



California Regulatory Notice Register

REGISTER 2021, NUMBER 4-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

JANUARY 22, 2021

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict-of-Interest Code — Notice File Number Z2021-0112-02 63

Amendment

State Agency:

Secretary of State

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Repeal of Peach Yellows, Little Peach and Red Suture Diseases Exterior

Quarantine (Quarantine Proclamation 11) and Peach Rosette Disease Exterior

Quarantine (Quarantine Proclamation 30) — Notice File Number Z2021-0112-03 64

TITLE 4. CALIFORNIA STATE ATHLETIC COMMISSION

Examination of Boxer Applicants and Neurological Assessment — Notice File Number Z2021-0108-01 66

TITLE 5. CALIFORNIA STUDENT AID COMMISSION

California Military Department of GI Bill Award Program (Formerly the California

National Guard Education Assistance Award Program) — Notice File Number Z2021-0112-01 69

TITLE 5. STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

Foster Youth Local Complaint Timeline — Notice File Number Z2020-1230-01 72

TITLE 11. DEPARTMENT OF JUSTICE

Gun Violence Restraining Order — Notice File Number Z2021-0112-05 75

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

Parole Forms — Notice File Number Z2021-0112-04 78

(Continued on next page)

***Time-
Dated
Material***

TITLE 16. RESPIRATORY CARE BOARD OF CALIFORNIA
*Driving Record, Handling of Military Applications, and
Disciplinary Guidelines — Notice File Number Z2021-0108-02* 80

GENERAL PUBLIC INTEREST

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
Hot Spots Trivalent Chromium REL Document 83

DEPARTMENT OF FISH AND WILDLIFE
*California Endangered Species Act Consistency Determination
Number 2080-2020-012-05, Chips LLC Cannabis CD 2080* 84

DEPARTMENT OF FISH AND WILDLIFE
*Consistency Determination Request for 7901 Old Carreaga
Ranch Road Project, 2080-2021-001-005, Santa Barbara County* 88

SUMMARY OF REGULATORY ACTIONS

Regulations filed with Secretary of State 88

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.

CALIFORNIA REGULATORY NOTICE REGISTER is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 328-4880. The Register can also be accessed at <http://www.oal.ca.gov>.

**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

STATE AGENCY: Secretary of State

A written comment period has been established commencing on January 22, 2021 and closing on March 8, 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 March 8, 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.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

**TITLE 3. DEPARTMENT OF
FOOD AND AGRICULTURE**

The Department of Food and Agriculture proposes to repeal Sections 3259 and 3276 of Title 3 of the California Code of Regulations (CCR) pertaining to Peach Yellows, Little Peach and Red Suture Diseases Exterior Quarantine (Quarantine Proclamation 11) and Peach Rosette Disease Exterior Quarantine (Quarantine Proclamation 30).

PUBLIC HEARING

A public hearing is not scheduled. However, a public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulations to the Department. Comments may be submitted by USPS, FAX or email. The written comment period closes on March 8, 2021. The Department will consider only comments received at the Department offices by that time or postmarked no later than March 8, 2021. Submit comments to:

Erin Lovig, Senior Environmental Scientist
Supervisor
California Department of Food and Agriculture
Plant Health and Pest Prevention Services
2800 Gateway Oaks Drive, Suite #200
Sacramento, CA 95833
Erin.lovig@cdfa.ca.gov
916.403.6650
916.651.2900 (FAX)

Unless there are substantial changes to the proposed regulations prior to repeal, the Department of Food and Agriculture may adopt the proposal as set forth in this notice without further notice to the public. Following the public hearing if one is requested or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread and the feasibility of its control or eradication (Food and Agricultural Code (FAC) Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as she deems necessary to protect the agricultural industry from the introduction and spread of pests (FAC Sections 401, 403, 407 and 5322).

Anticipated Benefits from This Regulatory Action

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal.

Section 3162 requires pests in California to be rated using a metric to determine risk of introduction into California, and what regulatory action needs are required. The research establishing that peach rosette, yellows, little peach, or red suture diseases were all caused by the same pathogen initiated a review. While these four diseases were previously rated "A"; which required mitigating regulatory actions, the review of the pathogen *Candidatus* Phytoplasma pruni in 2016 found that it is well established in California. Thus the pathogen rating was changed to "C", which is described in CCR Section 3162 as for pests of the agricultural industry or environment which score medium to low and are of common occurrence and generally distributed in California. Plants and plant products found infested or infected with or exposed to a "C"-rated pest are not subject to any State enforced regulatory actions listed under CCR subsection 3162(e).

While peach rosette, peach yellows, little peach, or red suture diseases are harmful, the pathogen causing the diseases is already established in California, and the 2016 rating change does not allow for regulatory actions. Due to this change the Department has decided to repeal CCR Sections 3259 and 3276 as they regulate a pest for which exterior quarantine actions will have little impact.

Peach rosette, peach yellows, little peach, or red suture diseases are serious diseases and ceasing enforcement of the quarantines does not imply that the Department would be discontinuing its vigilance for the diseases. Stone fruit surveys, nursery inspections, and general fruit quality inspections, activities that would reveal the disease if present, will continue.

There is no existing, comparable federal regulation or statute regulating the interstate movement.

The Department considered other possible related regulations in this area and found that these are the only regulations dealing in this subject area, and the only State agency that can implement plant quarantines is the Department. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of these regulations and has determined that it is not inconsistent or incompatible with existing state regulations.

REPEALED TEXT

This proposed repeal of the regulations 3259 and 3276 would remove the exterior quarantines for peach yellows, little peach or red suture diseases, and peach rosette disease.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: Cost savings to the Department due to ceasing quarantine enforcement amount to less than \$20,000 per year.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None and no nondiscretionary costs or savings to local agencies or school districts.

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

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

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.

Small Business Determination

The Department has determined that the proposed regulations should not affect small businesses because the repeal of these regulations removes all regulatory requirements and there are no costs associated with compliance.

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or

- (3) Affect the expansion of businesses currently doing business within California

The Department is not aware of any specific benefits the amendment of these regulations will have on worker safety or the health of California residents. The proposed repeal of these regulations ensures the orderly marketing of nursery stock and improves access to safe, healthy food for the general public.

ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it considered to the regulations or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice. It is the Department's responsibility to remove as unnecessary a quarantine for a pest for which exterior quarantine actions will have little impact.

AUTHORITY

The Department proposes to repeal CCR Sections 3259 and 3276 pursuant to the authority vested by Sections 407, 5301, and 5302 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301 and 5302 of the Food and Agricultural Code.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is:

Erin Lovig, Senior Environmental Scientist
 Supervisor
 California Department of Food and Agriculture
 Plant Health and Pest Prevention Services
 2800 Gateway Oaks Drive, Suite #200
 Sacramento, CA 95833
Erin.Lovig@cdfa.ca.gov
 916.403.6650
 916.651.2900 (FAX)

In her absence, you may contact Rachel Avila at (916) 403-6813. Questions regarding the substance of

the proposed regulations should be directed to Rachel Avila.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its website (www.cdffa.ca.gov/plant/Regulations.html).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has made available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 4. CALIFORNIA STATE ATHLETIC COMMISSION

Notice of Proposed Regulatory Action Concerning Examination of Boxer Applicants and Neurological Assessment

NOTICE IS HEREBY GIVEN that the California Athletic Commission (commission) is proposing to take the action described in the Informative Digest. Any person interested may submit statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the commission, at its office, not later than 5:00 p.m. on **Monday, March 8, 2021.**

PUBLIC HEARING

The commission has not scheduled a public hearing on this proposed action. However, the commission will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under "Contact Persons" in this Notice.

The commission, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as Contact Person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 18611 of the Business and Professions Code, and to implement, interpret or make specific Sections 18640, 18642, 18661 and 18711 of said Code, the commission is considering changes to Division 2 of Title 4 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. *Informative Digest*

Adopt subdivision (c)–(h) of Section 280. Per Business and Professions Code (BPC) Section 18711, on or after January 1, 2008, licensed professional athletes are required by the commission to complete medical examinations, to be determined by the commission through regulations, as a condition of initial licensure and license renewal.

These proposed medical examinations are designed to detect physical conditions that could place an athlete or contestant at risk for serious injury or permanent or temporary impairment of any bodily function. These tests or examinations include a neurological examination, a magnetic resonance imaging (MRI) scan, an electrocardiogram (EKG), a physical examination, an eye examination, and blood tests for the Human Immunodeficiency Virus (HIV) antibody, Hepatitis B Surface antigen, and Hepatitis C virus.

Adopt subdivision (i) of Section 280. State law requires the Commission to administer the Neurological Examination Account, which the Legislature established in 1986 to pay for athletes' neurological examinations; however, according to

the Bureau of State Audits, the Commission has not effectively managed this account. The State Auditor report 2012–117 stated the Commission has not used the neurological account to pay for any neurological examinations since at least 1998. This proposal would provide the necessary regulations to properly administer the account in accordance with the law.

B. Policy Statement Overview/Anticipated Benefits of Proposal

Existing law at Section 18611 of the Business and Professions Code authorizes the commission to adopt, amend, or repeal, in accordance with the Administrative Procedure Act, rules and regulations as may be necessary to enable it to carry out the laws relating to boxing and the martial arts.

BPC Section 18711(a)(1)(B) requires *“On and after January 1, 2008, all professional athletes licensed under this chapter shall be required by the commission to complete a medical examination process, which shall include the completion of specific medical examinations, to be determined by the commission through regulations, as a condition of initial licensure and license renewal. This medical examination process may include examinations required under current law and any additional medical examinations determined to be medically necessary. In adopting the medical examination process, the commission shall consider the health and safety of contestants, the medical necessity of any examinations required, and the financial aspects of requiring those medical examinations.”* The proposed changes will carry out the intent of Section 18711(a)(1)(B), by establishing necessary regulations concerning medical examinations required for licensure.

In addition, BPC Section 18711(a) requires *“as a condition of licensure and as a part of the application process, the examination by a licensed physician and surgeon who specializes in neurology and neurosurgery of each applicant for a license as a professional athlete or contestant licensed under this chapter or, if for the renewal of a license, this examination every year, in addition to any other medical examinations.”*

Furthermore, BPC Section 18711(c) states *“The cost of the examinations required by this section shall be paid from assessments on any one or more of the following: promoters of professional matches, managers, and professional athletes or other contestants licensed under this chapter. The rate and manner of assessment shall be set by the commission, and may cover all costs associated with the requirements of this section. This assessment shall be imposed on all contests approved by the commission under this chapter. As of July 1, 1994, all moneys received by the commission pursuant to this section shall be deposited in and credited to the State Athletic Commission Neurological Examination*

Account which is hereby created in the General Fund. The administrative costs associated with managing and distributing the State Athletic Commission Neurological Examination Account shall be limited to no more than 20 percent of the prior year’s contributions.”

The proposed regulations will clarify the intent of BPC Section 18711(c) and will set the assessment at one quarter of one percent of gross ticket sales per event, and will require the Commission to re-examine the amount of the assessment when the Neurological Account balance falls below \$100,000. The threshold of \$100,000 is proposed because it will allow the commission to cover the costs of examinations for approximately one year, which is also the maximum timeframe to promulgate regulations to amend the assessment amount.

The benefits of this regulatory proposal include allowing the Commission to further fulfill its primary mandate of public protection. The Commission assumes 140 events each year based on historical information. As a result, if the neurological assessment was one quarter of one percent, the Neurological Examination Account balance would slowly decrease over the next five years to approximately \$140,000 by FY 25/26. Because the Neurological Examination Account currently has a significant fund balance of approximately \$580,000, the Commission believes it should charge an assessment that will begin to draw down the fund balance slowly and prudently over time. The Commission will re-evaluate the fee amount and adjust if necessary to ensure the lowest possible burden on promoters while ensuring a stable funding source for the Neurological Examination Account. The regulatory action will also ensure that applicants are healthy and thoroughly evaluated prior to licensure.

C. Consistency and Compatibility with Existing State Regulations

The Commission has conducted an evaluation for any other regulations on this area and has concluded that these are the only regulations concerning medical examinations and examination assessments. Therefore, the proposed regulations are neither inconsistent nor incompatible with any other existing state regulations.

D. Document Incorporated by Reference: None.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The commission estimates costs of providing neurological testing at 140 events to be \$67,000 per year as follows:

- Neurological Testing Contract — \$23,000
- Athletic Inspectors — \$39,000

- Travel — \$5,000
- Total Costs — \$67,000

The commission has a current appropriation of \$56,000 per year for neurological examinations with provisional budget bill language to augment this amount during the current year. As a result, in the event actual expenditures exceed the commission’s expenditure authority of \$56,000, the commission will be required to request additional appropriation, as specified.

Based on the projected gross revenues per event, the commission estimates revenues of \$250 per event. The commission further indicates approximately 140 events are held in the state annually, which would result in revenues of \$35,000 per year.

Nondiscretionary Costs/Savings to Local Agencies: **None.**

Local Mandate: **None.**

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

Significant, statewide adverse economic impact directly affecting businesses and small business: The Commission has made an initial determination that the proposed action *will not* directly affect businesses statewide, including small business, and the ability of California businesses to compete with businesses in other states.

Cost Impact on Representative Private Person or Business:

The regulations will not have a significant adverse economic impact on promoters that promote professional boxing and mixed martial arts events in California.

This proposal would assess one quarter of one percent of the total gross revenue per event held in California. An average promoter will hold approximately four to five events per year in California. Under this proposal, promoters will pay on average \$250, per event, to the Neurological Examination Account. There are approximately 140 events held in the state, annually, which would result in revenues of \$35,000 per year.

Business Reporting Requirements:

The regulatory action does not require businesses to file a report with the commission.

EFFECT ON HOUSING COSTS

None.

EFFECT ON SMALL BUSINESS

The Commission has initially determined that this regulatory proposal would not affect small business. This determination is because this proposal does not impose additional requirements from the status quo as

all examinations in this proposal are consistent with current licensing requirements.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The commission concludes that this proposal will affect the State of California business environment as follows:

- Unlikely to eliminate any jobs
- Unlikely to create jobs
- Unlikely to create new businesses
- Unlikely to eliminate any existing businesses
- Unlikely to expand current business

Benefits of the Proposed Action: This regulation package would provide the necessary regulations to properly administer the Neurological Examination Account in accordance with the law. The Neurological Examination Account will pay for the costs of examinations required by BPC Section 18711 or for any other purpose related to the neurological health of combat sports athletes and authorized by the State Athletic Commission Act. The proposed regulation will benefit the health and welfare of California residents by ensuring that all licensed combatants are provided the most up-to-date and thorough neurologic care. The proposed regulation is not expected to impact worker safety or the state’s environment.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative to the regulation would be either 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 regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND INFORMATION/RULEMAKING FILE

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, any document incorporated by reference and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon

request from the California State Athletic Commission at 2005 Evergreen Street, Suite 2010, Sacramento, California 95815.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After considering all timely and relevant comments, the commission may, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written oral testimony related to this proposal or who have requested notification of any changes to the proposal.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

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

Name:
Sophia Cornejo
Address:
2005 Evergreen Street, Suite 2010
Sacramento, CA 95815
Telephone Number:
(916) 263-2195
Fax Number:
(916) 263-2197
E-Mail Address:
Sophia.Cornejo@dca.ca.gov

OR

Name:
Patrisha Blackstock
Address:
2005 Evergreen Street, Suite 2010
Sacramento, CA 95815
Telephone Number:
(916) 263-2195

Fax Number:
(916) 263-2197
E-Mail Address:
Patrisha.blackstock@dca.ca.gov

Website Access: Materials regarding this proposal can be found at: https://www.dca.ca.gov/csac/stats_regs/prop_regs.shtml.

**TITLE 5. CALIFORNIA STUDENT AID
COMMISSION**

**PROPOSED AMENDMENTS TO
ARTICLE 15, OF CHAPTER 1, OF
DIVISION 4, OF TITLE 5 OF CA CODE OF
REGULATIONS OF THE CALIFORNIA
MILITARY DEPARTMENT GI BILL
AWARD PROGRAM**

**(FORMERLY THE CALIFORNIA
NATIONAL GUARD EDUCATION
ASSISTANCE AWARD PROGRAM)**

NOTICE IS HEREBY GIVEN that the California Student Aid Commission (Commission) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

The Commission will hold a public hearing on Thursday, March 11, 2021, or as soon after that as business before the Commission will permit, via teleconference. Details about the hearing, including the meeting time, agenda items, staff presentation materials, and options to participate in the hearing by telephone or computer will be available prior to the hearing on the Commission's website at: <https://www.csac.ca.gov/commission-meeting-materials>.

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 on the Commission website in the meeting agenda for the above specified date 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

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

California Student Aid Commission
Attention: Gary Collord, Legal Services
P. O. Box 419026
Rancho Cordova, CA 95741-9026

Comments may also be submitted by facsimile (FAX) at (916) 464-8033 or by e-mail to Rulemaking@csac.ca.gov. The public comment period for this regulatory action will begin on January 22, 2021. Comments must be submitted before 5:00 p.m. on March 9, 2021 to be considered.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 69999.22 of the Education Code, the proposed regulations implement, interpret, and make specific Sections 69999.10 through 69999.24 of the Education Code, as amended by AB 2722 (Chapter 547, Stats. 2018). The Commission is considering changes to Article 15, of Chapter 1, of Division 4, of Title 5 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law established the California National Guard Education Assistance Award Program (CNG EAAP) to be jointly administered by the Office of the Adjutant General and the California Student Aid Commission (Commission). Based on the authority provided in Education Code Section 69999.22, Commission staff, in consultation with California Military Department staff, adopted Article 15 of Chapter 1 of Division 4 of Title 5 of the California Code of Regulations, Sections 30730 et seq. to implement, interpret, and construct the requirements established in Education Code Sections 69999.10 to 69999.30, which became effective on January 10, 2011.

The Legislature's stated intent for the CNG EAAP was to maintain the strength of the California National

Guard, and affiliated militia members, by providing an educational inducement for various members. The CNG EAAP is a state-funded program designed to provide an educational incentive to improve the skills, competencies, and abilities of service members, and encourage service members to remain active in the California Army or Air National Guard, the California State Guard (formerly the State Military Reserve), or the California Naval Militia.

Assembly Bill 2722 (Medina, Chapter 547, Statutes of 2018) was signed by the Governor and chaptered into law on September 19, 2018. Assembly Bill 2722 (AB 2722) amended Sections 69999.10 through 69999.24, and repealed Sections 69999.26 and 69999.30 of the Education Code, and makes the following modifications to the prior CNG EAAP, which will apply to new or renewal applicants first accepted to the program during or after the 2020-2021 academic year:

- Revises the name of the CNG EAAP, to the "California Military Department GI Bill Award Program" (CMD GI Bill);
- Deletes a two-year prior service requirement for participants;
- Adds a post two-year service commitment for participants;
- Limits participants to obtaining one undergraduate, graduate, or doctoral degree;
- Requires participants to complete their studies within ten years, unless extended due to military activation or other unexpected circumstances;
- Removes an allowance for books and supplies for graduate school participants;
- Extends the program indefinitely; and
- Deletes a provision to prepare a 2016 report by the Legislative Analyst.

The proposed regulations were prepared in response to direction provided by the Commission at its July 23, 2020 meeting, where it discussed the revised Education Code provisions and requirements for the CMD GI Bill Award Program established under AB 2722. The proposed regulations were developed to satisfy the amended Education Code requirements by incorporating appropriate regulatory amendments and additions to the California Code of Regulations necessary to implement the CMD GI Bill Award Program, and to allow for continued joint administration of the program by the Commission and the California Military Department.

Objectives and Benefits of the Proposed Regulation

The Commission is proposing to update the revised and renamed CMD GI Bill Award Program regulations to incorporate the legislative changes enacted by AB 2722. The proposed regulatory

amendments detail the procedures the Commission and the Office of the Adjutant General will use to administer this educational funding program for service members and increase program clarity and specificity. The proposed amendments are designed to bring greater efficiency and transparency to program administration, applicant eligibility requirements, and participant responsibilities.

Evaluation of Inconsistency or Incompatibility with Existing State Regulations

After conducting a review for any related regulations in this area, the Commission has determined that no other regulations exist concerning the Commission’s revised and renamed CMD GI Bill Award Program (formerly the California National Guard Education Assistance Award Program). Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Commission has made the following initial determinations:

Mandate on Local Agencies and School Districts: None.

Fiscal Impact Estimates:

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary costs or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

With respect to potential cost or savings to State agencies, the Commission and California Military Department will incur minor absorbable costs relative to preparing the proposed regulations and for ongoing administrative costs associated with this extended educational funding program.

Cost Impact on Representative Private Person or Business:

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

Other Business Impacts:

The Commission has determined the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal would impose no costs upon business. The proposal does not affect small businesses as defined

by California Government Code Section 11342.610. This proposal would not affect private sector or small business as defined by California Government Code Section 11342.610.

Effect on Housing Costs: None.

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

Results of the Economic Impact Analysis:

The Commission has determined that this regulatory proposal will not have any effect on the creation of jobs or new businesses, on the elimination of jobs or existing businesses, or on the expansion of businesses in the State of California. The regulation is not expected to adversely affect or benefit California residents’ health and welfare, worker safety, or the State’s environment.

FEDERAL MANDATE

The regulation would only apply in California and would neither affect nor conflict with any federal regulations. There are no federal regulations that address the same issues as this regulation.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Commission invites interested parties to submit statements or arguments with respect to alternatives to the proposed regulatory action during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed adoption of the regulations and written comments may be directed to:

Gary Collord
 California Student Aid Commission
 11040 White Rock Road,
 Rancho Cordova, CA 95670
 Telephone: (916) 347-0632
 Fax: (916) 464-8033 Facsimile
 Email: Rulemaking@csac.ca.gov

The back-up contact person for these inquiries is:

Julia Blair
California Student Aid Commission
11040 White Rock Road,
Rancho Cordova, CA 95670
Telephone: (916) 616-0863
Fax: (916) 464-8033 Facsimile
Email: Rulemaking@csac.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at www.csac.ca.gov.

**TITLE 5. STATE SUPERINTENDENT
OF PUBLIC INSTRUCTION**

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

**AMENDMENT TO CALIFORNIA
CODE OF REGULATIONS, TITLE 5,
REGARDING FOSTER YOUTH LOCAL
COMPLAINT TIME LINE**

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office listed at the address above. As of the date this notice is published, the rulemaking file consists of this notice, the proposed text of regulations, the initial statement of reasons, an economic and fiscal analysis, and other reference information upon which the proposed rulemaking is based. Copies may be obtained by making a written request to Gary Collord.

These documents may also be viewed and downloaded from the Commission's website at www.csac.ca.gov.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

After considering all timely and relevant comments received, the Commission may adopt the proposed regulations substantially as described in this notice. If the Commission makes modifications which 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 Board adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Gary Collord at the above address. The Commission will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Upon its completion, copies of the final statement of reasons may be obtained by making a written request to Gary Collord at the above address.

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SSPI, will hold a public hearing at 9:00 a.m. on March 8, 2021, at 1430 N Street, Sacramento, California. Any interested person may participate in the public hearing via Zoom meeting by logging in per the following instructions:

- Click the following link or paste the link to the browser to join the webinar and enter the password:

<https://us02web.zoom.us/j/83347297747>

Meeting ID: 833 4729 7747

Passcode: 853205

- To connect with audio only, call one of the following telephone numbers and enter the meeting ID and password

669-900-6833

408-638-0968

Meeting ID: 833 4729 7747

Password: 853205

For persons interested in participating in the public hearing via Zoom, you may test in advance whether

your computer is compatible with Zoom by visiting the following links:

- Clicking on the test link: <https://zoom.us/test>
- For any issues regarding connecting with Zoom, go to <https://support.zoom.us/hc/en-us> for assistance.

At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SSPI requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in the public hearing on the proposed regulation, may request assistance by contacting Janet Abdelsayed, Student Achievement and Support Division, 1430 N Street, Suite 6208, Sacramento, CA, 95814; telephone, 916-327-5930. It is recommended that assistance be requested at least two weeks prior to the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Lorie Adame, Regulations Coordinator
Administrative Support and Regulations Adoption Unit
California Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-322-2549 or by email to regcomments@cde.ca.gov.

Comments must be received by the Regulations Coordinator prior to or on March 8, 2021. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and after considering all timely and relevant comments received, the SSPI

may adopt the proposed regulation substantially as described in this Notice, or may modify the proposed regulation if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of the modified regulation will be available for 15 days prior to adoption from the Regulations Coordinator. The full text of the modified regulation will be mailed to those persons who submit written comments related to the regulation, who provide oral testimony at the public hearing, or who request notification of any changes to the proposed regulation.

AUTHORITY AND REFERENCE

Authority: Sections 33315 and 51225.2, Education Code.

Reference: Sections 48853.5, 49069.5, 51225.1 and 51225.2, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California's Uniform Complaint Procedures (UCP) in title 5 of the California Code of Regulations (CCR), section 4600 et seq., were adopted by the State Board of Education in 1991, pursuant to its general rulemaking authority. These sections describe a system of processing complaints alleging unlawful discrimination or violation of state laws or regulations concerning a number of specific activities or programs that receive state or federal funding. The procedures are required under the title 34 of the Code of Federal Regulations, part 299, subpart F: Complaint Procedures. The 2005 amendments revised the regulations to address the Williams Case Settlement codified at Education Code (EC) section 35186 relating to complaints of deficiencies at schools related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment. The 2005 amendments also addressed and updated terminology in federal and state law; procedures for complaints relating to, and the specific groups entitled to protection from, discrimination; and investigation procedures. The 2013 amendments revised the regulations to address complaints relating to unlawful pupil fee laws codified at Education Code (EC) sections 49010 through 49013.

The 2020 amendments to title 5, California Code of Regulations addressed the Legislature's directive to the CDE to review the UCP regulations to conform them to changes in law. In conducting its review, the CDE also sought to ensure more efficient administration of the UCP.

Section 4630(a) of the title 5, California Code of Regulations currently provides a one-year time line for filing local complaints, except for complaints of discrimination, harassment, intimidation, or bullying, which are limited to a six-month time line. During the prior rulemaking, the CDE received comments from foster youth stakeholders about the possible consequences of a one-year timeline to complaints involving the educational rights of foster youth. These comments were made at the end of the rulemaking, and at the end of the second 15-day comment period. The comments were not related to the second 15-day edits, and as such were not responsive. Nonetheless, the CDE felt the foster youth stakeholders raised valid concerns and, following discussions with stakeholders and CDE program staff, initiated the current rulemaking. The proposed addition of section 4630.5 to the title 5 regulations would eliminate the application of the one-year time line to complaints that allege a local educational agency (LEA) violated the educational rights of foster youth related to credits, grades or coursework, as outlined in EC section 49069.5, subsection (e), and EC section 51225.2, subsections (b)–(e), and graduation requirements, as outlined in EC section 51225.1, subsections (a)–(k).

PROBLEM AGENCY INTENDS TO ADDRESS

The mobility of foster youth often disrupts their educational experience. While foster youth may utilize the UCP process to redress a violation of their educational rights, sometimes foster youth only learn of these alleged violations outside the one-year time line. A delay in learning about alleged violations may mean foster youth are denied the right to credits, grades or coursework, or are denied their rights related to graduation. This may hinder or delay their ability to earn a high school diploma; lack of a high school diploma may limit their employment opportunities and even the ability to pursue postsecondary education. Eliminating the application of the one-year time line to complaints related to specific educational rights of foster youth would attempt to mitigate the effects of school and placement changes on their academic achievements.

Determination of Inconsistency/Incompatibility with Existing State Regulations

An evaluation of the proposed regulation has determined it is not inconsistent/incompatible with existing regulations, pursuant to Government Code section 11346.5(a)(3)(D). After conducting a review for any regulations that would relate to or affect this area, the SSPI has concluded that this is the only regulation that concern the Foster Youth Local Complaint Time Line.

DISCLOSURES REGARDING THE PROPOSED ACTION/ FISCAL IMPACT

The SSPI has made the following initial determinations:

Other statutory requirements: There are no other matters prescribed by statute that are applicable to the specific state agency or to any specific regulations or class of regulations.

Mandate on local agencies and school districts: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None.

Cost or savings to any state agency: None.

Other non-discretionary costs or savings imposed on local agencies, including local educational agencies: None.

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

Effect on housing costs: None.

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

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

Report required: The proposed regulation does not require a report to be made

Effect on small businesses: The proposed regulation would not have an effect on any small business because small businesses are not involved in the proposed regulation.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The SSPI concludes that it is unlikely that this proposed regulation will: 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Benefits of the Proposed Action:

This proposed regulation will have no adverse effect nor benefit worker safety or the State's environment.

CONSIDERATION OF ALTERNATIVES

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

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.

CONTACT PERSONS

Inquiries concerning the content of these proposed regulations should be directed to:

Janet Abdelsayed, Education Programs Assistant
Student Support and Achievement Division
California Department of Education
1430 N Street, Room
Sacramento, CA 95814
Telephone: 916-327-5930
Email: jabdelsayed@cde.ca.gov

Inquiries concerning the regulatory process may be directed to Lorie Adame, Regulations Coordinator or the backup contact person, Hillary Wirick, Regulations Analyst, at 916-319-0860.

INITIAL STATEMENT OF REASONS AND INFORMATION

The SSPI has prepared an Initial Statement of Reasons for the proposed regulation and has available all the information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATION AND INFORMATION

The SSPI has prepared an Initial Statement of Reasons for the proposed regulation. This document and the text of the proposed regulation may also be viewed and downloaded from the CDE's website at <http://www.cde.ca.gov/re/lr/rr/>. All of the information upon which the proposed action is based may be obtained upon request from the Regulations Coordinator.

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

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

All the information upon which the proposed regulation is based is contained in the rulemaking file,

which is available for public inspection by contacting the Regulations Coordinator.

TITLE 11. DEPARTMENT OF JUSTICE

The Department of Justice (Department) proposes to adopt sections 961 through 967 of Title 11, Division 1, Chapter 12 of the California Code of Regulations (CCR) concerning Gun Violence Restraining Orders (GVRO), pursuant to the authority provided in Penal Code section 14231.5.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed regulatory action. However, the Department will hold a virtual public hearing if it receives a written request for a public hearing from any interested person, or an authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes on March 9, 2021 at 5:00 p.m. Only written comments received by that time will be considered. Please submit written comments to:

Department of Justice
Government Law Section
Attention: Kevin Sabo
1300 I Street, 17th Floor
Sacramento, CA 95814
regulations@doj.ca.gov

NOTE: Written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request.

AUTHORITY AND REFERENCE

Authority: Penal Code (Pen. Code) section 14231.5.
Reference: Penal Code sections 530.55, 11105, 13202, and 14321.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations:

Assembly Bill (AB) 1602 (Stats. 2016, Chapter 24) established Penal Code section 14230 and codified legislative findings and declarations related to firearm violence, noting that too little was known about

firearm violence and prevention. (Pen. Code, § 14230, subdivision (e).) As a result, the Legislature established a center for research into firearm-related violence to be administered by the University of California. (Pen. Code, § 14231, subdivision (a).)

California also had enacted a gun violence restraining order (GVRO) process. (Pen. Code, § 18100 et seq.) The GVROs are orders, in writing, signed by the court, that prohibit and enjoin the named person from having in their custody or control, owning, purchasing, possessing, or receiving firearms or ammunition. (Pen. Code, § 18100.) Subsequent to the statutory scheme establishing and governing GVROs, the Legislature adopted Senate Bill (SB) 536 (Stats. 2017, Chapter. 810), which enacted Penal Code section 14231.5 to make available GVRO information to the University of California Firearm Violence Research Center, and at the Department's discretion, to any other nonprofit educational institution or public agency immediately concerned with the study and prevention of violence, for academic and policy research purposes.

Effect of the Proposed Rulemaking:

These proposed regulations codify and update existing policies and procedures governing the dissemination of GVRO data. Specifically, the regulations would describe the processes and procedures to request, receive, secure, store, disseminate, and destroy GVRO information provided by the Department. Proposed CCR, Title 11, Division 1, Chapter 12, interprets and details the specifics of Penal Code section 14231.5 as follows:

Article 1 specifies the title and scope of the new chapter, which is to set forth the policies and procedures governing the dissemination of GVRO data.

Article 2 specifies the definitions used in the new chapter.

Article 3 specifies the access to, and use of, the data, including nonprofit educational institution and public agency eligibility for access to the GVRO data, access to aggregated data, restrictions on use or disclosure of GVRO data, and the procedures for requesting GVRO data, including aggregated data.

Article 4 specifies the procedures to destroy GVRO data, including the National Institute of Standards and Technology (NIST) guidelines to follow, and the requirements to submit a certificate of data destruction.

Article 5 specifies the consequences of failure to comply with the regulations.

Anticipated Benefits of the Proposed Regulations:

The objective of this proposed rulemaking is to allow the Department to utilize its discretion under Penal Code section 14231.5 to make available the GVRO information for academic and policy research purposes. The regulations outline that information would be available to researchers of

nonprofit educational institutions and public agencies immediately concerned with the study and prevention of violence. Furthermore, these regulations clarify the requirements for eligibility and access to, and subsequent destruction of, GVRO data, thus ensuring that GVRO data is controlled and safeguarded.

The Department anticipates these regulations would benefit the privacy, security, and welfare of California residents because by detailing the requirements for access and use, including clarity for aggregated data requests, these regulations would ensure that the information is only available to those entitled to it under Penal Code section 14231.5. These regulations would also help to further the Legislature's intent to make GVRO data available to nonprofit educational institutions and public agencies immediately concerned with the study and prevention of violence, for academic and policy research purposes.

Comparable Federal Regulations:

There are no existing federal regulations or statutes comparable to these proposed regulations.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The Department has determined that these proposed regulations are not inconsistent or incompatible with existing state regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern GVRO data as these regulations are based on recently enacted legislation that instituted Penal Code section 14231.5 and are not connected to any previous regulations.

Forms Incorporated by Reference:

NIST Special Publication 800-88, Revision 1, Guidelines for Media Sanitization, December 2014. (See § 967, subdivision (a)(4).)

Materials Relied Upon:

SLDS Technical Brief 3: Statistical Methods for Protecting Personally Identifiable Information in Aggregate Reporting (NCES 2011-603): <https://nces.ed.gov/pubs2011/2011603.pdf>.

Other Statutory Requirements:

None.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department's Initial Determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: The Department received an appropriation of \$138,000 in fiscal year (FY) 2018-19 and an ongoing appropriation for a Research Data Analyst (RDA) II, related to SB 536 (Stats. 2017, Chapter 810), which provides the authority for these regulations. This appropriation,

based on input from the Department, was designed to enable the Department to address the following areas of responsibility: (1) draft regulations to establish parameters for usage, data governance, etc.; (2) analyze data; (3) conduct empirical research; (4) perform audits; and (5) process data requests. The Department anticipates incurring the same costs in future FYs to implement SB 536 and these regulations.

As these regulations establish clear guidelines to request and receive GVRO data from the Department, the Department believes it is possible that the enactment of these regulations could result in an increased number of requests for GVRO data. If the regulations lead to an increase in workload, the Department may need to pursue a Budget Change Proposal (BCP) to acquire an additional position. However, the Department is not able to estimate this potential impact at this time and is therefore not currently pursuing a BCP.

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

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

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

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

Significant effect on housing costs: None.

Significant, statewide adverse economic impact directly affecting businesses, including ability to compete: The Department has made an initial determination that this proposed action would not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Results of the Economic Impact Assessment (EIA):

The Department concludes that it is (1) unlikely that the proposal will create or eliminate jobs within the state, (2) unlikely that the proposal will create new businesses or eliminate existing businesses within the state, and (3) unlikely that the proposal will result in the expansion of businesses currently doing business within the state.

Benefits of the proposed action: This proposed action would standardize the processes to obtain GVRO data and eliminate confusion and ambiguity about eligibility for access to GVRO data. In addition, this proposed action would protect Californians' privacy in the GVRO data by ensuring proper protocols and procedures are in place to secure and destroy the information.

Business report requirement: None.

Small business determination: The Department has determined that this proposed action does not affect small businesses because it only applies to nonpublic educational institutions and public agencies requesting GVRO data, and other entities entitled to aggregated GVRO data.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 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 this action is proposed or would be as effective and less burdensome to affected private persons than this 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 Department has determined that these proposed regulations are the most effective way to implement Penal Code section 14231.5 and its discretion to allow access to GVRO data for nonpublic educational institutions and public agencies immediately concerned with the study and prevention of violence, for academic and policy research purposes.

CONTACT PERSONS

Inquiries concerning this proposed administrative action may be directed to:

Department of Justice
 Government Law Section
 Attention: Kevin Sabo
 1300 I Street, 17th Floor
 Sacramento, CA 95814
 (916) 210-7639
regulations@doj.ca.gov

Questions regarding procedure, comments, or the substance of this proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding this proposed action may be directed to the below backup contact person:

Department of Justice
 Government Law Section
 Attention: Zach Hoffman
 1300 I Street, 17th Floor
 Sacramento, CA 95814
 (916) 210-6366
regulations@doj.ca.gov

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

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this Notice of Proposed Rulemaking (Notice) is published in the Notice Register, the rulemaking file consists of this Notice, the Text of Proposed Regulations (the “express terms” of the regulations), the Initial Statement of Reasons, and any information upon which this proposed rulemaking is based. The text of the Notice, the express terms, the Initial Statement of Reasons, and any information upon which this proposed rulemaking is based are available on the Department’s website at <https://oag.ca.gov/regulations>. Please refer to the contact information listed above to obtain copies of these documents.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After the Department analyzes all timely and relevant comments received during the 45–day public comment period, the Department will either adopt these regulations substantially as described in this Notice or make modifications based on the comments. 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 the regulations as revised. Please send requests for copies of any modified regulations to the attention of the name and address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL
STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons will be available on the Department’s website at <https://oag.ca.gov/regulations>. Please refer to the contact information included above to obtain a written copy of the Final Statement of Reasons.

AVAILABILITY OF
DOCUMENTS ON THE INTERNET

Copies of this Notice, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Department’s website at <https://oag.ca.gov/regulations>.

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

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or Department), proposes to amend Sections 3075.2, 3545, and 3754 of Title 15, Division 3, Chapter 1, regarding forms used in the parole process.

PUBLIC COMMENT PERIOD

The public comment period begins **January 22, 2021** and closes on **March 12, 2021**. 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

Josh Jugum
Telephone: (916) 445–2266
Regulation and Policy
P.O. Box 942883
Sacramento, CA 94283–0001

Back–Up

Y. Sun
Telephone: (916) 445–2269
Regulation and Policy
Management Branch
P.O. Box 942883
Sacramento, CA 94283–0001

Program Contact

Aimee Sugapong
Telephone (916) 324–9325
Division of Adult Parole
Management Branch Operations

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

The California Electronic Communications Privacy Act (S.B. 178) was approved by the Governor and filed with the Secretary of State in October 2015. The Act amended Penal Code Sections 1546, 1546.1, 1546.2, and 1546.4 concerning the use of electronic monitoring.

This action will:

- Update and incorporate by reference forms used for electronic monitoring, to request assistance during a parole proceeding, or to request assistance while in a county jail, as necessary to implement and comply with the California Electronic Communications Privacy Act.
- Amend forms related to parolee disabilities.

DOCUMENTS INCORPORATED
BY REFERENCE

CDCR Form 2289 (Rev. 04/20), Notice and Request for Assistance During a Parole Proceeding.

CDCR Form 2271 (Rev. 04/20), Notice and Request for Assistance While in a County Jail.

CDCR Form 1515–EID (Rev. 04/20), Electronic In–Home Detention (EID) Special Requirement.
Special Conditions of Parole (SCOP) (04/19).

SPECIFIC BENEFITS ANTICIPATED BY THE
PROPOSED REGULATIONS

The Department anticipates this rulemaking action will bring the Department into compliance with the California Electronic Communications Privacy Act. Additionally, clean–up revisions to forms relating to inmates who need assistance during parole proceedings while incarcerated in a county jail will help ensure disabled inmates have needed assistance during in these situations.

EVALUATION OF INCONSISTENCY/
INCOMPATIBILITY 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 Department has concluded that these are the only regulations that concern the forms being amended by this rulemaking action.

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. The health and welfare of California residents may be enhanced by ensuring resident parolees subject to electronic monitoring are aware of the collection and use of data from their electronic monitoring device, pursuant to the California Electronic Communications Privacy Act. The proposed amended regulations will not affect worker safety or the State's environment.

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.

TITLE 16. RESPIRATORY CARE BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Respiratory Care Board of California (Board) proposes to take the action to amend sections 1399.326, 1399.329 of Article 2 and 1399.374 of Article 7 of Division 13.6 of Title 16 of the California Code of Regulations (CCR) regarding Driving Record, Handling of Military Applications, and the Disciplinary Guidelines, as described in the Informative Digest below, after considering

all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Persons” in this Notice.

WRITTEN COMMENT PERIOD

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Persons in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Monday, March 8, 2021, or must be received by the Board at the hearing, should one be scheduled.

AVAILABILITY OF MODIFICATIONS

The Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. Except for technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the persons designated in this Notice as Contact Persons and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Business and Professions Code (BPC) section 3722 to implement, interpret or make specific BPC sections 141, 3718, 3730, and 3732, the Board is considering changes to Articles 2 and 7 of Division 13.6 of Title 16 of the CCR.

INFORMATIVE DIGEST

The Board licenses respiratory care practitioners, who are health care practitioners that provide health care services. Existing regulation 16 CCR 1399.326 required the Board to obtain a review of the driving history of all applicants from the California

Department of Motor Vehicles (DMV), unnecessarily slowing down the review process. This proposal seeks to eliminate a barrier to licensure by rescinding the requirement that all applicants provide a DMV printout, and instead only require the driving history when considering an application from an individual with a significant alcohol history. Existing regulation 16 CCR 1399.329 only addressed the Board prorating renewal fees and the number of CE hours required for discharged members of the military or the California National Guard seeking to renew their license. Several pieces of legislation passed within the last seven (7) years¹ provide for special handling for military personnel and their spouses, and the Board seeks to amend 16 CCR 1399.329 to make clear to the public the special handling available. The Board seeks to amend 16 CCR 1399.374 to incorporate changes to the Board’s laws related to the respiratory care scope of practice being further defined, to incorporate a new cause for discipline for providing false statements to a Board investigator or probation monitor, as well as to update enforcement processes and goals established as part of its most recent Strategic Plan.

Anticipated Benefits of the Proposed Regulation:

The proposed regulatory action will streamline the review of applications by removing, where appropriate, a previously required applicant driving history. The proposed regulatory action will place applicants and licensees on notice of how the Board provides special handling for applications and renewals of military personnel and spouses of military personnel and will speed up processing for such persons. The proposed regulatory action will update the Board’s Disciplinary Guidelines, supporting the Board’s enforcement goals and providing clarity and guidance to applicants and licensees.

With the proposed regulatory action, the Board responds to new laws and recommendations made to improve processing of applications and renewals and seeks to provide respiratory care practitioners with updated guidance on how disciplinary matters are handled. These regulatory proposals seek to improve the Board’s ability to protect consumers while better serving respiratory care applicants and practitioners.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

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

¹ Senate Bill 525 (Nielsen, Chapter 247, Statutes of 2015) and Assembly Bill 923 (Steinorth, Chapter 253, Statutes of 2016)

DISCLOSURES REGARDING THE
PROPOSED ACTION

The Board has made the following initial determinations:

1. *Mandate on local agencies and school districts:* None.
2. *Costs or savings to any state agencies:* This proposal does not change the fine amounts for violations but provides a more accurate overview of the Committee's processes in formal disciplinary actions, which will provide greater clarity to licensees, consumers, the Board, the Office of Attorney General, and the Administrative Law Judges by outlining relevant and transparent standards directly related to violations outlined in law.
The proposed regulations are not anticipated to result in additional workload or costs to the Board.
3. *Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630:* None.
4. *Other nondiscretionary costs or savings imposed on local agencies:* None.
5. *Costs or savings in federal funding to the state:* None.
6. *Cost impacts on representative private person or business:* The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
7. *Statewide adverse economic impact directly affecting businesses and individuals:* None.
8. *Significant effect on housing costs:* None.

Business Impact:

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

The Board has approximately 23,600 licensees for the current fiscal year. During the 2016/2017 fiscal year the Board issued 1,105 licenses, and in fiscal year 2017/2018 the Board issued 1,116 licenses. The proposed regulations will slightly streamline aspects of application processing and are not expected to result in an increase in applications. Updating the Disciplinary Guidelines improves the Board's service to the public and provides greater clarity to licensees, but this is unlikely to have any impact on businesses, as the update merely clarifies existing procedures and does not introduce new procedures.

Effect on Small Business:

This regulation will not have a significant statewide effect on small businesses because the proposal is not of sufficient magnitude to expand businesses or impact businesses, as discussed above. This initial determination is based on the facts set out in the paragraph above.

RESULTS OF THE ECONOMIC IMPACT
ASSESSMENT/ANALYSIS

Impact on Jobs/New Businesses

The Board has determined that this regulatory proposal will not have any impact on the creation or elimination of jobs or create new businesses or eliminate existing businesses, or expand existing businesses within the State of California because the proposal does not change the regulations in a way that would have the impact of creating, eliminating, or expanding businesses.

Effect on Small Business

The Board has determined that the proposed regulations will not significantly affect small businesses in the State of California. These regulations only impact RCP applicants, RCP applicants and licensees who are military personnel or spouses of military personnel, and respiratory care practitioners who violate the Respiratory Care Act.

Benefits of Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

This regulatory proposal will benefit the health and welfare of California residents by minimally decreasing the time to review applications, by making clear to military personnel and spouses of military personnel their right to get special handling of applications and renewals, and by updating the Disciplinary Guidelines to provide clarity about the disciplinary process to respiratory care practitioners. This proposed rulemaking is not anticipated to have an impact on worker safety or the State's environment as it does not involve worker safety or environmental issues.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative the Board considered, or that has otherwise been identified and brought to its attention, would either be more effective in carrying out the purpose for which the regulatory amendments are proposed or would be as effective and less burdensome to affected private persons than the regulatory amendments described in this Notice, or would be more cost-effective to affected private

persons and equally effective in implementing the statutory policy or other provision of law.

Any interested persons may present written statements relevant to the above determinations to the Board at the address indicated under Contact Persons.

Initial Statement of Reasons and Information

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

Text of Proposal

Copies of the exact language of the proposed regulation, and of the initial statement of reasons, including any document incorporated by reference, and all of the information upon which the proposal is based, may be obtained upon request to the Board at 3750 Rosin Court, Suite 100, Sacramento, CA 95834 or on the Board’s website at www.rcb.ca.gov.

Availability and Location of the Final Statement of Reasons and Rulemaking File

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

CONTACT PERSONS

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

Name:
Christine Molina
Address:
3750 Rosin Court, Suite 100
Sacramento, CA 95834
Telephone Number:
(916) 999-2190
Fax Number:
(916) 263-7311
E-Mail Address:
rcbinfo@dca.ca.gov

The backup contact person is:

Name:
Stephanie Nunez
Address:
3750 Rosin Court, Suite 100
Sacramento, CA 95834
Telephone Number:
(916) 999-2190

Fax Number:
(916) 263-7311
E-Mail Address:
rcbinfo@dca.ca.gov

Website Access: Materials regarding this proposal can be found at <https://rcb.ca.gov/enforcement/lawsregs.shtml>.

GENERAL PUBLIC INTEREST

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

AIR TOXICS HOT SPOTS PROGRAM

NOTICE OF CHANGE OF DATE FOR THE
REMOTE PUBLIC WORKSHOP ON DRAFT
REFERENCE EXPOSURE LEVELS FOR
CHROMIUM (TRIVALENT) AND INORGANIC
WATER-SOLUBLE TRIVALENT
CHROMIUM COMPOUNDS

On January 8, 2021, the Office of Environmental Health Hazard Assessment (OEHHA) released a document for public review, summarizing the toxicity and derivation of Reference Exposure Levels (RELs) for Chromium (Trivalent) and Inorganic Water Soluble Trivalent Chromium Compounds (Cr(III)). RELs are airborne concentrations of a chemical that are not anticipated to result in adverse non-cancer health effects for specified exposure durations in the general population, including sensitive subpopulations.

The January 8, 2021 California Regulatory Notice Register announcement of the document release mistakenly noted the remote public workshop on the document would be held in January. **The actual date of the remote public workshop is February 2, 2021 at 10 a.m.** The remote public workshop will be conducted using the Zoom platform. The workshop can be accessed at <https://us02web.zoom.us/j/88498203867?pwd=TyswS0FXWDlwOTJDeK5Zy9uNXE4Zz09>. The workshop will also be broadcast on the CalEPA Webcast site: (<https://video.calepa.ca.gov/>).

Due to the continuing COVID-19 emergency, the public is strongly encouraged to submit written information via OEHHA’s website, rather than in paper form. Comments may be submitted electronically through the following link: <https://oehha.ca.gov/comments>.

Hard-copy comments may be mailed, faxed, or hand-delivered to the address below:

Dr. John Budroe
Chief, Air Toxicology and Risk Assessment
Section
Air, Community, and Environmental Research
Branch
Office of Environmental Health Hazard
Assessment
1515 Clay Street, 16th Floor
Oakland, CA, 94612
E-mail: John.Budroe@oehha.ca.gov
Telephone: (510) 622-3145
Fax: (510) 622-3210

After the close of the public comment period, the documents will be revised as appropriate by OEHHA, and peer reviewed by the state's Scientific Review Panel on Toxic Air Contaminants. Information about dates and agenda for meetings of the Scientific Review Panel can be obtained from the California Air Resources Board website at <http://www.arb.ca.gov/srp/srp.htm>.

**DEPARTMENT OF
FISH AND WILDLIFE**

**CALIFORNIA ENDANGERED
SPECIES ACT**

CONSISTENCY DETERMINATION
NUMBER 2080-2020-012-05

Project:

7855 Old Careaga Ranch Road,
Los Alamos, CA 93455
(Assessor's Parcel Number/APN 101-060-098)

Location: Santa Barbara County

Applicant: Chips LLC

Notifier: John Storrer

Background:

Chips LLC (Applicant) proposes to develop a cannabis cultivation project (Project) on 44 acres of a 406-acre parcel located at 7855 Old Careaga Ranch Road, Los Alamos, County of Santa Barbara, State of California, 93455, and designated APN 101-060-098 (Property).

The Project includes the conversion and use of an active, historically cultivated farm at the southern portion of the Property, a developed area north of the cultivated land, grassland habitat connecting the two existing developed uses, and dirt-paved roadways to conduct and support cannabis cultivation (Worksite). The planting of cannabis will occur in hoop structures and outdoors (no hoops) under open canopy. Several existing uses located within the developed area north of the proposed cultivation area would remain.

Cultivation Areas

The Project involves the planting of cannabis on 44 total acres consisting of 27 acres in hoop structures and 17 acres of open canopy without hoop structures. The cannabis cultivation also includes nursery production of immature plants. The area proposed for hoops and outdoor cannabis cultivation is located in the southern portion of the Property and has been used for irrigated agriculture (e.g., blackberries, strawberries, broccoli) since 2003.

Erosion control measures (e.g., silt fencing, jute netting, fiber rolls, gravel bags) will be used where sediment runoff from exposed areas could impact sensitive habitat. All erosion control materials will be free from plastic to prevent entanglement of wildlife. Dust generated by the hoop installation will be kept to a minimum to reduce impacts to adjacent habitat. A water truck or sprinkler system will be used to prevent excessive dust.

All cultivation activities and staged supplies will maintain a minimum 50-foot setback from the environmentally sensitive habitat (ESH) boundary of the on-site arroyo willow and mock heather scrub habitat, as identified in Figure 3b of the Biological Resources Assessment (Storrer Environmental Services, Revised July 7, 2020). A 100-foot setback from the ESH boundary will be maintained for hoop structures.

*Residence and Agricultural Support Facilities/
Structures*

Existing uses and cannabis support activities will occur in the developed area north of the cultivation lands. This area will include a 1,350-square-foot area with a mobile home, cannabis waste area, 12,500 gallon above-ground storage tank, storage barn for nutrients and fertilizers, employee parking area, existing permitted domestic water well, existing water storage tank, and existing septic system. Electrical power to the Property is served by Pacific Gas and Electric.

Fencing and Lighting

The cultivation areas will be fenced and will include landscape screening/plantings adjacent to State Highway 135 and up the western side of Old Careaga Ranch Road (private). These areas will be maintained on the Project site. The cultivation area will be secured with 6-foot-tall wire mesh fencing that will extend through approximately 900 feet of the ESH buffer that is degraded and currently used for agriculture. The existing developed area north of the cultivated lands will be surrounded with 4-foot-tall wire mesh fencing. Exterior lighting at the existing barn will be oriented away from the ESH and directed downward. No lighting will be located inside hoop structures or in the outdoor cultivation area.

Stormwater/Drainage

Irrigation and stormwater runoff within the existing agricultural fields are directed to the south and away from San Antonio Creek through the planted row crops into a ditch that bisects the cultivated area. The unlined agricultural ditch begins in the upper portion of the cultivated field. The agricultural ditch is very sandy and mostly devoid of vegetation until it meets with a larger, vegetated portion that runs along the western margin of the cultivated areas containing arroyo willows. The larger portion of the agricultural ditch overflows into a small roadside ditch that extends into the southern-most cultivated area and terminates approximately 300 feet north of Highway 135. The agricultural and roadside ditches do not convey flow to San Antonio Creek.

Access and Roadways

Vehicle, equipment, and employee access will utilize the dirt-paved roadway network on the Worksite. The cultivation areas will have locking gates to control for access. All Project employees will park in designated parking areas.

Streams and Stream Setbacks

San Antonio Creek is located approximately 600 feet south of the Worksite, across Highway 135 and neighboring agricultural operations. There are no culverts or drainages that cross Highway 135 along the property. All cultivation activities, including storage, will maintain a minimum 50-foot setback from the on-site arroyo willow habitat, and hoops will maintain a 100-foot setback from the ESH.

Federal Permit History

In July 2020, the United States Fish and Wildlife Service (USFWS) approved a Los Alamos Conservation Plan for Cultivation Activities, Santa Barbara County, California (LACP). The LACP is a conservation plan as required in Endangered Species Act (ESA; 16 U.S.C. § 1531 et seq.) section 10(a)(2) (A) for issuance of an incidental take permit pursuant to ESA section 10(a)(1)(B). These ESA provisions allow USFWS to develop a 10(a)(1)(B) conservation plan suitable for the needs of a local area, and then to issue individual permits to landowners who apply for an incidental take permit and demonstrate compliance with the terms and conditions of the plan. The LACP therefore provides a federal ESA permitting mechanism for incidental take of California tiger salamander by private landowners engaged in horticulture activities.

Anticipated Take of Covered Species

The Project activities described above are expected to incidentally take¹ California tiger salamander (*Ambystoma californiense*; CTS) where those activities take place within the 44-acre Project site. In particular, CTS could be incidentally taken as a result of the development-related and long-term activities that include equipment access, staging, material storage, earth moving activities, active agricultural activities, installation of new above-ground agricultural structures, operation and maintenance of structures, agricultural fields, infrastructure, irrigation and water management, vehicular traffic, security fencing and lighting, and increased human activities. CTS is designated as an endangered species pursuant to the federal ESA and a threatened species pursuant to the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.). (See Cal. Code Regs., title 14, § 670.5, subdivision (b)(3)(G).)

A “Potential CTS Breeding Pond” designated ORCU-6 by the USFWS (2010)² is within the Property, but outside of the Worksite, and is an ephemeral stock pond. ORCU-6 is not proposed for any purpose related to the cultivation and would continue to support existing livestock operations. Due to the proximity of the nearest documented CTS, CTS dispersal patterns, and the presence of suitable CTS habitat within the Project site, USFWS determined that the species could occur within the Project site and that Project activities could result in the incidental take of CTS. The Applicant applied for an Incidental Take Permit under the LACP for federal authorization to take CTS on the Project site.

On November 24, 2020, USFWS issued an Incidental Take Permit (Permit No. TE88501 D-0) (ITP) to the Applicant. The ITP describes the Project, requires the Applicant to comply with terms of the ITP, and incorporates additional measures.

The ITP also requires the Applicant to implement and comply with measures contained within the LACP.

The ITP authorizes take of CTS in the form of capture for up to ten individuals and up to two individuals in the form of injury or mortality during Project construction.

¹ Pursuant to Fish and Game Code section 86, “‘Take’ means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 CAL.4th 459,507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), “‘take’ . . . means to catch, capture or kill”).

² United States Fish and Wildlife Service. 2010. California Tiger Salamander Habitat Map.

USFWS calculated the value of the impacted habitat using the methodology outlined in Searcy and Shaffer (2008)³ that included incorporating the amount of CTS aquatic breeding habitat and upland habitat on the Project site that will be impacted. The method described in Searcy and Shaffer (2008) attaches a value to habitat that scales with the reproductive value of the individuals estimated to be occupying an area. According to Searcy and Shaffer (2008), the reproductive value of a site is a function of: 1) distance from each known or potential breeding pond within dispersal distance of the site; and 2) land-use in the surrounding areas.

The USFWS determined that the Project would consequently result in the loss of a reproductive value of up to 979 units as calculated in accordance with Searcy and Shaffer (2008). Compensatory mitigation is based on the loss of this reproductive value for CTS.

On December 9, 2020, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from John Storrer, on behalf of the Applicant, requesting a determination pursuant to Fish and Game Code section 2080.1 that the federal ITP is consistent with CESA for purposes of the Project and CTS. (Cal. Reg. Notice Register 2020, No. 52–Z, p. 1593).

Determination

CDFW has determined that the ITP, and the LACP insofar as the ITP references and requires compliance with the LACP, is consistent with CESA as to the Project and CTS because the mitigation measures contained in the ITP, and the LACP insofar as the ITP references and requires compliance with mitigation measures in the LACP, meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, CDFW finds that: (1) take of CTS will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the ITP, and the LACP insofar as the ITP references and requires compliance with mitigation measures in the LACP, will minimize and fully mitigate the impacts of the authorized take; (3) adequate funding is ensured to implement the required avoidance, minimization and mitigation measures and to monitor compliance with, and effectiveness of, those measures; and (4) the Project will not jeopardize the continued existence of CTS. The mitigation measures in the ITP, and the LACP insofar as the ITP references and requires compliance with the LACP, include, but are not limited to, the following:

³ Searcy, C. A. and H. B. Shaffer. 2008 Calculating biologically accurate mitigation credits: insights from the California tiger salamander. *Conservation Biology* 22: 997–1005.

Avoidance, Minimization, and Mitigation Measures

1. Prior to the commencement of any activity that could result in take of CTS, the applicant will demonstrate that 1.14 mitigation credits have been purchased from the La Purisima Conservation Bank. Proposed Project impacts result in a loss of reproductive value of 979 units using methodology described in Searcy and Shaffer (2008). Using the same calculations, one credit at the La Purisima Conservation Bank has a reproductive value of approximately 850 units. However, a 20% correction factor is added because mitigation is being secured outside of the metapopulation in which the impacts are occurring. Therefore, the applicant would purchase 1.4 credits to mitigate for the impacts of the proposed Project.

1.1 Although not a condition of the ITP, CDFW requests a copy of the documentation of the credit purchase at La Purisima Conservation Bank.

2. During the Project planning phase, the Applicant worked with USFWS to site all impacts as far away from known and potential CTS breeding habitats and to avoid high quality upland and dispersal habitat as possible.
3. At least 15 days prior to ground-disturbing activities, the Applicant will submit the names and credentials of biologists and monitors to USFWS for approval to conduct the minimization measures outlined below. Excluding an emergency activity, no Project activities will begin until the Applicant has received notice from USFWS that the biologists and monitors are approved to do the work.

3.1 Although not a condition of the ITP, CDFW requests that Applicant submits the names and credentials of proposed biologists and monitors to CDFW at least 15 days prior to ground-disturbing activities.

4. A biological resources training program will be conducted for all construction workers and their contractors to minimize potential impacts to the CTS and sensitive habitats. Training will occur prior to initial ground-disturbing activities and be repeated, annually and as needed for new workers, for the duration of the Project covered by the ITP. The training program will be reviewed and approved by USFWS and will include a description of: (1) important biological resources within the Project site, specifically CTS that have potential to occur within or adjacent to work areas; (2) the applicable avoidance and minimization measures; (3) the roles and responsibilities of personnel; and (4) communication protocols if CTS are detected.

5. A USFWS–approved biologist will periodically review and monitor initial ground–disturbing activities and will be responsible for ensuring that conditions of approval are being enforced. Except for emergency situations, a USFWS–approved biologist will have the authority to temporarily halt activities if ITP requirements and conditions are not being met.
 6. All proposed linear routes (i.e., roads and pipelines) will be reviewed and modified, if necessary, in the field to minimize impacts to the CTS with assistance by the onsite biologist or environmental monitor.
 7. Personnel will limit their vehicle use to existing routes of travel. Travelling off designated roads will be prohibited unless access is determined critical for a particular activity and the route has been flagged to avoid or minimize adverse effects. To minimize the potential for road mortality of CTS and their habitat, night–time traffic will be minimized during the ground–disturbing phase to the extent feasible; all hauling activities within habitat for CTS will be restricted to daylight hours, defined as the hours after sunrise and before sunset.
 8. Prior to initial ground–disturbing activities, all personnel will be informed of the grading limits and construction boundaries, including staging areas, parking, and stockpile areas. All suitable CTS habitat located within 10 feet of ground–disturbing activities will be delineated with specific sensitive species labeling (e.g., permanent signage stating “No Entry — Sensitive Habitat”).
 9. Except in areas with posted speed limits greater than 10 miles–per–hour, Project–related vehicle speeds will not exceed 10 miles–per–hour when driving within CTS habitat.
 10. Prior to moving vehicles or equipment, personnel will look under the vehicles or equipment for the presence of CTS. If a CTS or any other wildlife species is observed, the vehicle will not be moved until the animal has vacated the area on its own accord or has been relocated out of harm’s way.
 11. Any CTS or individuals of other wildlife species will be allowed to vacate the Project areas on their own accord under the observation of a USFWS–approved biologist. If any CTS or individuals or other wildlife species do not relocate on their own, or if they are in harm’s way, they will be relocated out of harm’s way to nearby suitable habitat, similar to that in which it was found, and outside the Project area. Only a USFWS–approved biologist will relocate CTS. The biologists conducting relocation activities will follow the Declining Amphibian Task Force Fieldwork Code of Practice (https://www.fws.gov/southwest/es/NewMexico/documents/SP/Declining_Amphibian_Task_Force_Fieldwork_Code_of_Practice.pdf).
- A USFWS–approved biologist will relocate any CTS found within the Project footprint to an active rodent burrow system located no more than 300 feet outside of the Project area unless otherwise approved by USFWS. The individuals will be handled with clean and wet hands. During relocation, they will be placed in a clean, covered plastic container with a wet non–cellulose sponge. Captured individuals will be relocated immediately; individuals will not be stored for lengthy periods or in heated areas. The relocation container will be kept out of direct sunlight. A USFWS–approved biologist will monitor relocated CTS until they enter a burrow and are concealed underground or otherwise deemed safe in the relocation area by the biologist. Relocation areas will be identified by the USFWS–approved biologist based on the best suitable habitat available. The USFWS–approved biologist will document both the capture site and the relocation site by photographs and GPS positions. The CTS will be photographed and measured (Snout–Vent) for identification purposes prior to relocation. All documentation will be provided to the USFWS within 24 hours of relocation.
- 11.1 Although not a condition of the ITP, CDFW requests that the Applicant provides copies of the translocation and monitoring reports to CDFW.*
12. All construction and sediment control fencing will be inspected each workday during initial ground–disturbing activities to ensure they are functioning properly.
 13. Open pipe segments will be capped or sealed with tape (or equivalent material) nightly, or otherwise stored at least three feet above ground. Should a pipe segment become occupied by a CTS or any other wildlife species, the animal will be allowed to vacate the pipe on its own or will be removed and relocated in accordance with Measure 11.
 14. The Applicant will ensure that all staging areas, equipment storage areas, stockpile sites, and refueling areas are located at least 100 feet from surface water bodies and wetland habitats to minimize the potential for releases into surface water or wetland habitat. In lieu of the 100–foot buffer, secondary containment measures may be employed to prevent contamination of soil and water.
 15. Upon locating CTS individuals that may be dead or injured as a result of Project–related activities,

notification will be made within 72 hours to the USFWS Ventura Field Office at (805) 644-1766.

Monitoring and Reporting Requirements

Annual Reports: By March 31 following each year of ITP issuance and Project implementation, permittees will submit a report to the Ventura Fish and Wildlife Office to document the status of the Project. The reports will be sent to the Ventura Fish and Wildlife Office by email at sbc-cultivationgcp@fws.gov. Section 5 of the General Conservation Plan details the information that is required in the annual reports.

Project Completion Report: Once an applicant completes activities covered by the ITP, the applicant will notify the Ventura Fish and Wildlife Office that they have completed all covered activities and mitigation measures and provide a final report to the Ventura Fish and Wildlife Office; subsequent annual compliance reports will not be necessary thereafter unless take of a listed species occurs or a changed or unforeseen circumstance occurs.

Although not a condition of the ITP, CDFW requests copies of the annual reports and project completion report.

Financial Assurances

As set forth in Avoidance, Minimization and Monitoring Measure No. 1 above, prior to the commencement of any activity that could result in take of CTS, the Applicant will demonstrate that 1.4 mitigation credits have been purchased from the La Purisima Conservation Bank.

Although not a condition of the ITP, CDFW requests a copy of the documentation of the credit purchase at La Purisima Conservation Bank.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of CTS, provided the Applicant implements the Project as described in the ITP and associated LACP, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the ITP and LACP, insofar as the ITP references and requires compliance with mitigation measures in the LACP. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the USFWS amends or replaces the ITP and LACP, the Applicant shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from CDFW. (See generally Fish & Game Code, §§ 2080.1, 2081, subdivisions (b) and (c).)

**DEPARTMENT OF
FISH AND WILDLIFE**

CE SA CONSISTENCY
DETERMINATION REQUEST FOR
7901 Old Carreaga Ranch Road Project
2080-2021-001-05
Santa Barbara County

The California Department of Fish and Wildlife (CDFW) received a notice on January 5, 2021 that Canyon Produce LLC proposes to rely on a federal permit to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves cannabis cultivation activities on 88 acres within a portion of a 592-acre area (APNs 101-080-082, -084, -086) located at 7901 Old Careaga Ranch Road, Los Alamos, California in Santa Barbara County.

The U.S. Fish and Wildlife Service (Service) issued a federal incidental take permit (Permit Number: TE89654D-0) (ITP) under the Los Alamos Conservation Plan (GCP) for Cultivation Activities in Santa Barbara County to Canyon Produce LLC on December 23, 2020. which considered the effects of the proposed project on state threatened and federally endangered California tiger salamander (*Ambystoma californiense*).

Pursuant to California Fish and Game Code section 2080.1, Canyon Produce LLC is requesting a determination that the ITP and its associated GCP are consistent with CESA for purposes of the proposed project. If CDFW determines the ITP and its associated GCP are consistent with CESA for the proposed project, Canyon Produce LLC will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

**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 Pollution Control Financing Authority
 File # 2020–1124–01
 California Capital Access Program for Small Businesses

This certificate of compliance action by the California Pollution Control Financing Authority (Authority) makes permanent the emergency changes made in OAL File No. 2020–0721–03E. In that action, the Authority amended loan enrollment criteria for the California Capital Access Program (CalCAP) Small Business Loan Financing Assistance Program and amended the minimum threshold for annual recapture of contributions from loss reserve accounts. The Authority also amended criteria for the CalCAP On–Road Heavy–Duty Vehicle Air Quality Loan Program.

Title 04
 Amend: 8072, 8073, 8078, 8078.,22, 8078.24, 8078.25, 8078.31
 Filed 01/11/2021
 Effective 01/11/2021
 Agency Contact: Doreen Smith (916) 653–3993

Department of Food and Agriculture
 File # 2020–1118–02
 Equine Medication Monitoring Program — Forms

In this regular rulemaking action the Department of Food and Agriculture adopts and amends regulations to repeal forms incorporated by reference related to the Equine Medication Monitoring Program and instead identify the information that must be submitted to the Department in the text of the regulations.

Title 03
 Adopt: 1280.3
 Amend: 1280.1, 1280.2, 1280.8, 1280.11
 Filed 01/07/2021
 Effective 04/01/2021
 Agency Contact: Angelina Velez (916) 654–0466

Department of Food and Agriculture
 File # 2020–1221–06
 Hemp Cultivation Planting, Sampling, Testing, Harvest, Destruction

This resubmittal of a Certificate of Compliance by the Department of Food and Agriculture makes permanent emergency regulations that establish timeframes, procedures, methods, and confirmation for industrial hemp sampling, laboratory testing, and destruction.

Title 03
 Adopt: 4930, 4935,4940, 4941, 4942, 4943, 4944, 4945, 4946, 4950, 4950.1
 Filed 01/11/2021
 Effective 01/11/2021
 Agency Contact: Dean Kelch (916) 403–6650

Department of Food and Agriculture
 File # 2020–1230–03
 Industrial Hemp Background Checks

In this emergency readopt of OAL Matter Number 2020–0310–01ER, the Department of Food and Agriculture is adopting timelines, definitions, and procedures for industrial hemp registration and program eligibility determination based on controlled–substance–related felony convictions.

Title 03
 Adopt: 4901, 4902
 Filed 01/07/2021
 Effective 01/13/2021
 Agency Contact: Rachel Avila (916) 403–6813

Department of Resources Recycling and Recovery
 File # 2020–1119–02
 Pharmaceutical and Sharps Waste Stewardship Program

The Pharmaceutical and Sharps Waste Stewardship Act (“Act”) [Chapter 1004, Statutes of 2018 (Jackson, Senate Bill 212)] expands access to proper disposal methods for pharmaceutical and home–generated sharps waste and an education and outreach campaign to promote proper disposal. The Department of Resources Recycling and Recovery in these regulations provides procedures for submittal and approval of Stewardship Plans, as well as reporting requirements and enforcement provisions to implement the Act.

Title 14
 Adopt: 18972.1, 18972.2, 18973, 18973.1, 18973.2, 18973.3, 18973.4, 18973.5
 Filed 01/07/2021
 Effective 01/07/2021
 Agency Contact: Irina Kaminer (916) 341–6396

Department of Social Services
 File # 2020–1125–02
 Adoption of Regulations Revisions

The Department of Social Services filed this rulemaking action to make comprehensive revisions to regulations governing programs for the adoption of children to implement changes in law. The action includes the adoption of a regulation setting forth requirements for adoption facilitators and adoption facilitator trainees.

Title 22, MPP
Adopt: 35078
Amend: 35000, 35001, 35002, 35003, 35021,
35037, 35045, 35047, 35049, 35050, 35051, 35053,
35055, 35059, 35061, 35063, 35065
Repeal: 35043
Filed 01/13/2021
Effective 04/01/2021
Agency Contact: Everardo Vaca (916) 657-2363

Department of Toxic Substances Control
File # 2020-1113-03
Contingency Plan for Hazardous Waste Facility

The Department of Toxic Substances Control submitted this action to make a change without regulatory effect, pursuant to California Code of Regulations, title 1, section 100, to a regulation addressing emergency procedures.

Title 22
Amend: 66264.56
Filed 01/07/2021
Agency Contact: Jackie Buttle (916) 255-3730

Education Audit Appeals Panel
File # 2020-1230-05
Audits of K-12 LEAs – FY 2020-21

In this rulemaking action, the Education Audit Appeals Panel makes permanent emergency regulatory amendments which it made to the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting, incorporated by reference at Title 5 California Code of Regulations section 19810, for the 2020-2021 fiscal year.

Title 05
Amend: 19810
Filed 01/13/2021
Effective 01/13/2021
Agency Contact: Mary Kelly (916) 445-7745

Fish and Game Commission
File # 2020-1228-02
Take of Western Joshua Tree

This emergency rulemaking action by the Fish and Game Commission adopts a process for taking Western Joshua Tree (*Yucca brevifolia*) during the California Endangered Species Act candacy period.

Title 14
Adopt: 749.11
Filed 01/07/2021
Effective 01/07/2021
Agency Contact: Jennifer Greaves (916) 653-4899

Fish and Game Commission
File # 2020-1228-03
Incidental Take of Western Joshua Tree

This emergency action by the Fish and Game Commission grants authority to the City of Palmdale, County of San Bernardino, and Town of Yucca Valley to allow for the incidental take of a limited number of western Joshua trees during its candidacy period under certain circumstances.

Title 14
Adopt: 749.12
Filed 01/07/2021
Effective 01/07/2021
Agency Contact: Jennifer Greaves (916) 653-4899

New Motor Vehicle Board
File # 2020-1202-03
2020-2021 ACP Fees

The New Motor Vehicle Board submits this action without regulatory effect for the annual update of the Arbitration Certification Program (ACP) fee based on the formula established in section 553.70 of title 13 of the California Code of Regulations. The updated ACP fee increases from \$.689 to \$.778 per new motor vehicle sold, leased, or otherwise distributed during calendar year 2019.

Title 13
Amend: 533.70
Filed 01/13/2021
Agency Contact:
Danielle R. Phomsopha (916) 327-3129

Office of Environmental Health Hazard Assessment
File # 2020-1125-01
Prop 65 Clear and Reasonable Warnings

The Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65” or “the Act”) requires businesses to provide a clear and reasonable warning related to the exposure to a chemical listed as known to the state to cause cancer or reproductive toxicity. The Office of Environmental Health Hazard Assessment maintains this Proposition 65 list of chemicals. In this rulemaking action, the Office amends its regulations to clarify the requirements for providing safe harbor warnings for products sold on the internet, in catalogs, and certain provisions specific to warnings related to alcoholic beverages.

Title 27
Amend: 25602, 25607, 25607.1, 25607.3
Filed 01/13/2021
Effective 01/13/2021
Agency Contact: Monet Vela (916) 323-2517

Public Employees' Retirement System
File # 2020-0727-01
Social Security Administrative Fees

This rulemaking action by the California Public Employees' Retirement System (CalPERS) establishes a fee structure for the administration of the State Social Security Adminstor Program for which CalPERS serves as the administrator pursuant to Government Code sections 22200 and 22204.

Title 02
Adopt: 592.1
Filed 01/07/2021
Effective 04/01/2021
Agency Contact: Anthony Martin (916) 795-9347

Public Employees' Retirement System
File # 2020-1231-01
Board Election Emergency Regulations

This emergency action amends the board's 2021 Member-at-Large election nomination process to allow submission of scanned and copied signatures in lieu of original signatures.

Title 02
Amend: 554.5
Filed 01/11/2021
Effective 01/11/2021
Agency Contact: Anthony Martin (916) 795-9347

**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.