



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**

Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.

**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: Summit Public Schools

A written comment period has been established commencing on August 21, 2020, and closing on October 5, 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 October 5, 2020. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

**EFFECT ON HOUSING
COSTS AND BUSINESSES**

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

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

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 324-3854.

TITLE 2. STATE TREASURER

Notice of Intention to Amend Conflict-of-Interest Code

NOTICE IS HEREBY GIVEN that FIONA MA, the Treasurer of the State of California, pursuant to the authority vested in her by Government Code sections 87300 through 87302 and 87306, proposes to amend the conflict-of-interest code. Pursuant to Government Code sections 87300 through 87302 and 87306, the conflict-of-interest code designates employees and others who must disclose certain investments, income, interests in real property, and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests. The amendment includes:

- Deletion of designated positions

Copies of the proposed amended code are available and may be requested from the agency contact set forth below.

WRITTEN COMMENT PERIOD

A written comment period has been established commencing on August 24, 2020 and terminating on October 9, 2020. Any interested person may submit written comments concerning the proposed conflict-of-interest code amendment no later than October 9, 2020 to:

State Treasurer's Office
Attention: Ravinder Kapoor, Senior Attorney
915 Capitol Mall, Room 110
Sacramento, CA 95814

A public hearing on this matter will not be held unless no later than 15 days prior to the close of the written comment period, an interested person or his or her representative submits to the agency contact set forth below a request for a public hearing.

The State Treasurer has prepared a written explanation of the reasons for the designations, disclosure categories, and disclosure responsibilities, and has available all of the information upon which the proposed amendment is based.

AGENCY CONTACT

Copies of the proposed amendment to the conflict-of-interest code and all of the information upon which the amendment is based may be obtained from, and any inquiries concerning the proposed amendment should be directed to:

State Treasurer's Office
Attention: Ravinder Kapoor
915 Capitol Mall, Room 110
Sacramento, CA 95814
(916) 653-2995
ravinder.kapoor@treasurer.ca.gov

ALTERNATIVES CONSIDERED

The State Treasurer must determine that no alternative considered by the State Treasurer would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Treasurer has determined that the proposed amended code:

1. Imposes no mandate on local agencies or school districts.
2. Imposes no cost or savings on any State agency.
3. Imposes no cost on any local agency or school district that is 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 cost or savings to local agencies.
5. Will not result in any cost or savings in federal funding to the State.
6. Will not have any potential cost impact on private persons or businesses, including small businesses.

TITLE 4. CALIFORNIA HORSE RACING BOARD

**RULE 1560. DUTIES OF THE
OFFICIAL VETERINARIAN;
RULE 1561. DUTIES OF THE
RACING VETERINARIAN**

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

PROPOSED REGULATORY ACTION

The Board proposes to amend Board Rule 1560, Duties of the Official Veterinarian, to provide that the official veterinarian shall have the authority and jurisdiction to supervise the Racing Veterinarian. The Board also proposes to amend Board Rule 1561, Duties of the Racing Veterinarian, to provide that the Racing Veterinarian shall have direct reporting responsibility to the official veterinarian and the Board of Stewards,

and no licensed official or other employee of the association or fair shall have authority to override or interfere with the Racing Veterinarian's responsibilities or proper exercise of duties.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, October 22, 2020**, or as soon after that as business before the Board will permit, **via teleconference**. In accordance with the guidance from Executive Order N-29-20, a physical location will not be provided. Members of the public are strongly encouraged to participate using the teleconference phone number provided below so as to minimize the spread of COVID-19 and reduce the risk of infection during this current state of emergency. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

To participate in the teleconference, dial 888-392-4564 and enter 6896291# when prompted.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes on October 5, 2020. The Board must receive all comments by that time. However, written comments may still be submitted at the public hearing. Submit comments to:

Rick Pimentel, Policy and Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 274-6043
Fax: (916) 263-6022
Email: repimentel@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440, 19460, and 19562, Business and Professions Code (BPC). Reference: Sections 19440, 19460, and 19562, BPC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually its responsibilities, including the administration and enforcement of all laws, rules, and regulations affecting horse racing and pari-

mutuel wagering. BPC section 19460 states that all licenses granted by the Board are subject to all rules, regulations, and conditions prescribed by the Board and shall contain such conditions as are deemed necessary or desirable by the Board for the best interests of horse racing. BPC section 19562 states that the Board shall adopt rules, regulations, and conditions consistent with the provisions of this chapter, under which horse races with wagering on the results shall be conducted in California.

Board Rule 1560 sets forth the duties of the official veterinarian and provides that the official veterinarian shall have authority and jurisdiction to supervise practicing licensed veterinarians. Board Rule 1561 sets forth the duties of the Racing Veterinarian.

The proposed amendment to Board Rule 1560 will provide that the official veterinarian shall have authority and jurisdiction to, additionally, supervise the Racing Veterinarian. The proposed amendment to Board Rule 1561 will provide that the Racing Veterinarian shall have direct reporting responsibility to the official veterinarian and the Board of Stewards, and no licensed official or other employee of the association or fair shall have authority to override or interfere with the Racing Veterinarian's responsibilities or proper exercise of duties.

The proposed amendments will eliminate the conflict-of-interest presented by the current regulations, whereby the Racing Veterinarian is supervised by the association or fair's racing office. Under such supervision, the Racing Veterinarian lacks independence and is under the influence of the association or fair's interests in carrying out their duties. In contrast, supervision by the official veterinarian will help ensure that integrity is maintained, as the official veterinarian must enforce the Board's rules related to veterinary practices. This is vital because the Racing Veterinarian is responsible for examining horses when their physical condition is in question, which has a direct effect on the safety of the horses and riders.

The proposed amendments will make non-substantive technical changes to replace gender pronouns with gender-neutral pronouns.

ANTICIPATED BENEFIT OF THE PROPOSED REGULATION

The proposed amendments of Board Rule 1560 and Rule 1561 will increase safety for horses and their riders by helping to ensure the integrity of veterinary practices in horse racing. The Racing Veterinarian is responsible for examining any horse whose physical condition is in question leading up to a race. Consequently, the Racing Veterinarian's duties have a direct effect on the health and safety of the horse and its rider. It is, therefore, imperative that the Racing Veter-

inarian uphold the highest levels of integrity in carrying out veterinary practices. Currently, the Racing Veterinarian is supervised by the association or fair's racing office, which is a conflict-of-interest that may compromise the integrity of the Racing Veterinarian's work. The proposed amendment of Board Rule 1560 will provide that the official veterinarian, whose duties include enforcement of the Board's rules relating to veterinary practices, shall have the authority and jurisdiction to supervise the Racing Veterinarian. The proposed amendment of Board Rule 1561 will provide that the Racing Veterinarian shall have direct reporting responsibility to the official veterinarian and the Board of Stewards in exercising their duties, and no licensed official or other employee of the association or fair shall have authority to override or interfere with that reporting responsibility or the proper exercise of the Racing Veterinarian's duties. As such, these amendments will help to ensure integrity in the carrying out of the Racing Veterinarian's duties, thereby increasing safety for horses and riders.

CONSISTENCY EVALUATION

Evaluation of Consistency and Compatibility with Existing State Regulations: During the process of developing the amendments, the Board conducted a search for any similar regulation on this topic and has concluded that Board Rule 1560 is the only regulation that sets forth the duties of the official veterinarian. Also, Board Rule 1561 is the only regulation that sets for the duties of the Racing Veterinarian. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

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

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

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

The Board has made an initial determination that the proposed amendments to Board Rule 1560 and Rule 1561 will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

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

Cost impact on representative private persons or businesses: The Board is not aware of any cost impact

that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendments to Board Rule 1560 and Rule 1561 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; (3) result in the expansion of businesses currently doing business with the state; or (4) benefit the state's environment. The proposed amendment will, however, benefit California by promoting the safety of both horses and riders. The proposed amendments of Board Rule 1560 and Rule 1561 set forth the duties and responsibilities of the official veterinarian and the Racing Veterinarian, respectively.

Effects on small businesses: none. The proposal to amend Board Rule 1560 and Rule 1561 does not affect small businesses because horse racing is not a small business under GC section 11432.610.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

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

Rick Pimentel, Policy and Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 274-6043
Fax: (916) 263-6022
E-mail: repimentel@chrb.ca.gov

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

Amanda Drummond, Manager
Policy and Regulations
Telephone: (916) 263-6033
Email: amdrummond@chrb.ca.gov

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies of these documents, or any of the information upon which the proposed rulemaking is based, may be obtained by contacting Rick Pimentel or the alternative contact person at the address, phone number, or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

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

AVAILABILITY OF FINAL STATEMENT OF REASONS

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

BOARD WEB ACCESS

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

TITLE 4. CALIFORNIA HORSE RACING BOARD

RULE 1588. HORSE INELIGIBLE TO START IN A RACE

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

PROPOSED REGULATORY ACTION

The Board proposes to amend Board Rule 1588, Horse ineligible to Start in a Race. The proposed amendment will add new subsection 1588(a)(11)(B) to provide that, except with prior approval of the stewards, and except for horses shipped directly from another racing jurisdiction, a horse that has not been in the care of a licensed trainer and stabled within a Board inclosure for seven consecutive days prior to the race, is ineligible to start in a race.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, October 22, 2020**, or as soon after that as business before the Board will permit, **via teleconference**. In accordance with the guidance from Executive Order N-29-20, a physical location will not be provided. Members of the public are strongly encouraged to participate using the teleconference phone number provided below so as to minimize the spread of COVID-19 and reduce the risk of infection during this current state of emergency. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

To participate in the teleconference, dial 888-392-4564 and enter 6896291# when prompted.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the

proposed regulatory action to the Board. The written comment period closes on **October 5, 2020**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Rick Pimentel
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 274-6043
Fax: (916) 263-6022
E-mail: repimentel@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority: Sections 19440 and 19562, Business and Professions Code (BPC).

Reference: Sections 19440 and 19562, BPC.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

BPC section 19440 provides the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. BPC section 19562 states the Board may prescribe rules, regulations, and conditions under which all horse races with wagering on their results shall be conducted in California.

Board Rule 1588, Horse Ineligible to Start in a Race, sets forth various conditions in which a horse would be ineligible to start in a race. Currently, subsection 1588(a)(11) provides that, except with prior approval of the stewards, a horse that has not been on the grounds of the association or its approved auxiliary stable area for at least 24 hours prior to the time the race is to be run is ineligible to start in a race. While this addresses horses already on the grounds that are subject to strict regulations, it does not address those horses that are shipped into California racing and training facilities. The proposed amendment to Board Rule 1588 will add new subsection 1588(a)(11)(B) to provide that, except with prior approval of the stewards, and except for horses shipped directly from another racing jurisdiction, a horse that has not been in the care of a licensed trainer and stabled within a Board inclosure for seven consecutive days prior to the race is ineligible to start in a race.

The purpose of the proposed amendment is to address the use of “program” or “paper” trainers and to eliminate late ship-in horses and the potential for medication violations. A program trainer is the person

whose name is listed on the official track program as the trainer of a horse that has actually been in the care of another. Sometimes the horse has been conditioned by an individual whose license has been suspended or revoked. The horse may not have been in the care of the program trainer long enough for him or her to train the horse, even minimally. As a result, horses may be running while unfit or, more likely, with a prohibited substance in their systems. The requirement that the horse be in the care of a licensed trainer within the inclosure for seven days prior to racing will give the trainer time to ensure the horse is sound and in fit condition to race. The seven days may also provide time for any prohibited substances to no longer be present in the horse.

In 2015, the Board amended Board Rule 1887, Trainer to Insure Condition of Horse, to add owners of ship-in horses as joint-absolute insurers and equally responsible for the condition of the horse entered to race. The title of the rule was changed to “Trainer or Owner to Insure Condition of Horse.” The primary purpose of the amendment was to address the use of “program” or “paper” trainers. Additionally, Board Rule 1887 was amended to define a ship-in horse as any horse entered to race that has not been in the care of a Board-licensed trainer for seven consecutive calendar days prior to the day of the race for which it is entered. From 2018-2019 there were 10 cases in which Board Rule 1887 was cited as a violation and would have been prevented if the horse was unable to start in a race. The proposed amendment to Board Rule 1588, Horse Ineligible to Start in a Race, will strengthen the Board’s ability to prevent program training and late ship-in horses, and reduce medication violations. Additionally, this will better protect horses from injuries and breakdowns, which will better protect horses, their riders, and promote a better image of the Board.

The proposed amendment provides an exemption for horses shipped directly from another racing jurisdiction. The regulation also allows the stewards to give prior approval for a horse not on the grounds for seven days.

All other changes to the text of Board Rule 1588 are for the purposes of clarity and consistency.

POLICY STATEMENT OVERVIEW AND ANTICIPATED BENEFITS OF PROPOSAL

The proposed amendment to Board Rule 1588 will have the benefit of promoting fairness and helping to protect the health and safety of horse and rider by ensuring only those horses that have been in the care of a trainer licensed by the Board and stabled within a Board inclosure for seven consecutive days prior to the race will be eligible to run. The proposed amendment would increase the effectiveness of Board Rule 1588 by

helping to reduce medication violations by deterring owners from sending a ship-in horse to race under another trainer's name that has been treated with a prohibited drug substance. This will increase the public's confidence in California horse racing, which may result in increased wagering. An increase in wagering will have a positive economic impact on the industry by increasing handle, which in turn may increase purses and commissions.

CONSISTENCY EVALUATION

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

DISCLOSURES REGARDING THE PROPOSED ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Mandate on local agencies or school districts: none.

Cost or savings to any state agency: none.

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

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

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

The Board has made an initial determination that the proposed amendment to Board Rule 1588 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

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

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

Significant effect on housing costs: none.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendment to Board Rule 1588 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; (3) affect the expansion of businesses currently doing business within California; or (4) benefit the state's environment. The proposed amendments to Board Board Rule 1588 benefit the health and welfare of California residents by

promoting fairness and helping to protect the health and safety of horse and rider by ensuring only those horses that have been in the care of a trainer licensed by the Board and stabled within a Board inclosure for seven consecutive days prior to the race will be eligible to run.

Effect on small businesses: none. The proposal to amend amendment to Board Rule 1588 does not affect small businesses because horse racing is not a small business under GC section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with GC section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on 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 Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

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

Rick Pimentel
Associate Governmental Program Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 274-6043
Fax: (916) 263-6022
E-mail: repimentel@chr.ca.gov

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

Amanda Drummond, Manager
Policy and Regulations
Telephone: (916) 263-6033
Email: amdummond@chr.ca.gov

AVAILABILITY OF INITIAL
STATEMENT OF REASONS AND TEXT OF
PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed texts of the regulations, and the initial statement of reasons. Copies of these documents, or any of the information upon which the proposed rulemaking is based, may be obtained by contacting Rick Pimentel, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

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

AVAILABILITY OF FINAL
STATEMENT OF REASONS

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

BOARD WEB ACCESS

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

**TITLE 15. DEPARTMENT
OF CORRECTIONS AND
REHABILITATION**

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Reha-

bilitation (CDCR or Department), proposes to amend Chapter 1, Subchapter 6, Article 1 into Title 15, Division 3, regarding Parole Supervision.

PUBLIC COMMENT PERIOD

The public comment period begins August 21, 2020 and closes on October 2, 2020. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpmb@cdcr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, call the program contact person listed below.

No public hearing is scheduled for these proposed regulations; however, pursuant to Government Code Section 11346.8, any interested person or their duly authorized representative may request a public hearing, no later than 15 days prior to the close of the written comment period.

CONTACT PERSONS

Primary Contact

Anthony Carter
Telephone: (916) 445-2220
Regulation and Policy
Management Branch
P.O. Box 942883
Sacramento, CA 94283-0001

Back-Up

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AUTHORITY AND REFERENCE

Government Code Section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of

abolished predecessor entities, such as: Department of Corrections, Department of the Youth Authority, and Board of Corrections.

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations. **PC Section 5050** provides that commencing July 1, 2005, any reference to the Director of Corrections in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR. **PC Section 5055** provides that commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR. **PC Section 5058** authorizes the Director to prescribe and amend rules and regulations for the administration of prisons and for the administration of the parole of persons. **PC Section 5058.3** authorizes the Director to certify in a written statement filed with Office of Administrative Law that operational needs of the Department require adoption, amendment, or repeal of regulation on an emergency basis.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

These regulations are necessary to implement, interpret, and comply with Penal Code (PC) sections 290.04, 3000, 3000.03, 3000.08, 3008, 3060.7, and 9003 and recommendations from the Bureau of State Audits.

This action will:

- Implement the use of risk assessment instruments used by the State Authorized Risk Assessment Tools for Sex Offenders as mandated by California Penal Code Section 290.4
- Implement the use of evidence based practices to assess the risk of sex offenders with a comprehensive, multi-disciplinary Sex Offender Management Program pursuant to the Penal Code.
- Clarify DAPO's responsibility in regards to high-risk parolees.
- Incorporate and implement additional assessment tools for identifying criminogenic needs, addressing those needs, and appropriately setting supervision levels based upon assessment scores.

DOCUMENTS INCORPORATED
BY REFERENCE

None.

SPECIFIC BENEFITS ANTICIPATED BY THE
PROPOSED REGULATIONS

The health and welfare of California residents will be enhanced by identifying and directing resources toward programs and services that will improve the reintegration of offenders to their communities upon being released from serving a sentence in State prison. The offender's successful reintegration to the community will improve the public's safety. The proposed regulations will not affect worker safety or the State's environment.

EVALUATION OF CONSISTENCY/
COMPATIBILITY WITH EXISTING LAWS
AND REGULATIONS

Pursuant to Government Code 11346.5(a)(3)(D), the Department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the CDCR has concluded that these are the only regulations that concern Parole Supervision.

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500–17630.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: None.
- Cost to any local agency or school district that is required to be reimbursed: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has made an initial determination that the proposed regulations 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, because the proposed regulations place no obligations or requirements on any business.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations will not affect small businesses. This action has no significant adverse economic impact on small business because they place no obligations or requirements on any business.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or effect the expansion of businesses currently doing business in California. The Department has determined that the proposed regulation will have no effect on worker safety or the state's environment. These regulations may benefit the welfare of California residents by helping to make CDCR institutions safer for inmates, staff, and visitors. Additionally, safer institutions may provide an environment more conducive to rehabilitation, thereby reducing recidivism.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, would

be as effective and less burdensome to affected private persons than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Regulations will also be made available on the Department's website: www.cdcr.ca.gov.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least 15 days before the Department adopts, amends or repeals the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF
FISH AND WILDLIFE**

FISH AND GAME CODE
SECTION 1653 CONSISTENCY
DETERMINATION REQUEST FOR
Howland Hill Road Metcalf Grove Creek Fish
Passage Improvement Culvert Replacement
(Tracking Number: 1653-2020-057-001-R1)
Del Norte County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on July 28, 2020, that California State Parks proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves the replacement of an undersized, dilapidated culvert crossing and the addition of large wood to the creek. The proposed project will be carried out on Metcalf Grove Creek in Jedediah Smith Redwoods State Park where Howland Hill Road crosses Metcalf Grove Creek, Del Norte County, California.

On June 8, 2020, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Howland Hill Road Metcalf Grove Creek Fish Passage Improvement. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No. 1A20118WNDN; ECM PIN No. CW-867605) for coverage under the General 401 Order on July 24, 2020.

California State Parks is requesting a determination that the project and associated documents are complete pursuant to Fish and Game Code section 1653 subdivision (d). If CDFW determines the project is complete, the District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) or a Lake or Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

In accordance with Fish and Game Code section 1653 subdivision (e), if CDFW determines during the review, based on substantial evidence, that the request is not complete, the California State Parks will have

the opportunity to submit under Fish and Game Code section 1652.

**DEPARTMENT OF
FISH AND WILDLIFE**

FISH AND GAME CODE
SECTION 1653 CONSISTENCY
DETERMINATION REQUEST FOR
Mill Creek (Navarro River) Large Wood
Augmentation Project
(Tracking Number: 1653-2020-062-001-R1)
Mendocino County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on August 11, 2020 that Trout Unlimited proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves the installation of approximately 27 pieces of wood at approximately 24 sites. The proposed project will be carried out on Mill Creek just above the confluence with the Navarro River, 4.5 miles north of the town of Philo, Mendocino County, California.

On July 1, 2020, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Mill Creek (Navarro River) Large Wood Augmentation Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No. 1B20129WNME, ECM PIN No. CW-867867) for coverage under the General 401 Order on July 29, 2020.

Trout Unlimited is requesting a determination that the project and associated documents are complete pursuant to Fish and Game Code section 1653 subdivision (d). If CDFW determines the project is complete, the District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) or a Lake or Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

In accordance with Fish and Game Code section 1653 subdivision (e), if CDFW determines during the review, based on substantial evidence, that the request is not complete, Trout Unlimited will have the opportunity to submit under Fish and Game Code section 1652.

**DEPARTMENT OF
FISH AND WILDLIFE**

FISH AND GAME CODE
SECTION 1653 CONSISTENCY
DETERMINATION REQUEST FOR
North Fork Navarro River Whole Tree Instream
Coho Habitat Enhancement
(Tracking Number: 1653-2020-063-001-R1)
Mendocino County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on August 11, 2020 that Mendocino County Resource Conservation District proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves the installation of fourteen pieces of wood at twelve unique structure sites. The proposed project will be carried out on North Fork Navarro River near the Soda Creek confluence, approximately 30 miles southeast of Fort Bragg, Mendocino County, California.

On July 1, 2020, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the North Fork Navarro River Whole Tree Instream Coho Habitat Enhancement Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No. 1B20130WNME, ECM PIN No. CW-867870) for coverage under the General 401 Order on July 29, 2020.

The Mendocino County Resource Conservation District is requesting a determination that the project and associated documents are complete pursuant to Fish and Game Code section 1653 subdivision (d). If CDFW determines the project is complete, the District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) or a Lake or Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

In accordance with Fish and Game Code section 1653 subdivision (e), if CDFW determines during the review, based on substantial evidence, that the request is not complete, the Mendocino County Resource Conservation District will have the opportunity to submit under Fish and Game Code section 1652.

**DEPARTMENT OF
FISH AND WILDLIFE**

FISH AND GAME CODE
SECTION 1653 CONSISTENCY
DETERMINATION REQUEST FOR
San Geronimo Creek Fish Passage and Bridge
Stabilization Project
(Tracking Number: 1653-2020-058-001-R3)
Marin County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on July 14, 2020, that the Marin County Department of Public Works proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves the removal of a fish passage barrier and stabilization of eroding streambed beneath a bridge. The proposed project will be carried out on San Geronimo Creek, at the San Geronimo Valley Road Bridge in Marin County, California.

On June 1, 2020, the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the San Geronimo Creek Fish Passage and Bridge Stabilization Project. On July 22, 2020, the Regional Water Board received supplemental information needed to complete the application. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No. 2 CW438342; Place ID 867123) for coverage under the General 401 Order on August 5, 2020.

The Marin County Department of Public Works is requesting a determination that the project and associated documents are complete pursuant to Fish and Game Code section 1653 subdivision (d). If CDFW determines the project is complete, the District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) or a Lake or Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

In accordance with Fish and Game Code section 1653 subdivision (e), if CDFW determines during the review, based on substantial evidence, that the request is not complete, the Marin County Department of Public Works will have the opportunity to submit under Fish and Game Code section 1652.

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH THE
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.

Board of Forestry and Fire Protection
File Number 2020-0702-03
Minimum Stocking Standards

These changes without regulatory effect update Title 14 California Code of Regulations section 1071 to conform to changes made by a regulatory action that inadvertently neglected to include section 1071 in its text of amended sections.

Title 14
Amend: 1071
Filed 08/11/2020
Agency Contact: Eric Hedge (916) 653-9633

Board of Forestry and Fire Protection
File Number 2020-0702-04
Safety Element Review Procedures Section 100

In this change without regulatory effect, the Board amends its regulation to update its document incorporated by reference, the "General Plan Safety Element Assessment." The update includes new requirements found in Government Code section 65302.15 and subdivision 65302(g)(5).

Title 14
Amend: 1265.02
Filed 08/12/2020
Agency Contact: Edith Hannigan (916) 862-0120

California Highway Patrol
File Number 2020-0630-01
General Hazardous Materials Regulations

This action by the California Highway Patrol amends and updates the state's hazardous materials regulations applicable to persons subject to federal jurisdiction, pursuant to Title 49, Code of Federal Regulations (CFR), Part 171.1, to be consistent with national transportation requirements as required by federal law.

Title 13
Amend: 1160.2, 1164
Filed 08/11/2020
Effective 10/01/2020
Agency Contact: Kasonja Pochop (916) 843-3400

Commission on Peace Officer Standards and Training
File Number 2020-0522-01
Training and Testing Specifications for Learning
Domains 25 and 42

In this regular rulemaking action the Commission on Peace Officer Standards and Training amends two learning domains in the incorporated by reference document, Training and Testing Specifications for Peace Officer Basic Courses, pursuant to Penal Code section 13519.41.

Title 11
Amend: 1005, 1007, 1008
Filed 08/10/2020
Effective 10/01/2020
Agency Contact: Cheryl Smith (916) 227-0544

Department of Justice
File Number 2020-0625-03
Repeal Regulations Without Statutory Authority

This change without regulatory effect repeals chapter 5 of division 1 of title 11 of the California Code of Regulations, for which all statutory authority was repealed effective July 1, 1976 (Stats. 1975, ch. 941).

Title 11
Repeal: 500, 501, 502, 503, 504, 505, 506, 507, 508, 515, 516, 517, 518, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 540, 541, 542, 543, 544, 545, 550, 551, 552, 553, 554, 555, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593
Filed 08/06/2020
Agency Contact: Kevin Sabo (916) 210-7639

Department of Justice
File Number 2020-0708-03
Report of Sexual Assault

In this action without regulatory effect the Department of Justice repeals five sections related to sexual assault reporting for which statutory authority has been repealed.

Title 11
Repeal: 920, 921, 923, 925, 927
Filed 08/10/2020
Agency Contact: Zachary Hoffman (916) 210-3633

Department of Justice
File Number 2020-0714-05
Department of Motor Vehicles Bond Form

This action submitted by the Department of Justice is a request pursuant to Government Code section 11343.8 to file and print the amended surety bond form of the Department of Motor Vehicles titled, "Third Party Tester Surety Bond".

Title 11
Amend: 51.30
Filed 08/12/2020
Effective 08/12/2020
Agency Contact: Cara M. Porter (415) 510-3508

Fish and Game Commission
File Number 2020-0629-01
Klamath River Basin Sport Fishing

This action by the Fish and Game Commission amends fishery management measures and quota structures for Klamath River Basin adult fall-run Chinook Salmon for the 2020 season.

Title 14
Amend: 5.87, 7.50
Filed 08/05/2020
Effective 08/15/2020
Agency Contact: Craig Castleton (916) 651-1329

Respiratory Care Board
File Number 2020-0702-01
Sponsored Free Health Care Events

Business and Professions Code section 901, which was repealed by its own terms operative January 1, 2018, created an exemption from the licensure and registration requirements for a health care practitioner licensed or in good standing in another state or states who offers or provides health care services for which he or she is licensed or certified through a sponsored event. As changes without regulatory effect, in response to the repeal of Business and Professions Code section 901, the Respiratory Care Board of California

is repealing regulations pertaining to sponsored events.

Title 16
Repeal: 1399.343, 1399.344, 1399.345, 1399.346
Filed 08/07/2020
Agency Contact: Christine Molina (916) 999-2230

Superintendent of Public Instruction
File Number 2020-0709-01
Uniform Complaint Procedures

In this action without regulatory effect the State Superintendent of Public Instruction amends three sections related to Uniform Complaint Procedures to correct inaccurate cross-references.

Title 05
Amend: 4600, 4621, 4650
Filed 08/12/2020
Agency Contact: Lorie Adame (916) 319-0860

**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.