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

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

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

CONFLICT-OF-INTEREST CODES

ADOPTION

MULTI-COUNTY:

Options for Youth, California, Inc.

A written comment period has been established commencing on January 1, 2021 and closing on February 15, 2021. 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 February 15, 2021. 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. PUBLIC EMPLOYEES' RETIREMENT SYSTEM

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) proposes to take the regulatory action described below after considering public comments, objections, or recommendations.

I. PROPOSED REGULATORY ACTION

In this filing, the Board proposes to amend § 599.500 and § 599.508 of the California Code of Regulations (CCR), Title 2, titled "Definitions" and "Minimum Standards for Health Benefit Plans." The proposed regulations will modify or delete out of date provisions and make other technical changes to align the regulations with current and best practices.

II. WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. The written comment period has been established commencing on January 1, 2021 and closing on February 15, 2021. The Regulations Coordinator must receive all written comments by the close of the comment period. Comments may be submitted via Fax at (916) 795-4607; e-mail at Regulation_Coordinator@calpers.ca.gov or mailed to the following address:

Anthony Martin, Regulation Coordinator
California Public Employees' Retirement System
P.O. Box 942702
Sacramento, California 94229-2702
Phone: (916) 795-3038

III. PUBLIC HEARING

Pursuant to Government Code (GC) § 11346.8, a public hearing on this matter has not been scheduled. However, if an interested person or his or her duly authorized representative submits in writing to the CalPERS Regulations Coordinator a request for a public hearing no later than 15 days prior to the close of the written comment period, February 1, 2021, a public hearing shall be scheduled before the CalPERS Pension and Health Benefits Committee. Notice of the time, date, and place of the hearing will be provided

to every person who has filed a request for notice with CalPERS.

IV. ACCESS TO HEARING ROOM

The hearing room will be accessible to persons with mobility impairments, and it can be made accessible to persons with hearing or vision impairments upon advance request to the Regulation Coordinator.

V. AUTHORITY AND REFERENCE

The Board has general authority to take regulatory action under GC § 22796. Reference citation: California Government Code §§ 22850, 22864 and 22911.

VI. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

CalPERS benefit programs and administrative processes are subject to numerous regulatory requirements, several of which have been identified by team members as outdated, subject to confusion among stakeholders, or which otherwise represent an opportunity to realize efficiencies through their modification or clarification. In these cases, the recommended regulatory changes are appropriate for the continued administration and good governance of CalPERS.

CalPERS seeks to make changes to align the regulations with current and best practices. Currently, the Public Employees' Medical and Hospital Care Act (PEMHCA) regulations include outdated provisions and practices.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

The proposed regulatory action will not affect worker safety or the state's environment. The proposed regulations will modify or delete out-of-date provisions and make other technical changes to align the regulations with current and best practices.

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

CalPERS has evaluated and determined that the proposed regulations are not inconsistent nor incompatible with existing State regulations. There are no other comparable existing State regulations pursuant to GC Section 11346.5, subdivision (a), paragraphs (3)(D).

VII. EFFECT ON SMALL BUSINESS

The proposed regulatory action does not affect small business because it applies only to the California Public Employees' Retirement Law.

VIII. DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION/RESULTS OF THE ECONOMIC ANALYSIS/ASSESSMENT

- A. MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS: The proposed regulatory action does not impose requirements on local agencies and school districts that contract with CalPERS above and beyond the normal scope of setting health benefit plan premiums.
- B. COST OR SAVINGS TO ANY STATE AGENCY: The proposed regulatory action will not reflect a cost or savings to any State agency.
- C. COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT: The proposed regulatory action will not impose costs to any local agency or school district.
- D. NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES: The proposed regulatory action will not impose nondiscretionary costs or savings on local agencies.
- E. COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE: There are no costs or savings in federal funding to the state.
- F. ADVERSE ECONOMIC IMPACT: The proposed regulation 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.
- G. COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES: CalPERS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- H. IMPACT ON JOBS AND BUSINESS WITHIN CALIFORNIA: The proposed regulatory action 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) affect worker safety or the state's environment.

CalPERS believes making corrections to outdated terms and provisions and other technical changes to the regulation benefits the health and welfare

of California residents by ensuring program integrity and sustainability of the CalPERS health benefits programs which cover more than 1.5 million active and retired state, local government, and school employees, and their family members.

- I. EFFECT ON HOUSING COSTS: The proposed regulatory action will have no significant effect on housing costs.
- J. COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT WHICH MUST BE REIMBURSED IN ACCORDANCE WITH GC SECTIONS 17500 THROUGH 17630: There are no costs to any local agency or school district which must be reimbursed in accordance with GC Sections 17500 through 17630.

IX. 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 of the proposed action,
- as effective as, and less burdensome to affected private persons than the proposed action, or
- more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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

X. CONTACT PERSONS

Please direct inquiries concerning the substance of the proposed rulemaking action to:

Karen Pales, Assistant Division Chief
 CalPERS Health Plan Research & Administration
 Division
 California Public Employees' Retirement System
 P.O. Box 720724
 Sacramento, CA 94229-0724
 Telephone: (916) 795-0112
 E-Mail: Karen.Pales@calpers.ca.gov

Ryan Ball, Research Data Specialist
CalPERS Health Plan Research & Administration
Division
California Public Employees' Retirement System
P.O. Box 720724
Sacramento, CA 94229-0724
Telephone: (916) 795-7847
E-Mail: Ryan.Ball@calpers.ca.gov

Please direct requests concerning processing of this rulemaking action to the CalPERS Regulation Coordinator, at the address shown in Section II.

XI. AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for public inspection through the Regulations Coordinator at the address shown above. To date, the file consists of this notice, the proposed text of the regulations, and the Initial Statement of Reasons (ISOR). A copy of the proposed text and the ISOR is available at no charge upon telephone or written request to the Regulations Coordinator.

The Final Statement of Reasons can be obtained, once it has been prepared, by written request to Anthony Martin, Regulation Coordinator, at the address shown in Section II.

For immediate access, the regulatory material regarding this action can be accessed at CalPERS' website at www.calpers.ca.gov.

XII. AVAILABILITY OF CHANGED OR MODIFIED TEXT

The Board may, on its own motion or at the recommendation of any interested person, modify the proposed text of the regulations after the public comment period closes.

If the Board modifies its regulatory action, it will prepare a comparison of the original proposed text and the modifications for an additional public comment period of not less than 15 days prior to the date on which the Board adopts, amends, or repeals the resulting regulation. A copy of the comparison text will be mailed to all persons who submitted written comments or asked to be kept informed as to the outcome of this regulatory action.

XIII. AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon completion, copies of the Final Statement of Reasons may be obtained by contacting the CalPERS Regulation Coordinator at the address shown in Section II.

TITLE 10. DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION

Notice is Hereby Given (Gov. Code, § 11346.5(a)(1))

The Commissioner of the Department of Financial Protection and Innovation, formerly the Commissioner of the Department of Business Oversight, ("Commissioner") is proposing adding sections 1711.1 and 1741.7 regarding "personal property" and "prohibited compensation" and amendments to sections 1732.2, 1737.3 and 1741.5 of title 10 of the California Code of Regulations (hereafter referred to as "Rule"),¹ regarding the escrow books and records and the annual audit report of the financial statement of escrow agents under section 17406 of the Escrow Law (Cal. Fin. Code, § 17000, et seq.). The amendments clarify (1) the meanings of "personal property" and "prohibited compensation"; (2) how to maintain books and preserve records; and (3) that the annual report must consist of audited financial statements and the results of an agreed upon procedures engagement, an agreement between an escrow company and a certified public accountant on audit procedures.

Public Hearing (Gov. Code, § 11346.5(a)(17))

A public hearing has not been scheduled. Any interested person or his or her duly authorized representative may request a public hearing no later than 15 days prior to the close of the written comment period. If the Department of Financial Protection and Innovation, formerly the Department of Business Oversight ("Department") receives a request for a public hearing, the Department will provide notice of the time, date, and place of the hearing by mailing the notice to every person who has filed a request for notice with the Department.

Comment Deadline (Gov. Code, § 11346.5(a)(15))

Written comments related to the proposed action must be received by February 15, 2021 to be considered by the Department before it proceeds with this regulatory action.

Comments may be submitted by e-mail to the following address:

regulations@dfpi.ca.gov

Comments may be submitted by U.S. mail to the following address:

Department of Financial Protection and
Innovation
Attention: Regulations Coordinator
300 S. Spring Street, Suite 15513
Los Angeles, California 90013
(213) 897-3432

¹ Use of "Rule" in this notice of proposed action refers to the California Code of Regulations.

Comments may be submitted by fax to the following number:

(213) 897-8860

Authority (Gov. Code, § 11346.5(a)(2))

The authority for this regulatory action is California Financial Code sections 17315, 17400 and 17406.

Reference (Gov. Code, § 11346.5(a)(2))

The reference for this regulatory action is California Financial Code sections 17003, 17403.5, 17404, 17406, 17409 and 17420.

Informative Digest (Gov. Code, § 11346.5(a)(3))

Section 17404 of the Escrow Law requires every person subject to the Escrow Law to keep and use in its business, books, accounts, and records which will properly enable the Commissioner to determine whether the escrow functions performed by such person comply with the provisions of the Escrow Law and rules. Section 17409 further requires that all monies deposited in escrow, which are to be delivered upon the close of escrow or upon any other contingency, be deposited in a noninterest-bearing demand or checking account in a bank insured by the Federal Deposit Insurance Corporation and approved by the Commissioner. Such funds, when deposited, must be designated as “trust funds,” “escrow accounts,” or with a name that indicates the funds do not belong to the escrow agent. Rule 1732.2 sets forth what books an escrow agent is required to establish and maintain regarding its escrow accounts and specifies how often they must be reconciled. In particular, the existing rule specifies the escrow ledger and liability controlling account must be reconciled at least once a month with bank statements of the “trust” or “escrow” account, and the escrow ledger must be reconciled at least once a week with the escrow liability controlling account. The existing rule contemplates non-electronic reconciliation, such as using adding machines, which is time consuming and does not involve software. Reconciling accounts using adding machines is more time consuming than reconciling them electronically and it does not involve the use of computer programs.

Many escrow agents currently establish and use electronic books, accounts and records. As a result, these escrow agents perform their required reconciliations electronically as well. The existing Rule 1732.2 does not provide clarification regarding the use of computer programs. To address this shortcoming, the proposed amendment to the rule provides clarification for the use of accounting software in regard to escrow liability controlling accounts by requiring that the accounts be maintained separately from any accounting software used by an escrow agent. The existing rule also provides clarification regarding the use of adding machines, which is no longer necessary because such

machines are no longer widely used. To address this outdated provision, the proposed amendment to the rule would delete this outdated provision. Lastly, the existing rule requires reconciliation of the escrow ledger and the escrow liability controlling account once a week. Due to modern technology, this process has been made much more expedient. Since misappropriations, accidental or intentional, may occur on a daily basis, to help alleviate these potential issues, the proposed amendment to the rule would require such reconciliations to occur on a daily basis. Since all licensees currently do the daily liability reconciliations on a daily basis, this will not be a change for them.

Section 17404 of the Escrow Law requires every person subject to the Escrow Law to keep and use in its business, books, accounts, and records which will properly enable the Commissioner to determine whether the escrow functions performed by such person comply with the provisions of the Escrow Law and rules. Specifically, section 17403.5 of the Escrow Law provides that: (1) all required records may be maintained by Internet escrow agents and submitted to the Commissioner electronically; (2) all transfers by Internet escrow agents between accounts may be made electronically; and (3) customer account statements may be sent by Internet escrow agents via email or the Internet. Rule 1737.3 requires escrow agents to preserve records for at least five years from the close of escrow. The existing rule implies that records can be destroyed after five years from the close of escrow. It does not consider that there could be undisbursed funds in escrow or outstanding checks that need to be escheated. The State Controller’s Office requires files for escheated funds be kept for 7 years. To address that issue, the proposed amendment to the rule would take these events into account by requiring the company to keep and use the files for five years, or longer, if necessary to properly disburse the funds or escheat them to the state. Additionally, the existing rule does not provide clarification regarding the use of computers and electronic records. The proposed amendments to the rule would clarify what licensees should do when using technology, including providing “images” of checks, using encryption or other secure methods when sending records by email, and maintaining printed copies of all requisite records when they are no longer available electronically due to a change in an escrow agent’s software.

Section 17406 of the Escrow Law requires each licensee to submit to the Commissioner an audit report containing audited financial statements within 105 days after the close of each calendar or fiscal year. The licensee must also file additional relevant information required by the Commissioner. Rule 1741.5 sets forth the requirements for preparing the annual audit report. The existing rule contemplates an audit engagement

that culminates in an unqualified opinion by a certified public accountant stating that the financial statements of the licensee are fairly stated.

Interested parties have notified the Commissioner that the existing rule sets forth procedures for a certified public accountant (“CPA”) to follow in the annual audit of the licensee, which if accompanied by an unqualified opinion would result in the CPA violating the professional accounting principles. In particular, the provisions of Rule 1741.5 that dictate the procedures for a CPA to follow may only be performed under an agreed-upon procedures engagement, and may result in findings regarding the procedures performed. However, the CPA may not provide an unqualified opinion on audit procedures not established under the CPA’s own professional judgment.

To avoid violating the professional accounting principles, CPAs have been refusing to draft the annual audit reports as required by the Escrow Law. As a result, many escrow agents are out of compliance with the requirement for submitting an annual audit report. The proposed rulemaking would provide the guidance needed to enable CPAs to prepare the required audit reports without simultaneously violating their professional standards of conduct.

To address these concerns, the Commissioner is proposing revisions to Rule 1741.5 to provide that a licensee must engage a CPA to submit an unqualified opinion regarding the financial statements and supplementary information of the licensee, and a report of findings regarding the agreed-upon procedures set forth in the rule. Cumulatively the reports will constitute the annual audit report and additional information authorized under section 17406 of the Escrow Law.

The Escrow Law defines an “escrow” as any transaction in which one person, in order to sell, transfer, encumber, or lease real or personal property to another person, delivers a written instrument, money, evidence of title to real or personal property, or other thing of value to a third person to be held until the happening of a specified event or the performance of a prescribed condition, at which time it is delivered to a grantee, grantor or its representative, pursuant to Financial Code section 17003. The definition of “escrow” does not specify if “personal property” includes “gametic material.” To address this issue, the rulemaking would clarify that “personal property” within the definition of “escrow” includes “gametic material.” This would enable the Department to regulate surrogacy transactions and protect the public.

The Escrow Law prohibits escrow licensees from paying over to any other person any commission, fee, or other consideration as compensation for referring, soliciting, handling, or servicing escrow customers or accounts, pursuant to Financial Code section 17420. The compensation language is vague because “consideration as compensation” may be interpreted in many

ways, including discounting and waiving escrow fees. The lack of clarity limits the Department’s administrative ability to take actions against companies paying referral fees and kickbacks. To address this vague language, the rulemaking would clarify “consideration as compensation” by plainly describing what constitutes an act of referral for business similar to the provisions in the Insurance Code. This would enable the Department to more easily enforce the prohibition.

The objective of this rulemaking is to update rules regarding establishing, maintaining and preserving escrow books and records, to ensure that CPAs may participate in engagements to meet the annual audit report requirement for Escrow Law licensees without violating any rule of professional conduct, to clarify that “personal property” as used in the definition of an escrow includes “gametic material,” and to clarify what are considered to be prohibited escrow referral compensation acts. A specific benefit of this action is to ensure that adequate procedures are set forth regarding establishing, maintaining and preserving escrow books and records and the annual audit to provide the Commissioner with the assurance that the trust accounts of the licensee are accurately reflected in the licensee’s books and records, and no consumer funds have been misappropriated. Additionally, the rulemaking would benefit escrow agents because it would enable them to comply with their audit report requirements and thus avoid license suspension or revocation. Finally, the rulemaking would provide clarification regarding the definition of “escrow” and what acts are prohibited as escrow referral compensation. After conducting an evaluation, the Department has found that these are the only regulations concerning state escrow books and records, annual audit reports, personal property and prohibited compensation. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Documents Incorporated by Reference

No documents are incorporated by reference.

Any other matters prescribed by statute (Gov. Code, § 11346.5 (a)(4))

No other matters are prescribed by statute.

Determination Regarding Mandate on Local Agencies or School Districts (Gov. Code, § 11346.5(a)(5))

This regulatory action does not impose a mandate on local agencies or school districts.

Estimate of Cost or Savings (Gov. Code, § 11346.5(a)(6))

State Agency

This regulatory action may increase the time for the Department of Financial Protection and Innovation, formerly the Department of Business Oversight,

(“Department”) to review annual audit reports. However, the Department anticipates that this increase will not be significant and is absorbable within existing resources. The action may also create additional costs to the Department by clarifying that “gametic material” is “personal property” under the definition of “escrow.” This will result in the Department being authorized to regulate “assisted reproduction agreements.” Regulation of the financial portion of the assisted reproduction industry will increase the Department’s cost of doing business in licensing and examination based on the number of new licensees that do these types of escrow transactions. At this point, it is unknown if this change will result in any new licensees. However, part of the cost of any new licensees would be offset by the licensees’ fees.

Other

This regulatory action will not result in any cost to any local agency or school district required to be reimbursed, will not result in other nondiscretionary cost or savings imposed on local agencies, and will not result in cost or savings in federal funding to the state.

Determination Regarding Adverse Economic Impact (Gov. Code, § 11346.5(a)(7) and (8))

The Department has made an initial determination that this regulatory 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.

Cost Impacts on Representative Private Person or Business (Gov. Code, § 11346.5(a)(9))

The Department anticipates that a licensee will incur an additional cost related to the need for two separate audit engagements for the annual report. However, the substantive audit requirements that are being moved from an audit of financial statements to an agreed-upon procedures engagement have been in Rule 1741.5 since 2002, and therefore no additional field work is required for the agreed-upon procedures engagement. Consequently, while the amendments to the rule will require the former single audit report to be separated into two parts and two separate engagements, the workload will remain substantially the same. As a result, the Department anticipates that the typical cost for a licensee to amend its past audit procedure to comply with the new audit procedure required by this proposed rulemaking will be \$1,000 or less. The current rule does not specify the procedures a CPA must perform to make the statements required in the report. The procedures proposed in the proposed regulation may be different than those previously used by CPAs. Therefore, the time to perform them may vary slightly for different CPAs. Also, some proposed requirements will require smaller samples, which will reduce the time necessary to perform those procedures.

The addition of “gametic material” to the definition of “personal property” under the “escrow” definition will clarify that escrow agents may conduct transactions that hold and disburse funds under assisted reproduction agreements. This clarification of personal property will create more business opportunities for escrow agents, which will provide more benefit than cost to them.

Results of Economic Impact Assessment (Gov. Code, § 11346.5(a)(10))

The Department has assessed the potential for adverse economic impact on California business enterprises and individuals, with consideration of the ability of California businesses to compete with businesses in other states.

The Department finds that this regulatory action will not result in the creation or elimination of jobs within the state; will not result in the creation of new businesses or the elimination of existing businesses within the state; and will not result in the expansion of businesses currently doing business within the state. The Department finds that this regulatory action will benefit the welfare of California residents by setting forth procedures that will help ensure trust funds placed on deposit with escrow agents are not misappropriated. The regulatory action will not benefit worker safety or the state’s environment.

Determination of Effect of Small Business (Cal. Code of Regs., title 1, § 4.)

The Commissioner has made a determination that the proposed regulation will not affect small business. Under Government Code section 11342.610, “small business” does not include the professional or business activity of escrow agents.

Finding Regarding Report (Gov. Code, § 11346.5(a)(11))

This regulatory action requires a report. The Department finds that it is necessary for the health, safety, or welfare of the people of the state that this regulation apply to businesses.

Effect on Housing Costs (Gov. Code, § 11346.5(a)(12))

The Department finds that this regulatory action will not have a significant effect on housing costs.

Statement Regarding Reasonable Alternatives (Gov. Code, § 11346.5(a)(13))

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 action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Agency Representative and Backup Contact (Gov. Code, § 11346.5(a)(14))

Agency representative for substantive inquiries:

Department of Financial Protection and Innovation
Attention: Sherri Kaufman, Senior Counsel
2101 Arena Boulevard
Sacramento, California 95834
(916) 217-6643; sherri.kaufman@dfpi.ca.gov

Agency representative for non-substantive requests:

Department of Financial Protection and Innovation
Attention: Sandra Sandoval
300 S. Spring Street, Suite 15513
Los Angeles, California 90013
Telephone: (213) 897-3432
regulations@dfpi.ca.gov

Reference to Statement of Reasons (Gov. Code, § 11346.5(a)(16))

The Department has prepared a statement of the reasons for the proposed action, has available all the information upon which the proposal is based, and has available the express terms of the proposed action. This notice of rulemaking, the text of the proposed regulatory action, and the initial statement of reasons for the proposed regulatory action are on the Department's website at www.dfpi.ca.gov. Additional public records relating to this regulatory action will be made available upon request.

Availability of Full Text (Gov. Code, § 11346.5(a)(18))

The full text of any sufficiently related modifications to the original proposed regulation will be available for at least 15 days prior to the date the Department adopts, amends, or repeals the resulting regulation of this regulatory action.

Final Statement of Reasons (Gov. Code, § 11346.5(a)(19))

Any person may obtain a copy of the final statement of reasons after its preparation through the Department's website at www.dfpi.ca.gov, by e-mailing a request to the Regulations Coordinator at regulations@dfpi.ca.gov, by calling the Legal Division at (213) 897-3432, or by sending a request by mail to the Regulations Coordinator at 300 S. Spring Street, Suite 15513, Los Angeles, California 90013.

Internet Availability (Gov. Code, § 11346.5(a)(20))

Documents related to regulatory actions are available on the Department's website at www.dfpi.ca.gov, under the "Laws & Regs" tab and "Rulemaking" links. For assistance, contact the Regulations Coordinator at (213) 897-3432 or regulations@dbo.ca.gov.

TITLE 13. CALIFORNIA HIGHWAY PATROL

DIVISION 2, CHAPTER 4, ADD ARTICLE 8.5, SECTIONS 1029.1, 1029.2, 1029.3, AND 1029.4.

HI-LO AUDIBLE WARNING SOUND (CHP-R-2020-06207)

In compliance with the requirements of Section 27002 of the California Vehicle Code (CVC), the California Highway Patrol (CHP) proposes to adopt regulations in Title 13, California Code of Regulations (CCR), Division 2, Chapter 4, adding Article 8.5, Sections 1029.1, 1029.2, 1029.3, and 1029.4. This proposed rulemaking adopts criteria that define and establish performance requirements and applicability for the use of a Hi-Lo Audible Warning Sound on authorized emergency vehicles.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

On September 29, 2020, Governor Gavin Newsom signed into law Senate Bill 909 (Dodd, Chapter 262, Statutes of 2020). Senate Bill 909 is a senate transportation bill which amends the existing practice of allowing the use of a Hi-Lo Audible Warning Sound only through a permit issued by the California Highway Patrol (CHP). Senate Bill 909 expressly permits an authorized emergency vehicle to be equipped with a Hi-Lo Audible Warning Sound for the purpose of warning individuals of an immediate evacuation in the case of an emergency. The amendment requires the CHP to provide regulations to determine the standardization of such a Hi-Lo Audible Warning Sound used across the state.

Section 2402 CVC authorizes the Commissioner of the CHP to make and enforce regulations as necessary to carry out the duties of the CHP. Section 26103 CVC authorizes the Department to adopt regulations establishing standards and specifications of vehicle equipment, including, but not limited to, sirens. Section 27002 CVC, by regulation, permits the use of a Hi-Lo Audible Warning Sound, meeting the requirements established by the Department, on authorized emergency vehicles.

The CHP proposes to adopt Title 13, CCR, Sections 1029.1, 1029.2, 1029.3, and 1029.4, in order to fulfill statutory requirements contained in Section 27002 CVC. This proposed rulemaking adopts criteria that define and establish performance requirements and applicability for the use of a Hi-Lo Audible Warning Sound on authorized emergency vehicles. This action will consider the competitiveness of California

businesses by eliminating or modifying, to the extent possible, regulations that impose a negative impact on businesses and the economy.

Anticipated Benefits of Proposed Regulations:

This proposed regulatory action will provide a nonmonetary benefit to the protection and safety of public health, employees, and the environment by establishing standards and specifications for the use of Hi-Lo Audible Warning Sound that may be used for the purpose of warning individuals of an immediate evacuation in the case of an emergency.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

The CHP has determined this proposed regulation is neither inconsistent, nor incompatible, with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the CHP has concluded that these are the only regulations that concern the Hi-Lo Audible Warning Sound.

PUBLIC COMMENTS

Interested persons may submit written comments on this proposed action via facsimile at (916) 322-3154, by e-mail to cvsregulations@chp.ca.gov, or by writing to:

California Highway Patrol
Enforcement and Planning Division
Commercial Vehicle Section
Attention: Officer Kasonja Pochop
P.O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until February 15, 2021.

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

AVAILABILITY OF INFORMATION

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

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

Documents regarding the proposed action are available through the CHP's website at www.chp.ca.gov/news-alerts/regulatory-actions.

CONTACT PERSON

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

ADOPTION OF PROPOSED REGULATIONS

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

FISCAL AND ECONOMIC IMPACT/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will impose no new mandate upon local agencies or school districts; (3) will involve no nondiscretionary cost or savings to any local agency, no cost to any local agency or school district for which Sections 17500-17630 of the Government Code (GC) require reimbursement, no cost or savings to any state agency, nor costs or savings in federal funding to the state; (4) will neither create or eliminate jobs in the State of California, nor result in the elimination of existing businesses, nor create or expand businesses in the State of California; (5) will have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states; and (6) will provide a nonmonetary benefit to the protection and safety of public health, employees, and safety to the environment by establishing standards and specifications for the use of the Hi-Lo Audible Warning Sound that may be used for the purpose of warning individuals of an immediate evacuation in the case of an emergency.

**COST IMPACTS ON PRIVATE
PERSONS OR BUSINESSES**

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

EFFECT ON SMALL BUSINESSES

The CHP has not identified any significant adverse effect on small businesses. The proposed regulations do not increase any requirements upon any small businesses.

CONSIDERATION OF ALTERNATIVES

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

**AVAILABILITY OF FINAL
STATEMENT OF REASONS**

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

AUTHORITY

This regulatory action is being taken pursuant to Sections 2402 and 27002, CVC.

REFERENCE

This action implements, interprets, and/or makes specific Sections 2402, 26103, and 27002, CVC.

**TITLE 14. SAN FRANCISCO BAY
CONSERVATION AND DEVELOPMENT
COMMISSION**

**DIVISION 5, CHAPTER 13. ENFORCEMENT
PROCEDURES (INCLUDING AMEND
APPENDIX H AND
APPENDIX I AND ADD NEW APPENDIX J)**

PUBLIC HEARING

The San Francisco Bay Conservation and Development Commission (Commission) will hold a public hearing on the subject of this Notice of Proposed Rulemaking on February 18, 2021 at its regularly scheduled meeting, which will begin at 1:00 p.m., and will be held online and by teleconference due to the COVID-19 public health orders and in accordance with the Governor's Executive Order No. N-29-20 issued on March 17, 2020. The hearing will concern proposed changes to the Commission's regulations governing its enforcement procedures that are codified at Title 14 of the California Code of Regulations, Division 5, Chapter 13 (including Appendix H and Appendix I and a proposed new Appendix J). At the hearing, any person may present comments, arguments, or statements orally or in writing relevant to the proposed action described in the Informative Digest (below). Information regarding how to access the February 18, 2021, Commission meeting online or by teleconference will be provided in a meeting notice and agenda provided to interested parties and posted on the Commission's website not less than ten days prior to the meeting date.

Following the public hearing, the Commission may adopt the proposal substantially as described below or may modify the proposal. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for at least 15 days prior to its adoption from the person designated in this Notice as the Contact Person. Any proposed modifications will be mailed to those persons who submit written comments, provide oral comments, or have requested notification of any changes to the proposal. Please notify the Commission to receive a meeting notice and any notices of change to the hearing date (see Contact Person, below).

WRITTEN COMMENT PERIOD

Any person or organization may submit written comments on the proposed regulatory action. The written comment period closes at 5 p.m. on February 18, 2021. The Commission will only consider com-

ments received by that time. Please submit written comments to:

Marc Zeppetello, Chief Counsel
 San Francisco Bay Conservation and Development
 Commission
 375 Beale Street, Suite 510
 San Francisco, California 94105
 Telephone: (415) 352-3655
 Email: marc.zeppetello@bcdc.ca.gov

AUTHORITY AND REFERENCE

Authority: Government Code Section 66632(f); and Public Resources Code Section 29201(e).

References: Government Code Sections 11180-11181, 11415.60, 66637, 66638, 66640, 66641, 66641.5(e), 66641.6, 66641.9, 666642(a), and 66643; Public Resources Code Sections 29600-29601 and 29610-29611; and Evidence Code Section 351.

INFORMATIVE DIGEST

The Commission issues permits for certain activities conducted within its jurisdiction pursuant to two laws, the McAteer-Petris Act (MPA) and the Suisun Marsh Preservation Act (SMPA). Both the MPA and the SMPA authorize the Commission to take enforcement action against any person who violates the terms or conditions of a Commission permit or who conducts unauthorized activities within the Commission's jurisdiction in violation of the MPA or SMPA.

Chapter 13 of the Commission's regulations, entitled "Enforcement Procedures," establishes procedural requirements for Commission enforcement proceedings brought for violations of the MPA, SMPA, or a permit issued by the Commission. Such proceedings may lead to an enforcement hearing before the Commission's Enforcement Committee or the full Commission and issuance by the Commission of a cease and desist order, an order setting administrative civil liability (*i.e.* civil penalties), or a permit revocation order. The regulations also identify six categories of violations that may be resolved without Commission enforcement proceedings through corrective action and the payment of standardized fines in an amount, if any, that depends on how long the responsible party takes to correct the violation but which by statute may not exceed \$30,000 per violation.

The proposed amendments to the Chapter 13 regulations will improve the clarity and consistency of the Commission's enforcement regulations. The objectives of the proposed amendments are to promote transparency, consistency, and fairness in the enforcement process and strengthen the deterrent effect of BCDC's enforcement program. The proposed

amendments implement certain recommendations from an Audit Report released by the California State Auditor in May 2019 that focused on improvements to the Commission's enforcement program. The Audit Report recommendations included changes or additions to the enforcement regulations. The proposed amendments would add an Administrative Civil Penalty Policy as Appendix J of the regulations. The Administrative Civil Penalty Policy would be used to calculate proposed civil penalties for violations in a transparent and consistent manner and in accordance with the factors that the Commission is required by statute to consider in determining the amount of administrative civil penalties for violations. The proposed amendments also include increases in some but not all of the standardized fine amounts established by the existing regulations for certain categories of violations.

Objectives and Anticipated Benefits of the Proposed Amendments

The objectives of the proposed amendments are to promote transparency, consistency, and fairness in the enforcement process and strengthen the deterrent effect of BCDC's enforcement program. The benefits of the proposed amendments are primarily non-monetary. By making the Commission's regulations governing the enforcement process clearer, the proposed amendments will increase transparency and consistency in that process and will benefit businesses, individuals, and state and local government agencies that are subject to the Commission's jurisdiction and permits. The benefits include compliance with the Commission's laws and policies and permits issued by the Commission, including requirements to provide and maintain public access and public access improvements, and environmental protection of San Francisco Bay and its shoreline and the Suisun Marsh, including preventing the unauthorized placement of fill in the Bay.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

The Commission has evaluated whether or not the proposed amendments to its enforcement regulations would be inconsistent or incompatible with existing state regulations and has found that Chapter 13 of the Commission's regulations (and the associated Appendices H and I) are the only state regulations concerning enforcement of the MPA, SMPA, and Commission permits issued under either of those Acts. Therefore, the proposed amended regulations are neither inconsistent nor incompatible with existing state regulations.

No Comparable Federal Statutes or Regulations

There are no federal statutes or regulations applicable to enforcement of the MPA, SMPA, or Commission

permits. Therefore, neither the Commission's existing enforcement regulations nor the proposed amendments to those regulations differ from an existing comparable federal statute or regulation.

**DETERMINATIONS REGARDING THE
PROPOSED ACTION**

The Commission has made the following determinations or initial determinations:

Mandate imposed on local agencies or school districts by proposed amendments: None.

Cost or savings to any state agency: A state agency that voluntarily applies for and obtains a Commission permit is required to comply with the terms and conditions of that permit. Similarly, a state agency that does not apply for and obtain a Commission permit is required by law (*i.e.*, the MPA and/or SMPA) to refrain from conducting unauthorized activities within an area of the Commission's jurisdiction. A state agency that complies with the law or with the terms and conditions of any permit issued by the Commission will not be subject to an enforcement action, including potential administrative civil liability or fines, under the Commission's regulations. Therefore, a state agency that does not violate the law or the terms and conditions of any Commission permit will not incur any costs (or obtain any savings) to comply with the proposed amendments to the Commission's enforcement regulations.

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

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

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

Significant statewide adverse economic impact directly affecting businesses, 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 amendments. A private person or business that voluntarily applies for and obtains a Commission permit is required to comply with the terms and conditions of that permit. Similarly, a private person or business that does not apply for and obtain a Commission permit is required by law (*i.e.*, the MPA and/or SMPA) to refrain from conducting unauthorized activities within an area of the Commission's jurisdiction. A private person or business that complies with the law or with the terms and conditions of any permit issued by the Commission will not be subject to an enforcement action, including

potential administrative civil liability or fines, under the Commission's regulations. Therefore, a private person or business that does not violate the law or the terms and conditions of any Commission permit will not incur any costs to comply with the proposed amendments to the Commission's enforcement regulations.

Significant effect on housing costs: None.

Results of the Economic Impact Assessment:

The proposed amendments to the Commission's enforcement regulations will not create or eliminate jobs within California, create new businesses or eliminate existing businesses within California, or affect the expansion of businesses currently doing business within California. Individuals, businesses, and state and local agencies that do not violate the MPA or SMPA or the terms and conditions of any Commission permit will not incur any costs, including potential administrative civil liability or fines, to comply with the proposed amendments. Individuals, businesses, and state and local agencies may incur costs to correct violations of a Commission permit, the MPA, and/or the SMPA, as well as penalties or fines imposed by the Commission for such violations in an amount that will be dependent on the facts of a particular case, including the nature, extent, and number of violations, the period of time that it takes to correct the violations, and other factors.

The benefits of the proposed amendments are primarily non-monetary. The benefits include improved transparency, consistency, and fairness in the Commission's enforcement process and a strengthened deterrent effect of the enforcement program. The benefits also include increased compliance with the Commission's laws and policies and permits issued by the Commission, including requirements to provide and maintain public access and public access improvements, and improved environmental protection of San Francisco Bay and its shoreline and the Suisun Marsh, including preventing the unauthorized placement of fill in the Bay. By making the Commission's regulations governing the enforcement process clearer, the proposed amendments will increase transparency and consistency in that process and will benefit businesses, individuals, and state and local government agencies that are subject to the Commission's jurisdiction and permits.

An analysis of economic and fiscal impacts is contained in the Economic and Fiscal Impact Statement (Form 399), including the supplement thereto.

Significant effect on housing costs: None.

Business reporting requirements: None.

Determination of effect on small business: The proposed amendments may affect small business.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, 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.

Alternatives to the proposed regulatory action are described in the Initial Statement of Reasons. The Commission invites interested persons to present comments on the proposed amendments and alternatives at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed regulatory action may be directed to:

Marc Zeppetello, Chief Counsel
 San Francisco Bay Conservation and Development Commission
 375 Beale Street, Suite 510
 San Francisco, CA 94105
 Telephone: (415) 352-3655
 Email: marc.zeppetello@bcdca.gov

The backup contact person for these inquiries is:

Margie Malan, Legal Secretary
 San Francisco Bay Conservation and Development Commission
 375 Beale Street, Suite 510
 San Francisco, CA 94105
 Telephone: (415) 352-3675
 Email: margie.malan@bcdca.gov

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

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date that this Notice is published in the Notice Register, the rulemaking file consists of:

- (1) this Notice;
- (2) the text of the proposed amendments to the Chapter 13 regulations (including proposed amendments to Appendix H and Appendix I and

the addition of new Appendix J), with proposed deletions shown in ~~strikeout~~ and proposed inserts shown in underscore;

- (3) the Initial Statement of Reasons;
- (4) the Economic and Fiscal Impact Statement (Form 399) and supplement thereto;
- (5) Staff Report on Proposed Amendments to Chapter 13 Regulations (Enforcement Procedures) Including Proposed Administrative Civil Penalty Policy; Recommendation to Commence the Rulemaking Process to Adopt the Proposed Amendments (October 2, 2020);
- (6) Approved Minutes of October 15, 2020 Commission Meeting (October 30, 2020), at 26-40;

Copies of these documents may be obtained from the Commission's website at www.bcdca.gov under the link to Latest News. Copies may also be obtained by contacting Marc Zeppetello at the address, telephone number, or email address listed above.

The proposed regulations were prepared 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(a)(1). The proposed regulations are non-technical and written to be easily understood by the affected parties.

AVAILABILITY OF CHANGES OR MODIFIED TEXT

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon the Commission's adoption of the regulations, copies of the Final Statement of Reasons may be obtained by contacting Marc Zeppetello at the above address.

AVAILABILITY OF THE
DOCUMENTS ON THE INTERNET

Copies of this Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the proposed amendments to regulations (in strikeout and underlined format), as well as the Final Statement of Reasons once it is completed, can be obtained from the Commission website at www.bcdc.ca.gov.

GENERAL PUBLIC INTEREST

**OCCUPATIONAL SAFETY AND
HEALTH STANDARDS BOARD**

NOTICE OF PUBLIC MEETING
AND BUSINESS MEETING OF THE
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting and Business Meeting:

PUBLIC MEETING

On **February 18, 2021**, at 10:00 a.m. via the following:

- Video-conference at www.webex.com (meeting ID 268 984 996)
- Teleconference at (844) 992-4726 (Access code 268 984 996)
- Live video stream and audio stream (English and Spanish) at <https://videobookcase.com/california/oshsb/>

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

BUSINESS MEETING

On **February 18, 2021**, at 10:00 a.m. via the following:

- Video-conference at www.webex.com (meeting ID 268 984 996)
- Teleconference at (844) 992-4726 (Access code 268 984 996)

- Live video stream and audio stream (English and Spanish) at <https://videobookcase.com/california/oshsb/>

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE: Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

**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.

California Horse Racing Board
File # 2020-1104-02
Duties of Official Veterinarian and Racing
Veterinarian

This action amends the duties of the official veterinarian to supervise the racing veterinarian and requires the racing veterinarian to report to the official veterinarian and Board of Stewards without interfer-

ence from a racing association or fair in the exercise of the racing veterinarian's responsibilities.

Title 04
 Amend: 1560, 1651
 Filed 12/21/2020
 Effective 04/01/2021
 Agency Contact: Rick Pimentel (916) 274-6043

Commission on Teacher Credentialing
 File # 2020-1019-07
 Teaching Permit for Statutory Leave

This action adds military leave and administrative leave to the existing list of reasons a local education agency may use the Teaching Permit for Statutory Leave process to place a substitute teacher in classes for an extended period when the teacher of record is out on extended leave, rather than cycling through a rotation of substitute teachers for the duration.

Title 05
 Amend: 80022
 Filed 12/21/2020
 Effective 04/01/2021
 Agency Contact: Thomas Johnson (916) 323-5120

Department of Parks and Recreation
 File # 2020-0923-01
 Grants and Cooperative Agreement Program

The Department of Parks and Recreation filed this action to make comprehensive amendments to regulations that govern the Off-Highway Motor Vehicle Recreation Grants and Cooperative Agreements Program. The program administers grants and cooperative agreements to eligible agencies and organizations to assist in the development, maintenance, expansion, restoration, and management of off-highway motor vehicle recreation areas and related safety and education programs.

Title 14
 Adopt: 4970.05.2, 4970.08.1, 4970.08.2
 Amend: 4970.00, 4970.01., 4970.02, 4970.03, 4970.04, 4970.05 (renumbered to 4970.05.1), 4970.06.1, 4970.07, 4970.07.1, 4970.08, 4970.09, 4970.10, 4970.10.1, 4970.10.2, 4970.10.3, 4970.10.4, 4970.11, 4970.12, 4970.13, 4970.14, 4970.14.1, 4.970.14.3, 4970.15.1, 4970.15.2, 4970.15.3, 4970.15.4, 4970.17, 4970.17.1, 4970.18, 4970.19, 4970.19.1, 4970.19.2, 4970.19.3, 4970.19.4, 4970.19.5, 4970.19.6, 4970.20, 4970.22, 4970.23, 4970.23.1, 4970.23.2, 4970.24.1, 4970.24.2, 4970.25.1, 4970.25.2
 Filed 12/22/2020
 Effective 12/22/2020
 Agency Contact: Ethan Mathes (916) 323-0157

Division of Workers' Compensation
 File # 2020-1110-01
 Inpatient Hospital Fee Schedule

This action by the Division of Workers' Compensation within the Department of Industrial Relations amends the Official Medical Fee Schedule — Inpatient Hospital located within section 9789.25 in title 8 of the California Code of Regulations. This action was submitted to OAL for filing and printing only pursuant to Labor Code section 5307.1, subdivision (g)(2).

Title 08
 Amend: 9789.25
 Filed 12/23/2020
 Effective 12/01/2020
 Agency Contact: Karen Pak

Fair Political Practices Commission
 File # 2020-1124-02
 Cost of Living Adjustments

This rulemaking action by the Fair Political Practices Commission makes cost of living adjustments to various campaign and gift limits and ceilings.

Title 02
 Amend: 18545, 18700, 18730, 18940.2
 Filed 12/23/2020
 Effective 01/01/2021
 Agency Contact:
 Amanda Apostol (916) 322-5660

Fair Political Practices Commission
 File # 2020-1124-03
 Statement of Economic Interests

This rulemaking action by the Fair Political Practices Commission makes changes to regulations pertaining to Statements of Economic Interests.

Title 02
 Adopt: 18115, 18115.1, 18115.2, 18723.1
 Amend: 18732.5, 18735, 18754
 Repeal: 18115
 Filed 12/23/2020
 Effective 01/22/2021
 Agency Contact:
 Amanda Apostol (916) 322-5660

Franchise Tax Board
 File # 2020-1210-03
 Individual Shared Responsibility Penalty

The Franchise Tax Board submitted this file and print action to adopt seven regulations that implement the Individual Shared Responsibility Penalty, which was enacted by S.B. 78 (Stats. 2019, ch. 38) in Revenue and Taxation Code sections 61000 to 61050.

Title 18
Adopt: 26000.61000, 26000.61005, 26000.61010,
26000.61015, 26000.61020, 26000.61023,
26000.61025
Filed 12/17/2020
Effective 12/17/2020
Agency Contact: Christy Keith (916) 845-6080

Structural Pest Control Board
File # 2020-0716-02
Disciplinary Criteria

The Structural Pest Control Board (Board) amended three regulations that incorporate by reference four application forms and amended two regulations that establish criteria for determining when a crime, act, or professional misconduct is substantially related to the qualifications, functions, and duties of a licensee of the Board, or when a licensee has made a showing of rehabilitation related to a crime, act, or professional misconduct that resulted in the denial of a license or disciplinary action against the licensee. The amendments to the four incorporated by reference application forms remove two questions that ask for disclosure of criminal history and information. The action imple-

ments amendments to the Business and Professions Code made in A.B. 2138 (Stats. 2018, chapter. 995).

Title 16
Amend: 1936, 1936.1, 1936.2, 1937.1, 1937.2
Filed 12/23/2020
Effective 12/23/2020
Agency Contact: David Skelton (916) 561-8722

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

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