



California Regulatory Notice Register

REGISTER 2021, NUMBER 11-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

MARCH 12, 2021

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict-of-Interest Code — Notice File Number Z2021-0302-01 253

Amendment

Multi-County: Truckee Sanitary District

TITLE 2. SECRETARY OF STATE

Vote-by-Mail Drop Boxes and Drop-Off Locations — Notice File Number Z2021-0302-03 254

TITLE 2. STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998, Facility Hardship Program/Seismic Mitigation Program — Notice File Number Z2021-0302-02 256

TITLE 13. CALIFORNIA HIGHWAY PATROL

Explosives Routes — Map 4 — Notice File Number Z2021-0224-02 264

TITLE 13. CALIFORNIA HIGHWAY PATROL

Routes for Transportation of Radioactive Materials — Notice File Notice Z2021-0224-01 266

RULEMAKING PETITION DECISIONS

DEPARTMENT OF PUBLIC HEALTH

Notice of Decision on Petition (P-20-003) to Amend Regulations — from Mike King Concerning Health Educator Definition 268

DEPARTMENT OF PUBLIC HEALTH

Response to Petition (P-21-01) to Amend Regulations — from John R. Valencia Concerning Immunization Requirements for Meningococcal Disease 269

(Continued on next page)

Time-Dated Material

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

Notice to Interested Parties — Acceptance of Petition for Rulemaking and

Request for Information — Safe Harbor Level for 1,3-Dichloropropene..... 270

SUMMARY OF REGULATORY ACTIONS

Regulations filed with Secretary of State 271

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

MULTI-COUNTY: Truckee Sanitary District

A written comment period has been established commencing on March 12, 2021 and closing on April 26, 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 April 26, 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) 324-3854.

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite

3000, Sacramento, California 95811, telephone (916) 322-5660.

INFORMATIVE DIGEST

TITLE 2. SECRETARY OF STATE

VOTE-BY-MAIL DROP BOXES AND VOTE-BY-MAIL DROP OFF LOCATIONS

NOTICE IS HEREBY GIVEN that the California Secretary of State (SOS) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments in writing relevant to the action proposed. Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Persons in this Notice, must be received by the SOS at its office not later than April 26, 2021.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the contact persons listed below no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the SOS, upon its own motion or at the instance 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 45 days prior to its adoption from the person 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.

Public Comment Period: March 12, 2021 through April 26, 2021.

AUTHORITY AND REFERENCE

Elections Code section 3025 requires the SOS to adopt regulations related to vote-by-mail ballot drop boxes and vote-by-mail drop-off locations. The SOS did so, and those regulations were effective January 11, 2018. Under this authority, the SOS amends these existing regulations.

Authority cited: Section 12172.5, Government Code; Sections 10 and 3025, Elections Code. Reference cited: Section 3025, Elections Code.

As required by Elections Code section 3025, the SOS adopted regulations related to vote-by-mail drop boxes and vote-by-mail drop-off locations. The SOS initially adopted these regulations in 2018. The SOS did not update those regulations until June 2020, when it filed emergency regulations to address concerns raised by elections officials relating to the schedule for retrieving voted ballots from vote-by-mail drop boxes and vote-by-mail dropoff locations. Due to the COVID-19 pandemic, elections officials needed flexibility to ensure the safety of their staff, as well as to hopefully find efficiencies by not requiring that voted vote-by-mail ballots be retrieved every 24 hours during the 10-day period prior to an election.

The SOS is proposing to make permanent the emergency regulations adopted in June 2020. In addition, the SOS is proposing to make an additional amendment to the existing regulations regarding ballots being retrieved on Election Day.

Policy Statement Overview/Anticipated Benefits of Proposal

While the future course of the COVID-19 pandemic cannot be known with certainty, the state, national, and international projections reflect ongoing danger from the pandemic throughout the remainder of this year, and experts believe that COVID-19 will remain a threat to public health.

Given the current and possible future requirements of social distancing, county elections officials will need to make adjustments in the way they conduct their business. Specifically, regarding the retrieval of ballots from the unstaffed ballot drop boxes, the county elections officials must ensure that they:

1. Use two separate vehicles to retrieve voted ballots to ensure the safety of the ballot retrievers.
2. Properly sanitize those vehicles before and after their use.
3. Schedule delivery of ballots at the office to prevent overcrowding to maintain social distancing.

Allowing the county elections officials to retrieve ballots from unstaffed drop boxes every 48 hours instead of 24 hours will assist them in utilizing their limited resources during the time of this pandemic. It must be noted that counties may continue to retrieve ballots every 24 hours, but they are not required to do so.

This additional time for counties to retrieve ballots will not unreasonably affect the administration of the election or voters' ability to track their ballot status through existing tools like the Secretary of State's "Where's My Ballot?" tool, which tells voters when their ballot has been received by the county elections office. Ballots will still be retrieved frequently. This

additional 24-hour buffer for counties to retrieve ballots from drop boxes represents a balance between timely retrieval of ballots and voter information related to that, with county resources required for servicing a large number of boxes. Furthermore, counties will likely continue to service high-volume drop boxes at least every 24 hours. For example, counties indicate that they already empty some ballot boxes several times a day, an interval beyond that required by current regulation. This additional buffer would likely not affect those practices.

In addition to the modification of the required retrieval time, the existing regulations are being modified to make it clear that voted ballots must be retrieved from vote-by-mail ballot drop boxes and vote-by-mail drop-off locations by the end of Election Day. The existing regulations did not explicitly state this requirement, and questions were raised during the November 3, 2020, Presidential General Election. Counties are required to begin counting ballots and reporting results as soon as the polls close. The additional amendment to the existing regulations is to make it clear that all ballots must be retrieved on Election Day to ensure those ballots are safe and can be processed for counting and reporting.

Therefore, these amendments to the existing regulations are necessary to provide flexibility to elections officials, to provide some cost savings, to provide clarity for the final retrieval of voted ballots, and to avoid serious harm to the public peace, health, and, safety of Californians.

Consistency/Compatibility with Existing State Regulations

The SOS has determined that these 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 SOS has concluded that these are the only regulations that concern vote-by-mail drop boxes and vote-by-mail drop-off locations in California.

Documents Incorporated by Reference: None.

Documents Relied Upon in Preparing the Regulations: None.

FISCAL IMPACT ESTIMATES AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: No. Although these regulations affect local governments, their effect is to reduce efforts and related costs when compared with existing permanent regulations.

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

Adverse Business Impact: The SOS has made an initial determination that the proposed regulatory action will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability to Compete: The SOS has made an initial determination that this regulatory action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

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

Effect on Housing Costs: None.

Effect on Small Business: The SOS has made an initial determination that the proposed regulatory action will have no effect on small business. Under the Elections Code and these regulations, only county elections officials and their designees may retrieve voted ballots from vote-by-mail drop boxes and vote-by-mail drop-off locations.

Result of Economic Impact Assessment/Analysis Summary Comments: The full Economic Impact Statement is presented in the Initial Statement of Reasons. These regulations are not anticipated to create or eliminate jobs within the State of California, create or eliminate existing businesses within the State of California, or expand or eliminate existing businesses within the State of California.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Secretary of State has determined that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed 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.

The only alternative considered was to leave existing regulations unchanged. However, the necessity to provide elections officials with flexibility in the required times to retrieve voted vote-by-mail ballots from vote-by-mail drop boxes and drop-off locations

remains intact. The COVID–19 pandemic remains ever–present, and elections officials conduct elections each year.

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

AVAILABILITY OF THE INITIAL STATEMENT OF REASONS, THE TEXT OF PROPOSAL AND THE RULEMAKING FILE

The SOS has prepared an Initial Statement of the reasons for the proposed action and has available all the information upon which the proposal is based. The Initial Statement of Reasons is available on the SOS’s website.

Copies of the express language of the proposed regulations, any document incorporated by reference, the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained throughout the rulemaking process upon request from the SOS contact or on the website listed below.

The documents and other information are available for public inspection during the dates of the public comment period, described below, excluding weekends and holidays, from 8:00 a.m. through 5:00 p.m. The rulemaking file is maintained at the following address:

California Secretary of State
Elections Division
1500 11th Street, 5th Floor
Sacramento, CA 95814

Due to restrictions related to COVID–19, the SOS’ public counter is not open to the public. Please contact the contact persons below to arrange for public inspection of the rulemaking documents. Options for public inspection during COVID–19 may include having the rulemaking documents emailed to you or scheduling an in–person review.

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

A Final Statement of Reasons will be created after the closing of the public comment period. A copy of the final statement of reasons can be obtained once it has been prepared from the contact persons named below or by accessing the website listed below.

CONTACT PERSONS

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

Robbie Anderson
California Secretary of State
1500 11th Street, 5th Floor
Sacramento, CA 95841
(916) 216–6488
aanderso@sos.ca.gov

The backup contact person is:

Taylor Kayatta
California Secretary of State
1500 11th St., Room 495
Sacramento, CA 95814
(916) 695–1530
tkayatta@sos.ca.gov

Website Access: Materials regarding this proposal can be found at: <https://www.sos.ca.gov/administration/regulations/>.

TITLE 2. STATE ALLOCATION BOARD

THE STATE ALLOCATION BOARD PROPOSES TO ADOPT AND AMEND VARIOUS REGULATION SECTIONS, ALONG WITH THE REPEAL OF A REGULATION SECTION, AND TO ADOPT A NEW FORM AND AMEND AN ASSOCIATED FORM, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

PROPOSED REPEAL OF THE FOLLOWING REGULATION SECTION

- 1859.82

PROPOSED ADOPTION OF THE FOLLOWING REGULATION SECTIONS, INCLUDING A NEW COST ESTIMATE FORM

- 1859.82, 1859.82.1, 1859.82.2 AND 1859.82.3
- *Facility Hardship Cost Estimate*, (New 05/20), referenced in Regulation Section 1859.2 and incorporated by reference.

PROPOSED AMENDMENTS TO THE FOLLOWING REGULATION SECTIONS, INCLUDING AN ASSOCIATED FORM

- 1859.2, 1859.51, 1859.61, 1859.76, 1859.77.3, 1859.80, 1859.81, 1859.83, 1859.90.3, 1859.93 and 1859.106

- *Application For Funding*, Form SAB 50–04, (Revised 01/18 05/20), referenced in Regulation Section 1859.2 and incorporated by reference.

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

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to adopt, amend and repeal the above-referenced regulation sections under the authority provided by Sections 17070.35, 17072.13, 17075.15, 17078.72, 17078.64 and 17592.73 of the Education Code. The proposals interpret and make specific reference Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17052, 17070.15, 17070.35, 17070.50, 17070.51, 17070.51(a), 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.25, 17071.75, 17071.76, 17072.10, 17072.12, 17072.13, 17072.14, 17072.15, 17072.18, 17072.20, 17072.30, 17072.32, 17072.33, 17072.35, 17073.15, 17073.25, 17074.10, 17074.15, 17074.16, 17074.25, 17074.30, 17075.10, 17075.15, 17076.10, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17078.72, 17078.72(k), 17079, 17079.10, 17079.20, 17079.30, 17250.30, 17251, 17280, 42268, 42270, 56026, 100420, 100620, 100820, 101012, 101012(a)(1), 101012(a)(8) and 101122 of the Education Code; Section 53311, Government Code; and Sections 1771.3 in effect on January 1, 2012 through June 19, 2014 and 1771.5, Labor Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998,

which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

At its May 27, 2020 meeting, the SAB adopted proposed regulations on an emergency basis. SFP Regulation Section 1859.82 combines both the Facility Hardship Program and Seismic Mitigation Program (SMP) together. This makes it difficult for applicants to navigate and clearly differentiate what information is needed for which program, thereby creating significant delays with processing the application(s) timely. The proposed regulations provide clarity to school districts applying to the programs and incorporate changes to the overall organization and structure of the regulation text, which improves user readability. In addition, the proposed regulations expand flexibility in program options, and increase funding for some areas of these programs, which would be in alignment with the cost estimates OPSC has received. In some instances, the proposed changes may limit funding opportunities by providing stricter accountability for State bond funds. The Office of Administrative Law approved the regulations as emergency regulations with an effective date of August 31, 2020.

Bond Funds Impacted

- Class Size Reduction Kindergarten–University Public Education Facilities Bond Act of 1998 (Proposition 1A)
- Kindergarten–University Public Education Facilities Bond Act of 2002 (Proposition 47)
- Kindergarten–University Public Education Facilities Bond Act of 2004 (Proposition 55)
- Kindergarten–University Public Education Facilities Bond Act of 2006 (Proposition 1D) and
- Kindergarten through Community College Public Education Facilities Bond Act of 2016 (Proposition 51)

Attached to this Notice is the specific regulatory language of the proposed regulatory action and the adoption of a new cost estimate as well as amendments to an existing form. The proposed regulations and forms can be reviewed on OPSC’s website at: <https://www.dgs.ca.gov/OPSC/Resources/Page-Content/Office-of-Public-School-Construction-Resources-List-Folder/Laws-and-Regulations>. Copies of the proposed regulations and forms will be mailed to any person requesting this information by using OPSC’s contact information set forth below in this Notice. The proposed regulations adopt, amend and repeal SFP Regulation sections under the California Code of Regulations, Title 2, Chapter 3, Subchapter 4, Group 1, State Allocation Board, Subgroup 5.5, Regulations relating to the Leroy F. Greene School Facilities Act of 1998.

Background and Problem Being Resolved

Under the Facility Hardship Program, projects can be repaired or replaced with new classrooms and related facilities and under the SMP, it works to address deficiencies in buildings of the Most Vulnerable Category 2 Buildings (which is defined in SFP Regulation Section 1859.2) that may not perform well in the event of an earthquake. Both programs provide funding calculated based on the minimum work necessary to mitigate the health and safety issues.

The proposed regulations help to resolve the complex and complicated reading of SFP Regulation Section 1859.82 for the Facility Hardship Program and the SMP. School districts have commented about how cumbersome the Facility Hardship Program and the SMP are to navigate and it needs to be clearer not only in what constitutes an acceptable application submittal package but clarity in what the requirements are for each program and how funding is calculated.

The reorganization and restructure improve the clarity of both programs' purposes as well as improve user readability. The Facility Hardship Program has been separated from the SMP in order to clearly delineate the requirements for each program such as program eligibility, application requirements, and funding calculations. The funding of health and safety projects is largely based on cost estimates calculated based on level of difficulty, complexity, timing, and numerous other factors. For equity across the State, the SAB uses the publication from Sierra West Publishing to determine the cost of the work. The current level of difficulty that OPSC funds health and safety projects is at "F2". One of the components of the proposed regulations increases funding from an F2 to an F3 level of difficulty, which appears more appropriate for the projects. OPSC has been noticing that many school districts have been struggling to ensure these health and safety projects are within the cost allowances that the programs have historically provided, and agrees that the F3 level is more in alignment with the required work and timing of these application types.

OPSC, on behalf of the SAB, conducted three stakeholder meetings to discuss and receive stakeholder input regarding the issues school districts were having when applying for Facility Hardship and SMP funding. The stakeholder meetings were conducted on January 10, 31 and February 7, 2020 in Sacramento, and were publicly noticed, transcribed and webcasted, with the information posted on OPSC's website.

The proposed regulations are a result of that collaboration with stakeholders and other interested parties.

OPSC performed a search on whether the proposed regulations were consistent and compatible with existing State laws and regulations. After performing the search, OPSC, on behalf of the SAB, determined

that there are no other regulations addressing K–12 health and safety issues of school facilities and that the SFP is the primary funding program at the State level. Therefore, the proposed regulations are determined to be consistent and compatible with existing State laws and regulations and provide greater transparency to school districts. Proceeding with the implementation of the proposed regulations, along with the associated form and the new cost estimate form, will enhance applicants' awareness when partnering with the State while defining the responsibilities of funding applicant health and safety projects. This will ensure program oversight and expenditure accountability of State bond funds.

Anticipated Benefits of the Proposed Regulations

The proposed regulations promote a stricter accountability of State bond funds for health and safety projects, while streamlining processes that increase efficiencies for the programs. The proposed regulations also promote the State's general welfare, including protection of public health and safety, by increasing the State's infrastructure investment of school facilities. In addition, there are benefits to health, safety, and welfare of California residents (school children and school faculty) because school facilities will be built stronger and safer. School districts utilize construction and trades employees to work on school construction projects and although the proposed regulations do not directly impact worker's safety, existing law provides for the availability of a skilled labor force. Further, public health and safety is enhanced because a properly paid and trained workforce will build school construction projects that are higher quality, structurally code-compliant and safer for use by pupils, staff, and other occupants on the site.

The proposed regulatory amendments are therefore determined to be consistent and compatible with existing State laws and regulations. Proceeding with the implementation of these proposed regulations will have a positive impact on public health and safety at public K–12 schools by providing school districts with the opportunity to continue to submit applications in order to address health and safety issues while providing increased funding levels that are commensurate to these types of health and safety projects. These proposed regulatory amendments will result in a positive impact to the State's economy and has the potential of creating jobs.

Summary of the Proposed Regulatory Amendments

A summary of the proposed regulations are as follows:

Existing Regulation Section 1859.2 represents a set of defined words and terms used exclusively for these regulations. The proposed regulatory amendments 1) redefine "Facility Hardship" to include both

replacement and rehabilitation projects, and adds School Buildings, components of School Buildings, and site conditions as projects that may be funded; 2) adds a new Form SAB 58–01, *Facility Hardship Cost Estimate*, which is incorporated by reference, to ensure consistency when funding projects by specifying that the cost estimate must use construction estimates from Sierra West Publishing and by clarifying soft costs eligible for funding; 3) defines “Portable Classroom Replacement Grant” as the initial per square foot grant for classroom area as of 2020 (beginning August 31, 2020 and this grant will be adjusted annually based on the Class B Construction Cost Index); 4) defines “Portable Toilet Replacement Grant” as the initial per square foot grant for toilet area as of 2020 (beginning August 31, 2020 and this grant will be adjusted annually based on the Class B Construction Cost Index); and 5) expands the definition of “Rehabilitation Cost” to provide 60 percent of the eligible costs verified on the new Form SAB 58–01.

Existing Regulation Section 1859.51 provides adjustment factors that increase or decrease a school district’s baseline eligibility for new construction. The proposed regulatory amendments provide the mechanism to adjust the new construction eligibility for an increase based on the number of pupils eligible for grants or by the capacity of buildings removed from K–12 classroom use as a result of an eligible Facility Hardship or an SMP project.

Existing Regulation Section 1859.61 provides adjustment factors that increase or decrease a school district’s baseline eligibility for modernization. The proposed regulatory amendments provide the mechanism to adjust the modernization eligibility or remove buildings from a school district’s classroom inventory so the buildings do not accumulate modernization eligibility as they are being replaced or permanently removed from K–12 classroom use as a result of an eligible Facility Hardship or an SMP project.

Existing Regulation Section 1859.76 provides new construction additional grants for specific types and amounts of site development costs. The proposed regulatory amendments update references to the newly restructured Facility Hardship and SMP regulation sections.

Existing Regulation Section 1859.77.3 sets forth the criteria and permissible uses of New Construction Grant funds in accordance with Education Code Section 17072.35 and other specified purposes, including multipurpose room, gymnasium, library (minimum essential facilities), and in addition, for Alternative Education schools, counseling offices and/or conference rooms. The proposed regulatory

amendments update references to the newly restructured Facility Hardship Program regulation sections.

Existing Regulation Section 1859.80 stipulates what qualifies a school district to demonstrate for hardship assistance. The proposed regulatory amendments update the references to the newly restructured Facility Hardship and SMP regulation sections.

Existing Regulation Section 1859.81 permits school districts to qualify for Financial Hardship status in order to receive additional State funding for school facility projects, upon meeting specific financial criteria. The proposed regulatory amendments update the references to the newly restructured Facility Hardship and SMP regulation sections.

Existing Regulation Section 1859.82 establishes that the Facility Hardship and SMP only provide funding in cases of extraordinary circumstances that have caused an imminent health and safety threat. The proposed regulatory amendments repeal this regulation section in its entirety.

Proposed adoption of Regulation Section 1859.82 is restructured and reorganized by rewriting this section as an introduction to both the Facility Hardship and SMP while maintaining the provision that funding is provided only in cases of extraordinary circumstances that have caused an imminent health and safety threat.

Proposed adoption of Regulation Section 1859.82.1 informs school districts what a “School Building” means for purposes of the Facility Hardship Program. Other criteria include, but is not limited to 1) general factors generating program eligibility as well as placing new limits to program eligibility such as disallowing projects solely to replace components that have reached the end of their useful life, for performance of routine maintenance or repair, issues resulting from the deferment of routine maintenance or repair, lack of current code compliance, or the addition of components that were not previously existing; 2) code compliance costs triggered by eligible facility hardship projects may be included as part of the qualified application; 3) time limit on timeframe for application submission for completed projects; 4) specifies the application documents required to submit a complete Facility Hardship application for the replacement of School Buildings, for School Buildings that are lost, destroyed, or unable to be repaired, and for School Buildings where the estimated cost to rehabilitate exceeds 50 percent of the cost to replace the building; 5) the required information that must be contained in the industry specialist’s report/findings, and describes an industry specialist for clarity purposes; 6) for projects where the main health and safety threat is due to mold on the site, OPSC must conduct a site visit

prior to the remediation of the mold in order to be eligible for funding; 7) the required information that must be contained in the governmental concurrence letter; 8) mandates and specifies the requirements for completing the standardized cost estimate (Form SAB 58–01) which will be used to evaluate the total cost to mitigate the health and safety threat through rehabilitation, and describes a licensed design professional for clarity purposes; 9) specifies that a cost/benefit analysis is required demonstrating that the cost to rehabilitate the affected structure exceeds 50 percent of the cost to replace the structure; 10) specifies all other documents required for an Approved Application are also required components for a complete Facility Hardship application; 11) specifies that any application submitted that does not contain all the required documentation will be returned without review; 12) specifies how eligible applications for Facility Hardship Program replacement projects will be funded; 13) specifies how eligible applications for Facility Hardship Program rehabilitation projects will be funded; 14) specifies funding offsets (i.e., where funds are received through an insurance claim, where the district has capacity to house their displaced pupils, or if funds are received by the disposition or sale of affected property) for applications receiving replacement or rehabilitation funding through the Facility Hardship Program; 15) specifies eligibility adjustments to a school district's SFP per-pupil grants as a result of funding received for a Facility Hardship project; 16) specifies criteria in which a Facility Hardship project may receive advance funding for site and/or design; 17) specifies the required documents that a school district would need to submit for a Facility Hardship application for advance funding for site and/or design; 18) specifies how eligible Facility Hardship applications will be funded requesting an advance design; 19) specifies how eligible Facility Hardship applications will be funded requesting advance site acquisition; 20) specifies deadlines for the submission of a complete full funding application for eligible Facility Hardship projects that received advance site and/or design funding; 21) specifies the reduction to eligible costs incurred for Facility Hardship projects that received site and/or design funding that do not meet required timelines; and 22) states that funding of any application in the section is offset by advance design or site funding previously provided.

Proposed adoption of Regulation Section 1859.82.2 informs school districts what a "School Building" means for purposes of the SMP. Other criteria include, but is not limited to 1) general factors generating program eligibility including limits to

program eligibility; 2) specifies the criteria a project must meet in order to qualify as an SMP project; 3) specifies the application documents required to submit a complete SMP application for the replacement of School Buildings; 4) specifies the documents required to submit an SMP application for the replacement of School Buildings that have been lost, destroyed, or unable to be repaired, and describes a licensed design professional for clarity purposes; 5) specifies the documents required to submit an SMP application for the replacement of School Buildings with interior square footage to be mitigated; 6) specifies that any application submission that does not contain all required documentation will be returned without review; 7) specifies how eligible SMP replacement applications will be funded; 8) specifies that replacement funding may be used towards the rehabilitation of the affected facility provided that the underlying health and safety threat has been fully mitigated; 9) specifies the eligibility criteria and the documents required to submit an SMP application for the rehabilitation of School Buildings and exterior square footages of School Buildings, including lunch shelters, covered walkways, or site conditions; 10) specifies how eligible SMP rehabilitation applications will be funded; 11) specifies funding offsets for applications receiving replacement or rehabilitation funding under the SMP; 12) specifies eligibility adjustments will be made to a school districts SFP per-pupil grants as a result of funding received for an SMP project; 13) specifies criteria in which an SMP project may receive advance funding for site and/or design and also sets forth the documents required to submit an SMP application for advance funding for site and/or design; 14) specifies how eligible SMP applications for advance design and/or site acquisition funding will be funded; 15) specifies deadlines for the submission of a complete full funding application for eligible SMP projects that receive advance site and/or design funding; 16) specifies the reduction to eligible costs incurred for SMP projects receiving advance site and/or design funding; and 17) specifies that the full funding received for eligible SMP projects will be offset by any advance funding previously received for the project(s).

Proposed adoption of Regulation Section 1859.82.3 allows for Facility Hardship and SMP conceptual approvals. This section specifies that school districts may request SAB approval to determine Facility Hardship or SMP eligibility in advance of project funding. The SAB approval does not represent a reservation of bond authority; it only confirms that the project meets the eligibility criteria for the Facility

Hardship or the SMP. In addition, the conceptual approval does not provide priority processing once the request is received; the application will be processed in date order received regardless of any prior conceptual approval. Lastly, this section specifies the conceptual application submission requirements for potential Facility Hardship and SMP replacement or rehabilitation projects.

Existing Regulation Section 1859.83 provides an additional grant amount to the SFP new construction and modernization grants, as a result of unusual circumstances that created excessive project costs beyond the control of the school district. The proposed regulatory amendments update the references throughout this section for the new Facility Hardship and SMP regulation sections, as well as provides the mechanism for applying the supplemental grant [for Small Size Projects] to Facility Hardship Program replacement projects funded through the eligible Square Footage grant. In addition, minor wording changes have been made to grammatically improve the readability of the section.

Existing Regulation Section 1859.90.3 sets forth the programs that must participate in the priority funding process. The proposed regulatory amendments update the references throughout this section for the new Facility Hardship and SMP regulation sections.

Existing Regulation Section 1859.93 sets forth the funding order of received applications requesting modernization funding. The proposed regulatory amendments update the references throughout this section for the new Facility Hardship and SMP regulation sections.

Existing Regulation Section 1859.106 provides that expenditures for SFP program projects be made in accordance with certain Education Code sections and that adjustments be made to Facility Hardship and SMP grant amounts. The proposed regulatory amendments update the references throughout this section for the new Facility Hardship and SMP regulation sections.

Existing Form SAB 50–04 *Application for Funding* (incorporated by reference) is submitted by school districts to apply for State funding for new construction and modernization projects. The proposed regulatory amendments incorporate the regulatory structure of the Facility Hardship and the SMP and clearly indicates the appropriate selections for use when submitting conceptual approvals and funding requests for these two programs.

Proposed adoption of Form SAB 58–01, *Facility Hardship Cost Estimate* (incorporated by reference) provides instructions to school districts on the use of this Form. It is the standardized form for the submission of rehabilitation cost estimates for the Facility Hardship and the SMP. This Form formalizes the calculation of grants provided for soft costs that a

school district is eligible to request and will provide a consistent structure required by the two programs.

Prioritization of Facility Hardship Projects

Funding is provided for Facility Hardship projects, including SMP projects that replace or rehabilitate school facilities in critical cases where there is a serious risk to the health and safety of pupils. The SAB, at its August 4, 2010 meeting, approved placing Facility Hardship and SMP projects with unfunded approvals at the top of the cumulative Unfunded List (Lack of AB 55 Loans) at all times, with placement order determined by SAB approval date and next by date order received.

Statutory Authority and Implementation

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

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

Determination of Inconsistency or Incompatibility with Existing State Regulations

As noted above, the proposed regulations help to resolve the complex and complicated reading of SFP Regulation Section 1859.82 for the Facility Hardship Program and the SMP. School districts have commented about how cumbersome the Facility Hardship Program and the SMP are to navigate and it needs to be clearer not only in what constitutes an acceptable application submittal package but clarity in what the requirements are for each program and how funding is calculated.

The reorganization and restructure improve the clarity of both programs' purposes as well as improve user readability. The Facility Hardship Program has been separated from the SMP in order to clearly delineate the requirements for each program such as program eligibility, application requirements, and funding calculations. The funding of health and safety projects is largely based on cost estimates calculated based on level of difficulty, complexity, timing, and

numerous other factors. For equity across the State, the SAB uses the publication from Sierra West Publishing to determine the cost of the work. The current level of difficulty that OPSC funds health and safety projects is at “F2”. One of the components of the proposed regulations increases funding from an F2 to an F3 level of difficulty, which appears more appropriate for the projects. OPSC has been noticing that many school districts have been struggling to ensure these health and safety projects are within the cost allowances that the programs have historically provided, and agrees that the F3 level is more in alignment with the required work and timing of these application types.

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

Forms Incorporated by Reference

- *Application For Funding*, Form SAB 50–04, (Revised 01/18 05/20), referenced in Regulation Section 1859.2 and is incorporated by reference.
- *Facility Hardship Cost Estimate*, Form SAB 58–01, (New 05/20), referenced in Regulation Section 1859.2 and is incorporated by reference.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

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

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

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

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

necessarily incur in reasonable compliance with the proposed action.

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

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Impact to Businesses and Jobs in California

The SFP is a \$42 billion voter–approved school facilities construction program. Under the SFP, the Facility Hardship Program and the SMP exist. The Facility Hardship Program has been separated from the SMP in order to clearly delineate the requirements for each program such as program eligibility, application requirements, and funding calculations. The funding of health and safety projects is largely based on cost estimates calculated based on level of difficulty, complexity, timing, and numerous other factors. For equity across the State, the SAB uses the publication from Sierra West Publishing to determine the cost of the work. The current level of difficulty that OPSC funds health and safety projects is at “F2”. One of the components of the proposed regulations increases funding from an F2 to an F3 level of difficulty, which appears more appropriate for the projects. OPSC has been noticing that many school districts have been struggling to ensure these health and safety projects are within the cost allowances that the programs have historically provided, and agrees that the F3 level is more in alignment with the required work and timing of these application types. In making these statements, manufacturing and construction–related industries may be competing for construction jobs because of the demand on these industries. This is because the SFP consists of the New Construction and Modernization programs, which are the primary programs of the SFP, in addition to the Facility Hardship Program and SMP, for which applications are processed continually (on a monthly basis). Funds are released once the school districts submit the fund release form and associated grant agreement. It is anticipated that there will

be a positive impact to the State's economy and the potential for job creation.

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

Benefits to Public Health and Welfare, Worker's Safety, and the State's Environment

- The proposed regulations promote the State's general welfare, including protection of public health and safety, by increasing the State's infrastructure investment of school facilities. In addition, the proposed regulations promote fairness by introducing new components and/or mechanisms that were not previously allowed under the Facility Hardship Program and the SMP.
- There are benefits to health, safety, and welfare of California residents (school children and school faculty) because school facilities will be built stronger and safer.
- There are continued benefits to the health and welfare of California residents and worker safety. School districts utilize construction and trades employees to work on school construction projects and although these proposed regulations do not directly impact worker safety, existing law provides for the availability of a skilled labor force and encourages improved health and safety of construction and trades employees through proper apprenticeship and training. Further, public health and safety is enhanced because a properly paid and trained workforce will build school construction projects that are higher quality, structurally code-compliant and safer for use by pupils, staff, and other occupants on the site.
- There is no impact to the State's environment from the proposed regulations.

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

EFFECT ON SMALL BUSINESSES

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

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at OPSC no later than April 26, 2021, end of day. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

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

Lisa Jones, Regulations Coordinator
 Mailing Address:
 Office of Public School Construction
 707 Third Street, 6th Floor
 West Sacramento, CA 95605
 E-mail Address:
lisa.jones@dgs.ca.gov
 Fax Number:
 (916) 375-6721

AGENCY CONTACT PERSONS

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

ADOPTION OF REGULATIONS

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

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulations should be addressed to the agency's

regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

**SUBSTANTIAL CHANGES WILL
REQUIRE A NEW NOTICE**

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

RULEMAKING FILE

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

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

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

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB 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 proposed regulations provide school districts with the opportunity to continue to submit applications in order to address health and safety issues by providing increased funding levels that are commensurate to these types of health and safety projects, as well as introducing new components and/

or mechanisms that were not previously allowed under the Facility Hardship Program and the SMP.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

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

**TITLE 13. CALIFORNIA HIGHWAY
PATROL**

**DIVISION 2, CHAPTER 6, ARTICLE 1
AMEND SECTION 1151.4**

**EXPLOSIVES ROUTES – MAP 4
(CHP-R-2020-06206)**

The California Highway Patrol (CHP) proposes to amend regulations in Title 13 of the California Code of Regulations, Division 2, Chapter 6, Article 1, Section 1151.4, regarding designated routes for the transportation of explosives by commercial vehicles on highways in the state.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Pursuant to Division 14, Transportation of Explosives, commencing with Section 31600 of the California Vehicle Code (CVC), the CHP shall adopt regulations specifying the routes to be used in the transportation of explosives. The CVC requires the CHP to keep information current in regulations with maps indicating designated routes. The proposed regulation amendments will correct an error on a map made in 1992 by removing 21.5 miles and adding 29.0 miles of currently designated routes in the Clear Lake area. On the amended map, the CHP also proposes to change "Clear Lake Oaks" to "Clearlake Oaks" for consistency with the spelling of the town name and add "Upper Lake" to indicate the junction of highways. These updates will provide carriers the correctly designated routes for the transportation of explosives, and enhance public health and safety.

The proposed amendments have received concurrence from the CHP's Northern Division, Lake County Fire Protection District, State Fire Marshal, and California Department of Transportation. Once adopted, the proposed amendments will be provided to the Federal Motor Carrier Safety Administration of the United States Department of Transportation.

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

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

PUBLIC COMMENT

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

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

Written comments must be received by April 26, 2021.

PUBLIC HEARINGS

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

AVAILABILITY OF INFORMATION

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

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

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

CONTACT PERSON

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

ADOPTION OF PROPOSED REGULATIONS

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

FISCAL IMPACT AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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

Benefits of the Proposed Action: The proposed regulation updating designated routes for carriers transporting explosives will continue to provide benefits, including the nonmonetary benefit of protecting public health and safety for residents, workers, and the environment, by providing a

regulatory basis for enforcement efforts as they relate to safety compliance ratings.

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

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

EFFECT ON SMALL BUSINESSES

The CHP has determined that the proposed regulatory action will not affect small businesses. The action is intended to clarify and update the designated routes for commercial vehicles transporting explosives on highways. As a result, no small business will be affected by the update.

ALTERNATIVES

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

AUTHORITY

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

REFERENCE

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

TITLE 13. CALIFORNIA HIGHWAY PATROL

**DIVISION 2, CHAPTER 6
AMEND ARTICLE 2.7,
SECTION 1159**

ROUTES FOR TRANSPORTATION OF RADIOACTIVE MATERIALS (CHP-R-2020-06201)

The California Highway Patrol (CHP) proposes to amend Title 13 of the California Code of Regulations related to designated routes for the transportation of highway route controlled quantity (HRCQ) shipments of radioactive materials (RAM).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to California Vehicle Code (CVC), Division 14.5, Section 33000, the CHP shall adopt regulations specifying the routes to be used in the through transportation of HRCQ RAM. The proposed changes are developed to enhance public health and safety by adding 19.3 miles of State Route (SR)-210 between Interstate (I)-210 or SR-57, near San Dimas, and I-15, near Fontana, into the designated routes, providing a direct access between I-15 and I-210 for highway commercial vehicles transporting HRCQ RAM. The additional routes will present a better network of designated routes and reduce potential risks associated with transporting HRCQ RAM.

During the process of developing these regulation amendments, the CHP has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent, nor incompatible, with existing state regulations. For the proposed regulation amendments, the CHP consulted with and received concurrence from the State Fire Marshal, California Department of Public Health, California Department of Transportation, Los Angeles County Fire Department, San Bernardino County Fire Department, Southern California Association of Governments, and major HRCQ RAM manufacturers and carriers. No opposition is anticipated.

Consistent with the legislative intent and the purpose of existing regulations, the proposed regulatory action will continue to provide a nonmonetary benefit to the protection of the health, safety, and welfare of

California's residents, workers, and environment. The changes to the application of the regulation are not substantive and bring the regulation in conformance with existing statute. The proposed changes update safe routes designated for carriers transporting HRCQ RAM, and contribute to public safety and health.

PUBLIC COMMENTS

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

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

Written comments must be received by April 26, 2021.

PUBLIC HEARINGS

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

AVAILABILITY OF INFORMATION

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

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

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

CONTACT PERSON

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

ADOPTION OF PROPOSED REGULATIONS

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

FISCAL AND RESULTS OF ECONOMIC IMPACT

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

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

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

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CHP is not aware of any cost impacts that a representative private person or business would

necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

The CHP has determined that the proposed regulatory action will not affect small businesses. The action is intended to update the designated routes for commercial vehicles transporting HRCQ RAM on highways. As a result, no small business will be affected by the update.

ALTERNATIVES

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

AUTHORITY

This regulatory action is being taken pursuant to Section 33000, CVC.

REFERENCE

This action implements, interprets, or makes specific Section 33000, CVC.

**RULEMAKING PETITION
DECISIONS**

DEPARTMENT OF PUBLIC HEALTH

AMEND REGULATIONS

Pursuant to Government Code 11340.7

Petitioner
Mike King

Department Contact Person

Please direct any inquiries regarding this action to:

Keith Van Wagner, Assistant Chief Counsel
Regulations, Privacy & Special Projects
California Department of Public Health
1415 L Street, Suite 500, MS 0505
Sacramento, CA 95814

Availability of Petition

Pursuant to subdivision (d) of Government Code section 11340.7, the California Department of Public Health (Department) will provide a copy of this decision to the Office of Administrative Law for publication in the California Regulatory Notice Register. Any interested persons have the right to obtain a copy of the petition that is the subject of this decision by sending a request to the Department contact person listed in this notice. When submitting such a request, please reference DPH PETITION RESPONSE P-20-003 in the request.

Authority

Provisions of California Code of Regulations Affected

Title 17. Public Health Division 1. State Department of Health Services Chapter 3. Local Health Service Subchapter 1. Standards for State Aid for Local Health Administration Article 3. Personnel (Refs & Annos)

A health educator shall hold a master's degree with specialization in public or community health education awarded upon completion of a program of study accredited by the American Public Health Association.

Summary of Petition and Department Decision:

Petitioner's Request: The petitioner is requesting that the current regulation be changed to remove the educational requirement that a Health Educator graduate from a program that is accredited through the American Public Health Association. Mr. King is proposing it be changed to require that a Health Educator have attended a graduate program focusing on Health Education.

Reason for Request:

"The current regulation on Health Educators states that all Health Educators must have graduated from a program that is accredited by the American Public Health Association. This regulation was created in 1959 and last updated in 1985. In that time the field of Health Education and available programs offered by Universities has evolved and there are specific Health Education programs that have been created. This is a very limiting and outdated regulation. This regulation also restricts HR departments to a very small pool of applicants. Updating this regulation to accommodate

current Health Education programs that are being offered by Universities that focus on Health Education will benefit Public Health departments and potential employees throughout California. The criteria should be updated to say that the Health Educator must have attended a Graduate program focusing on Health Education. The agency has the option to require the national credential for Health Educators (CHES).”

Department’s Response: CDPH denies the request to change the minimum educational requirements for local health departments hiring a Health Educator. The academic standards of schools accredited to issue Masters of Public Health degrees with a focus in health education ensure candidates are prepared for this position.

However, CDPH requests to change the accrediting agency listed in the regulation from the American Public Health Association (APHA) to the Council on Education for Public Health. In 1974, APHA designated the Council on Education for Public Health (CEPH), the independent agency recognized by the U.S. Department of Education, as the accrediting body for Masters of Public Health degrees with concentration in health education. CEPH has an updated list of accredited programs available on their website.

Date of Decision: February 16, 2021

DEPARTMENT OF PUBLIC HEALTH

February 12, 2021
 John R. Valencia
 Valencia Government Relations, Inc.
 1001 K Street, 6th Floor Sacramento, CA 95814

VIA ELECTRONIC MAIL AND FIRSTCLASS MAIL

RESPONSE TO PETITION P-21-01 – TO AMEND CALIFORNIA CODE OF REGULATIONS, TITLE 17 REGARDING IMMUNIZATION REQUIREMENTS FOR MENINGOCOCCAL DISEASE

Dear Mr. Valencia:

Thank you for your petition on behalf of the California Chronic Care Coalition and the California Health Collaborative pursuant to section 11340.6 of the Government Code. The California Department of Public Health (CDPH) received the petition on January 14, 2021. Your petition seeks to amend sections 6000, 6025, 6035, 6070, and 6075 of Title 17 of the California Code of Regulations (CCR) for the inclusion of immunization for meningococcal disease caused by serogroups A, C, W, and Y (MenACWY vaccine). Pursuant to Government Code section

11340.7, CDPH has decided to deny your petition for the following reasons.

Proposed Amendments to section 6000:

The petition seeks to amend California Code of Regulation, title 17, division 1, chapter 4, subchapter 8, article 2, section 6000 to add subdivision (c)(11) to read as follows:

Adopt subdivision (11) to read:

(11) “ACWY” means meningococcal serogroups A, C, W, and Y vaccine.

Proposed Amendments to section 6025:

The petition seeks to amend California Code of Regulation, title 17, division 1, chapter 4, subchapter 8, article 2, section 6025, subdivision c), Table B: California Immunization Requirements for Grades K–12 as follows:

Amend Column 1, Row 3 (Grade 7th–12th) to add: footnote¹¹. (End amendment.)

Amend Column 2, Row 3 (Number of Doses Required of Each Immunization) to add: 2 ACWY, footnote¹¹. (End amendment.)

Amend Column 2, Row 4, (7th Grade Advancement, Number of Doses Required of Each Immunization) to add: 1 ACWY, footnote¹¹. (End amendment.)

Adopt footnote 11 to read: The first ACWY dose is administered before entrance into 7th grade; the second (booster) dose is administered before entrance into 12th grade.

Proposed Amendments to section 6035:

The petition seeks to amend California Code of Regulation, title 17, division 1, chapter 4, subchapter 8, article 2, section 6035, subdivision (e), Table D: Conditional Admission Schedule for Grades K–12, as follows:

Adopt row 13 to read as follows:

In Column 1 (Dose) add: AWCY #2.

In Column 2 (Earliest Dose May Be Given) add: 12th Grade age 16 years and older: 4 weeks after 1st dose.

In Column 3 (Exclude if not given by) add: 8 weeks after 1st dose.

(End of proposed amendment.)

Proposed Amendments to section 6070:

The petition seeks to amend California Code of Regulation, title 17, division 1, chapter 4, subchapter 8, article 2, section 6070, subdivision (b)(8)(H), as follows:

Adopt subdivision (H) to read:

(H) ACWY (Meningococcal disease, serogroups A, C, W, and Y; required for 7th grade advancement and 7th–12th grade admission.

Proposed Amendments to section 6075:

The petition seeks to amend California Code of Regulations, title 17, division 1, chapter 4, subchapter 8, article 2, section 6075, subdivision (e)(5)(B)(iii), as follows:

Adopt subdivision iii. to read:

iii. ACWY.

The regulations that you seek to amend relates to the addition of a new school admission immunization requirement. As a result, CDPH is the agency with jurisdiction over the subject matter of your petition.

In consideration of your petition, CDPH finds:

The federal Advisory Committee on Immunization Practices (ACIP) recommendations for MenACWY vaccination are not new. Since 2005, ACIP has recommended the routine immunization of adolescents with a first dose of MenACWY vaccine at ages 11 or 12 years and has recommended since 2011 a second dose for persons at age 16 through 21 years.^{1,2} While MenACWY is not a required vaccine for school-aged children in California, the rates of immunization are high and there is a low incidence of meningococcal cases among school-aged children.

In 2019, the estimated rate of immunization of persons 13–17 years of age in California with one or more doses of MenACWY vaccine was 89%.³ The immunization rate has steadily increased since the recommendations were first issued. In accordance, there have not been any reported cases of meningococcal disease due to serogroups A, C, W or Y in unimmunized Californians of age 11–16 years in more than ten years, or of age 17–21 years in more than four years.

Because of the current absence of ACWY meningococcal disease in adolescents and high immunization rates with MenACWY vaccine, **at this time CDPH respectfully denies your petition to amend 17 CCR section 6000, et seq.** However, CDPH will continue to monitor meningococcal and other vaccine-preventable disease rates and immunization rates in consideration of whether additional school requirements should be leveraged to better protect children, adolescents, and communities from vaccine-preventable diseases.

Under Government Code section 11340.7(d), any interested person has the right to obtain a copy of the petition submitted to the agency. To request a copy,

¹ <https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5407a1.htm>.

² <https://www.cdc.gov/mmwr/preview/mmwrhtml/mm6003a3.htm>.

³ <https://www.cdc.gov/vaccines/imz-managers/coverage/teenvaxview/data-reports/menacwy/trend/index.html>.

please contact the Office of Regulations by email: regulations@cdph.ca.gov, by phone: (916) 558–1710, or by mail: California Department of Public Health, 1415 L Street, Suite 500, Sacramento, CA 95814. CDPH appreciates your interest in the rulemaking process. If you have any questions, you may contact me at Keith.VanWagner@cdph.ca.gov (916) 558–1710.

Sincerely,

/s/

Keith Van Wagner Assistant Chief Counsel

cc: California Chronic Care Coalition 1258 8th Street, Suite 485
Sacramento, CA 95814

California Health Collaborative 2012 H. Street
Sacramento, CA 95811

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND
TOXIC ENFORCEMENT ACT OF 1986
PROPOSITION 65**

**ACCEPTANCE OF PETITION FOR
RULEMAKING AND REQUEST FOR
INFORMATION**

**SAFE HARBOR LEVEL FOR 1,3-
DICHLOROPROPENE**

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65; Health and Safety Code Section 25249.5 et seq.). OEHHA hereby grants a Petition for Rulemaking submitted by Californians for Pesticide Reform’s (CPR) to develop a Proposition 65 No Significant Risk Level (NSRL) for 1,3-Dichloropropene (1,3-D). This chemical was added to the list of chemicals known to the State of California to cause cancer for purposes of Proposition 65¹ in

¹ The Safe Drinking Water and Toxic Enforcement Act of 1986, Health and Safety Code sections 25249.5, et seq.

January 1989. A copy of the Petition and Response letter is available on the OEHHA website at <https://oehha.ca.gov/Proposition-65>.

An NSRL is a “safe harbor” level at which an exposure poses no significant risk. Businesses do not have to provide warnings for exposures below an NSRL. When an exposure is above an NSRL, a business may have liability under Proposition 65 but may demonstrate by other means that the exposure poses “no significant risk” of cancer.²

OEHHA intends to develop an NSRL for 1,3-D and is requesting scientific information that may be relevant to the development of an NSRL for this chemical.

Any written submissions responsive to this request must be received by OEHHA by April 27, 2021, to be considered during the development of this NSRL. Opportunity for public comment on the proposed NSRL will be provided when OEHHA initiates a formal rulemaking process to adopt an NSRL for 1,3-D.

Because of limited in-office staffing during the COVID-19 emergency, OEHHA strongly recommends that submissions be made electronically through our website at <https://oehha.ca.gov/comments>. Submissions in paper form may still be mailed, but delays may occur if staff are unable to access them in a timely manner.

Tyler Saechao
Office of Environmental Health Hazard
Assessment
1001 I Street, 19th Floor
P.O. Box 4010
Sacramento, California 95812-4010
Telephone: 916-445-6900

OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. If you provide comments, please be aware that your name, address, and e-mail may be available to third parties.

**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 in-

² Title 27, California Code of Regulations sections 25705, et seq.

dicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

Board of Optometry
File # 2020-0915-01
Implementation of AB 2138

This action by the Board of Optometry adopts criteria to be used in determining whether a crime, act, or professional misconduct is substantially related to the qualifications, functions, and duties of a licensee, or when an applicant or licensee has made a showing of rehabilitation related to a crime, act, or professional misconduct when considering denial, suspension, or revocation of a license or registration. The proposed amendments implement amendments to the Business and Professions Code made by Assembly Bill 2138 (Stats. 2018, ch. 995).

Title 16
Amend: 1399.270, 1399.271, 1399.272, 1516, 1517
Filed 02/25/2021
Effective 02/25/2021
Agency Contact: Marc Johnson (916) 575-5216

Board of Pharmacy
File # 2020-0921-03
Renewal Requirements

In this rulemaking action, the Board amends its regulation to consolidate the renewal license types into two categories: (1) a premises or facility license, and (2) a license issued to an individual, other than a pharmacist or an advanced practice pharmacist.

Title 16
Amend: 1702, 1702.1, 1702.5
Repeal: 1702.2
Filed 03/01/2021
Effective 07/01/2021
Agency Contact: Lori Martinez (916) 574-7917

Board of Pharmacy
File # 2021-0216-01
HIV Pre- and Postexposure Prophylaxis Furnishing

This emergency rulemaking action by the California Board of Pharmacy readopts regulations originally adopted in emergency action 2020-0420-02E relating to the independent initiation and furnishing of HIV preexposure and postexposure prophylaxis to patients as authorized by Statutes 2019, chapter 532 (SB 159).

Title 16
Adopt: 1747
Filed 02/25/2021
Effective 02/25/2021
Agency Contact: Lori Martinez (916) 574-7917

California Debt Limit Allocation Committee
File # 2021-0216-03
Readopting 5231 to correct typographical error
(construction type)

This emergency rulemaking by the California Debt Limit Allocation Committee amends regulations relating to the Qualified Residential Rental Project (QRRP) Program.

Title 04
Adopt: 5231
Filed 02/25/2021
Effective 02/25/2021
Agency Contact: Isaac Clark III (916) 651-8484

California Tax Credit Allocation Committee
File # 2021-0113-01
CTCAC Regulations Implementing Federal and State LIHTC Laws

The California Tax Credit Allocation Committee's (CTCAC) request that the Office of Administrative Law (OAL) file with the Secretary of State and print in the California Code of Regulations amendments to the Low-Income Housing Tax Credit Program is granted. Pursuant to Health and Safety Code section 50199.17(a), these amendments are exempt from the rulemaking requirements of the Administrative Procedure Act so long as the CTCAC has complied with Health and Safety Code section 50199.17(b). CTCAC has certified to OAL that it complied with Health and Safety Code section 50199.17(b) in adopting these amendments.

Title 04
Amend: 10302, 10305, 10310, 10317, 10320, 10322, 10325, 10326, 10327, 10335, 10337
Filed 02/26/2021
Effective 12/21/2020
Agency Contact: Gina Ferguson (916) 651-7707

Department of Corrections and Rehabilitation
File # 2020-1217-02
Work and Privilege Group C

In this rulemaking action, the Department amends its regulations to modify some terms related to the privileges of inmates who are deemed a program failure or are placed in Privilege Group C.

Title 15
Amend: 3044, 3190, 3314, 3315, 3376
Filed 02/24/2021
Effective 04/01/2021
Agency Contact: Anthony Carter (916) 445-2220

Department of Corrections and Rehabilitation
File # 2021-0205-02
Grievances and Appeals

In this emergency of operational necessity rulemaking by the Department of Corrections and Rehabilitation (the "Department") pursuant to Penal Code section 5058.3, the Department is readopting emergency regulations that amend and restructure the inmate and parolee grievances and appeals process.

Title 15
Adopt: 3084, 3480, 3481, 3482, 3483, 3484, 3485, 3486, 3487, 3488
Amend: 3000, 3045, 3077.3, 3078.4, 3134.1, 3136, 3137, 3141, 3173.1, 3179, 3193, 3220.4, 3230, 3282, 3378.4, 3383, 3475 (renumbered to 3465), 3476 (renumbered to 3466), 3477 (renumbered to 3467), 3478 (renumbered to 3468), 3479 (renumbered to 3469), 3480 (renumbered to 3470), 3480.1 (renumbered to 3471), 3481 (renumbered to 3472), 3482 (renumbered to 3473), 3483 (renumbered to 3474), 3484 (renumbered to 3475), 3485 (renumbered to 3476), 3486 (renumbered to 3477), 3491, 3492, 3548, 3563, 3630, 3723
Repeal: 3084, 3084.1, 3084.2, 3084.3, 3084.4, 3084.5, 3084.6, 3084.7, 3084.8, 3084.9, 3085, 3086, 3369.5
Filed 02/25/2021
Effective 03/10/2021
Agency Contact: Anthony Carter (916) 445-2220

Department of Corrections and Rehabilitation
File # 2020-0924-03
Capacity for Informed Consent

This action specifies the process for properly identifying inmate patients who meet the criteria for an administrative determination of their capacity to provide informed consent, or the informed withholding of consent, to health care treatment in a correctional setting. The action delineates the substantive and procedural due process rights of affected inmate patients. The action adopts procedures concerning the selection and appointment of a surrogate decisionmaker. The action also adopts various forms to be used in executing the above-described provisions.

Title 15
 Adopt: 3999.204, 3999.204.1, 3999.204.2,
 3999.204.3, 3999.204.4, 3999.204.5, 3999.204.6
 Amend: 3999.98, 3999.99, 3999.202, 3999.203
 Filed 03/01/2021
 Effective 03/01/2021
 Agency Contact: DeAnna Gouldy (916) 691-3747

Department of Social Services
 File # 2021-0113-02
 Crisis Nurseries Amendments

The Department of Social Services amended 19 regulations that pertain to crisis nurseries. The amendments bring the regulations into conformity with changes in governing legislation enacted in S.B. 1214 (Stats.2010, ch. 519), S.B. 1319 (Stats.2012, ch. 663), and A.B. 2228 (Stats.2014, ch. 735), and make clarifying revisions where the current regulations are insufficient.

Title 22
 Amend: 86501, 86524, 86561, 86564, 86565,
 86565.5, 86568.1, 86568.2,
 86568.4, 86570, 86572, 86572.1, 86572.2, 86575,
 86576, 86577, 86580, 86587.1,
 86587.2
 Filed 02/25/2021
 Effective 04/01/2021
 Agency Contact: Everardo Vaca (916) 657-2363

Department of Social Services
 File # 2021-0217-02
 Community Crisis Homes

This emergency rulemaking action by the Department of Social Services updates definitions, licensure requirements, plan of operation requirements, facility certification requirements, personnel requirements, intake procedures, needs and services plan requirements, placement limitations, and recordkeeping requirements for Community Crisis Homes licensed as Adult Residential Facilities and Group Homes.

Title 22, MPP
 Adopt: 85365.5
 Amend: 85300, 85301, 85318, 85322, 85340,
 85364, 85365, 85368.1, 85368.2, 85368.4, 85370,
 85387, 85390
 Filed 03/01/2021
 Effective 03/01/2021
 Agency Contact:
 Kenneth Jennings (916) 657-2586

Division of Workers' Compensation
 File # 2021-0219-02
 QME Regulations in Response to COVID-19

The Division of Workers' Compensation (DWC) in this re-adopt (2020-0504-01E) is maintaining the process to provide the ability of Qualified Medical Evaluators to provide certain medical-legal evaluations and to cancel, postpone, or arrange medical-legal evaluations at any available location. Additionally, DWC is providing for the ability of participants in the workers' compensation system to continue to receive medical-legal reports via electronic service.

Title 08
 Adopt: 36.7, 46.2
 Filed 02/25/2021
 Effective 03/13/2021
 Agency Contact: Nicole Richardson (510)

Fish and Game Commission
 File # 2020-1204-02
 Simplification of Statewide Inland Fish Regulations

This action replaces the existing list of statewide inland sport fishing seasons, bag and possession limits, size limits, and gear and bait restrictions with two lists: one for inland trout (non-anadromous waters) and one for steelhead and salmon (anadromous waters).

Title 14
 Adopt: 5.84, 5.89, 7.40
 Amend: 3.00, 4.00, 5.00, 5.41, 5.85, 7.00, 7.50, 8.10
 Filed 03/01/2021
 Effective 03/01/2021
 Agency Contact: Jon Snellstrom (916) 654-9868

Fish and Game Commission
 File # 2021-0113-03
 Recreational Abalone Closure

This action by the Fish and Game Commission extends the fishery closure sunset date for the recreational take of red abalone from April 1, 2021 to April 1, 2026.

Title 14
 Amend: 29.15
 Filed 02/25/2021
 Effective 04/01/2021
 Agency Contact:
 Jennifer Greaves (916) 653-4899

Office of Tax Appeals
 File # 2021-0114-01
 Rules for Tax Appeals for Appeals to OTA

This file and print action modifies procedures with respect to various tax appeals made to the Office of Tax Appeals.

Title 18

Adopt: 30107, 30209.1, 30212.1, 30413, 30506, 30602.1

Amend: 30000, 30101, 30102, 30103, 30104, 30105, 30106, 30201, 30202, 30203, 30204, 30205, 30207, 30208, 30209, 30210, 30211, 30211.5, 30212, 30213, 30213.5, 30214, 30214.5, 30215, 30216, 30217, 30218, 30219, 30220, 30221, 30222, 30223, 30224, 30301, 30302, 30303, 30304, 30310, 30311, 30312, 30313, 30314, 30315, 30316, 30401, 30402, 30403, 30404, 30405, 30410, 30411, 30412, 30420, 30421, 30430, 30431, 30432, 30433, 30501, 30502, 30503, 30504, 30505, 30601, 30602, 30603, 30604, 30605, 30606, 30607, 30701, 30702, 30705, 30706, 30707

Repeal: 30206, 30703, 30704

Filed 03/01/2021

Effective 03/01/2021

Agency Contact:

Myriam Bouaziz (916) 926-3918

Veterinary Medical Board

File # 2021-0119-02

RVT Emergency Animal Care

In this regular rulemaking action the Veterinary Medical Board amends one section related to emer-

gency care that may be rendered by registered veterinary technicians.

Title 16

Amend: 2069

Filed 03/02/2021

Effective 07/01/2021

Agency Contact: Justin Sotelo (916) 515-5238

**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.