Certification Division
1900 Capitol Avenue
Sacramento, CA 95811-4213
JSpeaks@ctc.ca.gov

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice of Register, the rulemaking file consists of the Notice of Proposed Rulemaking, the proposed text of regulations, the Initial Statement of Reasons, and an economic impact assessment/analysis contained in the Initial Statement of Reasons. Copies may be obtained by contacting Thomas Johnson at the address or telephone number provided above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Thomas Johnson via email at tjohnson@ctc.ca.gov.

AVAILABILITY OF DOCUMENTS

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations can be accessed through the Commission's website at www.ctc.ca.gov.

TITLE 5. COMMISSION ON TEACHER CREDENTIALING

The Commission on Teacher Credentialing proposes to amend the regulations described below in Title 5 of the California Code of Regulations pertaining to The-

ater and Dance Credentials after considering all comments, objections, and recommendations regarding the proposed action.

SUMMARY

The Commission on Teacher Credentialing (Commission) proposes amendments to Title 5 of the California Code of Regulations (CCR), sections 80004, 80005, 80057.5, 80089.1, 80089.2, and 80089.3 to implement the new Theater and Dance credentials created by Senate Bill (SB) 916 (Chapter 652, Statutes of 2016).

NOTICE OF PUBLIC HEARING

No public hearing has been scheduled for this proposal. However, the Commission 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 comment period. The Commission approved the recommendation at the April 24, 2020 meeting to begin the rulemaking file for submission to the Office of Administrative Law.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail relevant to the proposed action. The written comment period closes at midnight on September 1, 2020. Comments must be received by that time. You may fax your response to (916) 322-0048; write to the Commission on Teacher Credentialing, attn. Joshua Speaks, 1900 Capitol Avenue, Sacramento, California 95811; or submit an e-mail to jspeaks@ctc.ca.gov.

AUTHORITY AND REFERENCES

Education Code (EC) sections 44225 and 44251.2 authorize the Commission to adopt these proposed regulation amendments. The proposed amendments implement, interpret, and make specific EC section 44257.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action proposes amendments to the CCR relating to Theater and Dance credentials and authorizations, as approved at the April 2020 meeting. The amendments include the creation of new theater

and dance subject matter and supplemental authorizations, and provisions stating that educators who receive their English and Physical Education (PE) credentials or authorizations prior to January 1, 2022 will continue to be authorized to teach theater and dance. The amendments also make minor technical and clarifying changes to the CCR related to these topics.

SB 916 was enacted into law on September 26, 2016. This bill amended Education Code (EC) section 44257 to create Single Subject credentials in the areas of Theater and Dance. Currently these subjects are subsumed content areas taught by holders of single subject credentials in English and PE, whose current preparation includes theater and dance content. Additionally, existing Subject Matter Authorizations and Supplementary Authorizations in English and PE authorize instruction in Theater and Dance, respectively. Subject Matter Authorizations and Supplementary Authorizations are documents that authorize an educator to teach subjects beyond the scope of their credential, based on coursework completed in the subject named in the authorization. SB 916 also explicitly states that English and PE credentials issued prior to the establishment of the new credentials shall still authorize the teaching of theater and dance respectively. In addition, EC section 44251.2 states that “A credential, permit, certificate, or other document that is lawfully issued by the commission shall remain in force in accordance with the laws and regulations under which it was issued, and shall be exempt from new laws and regulations unless sections of this code are specifically amended to the contrary.”

The regulations proposed in this rulemaking would add Theater and Dance credentials to the list of credentials authorized for departmentalized classes in Section 80004. They would also authorize educators with Single Subject English and PE credentials issued prior to January 1, 2022 to continue providing instruction in theater and dance, respectively. Similar changes would be made to Sections 80057.5, 80089.2, and 80089.3 regarding Supplementary and Subject Matter Authorizations, creating new Theater and Dance authorizations while specifying that English and PE authorizations issued prior to January 1, 2022 would retain their current scope including the subjects of theater and dance. Section 80005 would be amended to include Theater and Dance, and a list of their corresponding subsumed subjects, while removing theater and dance from the list of subjects subsumed by English and PE credentials.

The regulations proposed in this rulemaking also make minor, technical changes. The regulations remove the phrase “Languages other than English” and replace it with the phrase “World Languages” in Section 80005 to reflect a change in terminology in EC Section 44257, and remove the sunset date for the Supplementary and Subject Matter Authorizations in Computer

Concepts and Applications from Sections 80057.5 and 80089.2. The sunset date, April 1, 2016, is long past and it is no longer possible to qualify for the Supplementary Authorization in Computer Concepts and Applications.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

The Commission anticipates that the proposed amendments will help to clarify and implement the statutory changes adopted by the Legislature, which were intended to increase opportunities for experienced theater and dance professionals to enter the California teaching workforce. The changes promote clarity by implementing these new and highly anticipated credentials and authorizations. The Commission also anticipates that the proposed amendments will benefit students attending public schools in the State of California and their families by assuring well-prepared and specialized theater and dance teachers.

The Commission does not anticipate that the proposed regulations will result in an increase in the protection of public health and safety, worker safety, or the environment, the prevention of social inequity, or an increase in openness and transparency in business.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

The Commission has conducted a review to identify any regulations that would relate to, or affect, this area and has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. These are the only regulations concerning the authorization of educators to teach theater and dance in California.

DISCLOSURES REGARDING PROPOSED ACTIONS

The Commission has made the following initial determinations:

Mandate to local agencies or school districts: None.

Cost to local agencies or school districts: None.

Cost or savings to any state agency: None.

Other non-discretionary costs or savings imposed upon local agencies: None.

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

Significant effect on housing costs: None.

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

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 17500) of the Government Code.

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

Statement of the Results of the Economic Impact Assessment [Govt. Code § 11346.5(a)(10)]: The Commission concludes that it is 1) unlikely that the proposal will create any jobs within the State of California; 2) unlikely that the proposal will eliminate any jobs within the State of California; 3) unlikely that the proposal will create any new businesses within the State of California; 4) unlikely that the proposal will eliminate any existing businesses within the State of California; and 5) unlikely the proposal would cause the expansion of businesses currently doing business within the State of California; and 6) as stated above would benefit California schools by increasing opportunities for experienced theater and dance professionals to enter the California teaching workforce and benefit students attending public schools in the State of California and their families by assuring well-prepared and specialized theater and dance teachers.

Effect on small businesses: The proposed regulations will not have a significant adverse economic impact upon business. The proposed regulations apply only to individuals seeking a credential or authorization to teach theater or dance in California public schools.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission 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.

SOURCES

June 2016 Commission agenda item 6B — Analysis of Bills [for document, send email to ArchiveRequest@ctc.ca.gov]

Approval of the June 2016 minutes [for document, send email to ArchiveRequest@ctc.ca.gov]

September 2019 Commission agenda item 5A — Draft Subject Matter Requirements and Draft Teaching

Performance Expectations for the New Single Subject Theater and Dance Credentials: <https://www.ctc.ca.gov/docs/default-source/commission/agendas/2019-09/2019-09-5a.pdf>

Approval of the September 2019 minutes: <https://www.ctc.ca.gov/docs/default-source/commission/agendas/2020-01/2020-01-1a.pdf>

November 2019 Commission agenda item 3H — Proposed Blueprint for the New California Subject Examinations for Teachers (CSET) Single Subject Examinations for Theater and Dance: <https://www.ctc.ca.gov/docs/default-source/commission/agendas/2019-11/2019-11-3h.pdf>

Approval of the November 2019 minutes: <https://www.ctc.ca.gov/docs/default-source/commission/agendas/2020-01/2020-01-1a.pdf>

April 2020 Commission agenda item 6A — <https://www.ctc.ca.gov/docs/default-source/commission/agendas/2020-04/2020-04-6a.pdf>

Approval of the April 2020 minutes: <https://www.ctc.ca.gov/docs/default-source/commission/agendas/2020-06/2020-06-1a.pdf>

CONTACT INFORMATION

General or substantive inquiries concerning the proposed action may be directed to Joshua Speaks by telephone at (916) 327-5339, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. The alternate contact is Thomas Johnson, via email at tjohnson@ctc.ca.gov. General question inquiries may also be directed to the address mentioned above. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's website at www.ctc.ca.gov. In addition, all the information on which this proposal is based is available for inspection and copying.

AVAILABILITY OF THE RULEMAKING FILE

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice of Register, the rulemaking file consists of the Notice of Proposed Rulemaking, the proposed text of regulations, the Initial Statement of Reasons, and an economic impact assessment/analysis contained in the Initial Statement of Reasons. Copies may be obtained by contacting Joshua Speaks at the address or telephone number provided above.

MODIFICATION OF PROPOSED ACTION

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Joshua Speaks via email at jspeaks@ctc.ca.gov.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations can be accessed through the Commission's website at <https://www.ctc.ca.gov/commission/notices/rulemaking>.

TITLE 10. DEPARTMENT OF INSURANCE

JANUARY 1, 2021 WORKERS' COMPENSATION INSURANCE RATING RULES FILING

File No. REG-2020-00013

SUBJECT OF PROPOSED RULEMAKING

Notice is given that a public hearing will be held in response to a filing by the Workers' Compensation Insurance Rating Bureau of California ("WCIRB"), submitted on June 25, 2020. The WCIRB proposes amendments to the Insurance Commissioner's Regulations pertaining to the Classification of Risks, Recording and Reporting of Data, Statistical Reporting and Experience Rating to be effective January 1, 2021, as follows:

- Approval of proposed amendments to the *California Workers' Compensation Uniform Statistical Reporting Plan — 1995* as proposed by the WCIRB as the Insurance Commissioner's designated statistical agent.
- Approval of proposed amendments to the *Miscellaneous Regulations for the Recording and*

Reporting of Data — 1995 as proposed by the WCIRB as the Insurance Commissioner’s designated statistical agent.

- Approval of proposed amendments to the *California Workers’ Compensation Experience Rating Plan — 1995* as proposed by the WCIRB as the Insurance Commissioner’s designated statistical agent.

HEARING

Public Hearing Date and Location

A public hearing will be conducted to permit all interested persons the opportunity to present statements or arguments, verbally or in writing, with respect to the matters proposed in the WCIRB’s filing, at the following date, time and place:

July 29, 2020 — 10:00 a.m.
California Department of Insurance
TELEPHONIC PARTICIPATION ONLY
TOLL-FREE TELEPHONE NUMBER:
877-336-4440
Access Code: 6027188

Participants will be given instructions on how to provide testimony once they have accessed the hearing. The hearing will continue on the date noted above until all testimony has been submitted or until 5:00 p.m., whichever is earlier.

Access to Telephonic Conference Call

This hearing will be open to the public. To make it possible for the Department to advise attendees of future rulemaking activity, as well as to aid the Department of Insurance in managing attendance, we request that you voluntarily RSVP as soon as possible, preferably by 5:00 p.m. on Monday, July 27th, 2020, by providing your name(s), the name of the organization you represent, and your contact information, including email address of each attendee to brentley.yim@insurance.ca.gov. An RSVP is not required to attend the telephonic conference and all attendees are invited to participate regardless of whether there was an RSVP.

The telephonic conference to be used for the public hearing is accessible to persons with mobility impairment. Persons with sight or hearing impairments are requested to notify the contact person for these hearings (listed below) in order to make specific arrangements, if necessary.

WRITTEN COMMENT PERIOD

Presentation of Written or Oral Comments; Contact Persons

All persons are invited to submit written comments on the proposed regulations during the public comment period. The public comment period will end at **5:00 p.m. on Wednesday, July 29, 2020**. Please direct all written comments to the following contact person:

Brentley Yim, Attorney
 California Department of Insurance
 1901 Harrison St., 4th Floor
 Oakland, CA 94612
 Telephone: (415) 538-4113
brentley.yim@insurance.ca.gov

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. If he is unavailable, inquiries may be addressed to the following backup contact person:

Patricia Hein, Attorney
 California Department of Insurance
 1901 Harrison St., 6th Floor
 Oakland, CA 94612
 Telephone: (415) 538-4430
patricia.hein@insurance.ca.gov

Please note that under the California Public Records Act (Government Code Section 6250, et seq.), your written and oral comments, and associated contact information (e.g., your address, phone number, e-mail, etc.) become part of the public record and can be released to the public upon request.

Deadline for Written Comments

All written materials must be received by the Insurance Commissioner, addressed to the contact person at the address listed above, no later than **5:00 p.m. on Wednesday, July 29, 2020**. Any written materials received after that time may not be considered.

Comments Transmitted by E-Mail or Facsimile

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: brentley.yim@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of Brentley Yim and sent to the following facsimile number: (415) 904-5490. **Comments sent to e-mail addresses or facsimile numbers other than those designated in this notice will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.**

PROCEEDINGS NOT SUBJECT TO
ADMINISTRATIVE PROCEDURE ACT

The regulations contained in the *California Workers' Compensation Uniform Statistical Reporting Plan — 1995*, the *Miscellaneous Regulations for the Recording and Reporting of Data—1995*, and the *California Workers' Compensation Experience Rating Plan — 1995* pertain to the establishment of workers' compensation insurance rates. Government Code Section 11340.9(g) states that the Administrative Procedure Act [Chapter 3.5 of the Government Code] shall not apply to regulations that establish or fix rates, prices, or tariffs, and the Office of Administrative Law has determined that these regulations are excluded from the requirements of the Administrative Procedure Act.

This Notice and any accompanying documents are being offered by the Commissioner to obtain written public comment before the Commissioner determines whether to approve the amendments to these regulations. The Commissioner shall issue an Order regarding his determination pursuant to Insurance Code Section 11734.

AUTHORITY AND REFERENCE

Uniform Plans and Regulations

The workers' compensation classification of risks and statistical reporting rules are set forth in Title 10, California Code of Regulations, Section 2318.6. The miscellaneous regulations for the recording and reporting of data are set forth in Title 10, California Code of Regulations, Section 2354. The workers' compensation experience rating regulations are set forth in Title 10, California Code of Regulations, Section 2353.1. These regulations are promulgated by the Insurance Commissioner pursuant to the authority granted by Insurance Code Section 11734.

INFORMATIVE DIGEST

Pursuant to Insurance Code Sections 11734 and 11751.5, the Insurance Commissioner has designated the WCIRB as his statistical agent. As the designated statistical agent, the WCIRB collects insurer data and recommends revisions to the *California Workers' Compensation Uniform Statistical Reporting Plan — 1995*; the *Miscellaneous Regulations for the Recording and Reporting of Data—1995*; and the *California Workers' Compensation Experience Rating Plan — 1995* for approval. Adherence to the regulations contained in the *California Workers' Compensation Uniform Statistical Reporting Plan — 1995*, the *Miscellaneous Regulations for the Recording and Reporting of Data—1995*, and the

California Workers' Compensation Experience Rating Plan — 1995 is mandatory for insurers. However, Insurance Code Section 11734 provides that an insurer may develop its own classification system if it is filed with the Insurance Commissioner 30 days prior to its use and is not disapproved by the Insurance Commissioner for failure to demonstrate that the data produced by the insurer's classification system can be reported consistently with the *California Workers' Compensation Uniform Statistical Reporting Plan — 1995* or the standard classification system developed by the WCIRB and approved by the Insurance Commissioner.

The amendments to the *California Workers' Compensation Uniform Statistical Reporting Plan — 1995*, the *Miscellaneous Regulations for the Recording and Reporting of Data—1995*, and the *California Workers' Compensation Experience Rating Plan — 1995* are summarized below.

Amendments to the *California Workers' Compensation Uniform Statistical Reporting Plan — 1995*, Title 10, California Code of Regulations, Section 2318.6, Effective January 1, 2021

1. Amend Part 1, *General Provisions*, Section I, *Introduction*, Rule 1, *Purpose*, to reflect that policy information must be reported electronically to the WCIRB.
2. Amend Part 1, Section I, Rule 3, *Effective Date*, to show that the effective date of the amended Uniform Statistical Reporting Plan is 12:01 a.m., January 1, 2021.
3. Amend Part 1, Section III, *Submission of Information*, Rule 1, *Reporting Information*, to remove requirements relating to hard copy submission of policy documents.
4. Amend Part 2, *Policy Reporting Requirements*, Section I, *General Instructions*, to (1) remove requirements relating to hard copy submission of policy documents; (2) eliminate electronic policy reporting requirements; (3) change policy information reporting timeframes from 60 to 30 days and (4) for clarity and consistency with other proposed changes.
5. Amend Part 2, Section II, *Policy Period*, to (1) remove outdated language regarding continuing form policies and (2) for clarity and consistency with other proposed changes.
6. Amend Part 2, Section III, *Additional Electronic Reporting Requirements*, to reflect current electronic policy reporting requirements and for clarity and consistency with other proposed changes.

7. Amend Part 3, *Standard Classification System*, Section II, *Classification Terminology*, Rule 14, *Miscellaneous Employee(s)*, to establish Rule 22 to define “Premium Portion of Overtime Pay” and for consistency with other proposed changes.
8. Amend Part 3, Section III, *General Classification Procedures*, Rule 4, *Standard Exceptions*, to include Classification 8871, *Clerical Telecommuter Employees*, as a Standard Exception classification applicable to Clerical Office Employees who work more than 50% of their time at their home or other office space away from any location of their employer and for consistency with other proposed changes.
9. Amend Part 3, Section IV, *Special Industry Classification Procedures*, Rule 2, *Construction or Erection Work*, to clarify the procedures for calculating the regular hourly wage for (1) salaried employees and (2) when the annual minimum remuneration requirements in Section V, Rule 1, *Payroll — Remuneration*, Subrules j, k, l and m, are applied.
10. Amend Part 3, Section IV, Rule 4, *Farms*, to (1) update the definition of “farm” for classification purposes, (2) clarify the rule regarding miscellaneous employees and how they should be classified when both farm and non-farm classifications apply to an employer, (3) remove duplicative directives and (4) reorganize and clarify directives regarding payroll and operations to be included and excluded from farm classifications.
11. Amend Part 3, Section V, *Payroll — Remuneration*, Rule 1, *Payroll — Remuneration*, to clarify the definition of *Payroll — Remuneration*; Subrule c, *Overtime Remuneration*, to (1) clarify the rule, (2) incorporate the term “Premium Portion of Overtime Pay”, (3) remove Examples 3 and 4, and instead reference the Department of Industrial Relations’ examples for piecework and commission overtime pay for clarity and consistency with California wage and hour laws and (4) for consistency with other proposed changes; and Subrule e, *Severance Pay*, to clarify that severance pay is only excludable from remuneration when it is paid due to the termination of the employment relationship and that retention bonuses and similar payments that incentivize employees to remain employed for a period of time are included as payroll.
12. Amend Part 3, Section VII, *Standard Classifications*, Rule 2, *Standard Classifications*, as follows:
 - Amend Classification 9549, *Advertising Companies*, to revise the footnote assigning the display of hand-held advertisement signs and walking billboards (human sign holders) to Classification 8742, *Salespersons — Outside*, to indicate that the assignment of 8742 is subject to the rules set forth in Section III, Rule 4, *Standard Exceptions*.
 - Amend Classification 9016(1), *Amusement or Recreational Facilities — N.O.C. — all employees other than those engaged in the operation or maintenance of amusement devices, restaurants or retail stores*, to remove the footnote assigning pari-mutuel employees to Classification 8810, *Clerical Office Employees*, as pari-mutuel employees working at 9016(1) operations are assignable to 9016(1) and to clarify its intended application.
 - Amend Classification 1463(1), *Asphalt Works*, to provide direction as to how related operations should be classified.
 - Amend Classification 9182, *Athletic Teams or Athletic Facilities — all employees other than players, umpires, referees and game officials*, to revise the footnote assigning athletic scouts to Classification 8742, *Salespersons — Outside*, to indicate that the assignment of 8742 is subject to the rules set forth in Section III, Rule 4, *Standard Exceptions*.
 - Amend Classification 7607(2), *Audio Post-Production*, to include Clerical Telecommuter Employees.
 - Amend Classification 8803, *Auditing, Accounting or Management Consulting Services*, to include Clerical Telecommuter Employees.
 - Amend Classification 8391, *Automobile or Truck Dealers — all employees other than vehicle salespersons*, which is part of the *Automotive Industry Group*, to provide direction as to how related operations should be classified and for clarity.
 - Amend Classification 8748, *Automobile or Truck Dealers — vehicle salespersons*, which is part of the *Automotive Industry Group*, to clarify its intended application and provide

- direction as to how related operations should be classified.
- Amend Classification 8808, *Banks*, to include Clerical Telecommuter Employees.
 - Amend Classification 9048(2), *Boy and Girl Scout Councils — all camp operations*, to provide direction as to how related operations should be classified and for clarity.
 - Amend Classification 2812, *Cabinet Mfg.*, for consistency with other proposed changes.
 - Amend Classification 5146(1), *Cabinet or Fixtures*, which is part of the *Construction and Erection* Industry Group, to clarify its intended application.
 - Amend Classification 9048(1), *Camps — recreational or educational*, for clarity.
 - Amend Classification 9185, *Carnivals or Circuses*, to include Clerical Telecommuter Employees.
 - Amend Classifications 5403/5432, *Carpentry*, which are part of the *Construction and Erection* Industry Group, to clarify the intended application and for consistency with other proposed changes.
 - Amend Classification 2402, *Carpet or Rug Mfg.*, for consistency with other proposed changes.
 - Amend Classification 5020, *Ceiling Installation*, which is part of the *Construction and Erection* Industry Group, to clarify its intended application and for consistency with other proposed changes.
 - Amend Classification 9220(1), *Cemetery Operation*, to include cemetery plot or mausoleum sales counselors at the cemetery location.
 - Amend Classification 8850, *Check Cashers*, to include Clerical Telecommuter Employees.
 - Amend Classification 9015(4), *Churches, Temples, Mosques and Synagogues — all employees other than clergy, professional assistants, organists, members of choir or Clerical Office Employees*, to exclude Clerical Telecommuter Employees.
 - Amend Classification 8840, *Churches, Temples, Mosques and Synagogues — clergy, professional assistants, organists or members of choir*, to include Clerical Telecommuter Employees.
 - Amend Classification 4000(2), *Clay Digging*, to clarify its intended application and provide direction as to how related operations should be classified and for clarity.
 - Amend Classification 8810, *Clerical Office Employees*, to direct that Clerical Office Employees who work more than 50% of their time at their home or other office space away from any location of their employer shall be classified as 8871, *Clerical Telecommuter Employees*.
 - Establish Classification 8871, *Clerical Telecommuter Employees — N.O.C.*, as a Standard Exception classification applicable to Clerical Office Employees who work more than 50% of their time at their home or other office space away from any location of their employer.
 - Amend Classification 2501(1), *Clothing Mfg.*, for consistency with other proposed changes.
 - Amend Classification 9069, *Clubs — gaming*, to include a footnote directing that this classification applies to off-track betting facilities and includes pari-mutuel wagering operations provided to horse racing tracks and other horse race betting venues on a contract basis.
 - Amend Classification 8868, *Colleges or Schools — private — not automobile schools — professors, teachers or academic professional employees*, to clarify its intended application and provide direction as to how related operations should be classified.
 - Amend Classification 8859(1), *Computer Programming or Software Development*, to include Clerical Telecommuter Employees.
 - Amend Classification 5606, *Contractors — construction or erection — executive level supervisors*, which is part of the *Construction and Erection* Industry Group, to revise the footnote assigning employees whose non-clerical duties are confined to visiting job sites for pre-construction estimating to Classification 8742, *Salespersons — Outside*, to indicate that the assignment is subject to the rules set forth in Section III, Rule 4, *Standard Exceptions*.
 - Eliminate Classification 2211(1), *Cotton Batting, Wadding or Waste Mfg.*, because it is no longer statistically credible and reassign

the operations described by this classification to Classification 2222, *Spinning or Weaving*.

- Amend Classification 0401, *Cotton Gin Operation*, for consistency with other proposed changes.
- Amend Classification 8801, *Credit Unions*, to include Clerical Telecommuter Employees.
- Amend Classification 9220(2), *Crematory Operation*, to include cemetery plot or mausoleum sales counselors at the crematory location.
- Amend Classification 9059, *Day Care Centers — child*, to clarify its intended application and provide direction as to how related operations should be classified.
- Amend Classification 9529(2), *Decorating*, to remove the footnote assigning interior decorators and designers who do not install or place furnishings to Classification 8742, *Salespersons — Outside*, as this is not a definitive assignment and must be based on the actual duties performed by each decorator or designer.
- Amend Classification 5107, *Door, Door Frame or Pre-Glazed Window Installation*, which is part of the *Construction and Erection* Industry Group, for consistency with other proposed changes.
- Amend Classification 3060(2), *Door or Window Frame Mfg.*, for consistency with other proposed changes.
- Amend Classification 3060(1), *Door or Window Mfg. — metal or plastic*, for consistency with other proposed changes.
- Amend Classification 3060(3), *Door or Window Mfg. — screen*, to clarify its intended application.
- Amend Classification 3570, *Electric Appliance Mfg.*, to clarify its intended application and provide direction as to how related operations should be classified.
- Amend Classification 7539, *Electric Power Companies*, to include meter reading activities.
- Amend Classification 3681(1), *Instrument Mfg.*, which is part of the *Electronics* Industry Group, to provide direction as to how related operations should be classified.
- Amend Classification 8601(1), *Engineers*, to include Clerical Telecommuter Employees.
- Amend Classification 0050, *Farm Machinery Operation*, to move this classification to the *Farms* Industry Group.
- Eliminate Classification 2211(3), *Felting Mfg.*, because it is no longer statistically credible and reassign the operations described by this classification to Classification 2222, *Spinning or Weaving*.
- Amend Classification 0035, *Florists*, to move this classification to the *Farms* Industry Group and clarify its intended application.
- Amend Classification 8601(4), *Forest Engineers*, to include Clerical Telecommuter Employees.
- Amend Classification 3110(1), *Forging Works*, to clarify its intended application and provide direction as to how related operations should be classified.
- Amend Classification 3175, *Furnace or Heater Mfg.*, to provide direction as to how related operations should be classified.
- Amend Classification 8293(2), *Furniture Moving*, for consistency with other proposed changes.
- Amend Classification 7500, *Gas Works*, to include meter reading activities.
- Amend Classification 4130, *Glass Merchants*, to clarify its intended application and for consistency with other proposed changes.
- Amend Classifications 5467/5470, *Glaziers*, which are part of the *Construction and Erection* Industry Group, for consistency with other proposed changes.
- Amend Classification 5436, *Hardwood Floor Laying*, which is part of the *Construction and Erection* Industry Group, to provide direction as to how related operations should be classified.
- Amend Classification 8839, *Dentists and Dental Surgeons*, which is part of the *Health and Human Services* Industry Group, to include Clerical Telecommuter Employees.
- Amend Classification 8827(1), *Home Care Services*, which is part of the *Health and Human Services* Industry Group, to clarify its intended application and provide direction as to how related operations should be classified.
- Amend Classification 9043, *Hospitals*, which is part of the *Health and Human*

- Services* Industry Group, to include Clerical Telecommuter Employees.
- Amend Classification 8827(2), *Nursing Care*, which is part of the *Health and Human Services* Industry Group, for clarity.
- Amend Classification 8834, *Physicians' Practices and Outpatient Clinics*, which is part of the *Health and Human Services* Industry Group, to include Clerical Telecommuter Employees and clarify its intended application.
- Amend Classification 9085, *Residential Care Facilities for Children*, which is part of the *Health and Human Services* Industry Group, for clarity.
- Amend Classification 9521(1), *House Furnishings*, to provide direction as to how related operations should be classified and for consistency with other proposed changes.
- Amend Classification 9519(1), *Household Appliances*, to provide direction as to how related operations should be classified.
- Amend Classification 8720(1), *Inspection for Insurance, Safety or Valuation Purposes*, to revise the footnotes assigning property appraisers and insurance claims or insurance fraud investigation companies that exclusively perform investigations that do not require surveillance of persons without their knowledge to Classification 8742, *Salespersons — Outside*, or Classification 8810, *Clerical Office Employees*, to indicate that the assignment of 8742 or 8810 is subject to the rules set forth in Section III, Rule 4, *Standard Exceptions*.
- Amend Classification 8822, *Insurance Companies*, to include Clerical Telecommuter Employees.
- Amend Classification 8859(2), *Internet or Web-Based Application Development or Operation*, to include Clerical Telecommuter Employees.
- Amend Classification 2362, *Knitting*, for consistency with other proposed changes.
- Amend Classification 8755, *Labor Unions*, to remove the footnote assigning Clerical Office Employees to Classification 8810, *Clerical Office Employees*, as it is duplicative of general classification procedures and not unique to this classification.
- Amend Classification 8821, *Law Firm Support Services*, to include Clerical Telecommuter Employees.
- Amend Classification 8820, *Law Firms*, to include Clerical Telecommuter Employees.
- Amend Classification 9015(5), *Libraries — private — all employees other than librarians, professional assistants or Clerical Office Employees*, to exclude Clerical Telecommuter Employees.
- Amend Classification 8811, *Libraries — private — librarians or professional assistants*, to include Clerical Telecommuter Employees.
- Amend Classification 3560(1), *Machinery Mfg. — commercial food processing equipment*, to clarify its intended application.
- Amend Classification 3560(2), *Machinery Mfg. — industrial*, to clarify its intended application and provide direction as to how related operations should be classified.
- Amend Classification 3560(3), *Machinery Mfg. — material handling equipment*, to clarify its intended application and provide direction as to how related operations should be classified.
- Amend Classification 3501(1), *Machinery Mfg. — portable tools*, to clarify its intended application and provide direction as to how related operations should be classified.
- Amend Classification 3507, *Machinery or Equipment Mfg.*, to provide direction as to how related operations should be classified.
- Amend Classification 8800, *Mailing or Addressing Companies*, to include Clerical Telecommuter Employees.
- Amend Classification 3724(1), *Millwright Work*, to clarify its intended application and provide direction as to how related operations should be classified.
- Amend Classification 2797(1), *Mobile, Modular or Manufactured Home or Building Mfg.*, to clarify its intended application.
- Amend Classification 8749, *Mortgage Bankers*, to include Clerical Telecommuter Employees.
- Amend Classification 8743, *Mortgage Brokers*, to include Clerical Telecommuter Employees.
- Amend Classification 9033, *Housing Authorities*, which is part of the *Municipal, State or Other Public Agencies* Industry Group, to assign employees engaged exclusively in determining the eligibility of properties owned and operated by separate parties for rental subsidies to Classification

- 9410, *Municipal, State or Other Public Agency Employees*, instead of Classification 8742, *Salespersons — Outside*.
- Amend Classification 8830, *Institutional Employees*, which is part of the *Municipal, State or Other Public Agencies* Industry Group, to include Clerical Telecommuter Employees.
 - Amend Classification 8812, *Libraries — public*, which is part of the *Municipal, State or Other Public Agencies* Industry Group, to include Clerical Telecommuter Employees.
 - Amend Classification 9410, *Municipal, State or Other Public Agency Employees — not engaged in manual labor; or direct supervision of construction or erection work*, which is part of the *Municipal, State or Other Public Agencies* Industry Group, to include employees engaged in determining the eligibility of properties owned and operated by separate parties for rental subsidies.
 - Amend Classification 8875(1), *Public Colleges or Schools*, which is part of the *Municipal, State or Other Public Agencies* Industry Group, to include Clerical Telecommuter Employees.
 - Amend Classification 8875(2), *Superintendent of Public Schools Office*, which is part of the *Municipal, State or Other Public Agencies* Industry Group, to include Clerical Telecommuter Employees.
 - Amend Classification 8838, *Museums*, to include Clerical Telecommuter Employees and clarify its intended application.
 - Amend Classification 0005, *Nurseries*, to move this classification to the *Farms* Industry Group and clarify its intended application.
 - Amend Classification 8601(2), *Oil or Gas Geologists or Scouts*, which is part of the *Petroleum Industry* Group, to include Clerical Telecommuter Employees.
 - Amend Classification 8813(2), *Bookbinding Operation*, which is part of the *Printing, Publishing and Duplicating* Industry Group, to include Clerical Telecommuter Employees.
 - Amend Classification 8019(2), *Document Duplication or Photocopying Service*, which is part of the *Printing, Publishing and Duplicating* Industry Group, to include Clerical Telecommuter Employees.
 - Amend Classification 4297(1), *Electronic Pre-Press*, which is part of the *Printing, Publishing and Duplicating* Industry Group, to include Clerical Telecommuter Employees.
 - Amend Classification 4297(2), *Graphic Design*, which is part of the *Printing, Publishing and Duplicating* Industry Group, to include Clerical Telecommuter Employees.
 - Amend Classification 8807, *Newspaper, Magazine or Book Publishing*, which is part of the *Printing, Publishing and Duplicating* Industry Group, to include Clerical Telecommuter Employees.
 - Amend Classification 8818, *Newspaper Publishing or Printing*, which is part of the *Printing, Publishing and Duplicating* Industry Group, to include Clerical Telecommuter Employees.
 - Amend Classification 8019(1), *Printing — quick printing*, which is part of the *Printing, Publishing and Duplicating* Industry Group, to include Clerical Telecommuter Employees.
 - Amend Classification 4299(1), *Printing Operation — all other employees*, which is part of the *Printing, Publishing and Duplicating* Industry Group, to remove the footnote assigning sales, collection or public relations work to Classification 8742, *Salespersons — Outside*, as it is duplicative of general classification procedures and not unique to this classification.
 - Amend Classification 8813(1), *Printing Operation — editing, designing, proofreading and photographic composing*, which is part of the *Printing, Publishing and Duplicating* Industry Group, to include Clerical Telecommuter Employees and remove the footnote assigning sales, collection or public relations work to Classification 8742, *Salespersons — Outside*, as it is duplicative of general classification procedures and not unique to this classification.
 - Amend Classification 4295(1), *Printing Operation — screen printing — all other employees*, which is part of the *Printing, Publishing and Duplicating* Industry Group, to remove the footnote assigning sales, collection or public relations work to Classification 8742, *Salespersons — Outside*, as it is duplicative of general

classification procedures and not unique to this classification.

- Amend Classification 8846(1), *Printing Operation — screen printing — editing, designing, proofreading and photographic composing*, which is part of the *Printing, Publishing and Duplicating* Industry Group, to include Clerical Telecommuter Employees and remove the footnote assigning sales, collection or public relations work to Classification 8742, *Salespersons — Outside*, as it is duplicative of general classification procedures and not unique to this classification.
- Amend Classification 4295(2), *Screen Printed Merchandise Dealers — all other employees*, which is part of the *Printing, Publishing and Duplicating* Industry Group, to remove the footnote assigning sales, collection or public relations work to Classification 8742, *Salespersons — Outside*, as it is duplicative of general classification procedures and not unique to this classification.
- Amend Classification 8846(2), *Screen Printed Merchandise Dealers — editing, designing, proofreading and photographic composing*, which is part of the *Printing, Publishing and Duplicating* Industry Group, to include Clerical Telecommuter Employees.
- Amend Classification 8741, *Real Estate Agencies*, which is part of the *Property Management/Operation* Industry Group, to include Clerical Telecommuter Employees.
- Amend Classification 7610, *Radio, Television or Commercial Broadcasting Stations*, to include Clerical Telecommuter Employees.
- Amend Classifications 5183(2)/5187(2), *Refrigeration Equipment*, to provide direction as to how related operations should be classified.
- Amend Classification 3165(2), *Refrigerator Mfg.*, to clarify its intended application and provide direction as to how related operations should be classified.
- Amend Classification 4000(1), *Sand or Gravel Digging*, to clarify its intended application and provide direction as to how related operations should be classified.
- Amend Classification 2806(2), *Shutter Mfg.*, to provide direction as to how related

operations should be classified and for consistency with other proposed changes.

- Amend Classification 1741(1), *Silica Grinding*, to provide direction as to how related operations should be classified and for clarity.
- Amend Classification 2222, *Spinning or Weaving*, to include felting manufacturing; cotton batting, wadding or waste manufacturing; and wool combing and scouring operations.
- Amend Classifications 5632/5633, *Steel Framing*, which are part of the *Construction and Erection* Industry Group, to clarify the intended application and for consistency with other proposed changes.
- Amend Classification 1710, *Stone Crushing*, to provide direction as to how related operations should be classified and for clarity.
- Amend Classification 8039, *Stores — department stores*, which is part of the *Stores* Industry Group, to include Clerical Telecommuter Employees.
- Amend Classification 8013(2), *Stores — eyewear*, which is part of the *Stores* Industry Group, for clarity.
- Amend Classification 8015, *Stores — furniture*, which is part of the *Stores* Industry Group, to provide direction as to how related operations should be classified.
- Amend Classification 8013(1), *Stores — jewelry*, which is part of the *Stores* Industry Group, to clarify its intended application.
- Amend Classification 8018, *Stores — wholesale*, which is part of the *Stores* Industry Group, for clarity.
- Amend Classification 3169(1), *Stove or Oven Mfg.*, to clarify its intended application and provide direction as to how related operations should be classified.
- Amend Classification 3099, *Tool Mfg.*, for clarity and to provide direction as to how related operations should be classified.
- Amend Classification 9522(5), *Upholstering — wheelchair*, for consistency with other proposed changes.
- Amend Classification 7607(1), *Video Post-Production*, to include Clerical Telecommuter Employees.
- Amend Classification 0400, *Warehouses — cotton*, for consistency with other proposed changes.

- Amend Classification 8292, *Warehouses — general merchandise*, to clarify its intended application.
 - Amend Classification 7520, *Water Companies*, to include meter reading activities.
 - Amend Classification 3076(6), *Wheelchair Mfg.*, to clarify its intended application and provide direction as to how related operations should be classified.
 - Amend Classification 9521(3), *Window Covering*, for consistency with other proposed changes.
 - Eliminate Classification 2211(4), *Wool Combing or Scouring*, because it is no longer statistically credible and reassign the operations described by this classification to Classification 2222, *Spinning or Weaving*.
13. Amend Part 3, Section VIII, *Abbreviated Classifications — Numeric Listing*, for consistency with other proposed changes.
 14. Amend Part 4, *Unit Statistical Report Filing Requirements*, Section I, *General Instructions*, Rule 1, *Scope*, for clarity.
 15. Amend Part 4, Section II, *Definitions*, Rule 12, *Final Premium(s)*, to update the citation to the federal Terrorism Risk Insurance Program.
 16. Amend Part 4, Section III, *Link Data and Header Record Information*, Rule 2, *Policy Effective Date*, Subrules b and c, to remove outdated language and for consistency.
 17. Amend Appendix I, *Construction and Erection Classifications*, to revise Classification 5146(1), *Cabinet or Fixtures*, for consistency with other proposed changes.
 18. Amend the Back Wages/Back Pay entry in Appendix II, *Payroll Remuneration Table*, to clarify that back pay consists of amounts paid or awarded to employees where the employer corrects or is ordered to make up the difference between what the employee was paid and the amount the employee should have been paid, and for consistency with other proposed changes.
 19. Amend Appendix IV, *Classifications Including Clerical Office Employees or Outside Salespersons*, for consistency with other proposed changes.

Amendments to the Miscellaneous Regulations for the Recording and Reporting of Data — 1995, Title 10, California Code of Regulations, Section 2354, Effective January 1, 2021

1. Amend Part 1, *General Provisions*, Section I, *Introduction*, Rule 2, *Effective Date*, to show that the effective date of the amended Miscellaneous Regulations is 12:01 a.m., January 1, 2021.

Amendments to the California Workers' Compensation Experience Rating Plan — 1995, Title 10, California Code of Regulations, Section 2353.1, Effective January 1, 2021

1. Amend Section I, *General Provisions*, Rule 2, *Effective Date*, to show that the effective date of the amended Experience Rating Plan is 12:01 a.m., January 1, 2021.
2. Amend Section II, *Definitions*, Rule 2, *Base Premium*, to update the citation to the federal Terrorism Risk Insurance Program.
3. Amend Section III, *Eligibility and Experience Period*, Rule 1, *Eligibility Requirements for California Workers' Compensation Insurance*, to adjust the eligibility threshold from \$9,700 to \$9,900 to reflect wage inflation and the proposed January 1, 2021 expected loss rates.
4. Amend Table I, *Expected Loss Rates and D-Ratios*, to reflect the most current data available.
5. Amend Table II, *Primary Thresholds*, to reflect the most current data available.

CONTACT PERSON

The name and telephone number of the agency representative and designated contact person are listed above under "WRITTEN COMMENT PERIOD."

AVAILABILITY STATEMENTS

The Commissioner has prepared an Informative Digest included in this Notice that sets forth a summary and the reasons for the proposed regulations. Upon request to the contact persons above, the text of the proposed regulations shall be made available for inspection and copying.

The file for this action, which includes a copy of the proposed regulations, the WCIRB's filing, and any supplemental information, is contained in the Rulemaking File: REG-2020-00013 and is available for inspection and copying by prior appointment at 1901 Harrison Street, 4th Floor, Oakland, California 94612, between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday.

The express terms of the proposed regulations as contained in the WCIRB's filing may also be viewed or downloaded from the Regulatory Filings section of the WCIRB website: www.wcirb.com.

INTERNET ACCESS

Documents concerning these proposed regulations are available on the Department's website at the following link: www.insurance.ca.gov/0250-insurers/0500-legal-info/0200-regulations/proposed-regulations.cfm.

APPROVAL OF REGULATIONS

Following the time period to receive written comment, the Insurance Commissioner may approve regulations substantially as described in this Notice and Informative Digest, or he may approve modified regulations or refuse to approve the regulations. Notice of the Insurance Commissioner's action will be sent to all persons who have requested notice of the Commissioner's action.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

PUBLIC COMMENTS DUE BY AUGUST 31, 2020

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-4547, by email to [Michelle Weiler](mailto:Michelle.Weiler@post.ca.gov) at michelle.weiler@post.ca.gov, or by letter to:

Commission on POST
Attention: Rulemaking
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code Section 13503 (authority of the Commission on POST) and Penal Code section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In reviewing Regulation 1054 to assist presenters in completing their course budgets, POST staff observed the regulation currently uses the term "a POST-certified tuition-based course" implying that the requirements for creating a course budget only pertain to courses that include tuition. However, the requirements set forth by Regulation 1054 are used to provide direction to presenters of POST-certified courses under all reimbursement plans, regardless of whether tuition is charged. The current language has led to confusion when providing guidance to presenters who provide courses which do not include tuition but utilize a reimbursement plan that includes reimbursement for presenter costs associated with POST-course delivery.

Under Reimbursement Plans V, VI, and VII, POST reimburses the presenter for presentation costs. Because POST reimburses presenters for costs associated with student attendance, courses associated with these plans do not include student tuition, therefore the course is not always understood by presenters as a "POST-certified tuition-based course." Replacing the term "tuition-based" with "POST-certified course" would clarify the language of Regulation 1054 to reflect all POST-certified courses and their associated budgets.

The specific benefits anticipated by the proposed regulatory changes to the health and welfare of California residents will be the ability to ensure the relevance of training content, best practices in training standards and delivery, and currency of instructors' subject matter expertise. Thus, these changes to the regulatory action will provide effective law enforcement standards that will create peace, and protection of public health and safety, and worker safety. There would be no impact to the environment, prevention of discrimination, promo-

tion of fairness or social equity, and the increase in transparency in business and government.

During the process of developing these regulations and amendments, the Commission on Peace Officer Standards and Training 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.

ADOPTION OF PROPOSED REGULATIONS

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

ESTIMATE OF ECONOMIC IMPACT

Fiscal impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Non-Discretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Costs to any Local Agency or School District for which Government Code sections 17500-17630 require reimbursement: None.

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

Small Business Determination: The Commission on Peace Officer Standards and Training has determined that the proposed amendments will not affect small business because the regulatory amendment addresses the replacement of the term “a POST-certified tuition-

based course” with the term “any POST-certified courses.”

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training 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: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

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

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses or create or expand businesses in the State of California.

The benefits of the proposed amendments of regulations to the regulations will increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the State’s environment.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to Michelle Weiler, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-4870. General questions regarding the regulatory process may be directed to Katie Strickland at (916) 227-2802.

TEXT OF PROPOSAL

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630. These documents are also located on the POST Website at: <https://post.ca.gov/Regulatory–Actions>.

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

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.

**TITLE 11. COMMISSION ON PEACE
OFFICER STANDARDS AND TRAINING**

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

PUBLIC COMMENTS DUE BY AUGUST 31, 2020

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227–4547, by email to [Michelle Weiler](mailto:Michelle.Weiler@post.ca.gov) at michelle.weiler@post.ca.gov, or by letter to:

Commission on POST
Attention: Rulemaking
860 Stillwater Road, Suite 100
West Sacramento, CA 95605–1630

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code Section 13503 (authority of the Commission on POST) and Penal Code section 13506

(POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Regulation 1056 — Annual Certification stipulates that POST is responsible for reviewing courses for recertification prior to the start of each fiscal year. There are two proposed amendments to this regulation. One amendment updates the language to reflect the current practice of using of the Electronic Data Interchange (EDI) for POST–course review, certification, modification, and re–certification. The second amendment establishes a process for the annual recertification process through the EDI.

Past practice required POST staff to provide a Course Certification Report to presenters prior to the start of the Fiscal Year. The reports were to be reviewed and signed by the presenter or presenter’s designee and returned to POST for recertification for the following fiscal year. However, this process was streamlined to an electronic process when POST transitioned to the use of the EDI for course certification in January 2007. The amendment revises Regulation 1056 to accurately reflect the current practice of using the EDI for course certifications, modifications, and re–certifications.

Currently, the EDI automatically recertifies courses at the beginning of each Fiscal Year. However, this process does not guarantee that course content was properly reviewed and updated by the presenter throughout the prior Fiscal Year. The amended regulation allows POST staff to utilize the EDI to automatically submit courses for modification rather than automatic re–certification. This process will cause presenters and POST staff to actively review and update course content for course re–certification to be approved. POST staff will review the course to evaluate the continuing need for the course, relevance of curriculum, and adherence to the requirements for course certification and course presentation requirements per Regulations 1052 and 1055, respectively.

The amended regulation will further stipulate that this process shall begin with each Fiscal Year on July 1. POST staff will utilize the EDI to cause courses to be reviewed in odd and even years based on the original year of POST–course certification. Courses first certified in odd years will be recertified in odd years. Courses first certified in even years will be recertified in even years.

POST–developed multimedia training courses are automatically recertified and will not be subject to an-

nual review. Basic courses, as defined in PAM sections D-1 and D-10 may be modified by the Commission biannually based on those sections. They are not subject to annual review under Regulation 1056.

The specific benefits anticipated by the proposed regulatory changes to the health and welfare of California residents will be the ability to ensure the relevance of training content, best practices in training standards and delivery, and currency of instructors' subject matter expertise. Thus, these changes to the regulatory action will provide effective law enforcement standards that will create peace, and protection of public health and safety and worker safety. There would be no impact to the environment, prevention of discrimination, promotion of fairness or social equity, and the increase in transparency in business and government.

During the process of developing these regulations and amendments, the Commission on Peace Officer Standards and Training 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.

FORMS INCORPORATED BY REFERENCE

There are no forms incorporated by reference.

ADOPTION OF PROPOSED REGULATIONS

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

ESTIMATE OF ECONOMIC IMPACT

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Non-Discretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Costs to any Local Agency or School District for which Government Code sections 17500-17630 require reimbursement: None.

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

Small Business Determination: The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect small business because the regulation addresses the updating of language to reflect the use of the Electronic Data Interchange (EDI) for POST-course review and re-certification and revising the course re-certification process to utilize the EDI to automatically submit courses for modification rather than automatic re-certification.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training 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: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

**RESULTS OF ECONOMIC
IMPACT ASSESSMENT
per Gov. Code section 11346.3(b)**

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses or create or expand businesses in the State of California.

The benefits of the proposed amendments of regulations to the regulations will increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the State's environment.

CONSIDERATION OF ALTERNATIVES

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the at-

tention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposed action.

CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to Michelle Weiler, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-4870. General questions regarding the regulatory process may be directed to Katie Strickland at (916) 227-2802.

TEXT OF PROPOSAL

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the POST Website at: <https://post.ca.gov/Regulatory-Actions>.

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

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 205, 265, 270, 275, 315, 316.5, 399, and 2084 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 205, 255, 265, 270, 275, 316.5, and 2084 of said Code, proposes to amend Sections 3.00, 4.00, 5.00, 5.41, 5.85, 7.00, 7.50, 8.10; add sections 5.84, 5.89 and 7.40, Title 14, California Code of Regulations, relating to Simplification of Statewide Inland Sport Fishing Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

For years, the Fish and Game Commission (Commission) and the California Department of Fish and Wildlife (Department) have heard concerns from anglers about the complexity of freshwater sport fishing regulations. Some anglers (or potential anglers) may be dissuaded from fishing due to actual or perceived difficulty in complying with the regulations. This regulatory package represents Phase I of the proposed process and focuses on simplifying and streamlining the sport fishing regulations for inland trout waters. The Department will prepare a separate regulatory package in the near future (i.e., Phase II) to address the complexity of the sport fishing regulations for those inland waters that are utilized by adult fish for migration and spawning after spending the majority of their lives in the ocean (i.e., anadromous waters).

The purpose and necessity of the proposed regulation changes is to address anglers' concerns regarding the complexity of the inland sport fishing regulations by simplifying the various regulatory options, and to align the inland trout regulations with the Department's current fisheries management goals and objectives. Major proposed changes aim to:

- Separate regulations for inland trout (i.e., non-anadromous waters) from those for steelhead and salmon (i.e., anadromous waters), a process that facilitates the production of separate regulations booklets to help provide clarity to anglers;
- Replace the District Regulations (Section 7.00) with statewide regulations separated for trout; and
- Standardize and consolidate the Special Fishing Regulations (Section 7.50).

The proposed changes aim to increase regulatory consistency statewide, reduce complexity of the inland sport fishing regulations, and remove regulations that are no longer biologically justifiable.

Normally, no single element of a regulation controls a sport fishery (e.g., most trout streams in California have both a closed season and bag limit). The type of gear, legal fishing hours, and use of bait are also part of the regulatory equation. Most often, combinations of elements of regulations apply to a given water. The following are elements of regulations used to manage trout populations in California.

- Seasons (specified opened or closed seasons)
- Bag and possession limits
- Size limits; and
- Gear and bait restrictions.

Comprehensive Evaluation: Trout Menu

The Department evaluated above elements of the inland sport fishing regulations, specifically in the District Fishing Regulations in Title 14, Section 7.00, CCR and the Special Fishing Regulations in Title 14, Section 7.50, CCR. The District Fishing Regulations apply political boundaries in how the above regulatory elements are implemented by county line, in contrast to the watershed approach found within the Special Fishing Regulations, leading to complexity and associated public frustration stemmed from the diversity of different regulations established over decades, with limited alignment or consistency. The Department developed a suite of regulations, or “menu,” comprising angling seasons, bag and possession limits, size limits, and gear restrictions, to standardize the Special Fishing Regulations in Title 14, subsection 7.50(b) and uncouple the inland trout waters from the District General Regulations in Title 14, subsections 7.00(a)–(g) and from anadromous waters. This menu described below represents the foundation of this rulemaking, and is the result of a collaborative effort by partners and fisheries biologists throughout the state to standardize the Special Fishing Regulations based on fisheries management goals, which include maximizing fishing opportunity (most liberal) and protecting sensitive fishery populations (most conservative).

Trout Menu Coding

The trout menu described below primarily applies to amended sections 5.85, 7.00 and 7.50, and added Section 7.40. It is divided into three categories of a standardized suite of management approaches reflected as regulatory elements for the 200+ special inland waters in California:

- An updated Statewide Regulation;
- Seasons; and
- Bag/Possession Limits (plus gear restrictions and size limits).

For the proposed Section 7.50 regulatory language “Alphabetical List of Trout Waters with Special Fishing Regulations,” in the table encompassing subsection 7.50(b), a right-hand column has been added called “Menu Option” to serve as an easy reference to the assigned management approach of each special regulation water. This column is only shown for the purpose of clarity for the Initial Statement of Reasons (ISOR) to indicate any changes affecting a water. The options are either assignment to one of the two statewide regulations (“SL,” or “SR,” as noted below), a combination from the trout menu of season, bag/possession and gear limitations for each state water, or coding showing the water has been moved to another section or deleted. The coding is also shown by special water in the Decision Ma-

trix, Summary Table of Changes for the subsection 7.50(b) regulatory table (**Appendix A** to the ISOR).

Statewide Regulations

“**SL**” for Lakes and Reservoirs (proposed in amended subsection 5.85(a)(1)):

Open all year, five trout daily bag limit, 10 trout in possession.

“**SR**” for Rivers and Streams (proposed in amended subsection 5.85(a)(2)):

From the last Saturday in April through November 15, five trout daily bag limit, 10 trout in possession; and, from November 16 through the Friday preceding the last Saturday in April, 0 trout bag limit, artificial lures with barbless hooks only and trout must be released unharmed and not removed from the water.

Seasons

Seasons are described as follows, and designated by capital letters A–J (under “Menu Option” column shown in the amended subsection 7.50(b) table):

- A. All year
- B. Last Saturday in April through November 15
- C. November 16 through the Friday preceding the last Saturday in April
- D. Last Saturday in April through July 31
- E. August 1 through November 15
- F. Saturday preceding Memorial Day through September 30
- G. Saturday preceding Memorial Day through the last day in February
- H. September 1 through November 30
- I. October 1 through the Friday preceding Memorial Day
- J. Closed to fishing all year

Bag and Possession Limits and Gear Restrictions

Bag and Possession Limits and Gear Restrictions are described as follows, and designated by numbers 1–7 (under “Menu Option” column shown in the amended subsection 7.50(b) table):

1. 5 trout, no gear restrictions
2. 2 trout per day, 4 trout in possession, no gear restrictions
3. 2 trout, artificial lures
4. 2 trout with 14” total length minimum, artificial lures
5. 2 trout with 18” total length minimum, artificial lures
6. 0 trout, artificial lures with barbless hooks
7. 0 trout, artificial flies with barbless hooks

Combined options for season (letter) and bag/possession limit and gear limitation (number) present as a cap-

ital letter–number code. For example, “B5” would signify a water with a season from the last Saturday in April through November 15, a bag/possession limit of 2 trout with 18” minimum size, and a gear restriction of artificial lures.

Two other codes in the right–hand column in the subsection 7.50(b) table inform anglers of how that particular water is considered, if it doesn’t fall under one of the above codes.

“HSS” Refers to waters moved to the newly added Section 7.40 of Title 14 under the anadromous table for salmon and steelhead, proposed for naming as “Alphabetical List of Hatchery Steelhead and Salmon Waters with Special Fishing Regulations.” Those waters with HSS coding are shown as strikeout in Section 7.50 because they are proposed for relocation to Section 7.40.

“Del##” Refers to a special water or regulation that is proposed for removal entirely from the Section 7.50(b) special regulations table, and justification for the removal is outlined by numerical increment below under the description for amendment of Section 7.50.

Proposed for Amendments

Amend subsection 5.00(b) Black Bass, Special Regulations

- Remove subsections (b)(3) Lassen County; (b)(4) Modoc County; (b)(7) Shasta County; (b)(9) Big Lake (Shasta County); (b)(13) Diamond Valley Lake; (b)(15) El Capitan Reservoir; (b)(22) Perris Lake; (b)(25) Silverwood Lake; (b)(26) Skinner Lake; and (b)(28) Trinity Lake.
- The Department is proposing to remove these subsections from the bass special regulations. Therefore, these waters will revert to the statewide standard under subsection 5.00(a) of open to fishing all year, with a 12–inch minimum size limit, and a five–fish daily bag limit. Specifically, two changes of non–regulatory effect include removal of (b)(15) El Capitan Reservoir and (b)(22) Perris Lake as listed in the table, due to existing redundancy with the statewide standard because the season (all year), size (12–inch minimum), and bag limit already match that of the statewide standard

The Department is proposing to amend the existing bass fishing season on Trout Lake to align with the proposed new trout fishing season under the Statewide Regulation “SL” as listed in subsection 7.50(b)(195.5) for Trout Lake.

- Amend subsections (b)(2) for waters in Inyo County, and (b)(5) and (b)(16) for waters in Mono County.

The Department is amending subsections (b)(2) and (b)(5) for waters in Inyo County to include reference to Inyo County streams and rivers in the

Special Fishing Regulations in subsection 7.50(b). Subsection (b)(2) and (b)(5) amendments also clarify the closure to black bass fishing from November 16 to the Friday preceding the last Saturday in April to ensure anglers understand the open season is late April through November 15. Subsection (b)(16) similarly includes reference to Mono County streams and rivers in the Special Fishing Regulations in subsection 7.50(b), while correcting a reference for Fish Slough to the boundaries from Owens Valley Native Fishes Sanctuaries to the BLM Spring.

- Re–numbering of the waters in 5.00(b)
The resulting proposed list of special black bass waters is re–numbered by paragraph for clarity and consistency.

Amend Section 5.41. Landlocked Salmon.

Subsection (e) is amended so that the same exceptions formerly referenced in subsection 7.50(b) are specifically listed within this subsection with a daily bag limit of ten salmon, and possession limit of twenty.

Amend Section 5.85. Trout.

The name of this section is changed to reflect that only trout (and not salmon) are covered under this general regulation. Additional introductory language is added to clarify how the bag and possession limits should be interpreted, for the total number of trout in combination.

- Under subsection (a)(1), the Department is proposing to remove all trout fishing regulations for inland lakes and reservoirs from Section 7.00 District General Regulations and move them to Section 5.85, Trout. This addition of subsection (a)(1) to Section 5.85 provides the new proposed statewide regulation for slow–moving waters, or inland lakes, reservoirs, and ponds, as described in the trout menu and noted by the coding “SL.”
- Under subsection (a)(2), the Department is proposing to remove all trout fishing regulations for inland rivers and streams from the Section 7.00 District General Regulations. This addition of subsection (a)(2) to Section 5.85 provides the new proposed statewide regulation for fast–moving waters, or streams, rivers, creeks, and canals, as described in the trout menu and noted by the coding “SR.” Under the new Statewide Regulation, these waters will be open to fishing from the last Saturday in April through November 15, with a five trout daily bag limit, and a 10 trout possession limit; and, from November 16 through the Friday preceding the last Saturday in April, with a zero trout bag limit, and artificial lures with barbless hooks only gear restriction.

- Subsection (b) describes those exceptions to the statewide regulations, and refers readers to Section 7.50, Alphabetical List of Waters with Special Fishing Regulations for individual trout waters with special regulations that would not fall under the statewide regulation. Subsection (b) further clarifies that brook trout bag and possession limits may be in addition to the trout bag and possession limits.

This proposal will result in either no change to the current regulations or an added possession limit for waters moved to the statewide regulation. Below is a description of changes to the district waters, Section 7.00.

Subsections (a) and (b) are necessary to inform anglers of the statewide standard season, bag, possession limit for lakes, reservoirs, and ponds, as well as streams, river, creeks, and canals that don't otherwise have a special regulation in subsection 7.50(b).

Amend Section 7.00. District General Regulations

To address anglers' concerns regarding the complexity of the 7.00 District General Regulations, the Department is proposing to uncouple the state's inland trout waters from the District General Regulations. Most regulations for trout waters currently under the District General Regulations will be moved to either the new subsection 5.85(a)(1), Statewide Regulation for lakes and reservoirs, or to subsection 5.85(a)(2), Statewide Regulation for rivers, streams, creeks, and canals. Some individual trout waters will require special restrictions and reduced bag limits and, therefore, these regulations will be moved to Section 7.50, Special Fishing Regulations. The amendments will result in little or no substantive change to the regulations for most waters currently under the District General Regulations. Clarifications are made to the opening paragraph prior to subsection 7.00(a) to ensure clarity that hatchery trout and hatchery steelhead are covered under Section 7.00.

The Department proposes to remove or amend the following subsections:

- (a)(1) and (b)(3), delete these subsections: Waters under the North Coast District and Sierra District subsections are currently open to fishing all year, with a five-trout daily bag limit, a 10 fish possession limit, no size limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(1), the new Statewide Regulation for lakes and reservoirs. In effect, there will be no substantive change to the existing regulations for these waters.
- (a)(4), (b)(4), and (b)(7) delete these subsections: Waters under the North Coast District and Sierra District subsections are currently open to fishing from the last Saturday in April through November

15, with a five-trout daily bag limit, a 10 trout possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(2), the new Statewide Regulation for rivers and streams, which will extend the fishing season on these waters to year-round with catch and release fishing allowed from November 16 through the Friday preceding the last Saturday in April.

- (a)(5) and (b)(9) delete these subsections: The current bonus bag limit for Brook Trout under the North Coast and Sierra District General Regulations will move/revert to a new Section 5.84, Statewide Regulation for Brook Trout. The new Statewide Regulation for Brook Trout will apply to all inland trout waters not listed under the Special Fishing Regulations, with the exception of Red Lake in Alpine County which is managed for trophy-sized trout by stocking effort.
- (b)(5) delete this subsection: Waters under this subsection in Shasta County are currently open to fishing from the last Saturday in April through November 15, with a two-trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(2), the new Statewide Regulation for rivers and streams. This proposed change will increase the current daily bag limit to five trout and add a 10 trout possession limit. In addition, the fishing season will be extended to year-round, with catch and release fishing allowed from November 16 through the Friday preceding the last Saturday in April.
- (b)(6) delete this subsection.: Waters under this subsection in Lassen and Modoc counties are currently open to fishing from the Saturday preceding Memorial Day through November 15, with a five-trout daily bag limit, a 10 trout possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(2), the new Statewide Regulation for rivers and streams. This will extend the fishing season to year-round, with catch and release fishing allowed from November 16 through the Friday preceding the last Saturday in April.
- (c)(1), (d)(1), (e)(1), (f)(1), and (g)(2), delete these subsections: Waters under these subsections in the North Central District, Valley District, South Central District, Southern District, and Colorado River District are currently open to fishing all year, with a five-trout daily bag and possession limit, and no gear restriction. For simplification

purposes, regulations for these waters will move/revert to subsection 5.85(a)(1), Statewide Regulation for lakes and reservoirs. As a result, the possession limit on these waters will increase from five trout to 10 trout.

- (d)(3), (f)(3), (f)(5), and (g)(2) delete these subsections: Waters under these subsections in the Valley District, Southern District, and Colorado River District are currently open to fishing all year, with a five-trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(2), Statewide Regulation for rivers and streams. As a result, the possession limit will increase from five trout to 10 trout from the last Saturday in April through November 15. Catch and release fishing only will be allowed from November 16 through the Friday preceding the last Saturday in April.
- (e)(3) amend this subsection: Waters under this subsection for Alameda, Contra Costa, and Santa Clara counties are currently open to fishing from the last Saturday in April through November 15, with a five-trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(2), the new Statewide Regulation for rivers and streams. This will increase the possession limit to 10 trout and extend the fishing season to year-round, with catch and release fishing allowed from November 16 through the Friday preceding the last Saturday in April.
- (g)(1) delete this subsection: Waters under this subsection are currently open to fishing year-round, with a 10 trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(2), Statewide Regulation for rivers and streams. This will reduce the daily bag limit from 10 trout to five trout from the last Saturday in April through November 15 and allow catch and release fishing only from November 16 through the Friday preceding the last Saturday in April.
- (b)(8) delete this subsection: This language is no longer needed under Section 7.00(b) as all Mono County waters under the District General Regulations will be subject to the two new Statewide Regulations for trout (i.e., Section 5.85(a) or Section 5.85(b)), or to Section 7.50(b), Special Fishing Regulations. This language does not need to move to Section 5.85 or Section 7.50 as waters under the new Statewide Regulations will

be open to fishing year-round and similar language already exists under subsection 7.50(a)(3) of the Special Fishing Regulations.

- (b)(2) amend this subsection: Anadromous waters under this subsection for Tehama and Shasta counties are currently open to fishing from the last Saturday in April through November 15, with a two-trout or steelhead daily bag and possession limit, and artificial lures with barbless hooks restriction. This subsection is amended for section and paragraph numbers, and to clarify the artificial lures possess hooks that are barbless.
- Edits for clarity and consistency: These edits include re-numbering of paragraphs within District Regulations in subsections 7.00(b) through (g), adjusted capitalization of certain words throughout Section 7.00, and specification of the referenced Section number to clarify interpretation from the previous 7.50 to the newly added 7.40 section.

Amend Section 7.50. Alphabetical List of Trout Waters with Special Fishing Regulations.

It is necessary to streamline the Special Fishing Regulation trout waters by utilizing the trout menu described above to align the regulations with the Department’s current fisheries management goals and objectives. The regulations proposed herein were tailored to each individual water, and include a variety of combinations of regulation elements, such as bag limits, gear restrictions, season restrictions, and size limits. Upon review of the extensive public input received during pre-notice outreach efforts (Appendix B to the ISOR), Department fisheries biologists and managers, often in consultation with fishing groups or individuals, assigned waters to the trout menu based on their expertise and knowledge of specific waters in their management area.

As a result of this streamlining process, the number of:

- Special fishing seasons for trout-only waters will be reduced from 30 to 10;
- Special size limits will be reduced from 8 to 2;
- Different gear restrictions will be reduced from 10 to 7;
- Different bag/possession limits will be reduced from 6 to 4; and
- Fishing opportunities will be expanded on nearly 50 percent of the existing special regulation waters from a reduced season to year-round.

As noted in **Appendix A** to the ISOR, proposed amendments and additional comments and considerations are summarized for Section 7.50(b), Alphabetical List of Waters with Special Fishing Regulations. This table includes the biological and management rationale

for proposed changes to each special water, as well as other considerations such as public input, socio-economic considerations, traditional values, access and public safety, etc.

For those special waters without a special assigned management approach from the menu listed in **Appendix A**, the proposed regulatory text outlining the “Menu Option” in the right-hand column indicates the assigned management approach of each water (assignment to Statewide lakes/reservoirs, or “SL”, statewide rivers and streams, or “SR”, etc.)

Truckee River Management Options, Section 7.50(b), Subsections (196)(B), (196)(C), and (196)(D)

At the Commission’s April 15, 2020 meeting, George Osborn, representing Mr. Montna, requested that the Commission consider Mr. Montna’s proposal as an alternative to the Department’s proposed regulations for the Truckee River subsections (196)(B), (C), and (D). The Commission directed the Department to add a regulatory option to allow further consideration of Mr. Montna’s proposal.

Option 1 — Department Proposal

The Department is proposing to amend the current regulation on the Truckee River from Trout Creek downstream to the mouth of Prosser Creek (re-numbered subsection 7.50(b)(153)(B)), to open all year, zero trout daily bag, and artificial lures with barbless hooks. This will remove the current two-trout daily bag and possession limit from the last Saturday in April through November 15. It will also change the gear restriction from artificial flies to artificial lures between Glenshire Bridge and the mouth of Prosser Creek. The Department is also proposing to amend the current regulation from the mouth of Prosser Creek downstream to the Nevada State Line (re-numbered subsection 7.50(b)(153)(C)) to open all year, two-trout daily bag and possession limit, and artificial lures. This will increase the daily bag limit from zero trout to two trout from November 16 through the Friday preceding the last Saturday in April. This will also change the gear restriction from artificial lures with barbless hooks to artificial lures, thus removing the requirement for barbless hooks.

Option 2 — Mr. Montna’s Proposal

Mr. Montna supports the Department’s proposed changes to the current regulations on the Truckee River from Trout Creek downstream to the mouth of Prosser Creek to open all year with a zero trout daily bag limit, but requests that the Department change the proposed gear restriction from artificial lures with barbless hooks to artificial barbless flies. Mr. Montna also requests that the Department’s proposed regulations from the mouth of Prosser Creek downstream to the Nevada State Line be changed to a zero trout daily bag limit, and artificial

lures with barbless hooks. This will reduce the current daily bag limit from two to zero trout from the last Saturday in April through November 15 and keep the requirement for barbless hooks in place.

Amend Section 8.10, Youth Fishing Derby, Susan River (Lassen County)

The Youth Fishing Derby on the Susan River is held every year one week before the trout season opener, which currently is the Saturday preceding the last Saturday in April. The Department is proposing to move the season opener from the last Saturday in April to the Saturday preceding Memorial Day. The Department will continue to hold the derby on the Saturday before the season opener and, therefore, it is necessary to change the youth fishing derby date from the Saturday preceding the last Saturday in April to the Saturday preceding the trout season opener in May. Added language refers to subsection 7.50(b)(149) for regulations on the Susan River.

Proposed for Addition

Add Section 5.84. Brook Trout.

Currently under the North Coast and Sierra District General Regulations (subsections 7.00(a)(5) and (b)(9)) up to 10 Brook Trout less than 8 inches and 10 inches, respectively, may be harvested per day, in addition to the daily bag and possession limits for trout. This regulation will be removed from Section 7.00 under the current proposal to uncouple the trout regulations from the District General Regulations. In its place, the Department is proposing a new Statewide Regulation for Brook Trout in Section 5.84 which will allow the harvest of up to 10 Brook Trout less than 10 inches per day in all inland trout waters, year-round. Because of the remoteness of these fisheries and for simplification purposes, the Department is proposing to expand the Brook Trout bonus bag and possession limit to inland trout waters statewide. Exceptions to this Brook Trout bonus bag limit include all waters listed in Section 7.50, Trout Waters with Special Fishing Regulations, and Red Lake in Alpine County, which is managed as a trophy Brook Trout fishery.

Add Section 5.89. Salmon

This Section will be added only to refer readers to the appropriate regulatory sections for salmon and steelhead, which are not the focus of this current rulemaking, but may be for a subsequent one (i.e., Phase II).

Add Section 7.40. Alphabetical List of Hatchery Trout, Hatchery Steelhead, and Salmon Waters with Special Fishing Regulations

For simplification purposes, the Department is proposing to separate the trout special fishing regulation waters (inland waters) from the salmon and steelhead special fishing regulation waters (anadromous waters). The special fishing regulations for trout will re-

main in Section 7.50. This requires a new regulatory section be created for the hatchery trout, hatchery steelhead and salmon special fishing regulation waters (abbreviated “HSS” per the coding outlined in the trout menu). The proposed new section is Section 7.40, Alphabetical List of Hatchery Trout, Hatchery Steelhead, and Salmon Waters with Special Fishing Regulations. The existing language in subsections 7.50(a)(1)–(6) will be included in the new Section 7.40, but references to trout will be replaced with salmon and steelhead. All the special waters indicated by the coding “HSS” in the subsection 7.50(b) table are moved into the new 7.40 table, and aside from this move, are not proposed to be altered as part of this rulemaking. Approximately 185 individual waters, or reaches of waters, are proposed to be moved from subsection 7.50(b) to the new 7.40 table.

Proposed Changes Without Regulatory Effect

1. Amend Section 3.00. Fishing Hours.

The reference in subsection (a)(1)(B) Heenan Lake, (Alpine Co.) is changed to subsection 7.50(b)(56) because of renumbering in the section.

2. Amend Section 4.00. Bait — General.

The reference in subsection (d) Hat Creek is changed to subsection 7.50(b)(55) because of renumbering in the section.

3. Amend Section 5.00 Black Bass Special Regulations.

Remove the special closure language (b)(14), Eastman Lake. This language was removed from the sport fishing regulations in 2017.

Subsection (a) title, General Statewide Restrictions, is changed to read General Statewide Regulations to be more accurate and consistent with other statewide regulations sections in Title 14.

Subsection (a)(1) is being amended to specify that the Black Bass 12 inch minimum size limit is to be measured in total length. This requirement is already specified in subsection 5.00(b). It is being added to Section 5.00(a)(1) to provide additional clarity.

BENEFITS OF THE PROPOSED REGULATIONS

It is the policy of this State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the State for the benefit of all the citizens of the State and to promote the development of local fisheries and distant water fisheries based in California in harmony with international law. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence, and the maintenance of a sufficient resource to support a reasonable sport use. Adoption of scientifically based

trout seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of trout to ensure their continued existence.

The benefits of the proposed regulations include up to date and streamlined trout fishing regulations that are consistent statewide, consistency with federal fishery management goals, sustainable management of California’s trout fisheries, promotion of the general health and welfare of California residents, and promotion of businesses that rely on sport fishing throughout the state. The proposed changes will provide benefits by maximizing trout fishing opportunity, where possible, through the proposed extensions of fishing seasons and increases in bag and possession limits on both district and special regulations waters without adversely affecting native and non-native wild trout populations. The proposed regulatory changes may increase participation in sport fishing by new anglers, and increased retention of existing anglers through simpler regulations facilitating ease of compliance and comprehension.

CONSISTENCY AND COMPATIBILITY WITH EXISTING REGULATIONS

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate recreational fishing in waters of the state (Fish and Game Code sections 200, 205, 315 and 316.5). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to trout sport fishing seasons, bag, and possession limits.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a webinar/teleconference hearing to be held August 20, 2020 at 8:30 a.m., or as soon thereafter as the matter may be heard. Access for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting, or may be obtained by calling 916-653-4899.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a webinar/teleconference hearing to be held October 15, 2020 at 8:30 a.m., or as soon thereafter as the matter may be heard. Access for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916-653-4899. It is requested, but not required, that written comments be submitted on or

before Friday, October 9, 2020 at the address given below, or by email to FGC@fgc.ca.gov. All comments must be received no later than Thursday, October 15, 2020, during the webinar/teleconference hearing. If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090.

AVAILABILITY OF DOCUMENTS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikethrough format can be accessed through the Commission website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or Jon Snellstrom at the preceding address or phone number. **Roger Bloom, Department of Fish and Wildlife, (916) 376-1644 or roger.bloom@wildlife.ca.gov**, has been designated to respond to questions on the substance of the proposed regulations.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 265 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4, 11346.8 and 11347.1 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address

above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action 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.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission anticipates neutral to positive impacts on the creation of jobs, no elimination of jobs or existing businesses, and neutral to positive impacts on the creation of new businesses or the expansion of businesses in California. The proposed regulatory changes will result in increased fishing opportunities that along with easier to comprehend regulations should retain the current number of anglers and may encourage the recruitment of new sport fishing anglers to sustain or increase support for businesses related to sportfishing.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for inland sport fishing encourages outdoor activity and the consumption of a nutritious food. The Commission anticipates benefits to the environment by the sustainable management of California's inland sportfish resources. The Commission does not anticipate any benefits to worker safety.

- (c) Cost Impacts on a Representative Private Person or Business

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

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, 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.

TITLE 16. BOARD OF PHARMACY

NOTICE IS HEREBY GIVEN that the California State Board of Pharmacy (board) is proposing to take the rulemaking action described below under the heading Informative Digest/Policy Statement Overview. Any person interested may present statements or arguments relevant to the action proposed in writing. 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 on August 31, 2020.

The board has not scheduled a public hearing on this proposed action. The board will, however, 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.

The board may, after considering all timely and relevant comments, adopt the proposed regulations substantially as described in this notice, or may modify the proposed regulations 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 the 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 section 4005 of the Business and Professions Code, and to implement, interpret or make specific sections 4001.1, 4005, 4063 and 4076.6 of the Business and Professions Code, and section 1250 of the Health and Safety Code, the board proposes to add and adopt section 1717.5 in Article 2 of Division 17 of Title 16 of the California Code of Regulations.

INFORMATIVE DIGEST

A. Informative Digest

The board proposes this rulemaking for the purpose of adding to the board's regulations specific requirements for automatic refill (auto-refill) programs as part of the board's efforts to prevent abuses associated with the auto-refill programs. This regulation will establish standards pursuant to which pharmacies may enroll patients in auto-refill programs.

B. Policy Statement Overview

The board proposes to establish regulatory guidelines for pharmacies offering prescription medication auto-refill programs to patients.

Existing law specifies that protection of the public shall be the highest priority for the board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. Further the board is authorized to amend rules and regulations necessary for the protection of the public pertaining to the practice of pharmacy. Pharmacy law also specifies requirements for refilling prescriptions.

Historically, a patient's prescriptions have been refilled at the request of a patient or patient's agent. Technological advancements have allowed for the creation of auto-refill programs which allow pharmacies to enroll patients in a program whereby their prescription medications are automatically refilled at regular intervals and the patient is notified when to pick up their prescriptions. Or, in cases of mail order pharmacies, the prescriptions are automatically sent to the patient. These auto-refill programs were developed to increase

patient medication compliance. Most pharmacies restrict the medications that are included in the auto-refill program to maintenance and noncontrolled prescriptions.

Currently, there are no regulations specific to auto-refill programs. This regulatory proposal will specify the requirements a pharmacy must follow when offering an auto-refill program. These requirements will ensure that the patients' health, safety, and general welfare are protected by establishing standards and procedures pharmacies must follow to participate and offer an auto-refill program.

Anticipated Benefits of Proposal

Auto-refill programs encourage increased patient prescription medication compliance because patients are reminded to pick up the prescription before they run out, or in cases of mail order pharmacies, receive their prescription before they run out of medication. However, there is a negative side to the auto-refill programs that could be harmful to the patient. Often, medications are automatically refilled by the auto-refill program without the patient's knowledge. The patient is notified a prescription is ready to be picked up. In some cases, the patient is unaware of what medication is refilled but assumes that the medication is needed which may result in patients taking multiple forms of the same medication (e.g. different doses) or taking discontinued medications.

This proposal will address the negative consequences of unregulated auto-refill programs by establishing notification and authorization requirements which will ensure patients are informed of their enrollment in the auto-refill program. This will decrease unintended ingestion of discontinued or duplicative medication and decrease overall patient harm resulting in overall improved health for Californians.

The regulatory proposal benefits the state's environment because the proposed regulation will decrease the amount of medications patients receive that they did not request. By reducing the amount of unwanted medication, it will reduce unnecessary medical costs associated with medications that will not be taken but rather must be appropriately destroyed.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations, 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.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs/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 Any Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement: None.

Business Impact:

The board made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses and/or employees, including the ability of California businesses to compete with businesses in other states. The following types of businesses would be affected by this regulation: resident and nonresident pharmacies that have auto-refill programs.

Cost Impact on Representative Private Person or Business:

The board made an initial determination that the proposed regulatory action would have no significant cost impact on representative private persons or businesses.

For those pharmacies opting to use electronic records of a patient/patient's agent's enrollment in an auto-refill program, there may be minor programming costs to update current pharmacy software. However, the pharmacy may also keep a written documentation to reduce costs.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The proposed regulations may affect small business. While the board does not have nor does it maintain data to define if any of its licensees are a "small business" as defined in Government Code section 11342.610, the board made an initial determination that the proposed regulatory action would not have a significant adverse economic impact directly affecting small businesses.

The board provides licensure to approximately 7,200 resident and nonresident licensed pharmacies that may be impacted by the proposed regulation.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/New Businesses:

The board concludes that it is:

- (1) Unlikely that the proposal will create or eliminate any jobs within California;
- (2) Unlikely that the proposal will create new, or eliminate existing, businesses in California; and
- (3) Unlikely that the proposal will expand businesses currently doing business within the state.

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

This proposal adds requirements for a pharmacy offering an auto-refill program. These new administrative requirements are minimal additions to existing business practices. The board has determined these additional duties are absorbable without impacting jobs or businesses in California. Additionally, this determination is supported by the absence of public testimony during public meetings where this proposal has been discussed, during the April 18, 2017, enforcement committee meeting and the May 3-4, 2017, public board meeting.

This regulatory proposal does not affect worker safety because it is not relevant to worker safety as these changes are administrative duties required to offer an auto-refill program at a licensed pharmacy.

The board already ensures compliance with the statutory requirements made specific by the proposed regulations through its inspection and enforcement programs. Any additional workload and costs are anticipated to be minor and absorbable within existing resources.

Benefits of the Regulation:

This regulatory proposal will benefit the health and welfare of California residents and the state's environment. Ensuring that there are requirements a pharmacy must meet to offer an auto-refill program will better protect patients and the environment by eliminating the dispensing of unwanted or unneeded medications.

When a patient's prescriptions are automatically refilled without their knowledge or consent, the patient may suffer harm by taking discontinued, duplicative, or unnecessary medication that could adversely interact with another prescribed medication. Additionally, when unnecessary medications are dispensed to the patient, there is an increase in the amount of unused pharmaceutical waste that must be disposed. When these medications are dispensed, it can result in fraudulent billing for prescriptions not needed or used by the patient. Finally, by reducing the amount of unwanted medication, it will reduce unnecessary medical costs associated with medications that will not be taken but rather destroyed.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may present statements or arguments in writing relevant to the above determinations during the written comment period at the address listed for the Contact Person.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Pharmacy 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 any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Pharmacy at 1625 N. Market Blvd., N219, Sacramento, California 95834, or from the Board of Pharmacy's website <http://www.pharmacy.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

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

Name:
Lori Martinez
Address:
2720 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833
Telephone No.:
(916) 518-3078
Fax No.:
(916) 574-8618
E-Mail Address:
Lori.Martinez@dca.ca.gov
The backup contact person is:

Name:
Debbie Damoth
Address:
2720 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833
Telephone No.:
(916) 518-3090
Fax No.:
(916) 574-8618
E-Mail Address:
Debbie.Damoth@dca.ca.gov
Website Access: Materials regarding this proposal can be found at the Board of Pharmacy's website: www.pharmacy.ca.gov.

TITLE 16. VETERINARY MEDICAL BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING DISCIPLINARY GUIDELINES, § 2006

NOTICE IS HEREBY GIVEN that the Veterinary Medical Board (Board) is proposing to take the action described in the Informative Digest. No public hearing on the proposed regulations is scheduled; however, if any interested person requests that a hearing be held on these regulations, the Board will schedule a hearing.

COMMENT PERIOD

Written comments, including those sent by mail, facsimile, or email to the addresses listed under "Contact Person" in this Notice, must be **received by the Board at its office no later than August 31, 2020**, or must be received by the Board at the hearing, if any.

AVAILABILITY OF MODIFICATIONS

The Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for fifteen (15) days prior to its adoption from the person designated in this Notice as a Contact Person and will be mailed or emailed 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 CITATIONS

Pursuant to the authority vested by sections 4808 and 4845, subdivision (d), of the Business and Professions Code (BPC), and section 11400.20 of the Government Code (GC), and to implement, interpret, or make specific BPC sections 141, 480, 490, 4830.5, 4830.7, 4836.2, 4836.5, 4837, 4839.5, 4842, 4845, 4845.5, 4855, 4856, 4857, 4875, 4876, 4883, and 4886 and GC sections 11400.20 and 11425.50, subdivision (e), the Board is considering changes to section 2006 of article 1 of division 20 of title 16 of the California Code of Regulations (CCR)¹ as follows:

INFORMATIVE DIGEST

BPC section 4800.1 mandates that the protection of the public shall be the highest priority of the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. BPC section 4808 authorizes the Board, in accordance with the Administrative Procedure Act (GC section 11400 et seq.), to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of the Veterinary Medicine Practice Act (Act) (BPC section 4800, et seq.).

CCR section 2006 requires the Board, in reaching a decision on a disciplinary action under the Administrative Procedure Act, to consider the Disciplinary Guidelines entitled: "Veterinary Medical Board Disciplinary Guidelines, July 2012 Edition" (Disciplinary Guidelines), which are incorporated by reference. Deviation from the Disciplinary Guidelines, including the standard terms of probation, is appropriate where the Board in its sole discretion determines that the facts of the particular case warrant such a deviation — for example: the

¹ All CCR references are to title 16 unless otherwise noted.

presence of mitigating factors; the age of the case; evidentiary problems; and rehabilitation.

The Board has determined that, in order to better protect the public from licensees who have committed one or more violations of the BPC or the CCR, conform the Disciplinary Guidelines to recent statutory changes, and provide clarity to probationers of the terms of probation, the Board needs to make certain changes to its Disciplinary Guidelines.

The Board is proposing the following changes:

- Amend Section 2006 of Article 1 of Division 20 of Title 16 of the CCR

The existing regulation references the *Veterinary Medical Board Disciplinary Guidelines, July 2012 Edition*. This regulatory proposal will update that regulatory reference to reflect a new revision date of November 2018. It is necessary to incorporate the updated Disciplinary Guidelines by reference due to the size of the document. The proposal would also update the authority and reference sections of the regulation to add relevant BPC and GC sections.

- Amend the Disciplinary Guidelines that are incorporated by reference in Section 2006 of Article 1 of Division 20 of Title 16 of the CCR

The proposed amendments to the Disciplinary Guidelines are as follows:

- Update the Cover Page of the Disciplinary Guidelines

This proposal would update the Cover Page to reflect the current revision date of November 2018, the current mailing address of the Board, the Board’s website address and social media information, and the name of the current Executive Officer.

- Delete the Board Members and Management Page of the Disciplinary Guidelines

This proposal would delete the Board Members and Management Page as the Board Member terms expire and new Board members are appointed more frequently than the Disciplinary Guidelines can be revised.

- Update the Table of Contents of the Disciplinary Guidelines

This proposal would conform the Table of Contents to reflect the minor and/or substantive revisions made to the body of the Disciplinary Guidelines.

- Delete the untitled table of authorities and references

- Amend the Introduction of the Disciplinary Guidelines

This proposal would amend the Introduction to clarify the circumstances under which the Board may require an Administrative Law Judge to explain his or her reasoning and make minor and technical changes for clarity. The Introduction would also be amended to clarify for probationers that the Board will communicate directly with him or her and requires direct communication from the probationer after entry of the final disciplinary order. This revision is necessary to improve communication and Board efficiency in disciplinary matters.

- Update the “Penalties By Business and Professions Code Section Number” Section of the Disciplinary Guidelines

This proposal would amend the “Penalties by Business and Professions Code Section Number” section to incorporate all of the relevant BPC sections, including the section regarding disciplinary actions relative to the new veterinary assistant controlled substance permit (VACSP). These amendments are necessary to provide license applicants, licensees, the Attorney General’s (AG) Office, Board staff, and Administrative Law Judges (ALJs) with the correct code sections for which the listed maximum and minimum terms apply. In addition, the amendments to this section make minor and technical corrections to the minimum and maximum terms and incorporate mandatory terms under statute.

- Add “Standard Orders” Section

The amendments also add eight new standard orders that are necessary to inform ALJs of the disciplinary order language to be used with each license type issued by the Board, including probationary registrations and permits, which are separate from a permanent registration or permit issued, revoked, and placed on probation.

- Update the “Standard Terms and Conditions of Probation” Section of the Disciplinary Guidelines

This proposal would create six new Standard Terms and Conditions of Probation: “Interview with the Board,” “Cooperation with Board Staff,” “Probation Monitoring Costs,” “Changes of Employment or Address,” “Maintain a Valid License,” and “License Surrender While on Probation/Suspension.” This proposal would also clarify the tolling process, remove

outdated information, and make minor changes to existing terms and conditions for accuracy, clarity, ease of reading, and to correct minor spelling, capitalization, and typographical errors.

- Update the “Optional Terms and Conditions of Probation” Section of the Disciplinary Guidelines

This proposal would divide the requirements of “Limitation on Practice/Inspections” into two separate sections — “Limitation on Practice” and “Inspections” — and further clarify each term. This proposal would also create a new Optional Term and Condition of Probation, “Continuing Prevention and Support Groups,” and clarify and expand on the conditions of direct and indirect supervised practice, rehabilitation programs, and drug testing. The remainder of the proposed changes are minor changes proposed for accuracy, clarity, ease of reading, and to correct minor spelling, capitalization, and typographical errors.

- Update the “Definitions” Section of the Disciplinary Guidelines

This proposal would clarify the definitions of terms used throughout the Disciplinary Guidelines.

- Delete the “Overview Guide for Disciplinary Guidelines” Section of the Disciplinary Guidelines

This proposal would remove the “Overview Guide for Disciplinary Guidelines” section in its entirety as the Board has determined that section is more appropriately located in the instructive manual distributed to Board members.

POLICY STATEMENT
OVERVIEW/ANTICIPATED
BENEFITS OF PROPOSAL

The proposed amendments make the Disciplinary Guidelines consistent with current law and the current probationary environment, clarify the terms and conditions of probation to reduce the likelihood of misinterpretation, and strengthen consumer protection.

The Board anticipates that the updated Disciplinary Guidelines will be a more useful tool for the Board, applicants and licensees, ALJs, legal counsel, and the public by providing a more accurate overview of the Board’s processes in formal disciplinary actions. The updated Disciplinary Guidelines will also serve as an

educational and guidance tool for the ALJs who administer hearings for the Board. These judges will benefit from greater exposition of the various nuances of the Board’s enforcement provisions. The regulatory proposal will improve the consistency of penalties for violations of the Act and its regulations.

This regulatory proposal promotes the fairness and standardization of cases requiring formal discipline by clarifying the conditions under which licensees and applicants shall be subject to varying levels of discipline and terms of probation.

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 this proposed regulatory action is neither inconsistent nor incompatible with existing state regulations.

INCORPORATION BY REFERENCE

Veterinary Medical Board Disciplinary Guidelines, November 2018.

FISCAL IMPACT ESTIMATES

The proposal does not change the fines for violations but provides a more accurate overview of the Board’s processes in formal disciplinary actions, which will provide greater clarity to licensees, consumers, the Board, the Office of Attorney General, and the Office of Administrative Law Judges by outlining relevant and transparent standards directly related to violations outlined in law. The Board will be required to ensure compliance with the proposed regulations. Any increased workload and costs are anticipated to be minor and absorbable within existing resources.

Fiscal Impact on Public Agencies, Including Costs or Savings to State Agencies: None.

Cost or Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact: The Board has made the 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. This initial determination is based on the

fact that the proposed amendments to the Disciplinary Guidelines and their corresponding regulation, CCR section 2006, would only impact a small number of licensed veterinarians, registered veterinary technicians (RVTs), veterinary assistant controlled substance permit (VACSP) holders, applicants for licensure, and registered veterinary premises that are subject to discipline, and this proposal updates the existing Disciplinary Guidelines that already apply to all licenses, registrations, and permits issued by the Board.

Cost Impact on Representative Private Person or Business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The Board has made the initial determination that the revised Disciplinary Guidelines will have no more of a cost impact on representative private persons or businesses than the current version of the Disciplinary Guidelines. The representative private persons or directly affected businesses are veterinarians, RVTs, VACSP holders, and registered veterinary premises that are subject to discipline.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has made an initial determination that the proposed regulatory action would have no effect on small businesses. This initial determination is based on the fact that the proposed amendments to the Disciplinary Guidelines and their corresponding regulation, CCR section 2006, would only impact a small number of licensed veterinarians, RVTs, VACSP holders, applicants for licensure, and registered veterinary premises that are subject to discipline, and this proposal updates the existing Disciplinary Guidelines that already apply to all licenses, registrations, and permits issued by the Board.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Board has made the initial determination that this regulatory proposal would have the following impact:

- It is not likely to create or eliminate jobs within the State of California. This initial determination is based on the fact that the proposed amendments to the Disciplinary Guidelines and their corresponding regulation, CCR section 2006, would only impact a small number of licensed veterinarians, RVTs, VACSP holders, applicants for licensure, and registered veterinary premises that are subject to discipline, and this proposal

updates the existing Disciplinary Guidelines that already apply to all licenses, registrations, and permits issued by the Board.

- It is not likely to create new businesses or eliminate existing businesses within the State of California. This initial determination is based on the fact that the proposed amendments to the Disciplinary Guidelines and their corresponding regulation, CCR section 2006, would only impact a small number of licensed veterinarians, RVTs, VACSP holders, applicants for licensure, and registered veterinary premises that are subject to discipline, and this proposal updates the existing Disciplinary Guidelines that already apply to all licenses, registrations, and permits issued by the Board.
- It would not likely affect the expansion of businesses currently doing business within the State of California. This initial determination is based on the fact that the proposed amendments to the Disciplinary Guidelines and their corresponding regulation, CCR section 2006, would only impact a small number of licensed veterinarians, RVTs, VACSP holders, applicants for licensure, and registered veterinary premises that are subject to discipline, and this proposal updates the existing Disciplinary Guidelines that already apply to all licenses, registrations, and permits issued by the Board.

Benefits of Regulation

The Board has determined that this regulatory proposal would:

- Benefit the health and welfare of California residents and their animals because the proposal updates and clarifies the terms and conditions of probation for veterinarians, RVTs, VACSP holders, and premises registration holders subject to discipline, and makes the Disciplinary Guidelines consistent with current law. This, in turn, provides increased protection to the health and welfare of the public by ensuring the Board's recommendations for discipline are consistent and relevant to the current state of the practice of veterinary medicine.
- Not have a significant impact on worker safety because the proposal would simply make the Disciplinary Guidelines consistent with current law, reflect the changes that have occurred in the probationary environment since the last update, clarify terms and conditions of probation, and improve consumer protection.
- Not have an impact on the state's environment because the proposed amendments to the Disciplinary Guidelines would simply make them

consistent with current law, reflect the changes that have occurred in the probationary environment since the last update, clarify terms and conditions of probation, and improve consumer protection.

CONSIDERATION OF ALTERNATIVES

In accordance with GC section 11346.5, subdivision (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 be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 1747 North Market Blvd., Suite 230, Sacramento, California 95834.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an Initial Statement of Reasons setting forth the reasons for the proposed action and has made available all information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, all documents incorporated by reference, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 1747 North Market Blvd., Suite 230, Sacramento, California 95834, or by accessing the Board's website at www.vmb.ca.gov/laws_regs/proposed_regs.shtml.

AVAILABILITY AND LOCATION OF FINAL STATEMENT OF REASONS AND RULEMAKING FILE

Copies of all information upon which the regulations are based are contained in the rulemaking file, which is also 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.

CONTACT PERSON

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

Name:

Justin Sotelo

Address:

Veterinary Medical Board
1747 N. Market Blvd., Ste. 230
Sacramento, CA 95834

Telephone No.:

916-515-5238

Fax No.:

916-928-6849

Email address:

Justin.Sotelo@dca.ca.gov

The backup contact person is:

Name:

Timothy Rodda

Address:

Veterinary Medical Board
1747 N. Market Blvd., Ste. 230
Sacramento, CA 95834

Telephone No.:

916-515-5227

Fax No.:

916-928-6849

Email address:

Timothy.Rodda@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at: www.vmb.ca.gov/laws_regs/proposed_regs.shtml.

TITLE 16. VETERINARY MEDICAL BOARD

- Article 11. Compounding in a Veterinary Premises Definitions, § 2090**
- Veterinary Drug Compounding, § 2091**
- Policies and Procedures, § 2092**
- Expiration Dates, § 2093**
- Labeling of Compounded Preparations, § 2094**
- Quality Assurance, § 2095**

NOTICE IS HEREBY GIVEN that the Veterinary Medical Board ("Board") is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

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

ing 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.

WRITTEN COMMENT PERIOD

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under “Contact Person” in this Notice, must be received by the Board at its office no later than August 31, 2020, or must be received by the Board at the hearing, should one be scheduled.

AVAILABILITY OF MODIFICATIONS

The Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the 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 section 4826.5 of the Business and Professions Code (BPC), and to implement, interpret, or make specific that section, the Board is considering adopting article 11 of division 20 of title 16 of the California Code of Regulations (CCR)¹, and adopting sections 2090, 2091, 2092, 2093, 2094, and 2095 of article 11 of division 20 of title 16 of the CCR.

INFORMATIVE DIGEST

BPC section 4826.5 authorizes veterinarians and registered veterinary technicians (RVTs) to provide limited drug compounding services for animal patients and requires the Board to adopt regulations defining the parameters of drug compounding services in veterinary premises. As such, the Board has promulgated regulations that provide minimum standards for drug com-

pounding services performed by veterinarians and RVTs in veterinary premises.

This regulatory proposal will adopt CCR sections 2090, 2091, 2092, 2093, 2094, and 2095 to define drug compounding in veterinary premises and the parameters of a veterinarian or RVT providing drug compounding services, mandate that veterinary premises develop policies regarding drug compounding services, identify expiration dates for sterile and non-sterile drugs, enforce labeling requirements for compounded drugs, and require quality assurance protocols for drug compounding.

POLICY STATEMENT OVERVIEW/ANTICIPATED BENEFITS OF PROPOSAL

The primary mission of the Board is to protect consumers and animals through the development and maintenance of professional standards. This regulatory proposal promotes the health, safety, and welfare of consumers and their animals by clarifying the requirements as mandated in BPC section 4826.5 regarding drug compounding in veterinary medicine. By adopting the proposed regulations, the Board seeks to ensure that all veterinarians and RVTs providing drug compounding services have completed the necessary training requirements and are adhering to developed policies and quality assurance standards. The Board anticipates that California consumers and their animals will be better protected through properly compounded drugs.

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 of these topics and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

The Board will be required to ensure compliance with the proposed regulations through routine inspections of veterinary premises. Any workload and costs are anticipated to be minor and absorbable within existing resources.

Fiscal Impact on Public Agencies Including Costs or Savings to State: The Board anticipates minor and absorbable enforcement-related workload and costs to implement the proposed regulations. Additional costs may be incurred in future Fiscal Years, and the Board may be required to request additional resources through the annual budget process for additional staff to accom-

¹ All CCR references are to title 16 unless otherwise noted.

moderate the review and inspections of the veterinary premises providing drug compounding services.

Cost or Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

The Board has made an initial determination that the proposed regulations will not have a significant adverse economic impact directly affecting businesses, including the ability of California businesses to compete in other states. 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. The Board is informed that drug compounding already occurs in veterinary premises. The regulatory proposal would provide minimum standards for drug compounding in the limited setting of a veterinary premises.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The Board is informed that drug compounding already occurs in veterinary premises. The regulatory proposal would provide minimum standards for drug compounding at veterinary premises, and for veterinarians and RVTs wishing to provide drug compounding services.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations will not affect small businesses. The proposed regulations would set minimum standards for veterinary premises to adhere to, if they wish to provide drug compounding services, but the Board is informed that drug compounding already occurs in veterinary premises.

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 or the elimination of jobs or existing

businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

This regulatory proposal focuses on developing a reliable set of minimum standards for providing drug compounding services in veterinary premises as mandated by BPC section 4826.5. The regulatory proposal would benefit the health, safety, and welfare of California consumers and their animals by ensuring compounded drugs for animal use are properly prepared. The regulatory proposal may benefit worker safety in veterinary premises as it establishes requirements, policies, and procedures to be followed by veterinarians and supervised RVTs when making compounded drugs. The regulatory proposal does not affect the state’s environment.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may submit comments to the Board in writing relevant to the above determinations at 1747 North Market Blvd., Suite 230, Sacramento, California 95834.

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 1747 North Market Blvd., Suite 230, Sacramento, California 95834.

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

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

Name:

Justin Sotelo

Address:

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1747 North Market Blvd., Suite 230
Sacramento, CA 95834

Telephone No.:

916-515-5238

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916-928-6849

E-Mail Address:

Justin.Sotelo@dca.ca.gov

The backup contact person is:

Name:

Timothy Rodda

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1747 North Market Blvd., Suite 230
Sacramento, CA 95834

Telephone No.:

916-515-5227

Fax No.:

916-928-6849

E-Mail Address:

Timothy.Rodda@dca.ca.gov

Website Access: Materials regarding this proposal can be found at https://vmb.ca.gov/laws_regs/proposed_regs.shtml.

GENERAL PUBLIC INTEREST

OFFICE OF ADMINISTRATIVE LAW

NOTICE OF ISSUANCE OF REQUEST FOR PROPOSALS FOR PUBLICATION OF THE OFFICIAL CALIFORNIA CODE OF REGULATIONS AND THE CALIFORNIA REGULATORY NOTICE REGISTER

On May 8, 2020, the Office of Administrative Law (OAL) issued a "Request for Information" regarding the future publication of the Official California Code of Regulations (CCR) and the California Regulatory Notice Register (Notice Register).

Please take note that on July 13, 2020, OAL issued the Request for Proposals for Publication of the Official California Code of Regulations and the California Regulatory Notice Register (RFP-CCR-2020). Information regarding the RFP-CCR-2020 and how to obtain information and documents relating to this request for proposals is available online at the following address: <https://oal.ca.gov/2020-california-code-of-regulations-and-california-regulatory-notice-register-publication-contract/>

Information and documents pertaining to RFP-CCR-2020 are also available by contacting the contact person below.

If you have any questions about the 2015 CCR RFP, please contact the person listed below.

Kevin D. Hull, Senior Attorney
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814
PH: (916) 323-8916
Fax: (916) 323-6826
E-mail at CCRcontract@oal.ca.gov.

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

ANNOUNCEMENT OF PUBLICATION OF UPDATED PUBLIC HEALTH GOAL AND TECHNICAL SUPPORT DOCUMENT FOR 1,2-DIBROMO-3-CHLOROPROPANE IN DRINKING WATER

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is announcing the publication of the up-

dated Public Health Goal (PHG) for 1,2-dibromo-3-chloropropane (DBCP). 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 Drinking 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 DBCP and the calculation of the updated PHG. The updated PHG of 0.003 parts per billion (ppb) is based on carcinogenicity and is set at a level of risk of one additional cancer case per one million persons exposed over a 70-year lifetime. OEHHA also presents a health-protective drinking water concentration of 0.5 ppb for noncancer health effects of DBCP.

A companion document, also available at <https://oehha.ca.gov/water>, contains responses to comments received from external scientific peer reviewers in October 2019. OEHHA has evaluated those comments and revised the technical support document as appropriate. No comments were received during the two public comment periods that ended in May 2019 and June 2020.

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. 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

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).

RULEMAKING PETITION DECISION

BOARD OF PAROLE HEARINGS

RESPONSE TO PETITION TO ADOPT, AMEND, OR REPEAL A REGULATION PURSUANT TO GOVERNMENT CODE SECTIONS 11340.6 AND 11340.7 BPH PETITION RESPONSE 2020-01

The Board of Parole Hearings (Board) Legal Division received a Petition to Adopt, Amend, or Repeal a Regulation under California Government Code sections 11340.6 and 11340.7 from petitioner Steven Ciotta on June 5, 2020. In accordance with subdivision (a) of section 11340.7, this document serves as the Board's response to the petition.

The following information is provided with the response in compliance with subdivision (d) of Government Code section 11340.7:

1. **NAME OF AGENCY:** Board of Parole Hearings
2. **PARTY SUBMITTING THE PETITION:** Steven Ciotta (D94599)
3. **PROVISIONS OF THE CALIFORNIA CODE OF REGULATIONS REQUESTED TO BE AFFECTED:** Petitioner requests the Board to add provisions to the California Code of Regulations, title 15, division 2, beginning with section 2000, relating to the Board's exercise of authority under Penal Code section 1170, subdivision (d).
4. **REFERENCE TO AUTHORITY TO TAKE THE ACTION:** Petitioner did not properly cite to any authority for the Board to take the requested regulatory action. However, the Board has general rulemaking authority under Government Code section 12838.4 and Penal Code sections 3052 and 5076.2 to promulgate, amend, or repeal regulations in division 2 of title 15 of the California Code of Regulations.
5. **REASONS SUPPORTING THE AGENCY'S DECISION:** Petitioner requests the Board add provisions to the California Code of Regulations, title 15, division 2 to mandate the Board to consider an inmate's request for recall and resentencing under Penal Code section 1170, subdivision (d), and to mandate the Board to consider statements of persons interested in parole during this process. To support this request, petitioner claims that the California Department of Corrections and Rehabilitation (CDCR) has amended the California Code of Regulations, title

15, division 3, section 3076 governing requests for recall and resentence submitted to CDCR to remove any reference to the Board. Petitioner contends that, as a result of this amendment, unless the Board establishes its own regulations, the Board has no duty to respond to inmate requests for recall and resentencing under section 1170, subdivision (d), which he believes violates the Penal Code section 3046, subdivision (c). Specifically, petitioner claims that section 3046, subdivision (c) mandates the Board to “consider all statements of other persons interested in parole.” Petitioner also cites to the Board’s hearing requirements in Penal Code section 3041.5, subdivision (a), as well as to *Dix v. Superior Court* (1991) 53 Cal.3d 442 to support his request.

Petitioner’s request is **DENIED**. Penal Code 1170, subdivision (d), does not mandate the Board to take any specific action on a request for recall and resentencing and the petitioner’s arguments are based on a misunderstanding of the law.

Penal Code section 1170, subdivision (d), paragraph (1) states in relevant part: “When a defendant subject to this section or subdivision (b) of Section 1168 has been sentenced to be imprisoned in the state prison . . . the court may . . . at any time upon the recommendation of the secretary or the Board of Parole Hearings in the case of state prison inmates . . . recall the sentence and commitment previously ordered and resentence the defendant in the same manner as if he or she had not previously been sentenced, provided the new sentence, if any, is no greater than the initial sentence.” Nothing in this section mandates the Board to act when an inmate requests the Board to consider the inmate’s case for referral to the court with a recommendation that the court recall and resentence the inmate. Instead, this section broadly authorizes the Board to make such a recommendation on its own motion. Therefore, the Petitioner’s claim that this section creates a duty for the Board to take action on an inmate’s request is in error.

Moreover, petitioner’s arguments regarding this request are similarly erroneous. First, CDCR’s amendments to regulations in the California Code of Regulations, title 15, division 3 do not impact the Board’s authority to refer a case to the court because those regulations govern only the Secretary’s authority to refer a case and specify a process that CDCR has created for inmates to request the Secretary’s consideration. Second, the laws to which petitioner cites are inapplicable to this request. Penal Code section 3046, subdivision

(c), does not contain any requirement for the Board to consider statements of persons interested in parole; rather, this section governs the release of youth offenders who have been deemed suitable for parole. Additionally, the Board’s hearing process as described in Penal Code section 3041.5 is a separate process unrelated to the Board’s authority to refer inmates to the court under section 1170, subdivision (d). Similarly, the *Dix* case to which petitioner cites only confirms and clarifies the court’s power to recall and resentence an inmate under section 1170, subdivision (d), which is separate from the Board’s discretion to refer the inmate to the court. *Dix v. Superior Court* (1991) 53 Cal.3d 442.

Since the Board’s authority to refer an inmate to the court with a recommendation for recall and resentence is both broad and discretionary, and none of the laws to which petitioner cites establish a duty on the Board to take specific actions when an inmate requests consideration for referral, the Board denies petitioner’s request.

6. **BOARD CONTACT PERSON:**

Heather L. McCray
 Assistant Chief Counsel
 Board of Parole Hearings
 P. O. Box 4036
 Sacramento, CA 95812-4036
 Office: (916) 322-6729
 Fax: (916) 322-3475

7. **NOTICE TO INTERESTED PERSONS:**

Under subdivision (d) of Government Code section 11340.7, the Board will provide a copy of this decision to the Office of Administrative Law for publication in the California Regulatory Notice Register. Any interested persons have the right to obtain a copy of the petition that is the subject of this decision by sending a request to the Board. In submitting such a request, please reference **BPH PETITION RESPONSE 2020-01** in the request.

DATE OF DECISION: July 3, 2020

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 Number 2020-0521-01
BOARD OF EQUALIZATION
 County Survey Cycles

This action implements audit survey cycles to select counties in which to perform representative samplings of property tax assessments pursuant to Government Code section 15640 and 15643.

Title 18
 ADOPT: 370.5
 AMEND: 370
 Filed 07/03/2020
 Effective 10/01/2020
 Agency Contact: Lawrence Lin (916) 322-1982

File Number 2020-0528-01
CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION
 Calculation of Estimated Use Tax — Use Tax Table

This action amends a component of the use tax liability factor calculation formula beginning June 1, 2020. This action is exempt from the Administrative Procedure Act pursuant to Government Code sections 11340.9(g) and 15570.40(b).

Title 18
 AMEND: 1685.5
 Filed 07/08/2020
 Effective 07/08/2020
 Agency Contact: Kim DeArte (916) 309-5227

File Number 2020-0520-02
CALIFORNIA FILM COMMISSION
 California Film and Television Tax Credit Program

In this regulatory action, the Film Commission establishes a procedure for allocating tax credits to qualified taxpayers in the motion picture industry. This tax credit program is entitled the California Film and Television Credit Program 3.0.

Title 10
 ADOPT: 5520, 5521, 5522, 5523, 5524, 5525, 5526, 5527, 5528
 Filed 07/01/2020
 Effective 07/01/2020
 Agency Contact: Nancy Rae Stone (323) 860-2960

File Number 2020-0520-01
CALIFORNIA HIGHWAY PATROL
 Federal Consistency

The California Highway Patrol amended two regulations to make them consistent with the Federal Motor Carrier Safety Regulations adopted by the U.S. Department of Transportation in Title 49 of the Code of Federal Regulations.

Title 13
 AMEND: 1200, 1234
 Filed 07/01/2020
 Effective 10/01/2020
 Agency Contact: David Kelly (916) 843-3400

File Number 2020-0522-02
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
 Training and Testing Specifications for Learning Domains 26, 32, 41, 43

The Commission on Peace Officer Standards and Training in this action is removing and updating outdated information while condensing content. This action also aligns the curriculum with guidelines and terms utilized by organizations within the national industry (Department of Homeland Security, Federal Emergency Management Agency), state and local governments, law enforcement, and other first responders.

Title 11
 AMEND: 1005, 1007, 1008
 Filed 07/06/2020
 Effective 10/01/2020
 Agency Contact: Jennifer Hardesty (916) 227-3917

File Number 2020-0622-02
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
 Training and Testing Specifications, Learning Domain #33, Arrest and Control

The Commission on Peace Officer Standards and Training submitted this emergency action to amend three regulations that incorporate by reference a document entitled “Training and Testing Specifications for Peace Officer Basic Courses” (Training and Testing Specifications). The proposed amendments add a new incorporation by reference date for the Training and Testing Specifications to the three regulations and remove training in the use of the carotid restraint control hold from Learning Domain #33 of the Training and Testing Specifications.

Title 11
AMEND: 1005, 1007, 1008
Filed 07/01/2020
Effective 07/01/2020
Agency Contact: Cheryl Smith (916) 227-0544

File Number 2020-0619-01
DEPARTMENT OF FOOD AND AGRICULTURE
Terms Defined

These changes without regulatory effect correct cross-references to subdivisions of Food and Agriculture Code section 52452 which have become inaccurate as a result of amendments to that statute by Assembly Bill 2470 (Statutes of 2014, Chapter 294).

Title 3
AMEND: 3850
Filed 07/08/2020
Agency Contact: Rachel Avila (916) 403-6813

File Number 2020-0609-04
DEPARTMENT OF INSURANCE
CAARP Simplified Manual of Rules and Rates

The Department of Insurance (DOI) submitted this action for filing and printing pursuant to Government Code section 11343.8. This action makes changes to the California Automobile Assigned Risk Plan (CAARP), which is incorporated by reference in title 10, California Code of Regulations, section 2498.5. This action is exempt from the Administrative Procedure Act pursuant to Insurance Code section 11620(c).

Title 10
AMEND: 2498.5
Filed 07/06/2020
Effective 07/06/2020
Agency Contact: Michael Riordan (415) 538-4226

File Number 2020-0609-06
DEPARTMENT OF INSURANCE
CAARP Plan of Operations

This action amends the California Automobile Assigned Risk Plan (CAARP) to allow for real-time notification of assignment of an insurer to an applicant, estimation of certain assignments, temporary assignments, and rejection of misleading or incomplete applications. Pursuant to Insurance Code section 11620(c), this action is not subject to the requirements of the Administrative Procedure Act.

Title 10
AMEND: 2498.4.9
Filed 07/08/2020
Effective 07/08/2020
Agency Contact: Michael Riordan (415) 538-4226

File Number 2020-0529-02
DEPARTMENT OF JUSTICE
Update Statutory References

In these changes without regulatory effect, the Department of Justice (Department) is making amendments to references that were amended via statute. The Department is also removing the word “controlled substances” and replacing it with “drugs” due to a change in the term via statute.

Title 11
AMEND: 997
Filed 07/06/2020
Agency Contact: Kevin Sabo (916) 210-7639

File Number 2020-0521-03
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
Electronic Waste Recycling and Designated Approved Collectors

This rulemaking action by the Department of Resources Recycling and Recovery (Department) makes permanent, with revisions, regulatory changes originally made in emergency action 2017-0309-02E and readopted in 2019-0225-01. These changes include amending existing regulations and adopting new article 7, in title 14, division 7, chapter 8.2 of the California Code of Regulations relating to Designated Approved Collectors of covered electronic waste.

Title 14
ADOPT: 18660.47, 18660.48, 18660.49, 18660.50
AMEND: 10660.5, 18660.6, 18660.7, 18660.20
REPEAL: 18660.51
Filed 07/03/2020
Effective 10/01/2020
Agency Contact: Irina Kaminer (916) 341-6396

File Number 2020-0403-04
DIVISION OF LABOR STANDARDS ENFORCEMENT
Sexual Harassment Prevention Training for Property Service Workers

The Labor Commissioner of the Division of Labor Standards Enforcement of the Department of Industrial Relations adopted three regulations addressing sexual harassment prevention training for the janitorial services industry in California, as required by Labor Code section 1429.5. The regulations specify trainer qualifications and prescribe the frequency, duration, language, literacy level, modes, techniques, content, and documentation of the required sexual harassment prevention training. The action implements, interprets, and makes specific the sexual harassment training requirements enacted in A.B. 1978 (Stats. 2016, ch. 373) and amend-

ed in S.B. 83 (Stats. 2019, ch. 24) and A.B. 547 (Stats. 2019, ch. 715).

Title 8
 ADOPT: 13820, 13821, 13822
 Filed 07/01/2020
 Effective 07/15/2020
 Agency Contact: Laura Moskowitz (415) 703-5252

File Number 2020-0403-05
 DIVISION OF LABOR STANDARDS
 ENFORCEMENT
 Janitorial Employer Registration

The Labor Commissioner of the Division of Labor Standards Enforcement of the Department of Industrial Relations adopted regulations setting forth standards, requirements, fees, criteria, application, hearing, and appeals procedures, civil penalties, and reporting requirements related to new and renewal annual registrations of janitorial employers in California. The action implements, interprets, and makes specific the statutory requirements of Part 4.2 of Division 2 of the Labor Code (commencing with section 1420), enacted in A.B. 1978 (Stats. 2016, ch. 373) and amended in S.B. 83 (Stats. 2019, ch. 24) and A.B. 547 (Stats. 2019, ch. 715).

Title 8
 ADOPT: 13810, 13811, 13811.5, 13812, 13812.5, 13812.6, 13813, 13814, 13815, 13816, 13817, 13818, 13819
 Filed 07/01/2020
 Effective 07/15/2020
 Agency Contact: Laura Moskowitz (415) 703-5252

File Number 2020-0526-01
 EMPLOYMENT DEVELOPMENT DEPARTMENT
 Family Temporary Disability Insurance — Maximum Benefit Duration

In these changes without regulatory effect, the Department extends the maximum duration for Paid Family Leave (PFL) from six to eight weeks, pursuant to Senate Bill 83 (Stats. 2019, Ch. 24).

Title 22
 AMEND: 3301(d)-1, 3302-1, 3303-1
 Filed 07/01/2020
 Agency Contact: Taran Kaler (916) 654-8410

File Number 2020-0526-05
 FAIR EMPLOYMENT AND HOUSING COUNCIL
 Criminal History, New Parent Leave Act. and CA Family Rights Act

This action by the Fair Employment and Housing Council amends regulations regarding the consideration of criminal history in employment practices in accordance with Government Code section 12952. This action also amends parental leave regulations to add references the New Parent Leave Act (Gov. Code, sec. 12945.6) and nonsubstantively revises several regulations to use gender-neutral terminology.

Title 2
 AMEND: 11017.1, 11087, 11088, 11089, 11090, 11091, 11092, 11093, 11094, 11096
 Filed 07/06/2020
 Effective 10/01/2020
 Agency Contact: Brian Sperber (213) 337-4495

File Number 2020-0625-01
 OFFICE OF ADMINISTRATIVE LAW
 Electronic Submission of APA-Related Documents

This emergency rulemaking action by the Office of Administrative Law amends submission requirements to establish a process for electronic submissions and allow for digital signatures.

Title 1
 ADOPT: 6.5, 101
 AMEND: 1, 5, 6, 50, 52, 100
 Filed 07/06/2020
 Effective 07/06/2020
 Agency Contact: Eric Partington (916) 323-6225

**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.