



# California Regulatory Notice Register

REGISTER 2021, NUMBER 26-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

JUNE 25, 2021

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

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**

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**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

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

**CONFLICT-OF-INTEREST CODES**

**AMENDMENT**

**MULTI-COUNTY:**

- Alameda Contra Costa Transit District
- Elsinore Valley Municipal Water District
- East Turlock Subbasin Groundwater Authority
- CA Joint Powers Insurance Authority

A written comment period has been established commencing on June 25, 2021 and closing on August 9, 2021. Written comments should be directed to the Fair Political Practices Commission, Attention Daniel Vo, 1102 Q Street, Suite 3000, Sacramento, California 95811.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested

person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than August 9, 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 Daniel Vo, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED  
CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Daniel Vo, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

**TITLE 2. STATE PERSONNEL BOARD**

**Notice is hereby given** that the State Personnel Board (Board) proposes to adopt Section 13 and amend Sections 26, 78, 78.1, 249, 250, and 250.1 to clarify the Rules related to record retention requirements; selection process; hiring process; job-related criteria; determining merit and fitness during the hiring process; and skills-based certification. (Cal. Code Regs., title 2, §§ 26, 78, 78.1, 249, 250, and 250.1.)

PUBLIC HEARING

A public hearing regarding the proposed regulatory action will be on August 10, 2021, at 10:00 a.m. via WebEx. In order to participate in the public hearing, please see the following options:

- Via Video (Online)

You may click, or copy and paste into your web browser, the following link: <https://spbmeetings.webex.com/spb-meetings/j.php?MTID=m3910d9169230b21062a8e8a34328e584>

Then enter the following information to gain access to the hearing:

Meeting Number: **182 839 0501**  
Meeting password: **Df8Mq3Nx42P**

- Via Telephone

You may also participate by dialing the phone number first and then the participant code listed below:

Phone Number: **+1-408-418-9388**  
Participant Code: **1828390501**

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

WRITTEN COMMENT PERIOD

Any interested party, or his or her duly authorized representative, may submit written comments relevant

to the proposed regulatory action to the contact person listed below.

Lori Gillihan, Chief  
Policy Division  
State Personnel Board  
801 Capitol Mall  
Email: [lori.gillihan@spb.ca.gov](mailto:lori.gillihan@spb.ca.gov)

The written comment period closes on August 9, 2021. Only written comments received by that time shall be reviewed and considered by the Board before it adopts, amends, or repeals a regulation.

AUTHORITY AND REFERENCE

The Board proposes to adopt Section 13 and amend Sections 26, 78, 78.1, 249, 250 and 250.1 of Title 2, Chapter 1 of the CCR pursuant to the authority vested in it by the California Constitution, article 7, section 3, and Government Code sections 18211, 18502, 18660, 18701 and 18900.6. The proposed regulations will implement, interpret, and make specific the provisions of Government Code sections 18573, 18661, 18900.6, 19050, 19232 and 19702.2.

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

The Board is a constitutional body responsible for enforcing California's civil service statutes. (Cal. Const., article VII, §§ 1, subdivision (b) & 3; Gov. Code, § 18660.) In addition, the Board, by majority vote of all its members, prescribes probationary periods and classifications, adopts other rules authorized by statute, and reviews disciplinary actions imposed against state employees. (*Ibid.*)

Regulations adopted by the Board are exempt from the Administrative Procedure Act (APA), except as expressly specified. (Gov. Code, §§ 18211, 18215, & 18216.)

The purpose of this regulatory action is to update the Board's regulations to remove the more burdensome aspects and develop a stronger and more nimble merit civil service system. The regulations will be clarified to help appointing powers accurately interpret and apply the hiring process requirements, namely concerning application screening criteria and interview rating criteria.

The benefits of this regulatory change include: (1) making the hiring process a more flexible and qualitative process designed to determine which eligible candidate is the best fit and (2) conserving the fiscal interests of the state by clarifying the Board's hiring and selection process standards.

Section 13 is adopted to define the words "shall," "should," "may," and "best practices," for the purposes

of determining whether compliance with a law, regulation, rule, or policy is achieved.

Section 26 is amended to clarify which types of merit, selection, and appointment records shall be retained. Reference to application screening criteria, interview rating criteria, interview questions, interview scoring or rating sheets, pre-employment background checks, and reference checks will be removed and replaced with “selection instrument(s) or procedure(s) used.”

Section 78 is amended to remove reference to the screening and rating of a candidate’s qualifications. Proposed section 78.1 already includes references to the appointing power’s obligation to use activities, instruments, or procedures that fairly and objectively assess a candidate’s qualifications. Therefore, referencing the screening and rating of a candidate’s qualifications in section 78 is redundant.

Section 78.1 is amended so that appointing powers will more easily understand the distinction between the components of the examination process and the hiring process. Currently, the section defines the hiring process as having both performance tests and written tests. Deleting the word “tests” from the section should eliminate any confusion. The section will also include clarifying language that appointing powers may use whatever methods they consider appropriate to assess candidates’ qualifications during the hiring process.

Section 249 is amended and re-titled “Job-Related Criteria.” The amended section will make clear that the appointing power shall use job-related information to establish the criteria used to assess and compare the qualifications of candidates in a consistent and equitable manner through whatever selection instrument(s) or procedure(s) used.

Section 250 is amended so that the process of determining merit and fitness during the hiring process is more dependent on the candidates demonstrating that they possess the knowledge, skills, abilities, and personal characteristics required for the position through a variety of available selection methods, including a hiring interview, standardized performance demonstrations, written exercises, role plays or other selection instruments. The selection instruments used by the appointing power to form the basis of the hiring decision shall be well-documented and clearly demonstrate the reasons for the hiring decision. Section 250 was also amended to clarify the distinction between the examination and hiring process by deleting the word “tests” to describe selection methods.

Section 250.1 is amended to make the hiring process in Skills Based Certifications consistent with section 250.

**FISCAL IMPACT ON PUBLIC AGENCIES**

- Mandate on local agencies and school districts: None.
- Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Cost or savings to any State agency: None, since State agencies are currently required to record and maintain certain documents and files related to personal services contracts.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the State: None.

**SIGNIFICANT EFFECT ON HOUSING COSTS**

None.

**ECONOMIC IMPACT ON BUSINESS**

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

**COST IMPACT ON A REPRESENTATIVE PRIVATE PERSON OR BUSINESS**

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action since the regulatory change only impacts the Board’s procedures for record retention requirements, selection process, hiring process, job-related criteria, determining merit and fitness during the hiring process, and skills-based certification.

**RESULTS OF ECONOMIC IMPACT ASSESSMENT**

Adoption of these regulations will not:

1. Create or eliminate jobs within California.
2. Create new businesses or eliminate existing businesses within California.
3. Affect the expansion of businesses currently doing business within California.
4. Affect worker safety or the state’s environment.

### CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered or that is otherwise 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 costeffective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

### CONTACT PERSONS

Inquiries concerning the proposed regulatory action, including questions regarding procedure, comments, or the substance of the proposal, may be directed to:

Lori Gillihan, Chief  
Policy Division  
State Personnel Board  
801 Capitol Mall  
Sacramento, CA 95814  
Phone: (916) 651-1043  
Email: [lori.gillihan@spb.ca.gov](mailto:lori.gillihan@spb.ca.gov)

The backup contact person for these inquiries is:

Carlos Gomez, Analyst  
Policy Division  
State Personnel Board  
801 Capitol Mall  
Sacramento, CA 95814  
Phone: (916) 651-8350  
Email: [carlos.gomez@spb.ca.gov](mailto:carlos.gomez@spb.ca.gov)

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, or other information upon which the rulemaking is based to Policy Division Chief, Lori Gillihan, at the above address.

### AVAILABILITY OF RULEMAKING FILE

The Board is maintaining a rulemaking file for the proposed regulatory action, which as of the date of this notice contains the following:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~ and underline;
2. A copy of this notice and statement of reasons for the proposed adoption; and
3. Any factual information upon which the proposed rulemaking is based.

If written comments, data or other factual information, studies or reports are received, they will be added to the rulemaking file. The file is available for public inspection during normal working hours at the State Personnel Board, 801 Capitol Mall, Sacramento,

CA 95814. Items 1 through 3 are also available on the Board's website at [www.spb.ca.gov](http://www.spb.ca.gov) under "What's New?" Copies may be obtained by contacting the person via the address, email, or phone number listed above.

### AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

It is anticipated that the proposed regulations will be filed with the Office of Administrative Law and shall include a Final Statement of Reasons. Copies of the Final Statement of Reasons may be obtained from the contact person when it becomes available.

### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and ~~strikeout~~ can be accessed on the Board's website at [www.spb.ca.gov](http://www.spb.ca.gov) under "What's New?"

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

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department) proposes to adopt, amend, and change regulations, as described below within the California Code of Regulations, Title 3 (3 CCR), Division 4, Chapter 2, Subchapter 2.

The Department is issuing this notice to meet requirements set forth in Government Code Section 11346.4.

### PUBLIC HEARING

Any interested person or his or her duly authorized representative may request a public hearing on this

proposed action by submitting a written request no later than 15 days before the close of the written comment period noted below.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department by mail or email. The written comment period will close on Monday, August 9, 2021. The Department will only consider comments received by that date.

Submit written comments to:

Erika Lewis, Research Data Specialist I  
California Department of Food and Agriculture  
Feed, Fertilizer, and Livestock Drugs Regulatory  
Services Branch  
1220 N Street  
Sacramento, CA 95814  
Email: [feed\\_lvstk@cdfa.ca.gov](mailto:feed_lvstk@cdfa.ca.gov)

Following the written comment period or public hearing, if one is requested, and after considering all comments, objections, and recommendations regarding the proposed actions, the Department, at its own motion or at the request of any interested person, may adopt the proposal substantially as set forth without further notice.

#### AUTHORITY AND REFERENCE

The Department is proposing to adopt changes to 3 CCR, Division 4, Chapter 2, Subchapter 2 pursuant to the authority vested by Sections 407 and 14902 of the Food and Agricultural Code (FAC) to adopt, implement, and enforce these regulations. The proposed regulations will implement, interpret, or make specific FAC Sections 14925, 14991, 14992, 15011, 15042, 15051, 15053, 15061, and 15062.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department's Commercial Feed Regulatory Program (CFRP) is responsible for the enforcement of California state law and regulations pertaining to the manufacturing, distribution and labeling of commercial feed while preventing adulterated feed from being consumed by livestock. Inspectors and investigators located throughout the state conduct routine feed sampling and inspections, quality assurance inspections of feed manufacturing facilities, respond to consumer complaints, and enforce the laws and regulations that govern the manufacturing, distribution, and labeling of commercial feed. The work of the CFRP helps to ensure a clean and

wholesome supply of milk and meat, as well as providing assurance that the product received by the consumer is the quality and quantity purported by the manufacturer.

California is a uniquely positioned state as it utilizes by-products from human food manufacturing to feed its diverse livestock animal population. The CFRP has overarching regulatory authority over all commercial feed products produced, processed, and sold in the state of California. Manufacturers of human food whose by-products are diverted to commercial feed are currently required to have a Commercial Feed License with the CFRP and are subject to the inspection and labeling requirements in accordance with California Commercial Feed Law and Regulations. The CFRP has authorization to ensure facilities are following good management practices including safe transportation, handling, and storage of commercial feed which includes human food by-products. Human food processing plants and other facilities that are diverting human food by-products to commercial feed are required to obtain a California Commercial Feed License through the CRRP and report their tonnage sold.

Over 12.5 million tons of human food by-products are repurposed for commercial feed in California annually and reported to CFRP; these products can include but are not limited to cull fruits/vegetables, fruit/vegetable pomace, bakery products, wet distillers/brewers grains, whey, or products that are at the end of their shelf life. CFRP and the feed industry see potential to increase the capacity of food by-product diversion to commercial feed and allow for additional diversion from human food manufacturers, restaurants, retail establishments or anywhere that serves food (i.e., hotels and cafeterias). However, current regulations disincentivize companies from participating in diversion and lack clarity on the standards for these products and their handling and transportation.

To address these issues, CFRP is proposing the additions and amendments to Subchapter 2 (commencing with section 2675) of Chapter 2 of Division 4 of Title 3 of the California Code of Regulations described below. The proposed regulations will further support and incentivize human food by-product diversion to commercial feed while ensuring safe handling to prevent contamination, as well as clarifying which licensee is responsible for payment of tonnage tax.

The proposed adoption of Section 2675(j) defines the term by-product.

The proposed adoption of Section 2675.1 General Provisions describes the requirements for by-products used in commercial feed.

The proposed revision to Section 2750(a) clarifies that the commercial feed licensee whose name appears on a commercial feed label shall pay the inspection tonnage tax.

The proposed revision to Section 2750(c) repeals the option for licensees to submit an estimate of the amount of commercial feed sold for the entire year on the first quarter tonnage tax payment.

The proposed adoption of Section 2750(e) clarifies that human food by-products diverted to animal feed without further processing or manufacturing, as defined under proposed Section 2804, are subject to reduced inspection tonnage tax and exempts these firms from paying inspection tonnage tax on the first 1,000 tons of human food by-products diverted to animal feed without further processing or manufacturing during the license period.

The proposed adoption of Section 2751(c) specifies a reduced annual commercial feed license fee of \$100 for firms solely engaged in the diversion of human food by-products without further processing or manufacturing, as defined under proposed Section 2804.

The proposed adoption of Section 2751(d) clarifies that the commercial feed license fee is non-refundable and shall not be reduced to cover a fraction of a year.

The proposed revision to Section 2789(m) corrects a typographical error.

The proposed revision to Section 2802(v) repeals the definition for dehydrated garbage.

The proposed adoption of Section 2804 specifies feed ingredient definitions for human food by-products, including wet food processing waste, restaurant food waste, recovered retail food, and cull fruit or vegetables. The proposed change also includes adding references to existing definitions for wet apple pomace, wet beet pulp, brewers wet grains, condensed whey-product, whey, condensed whey permeate, condensed delactosed whey permeate, dairy food by-products, wet citrus pulp, cereal food fines, and dried bakery product under proposed Section 2804 to ensure these ingredients are categorized as human food by-products.

***Anticipated Benefits of the Proposed Regulations:***

The additions and amendments in this proposed rulemaking action will clarify which commercial feed licensee is responsible for tonnage tax payment, incentivize the diversion of human food by-products to commercial feed by specifying eligibility requirements for reduced tonnage tax rate and commercial feed license fee, and support feed safety by adding ingredient definitions and handling requirements for human food by-products.

The proposed changes will benefit the commercial feed industry by providing enhanced clarity regarding which licensee is responsible for paying tonnage tax.

Commercial feed frequently passes between multiple license holders before sale to the end user; as currently written, the regulations do not specify which of these licensees is responsible for tax payment. Clarifying which licensee is responsible will more equally distribute tax payment across the broader pool of licensees and ensure all licensees are paying their fair share of tax. In addition, the proposed reduced commercial feed license fee and tonnage tax rate will incentivize more companies to become involved in human food by-product diversion by reducing barriers to entry. Providing a tax break for this low margin, high moisture product will encourage more companies to participate in diversion. Incentivizing by-product diversion will benefit the commercial feed industry by reducing reliance on more expensive imported feed ingredients, helping the industry reduce its carbon footprint and enhance the security of the feed supply.

The proposed changes will also provide benefits to consumers and the public. Encouraging the diversion of human food by-products to commercial feed keeps this essential feed source out of landfills and ensures it is repurposed for its highest and best use. The proposed changes will help CFRP better align with the U.S. Environmental Protection Agency's Food Recovery Hierarchy, which classifies recovering food to feed animals as the next best use for food products when they can no longer be used to feed humans. Currently, over 12.5 million tons of human food by-products are diverted to feed each year within California's commercial feed industry. The proposed regulations have the potential to increase the amount of human food by-products diverted to feed that would otherwise be going to landfills by incentivizing the conversion of otherwise unsaleable material into nutritional feedstuff for the livestock that provide us with eggs, meat, and milk.

In addition, the proposed changes will enhance feed safety by adding ingredient definitions for human food by-products and safe handling provisions to prevent contamination, as well as repealing the outdated ingredient definition for dehydrated garbage. This will ensure that ingredients used in feed meet national safety and quality standards and that human food by-products are diverted to feed only if they are properly stored, handled, and have remaining nutritional value for livestock. The proposed regulations will protect the health of the livestock population of the state, which will in turn benefit the general public by maintaining an abundant and safe supply of wholesome food and fiber.

***Determination of Inconsistency/Incompatibility with Existing Regulations:***

The Department evaluated the proposed regulations and made several determinations required by

Government Code Section 11346.5(a)(3)(A) to 11346.5(a)(3)(D). The Department determined that there are no existing state laws or regulations related directly to the proposed action and the effect of the proposed action; the proposed regulations are not inconsistent or incompatible with existing state regulations.

**PLAIN ENGLISH REQUIREMENT**

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

**DISCLOSURES REGARDING THE PROPOSED ACTION**

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

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

Significant effect on housing costs: None.

**RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS**

California Government Code section 11346.3 requires state agencies to assess the potential economic impacts on California businesses and individuals when proposing to adopt or amend any administrative regulation.

The following is a summary of results from the economic impact analysis:

- The proposed regulatory action would not have a broad economic or fiscal impact to the commercial feed industry.

- The proposed regulatory action would not require any additional ongoing expenses to individuals or businesses.
- The proposed regulatory action would not result in an increase or decrease in California jobs.
- The proposed regulatory action would not require the creation of new businesses or the elimination of existing businesses.
- The proposed regulatory action would not affect the expansion of businesses currently operating within the state.
- The proposed regulatory action would affect tonnage tax and commercial feed license payments.
  - Clarifying that the licensee named on the commercial feed label is responsible for paying tonnage tax would redistribute the taxes paid among licensees, thereby significantly reducing the burden of tonnage tax on businesses currently paying the majority of the taxes and slightly increasing tax costs on businesses not currently paying the tax.
  - Charging a reduced license fee and tonnage tax rate for human food by-products would create a cost savings for businesses engaged in these activities.
- The proposed regulatory action may result in benefits to the health and welfare of California residents by ensuring that human food by-products are diverted to feed only if they are properly stored, handled, and have remaining nutritional value for livestock. The proposed regulations will protect the health of the livestock population of the state, which will in turn benefit the general public by maintaining an abundant and safe supply of wholesome food and fiber.
- The proposed regulatory action would not affect worker safety but may result in benefits to the state's environment. Encouraging the diversion of human food by-products to commercial feed keeps this feed source out of landfills and ensures it is repurposed for its highest and best use.

**SMALL BUSINESS DETERMINATION**

The Department has initially determined that the proposed regulations will impact small businesses; however, these costs are not expected to be significant. The Department estimates that a small business could expect to incur \$656 in annual ongoing costs as a result of the proposed changes to Section 2750(a); however, the exact amount is entirely dependent on the tons of feed sold and whether the small business is the licensee named on the commercial feed label. In addition, the

proposed changes to Sections 2750(e) and 2751(c) will result in cost savings for small businesses diverting human food by-products. The Department determined 37 small businesses would be eligible for the reduced tonnage tax rate as a result of the proposed changes to Section 2750(f). The Department determined 66 small businesses would be eligible for the lower license fee as a result of the proposed changes to Section 2751(c), resulting in a cost savings of approximately \$400 per business per year, or approximately \$26,400 total.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative it has 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 Department 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.

#### CONTACT PERSONS

Written comments and inquiries concerning the substance of the proposed regulation, initial statement of reasons, proposed actions, location of the rulemaking files, other information upon which the proposed rulemaking is based, or a request for a public hearing should be directed to:

Erika Lewis, Research Data Specialist I  
California Department of Food and Agriculture  
Feed, Fertilizer, and Livestock Drugs Regulatory  
Services Branch  
1220 N Street  
Sacramento, CA 95814  
Email: [feed\\_lvstk@cdfa.ca.gov](mailto:feed_lvstk@cdfa.ca.gov)

The backup contact person for these inquiries is:

Ashley James, Research Data Analyst II  
California Department of Food and Agriculture  
Feed, Fertilizer, and Livestock Drugs Regulatory  
Services Branch  
1220 N Street  
Sacramento, CA 95814  
Email: [feed\\_lvstk@cdfa.ca.gov](mailto:feed_lvstk@cdfa.ca.gov)

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

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. A copy of this notice, the proposed regulation text, and the initial statement of reasons may be obtained by contacting Erika Lewis at the address provided in the “Contact Persons” section.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the notice of proposed action, the initial statement of reasons, and the proposed regulation text in underline and strikethrough can be accessed through the Department’s website: <https://www.cdfa.ca.gov/is/Regulations.html>.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received during the written comment period, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which differ, but are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days prior to amendment. Please send requests for copies of any modified regulations to the attention of Erika Lewis at the address provided in the “Contact Persons” section. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the final statement of reasons may be obtained by contacting Erika Lewis at the address provided in the “Contact Persons” section.

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

#### NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the California Department of Food and Agriculture (Department) proposes to adopt or make changes to the California Code of Regulations (CCR), Title 3, Division 4,

Chapter 1, Subchapter 1, Article 1, Sections 2300.1, 2304, 2306, 2308, and 2322.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department by mail, fax, or email. The written comment period closes on August 9, 2021. The Department will only consider comments received by that time.

Submit comments to:

Maria Tenorio Alfred, Research Data Specialist II (RDS)  
 California Department of Food and Agriculture  
 Feed, Fertilizer, and Livestock Drugs Regulatory Services Branch  
 P.O. Box 942872  
 Sacramento, CA 94271-2872  
 (916) 900-5022  
 FAX: (916) 900-5349  
[Maria.Tenorio@cdfa.ca.gov](mailto:Maria.Tenorio@cdfa.ca.gov)

Following the written comment period or public hearing, if one is requested, the Department, at its own motion or at the request of any interested person, may adopt the proposal substantially as set forth without further notice.

AUTHORITY AND REFERENCE

Notice is hereby given that the California Department of Food and Agriculture, pursuant to the authority vested by sections 407, 14502, 14601, and 14631 of the Food and Agricultural Code (FAC), proposes to make changes to Title 3, Division 4, Chapter 1 of the CCR to implement, interpret, or make specific FAC Sections 14502, 14533, 14552, 14631, 14641, 14645, and 14646.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department’s Fertilizing Materials Inspection Program (FMIP) is statutorily tasked with licensing, label registration, and field inspection of fertilizing materials in the State of California. FMIP is responsible for reviewing and registering product labels, and ensuring fertilizing materials are safe, effective, and

meet the nutrients guaranteed by the manufacturer. Producers of agricultural minerals, auxiliary soil and plant substances, commercial fertilizers, soil amendments, specialty fertilizers, and organic input materials are statutorily mandated to register with the FMIP.

The proposed Section 2300.1(l) adds the term “tackifier” to the definitions to avoid industry confusion with the difference between “spreader stickers” and tackifiers.

The proposed amendment in Section 2304 ensures transparency to registrants for fertilizing material label claims relating to organisms, enzymes, or organism by-products when their products are evaluated by the Department.

The proposed action within Section 2306 repeals a regulation for fish emulsion that is not necessary as it is already stated in FAC Section 14534 and, in its place, adopts label requirements for biochar consistent with the requirements of the American Association of Plant Food Control Officials.

The proposed action within Section 2308 provides greater transparency with fertilizing material labeling for packaged soil amendments, specifically tackifiers.

*Anticipated Benefits of the Proposed Regulations:*

The Department anticipates the proposed biotics and biochar regulations will provide greater transparency and consistency with fertilizing materials labeling requirements. The Department anticipates the proposed regulations will allow the Department to continue its focus on consumers receiving safe, effective fertilizing materials and meeting the quality and quantity guaranteed by the manufacturer, ensuring the protection of public health and safety in the agricultural community.

*Determination of Inconsistency/Incompatibility with Existing Regulations:*

The Department evaluated the proposed regulations and made several determinations required by Government Code Section 11346.5(a)(3)(A) to 11346.5(a)(3)(D). The Department determined that there are no existing state laws or regulations related directly to the proposed action and the effect of the proposed action; the proposed regulations are not inconsistent or incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate of local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

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

Significant effect on housing costs: None.

### RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Department has initially determined that the proposed regulatory actions will not have an economic or fiscal impact to the fertilizer industry. These proposed regulations will not:

- (1) Create or eliminate jobs within California
- (2) Create new businesses or eliminate existing businesses within the State of California
- (3) Affect the expansion of businesses currently doing business within the State of California
- (4) Affect the health and welfare of California residents, worker safety, and the state's environment

The proposed regulatory adoptions will benefit the regulated industry by providing greater transparency with fertilizing materials standards and labeling. For additional information on benefits, please see Anticipated Benefits under the Informative Digest/Policy Statement Overview.

### SMALL BUSINESS DETERMINATION

The Department has initially determined that the proposed regulations will not have a significant adverse economic impact on small businesses. The proposed regulations make the existing requirements to register a fertilizing material product more clear to the applicant and the registration process more efficient to the benefit of both large and small businesses. The new requirement to submit a biochar carbon laboratory analysis using a standard lab protocol every five years is not deemed to adversely impact a small business as it is a policy already being practiced to verify the material initially. Firms routinely sample their materials as part of their own quality control protocols and already have these analyses available.

### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative is 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 Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

### CONTACT PERSONS

Written comments and inquiries concerning the substance of the proposed regulation should be directed to:

Martin Burger, Senior Environmental Scientist  
(Supervisor)  
California Department of Food and Agriculture  
Feed, Fertilizer, and Livestock Drugs Regulatory  
Services Branch  
P.O. Box 942872  
Sacramento, CA 94271-2872  
[Martin.Burger@cdfa.ca.gov](mailto:Martin.Burger@cdfa.ca.gov)

Written comments and inquiries about the initial statement of reasons, proposed actions, or location of the rulemaking files; or a request for a public hearing should be directed to:

Maria Tenorio Alfred, RDS II  
California Department of Food and Agriculture  
Feed, Fertilizer, and Livestock Drugs Regulatory  
Services Branch  
P.O. Box 942872  
Sacramento, CA 94271-2872  
(916) 900-5022  
FAX: (916) 900-5349  
[Maria.Tenorio@cdfa.ca.gov](mailto:Maria.Tenorio@cdfa.ca.gov)

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

The Department will have the entire rulemaking file available for inspection throughout the rulemaking process. A copy of this Notice, the Proposed Regulation Text, and the Initial Statement of Reasons

may be obtained by contacting Brittnie Sabalbro at the above address.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, Initial Statement of Reasons, and Proposed Regulation Text in underline and strikethrough can be accessed through the Department's website at <http://www.cdfa.ca.gov/is/regulations.html>.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received during the written comment period, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which differ, but are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days prior to amendment. Please send requests for copies of any modified regulations to the attention of Brittnie Sabalbro at the address, email, or phone number provided in the "Contact Persons" section. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Brittnie Sabalbro at the information provided in the "Contact Persons" section.

### TITLE 4. ALCOHOLIC BEVERAGE CONTROL APPEALS BOARD

The Alcoholic Beverage Control Appeals Board ("Board") proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

#### WRITTEN COMMENT PERIOD

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

Alcoholic Beverage Control Appeals Board  
Attention: Ms. Taryn Kinney, Executive Officer  
1325 J Street, Suite 1560  
Sacramento, CA 95814

Comments may also be submitted by e-mail to [abcboard@abcappeals.ca.gov](mailto:abcboard@abcappeals.ca.gov). The written comment period closes at **5:00 p.m. on August 10, 2021**. The Board will consider only comments received at the Board offices by that time.

#### PUBLIC HEARING

There is currently no scheduled public hearing. However, the Board will hold a public hearing if one is requested in writing no later than 15 days prior to the close of the written comment period. (Cal. Gov. Code § 11346.8(a).)

#### AUTHORITY AND REFERENCE

Section 22 of Article XX of the California Constitution and Business and Professions Code section 23077 authorizes the Board to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific sections 23080 to 23089 of the Business and Professions Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking clarifies, streamlines, and makes specific the appellate process of administrative decisions issued by the Department of Alcoholic Beverage Control ("Department").

Business and Professions Code section 23077 provides that the Board "shall exercise such powers as are vested in it by Section 22 of Article XX of the Constitution and may adopt such rules pertaining to appeals and other matters within its jurisdiction as may be required." Additionally, Business and Code section 23083 restricts the Board from accepting new evidence not considered by the Department, and section 23084 limits the Board's review to the following questions: whether the department has proceeded without, or in excess of, its jurisdiction; whether the department has proceeded in the manner required by law; whether the decision is supported by the findings; whether the findings are supported by substantial evidence in the light of the whole record, and; whether there is relevant evidence, which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the department. If the Board discovers relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the underlying hearing,

Business and Professions Code section 23085 permits the Board to remand such cases to the Department. This statute also instructs that, in all other appeals, the Board shall enter an order either affirming or reversing the decision of the Department, and that the Board may direct the reconsideration of the matter to the Department in light of any reversal it issues.

The proposed regulations will clarify or make specific what the principal office of the Board and the Department refers to; that references to one gender shall apply to all genders and references to singular numbers shall apply to plural numbers; definitions of commonly used terms; how to attach a proof of service; the ways in which a party may serve documents; how to file and serve the notice of appeal; how to file and serve the administrative record; how to file briefs that argue a party's position; how to file and serve motions; the method by which dates for oral argument may be scheduled; limits on oral arguments; the procedure by which a two-member quorum of the Board decides on appeals; how to move to remand a case due to new evidence; and the reasons for which the Board may dismiss an appeal.

Through these revisions, the Board seeks to clarify and make specific the various procedures to be followed by license applicants, licensees, members of the public/protestants, and the Department when participating in an appeal. These proposed revisions also seek to clarify definitions and update existing language, which were drafted decades ago. The overarching goal is to provide as clear, consistent, and predictable appeals process as possible for all parties.

More urgently, ongoing evaluation of the process for an appeals case preparation has identified an opportunity to reduce the processing time for assessing and coordinating the appeals fee and obtaining the necessary copies of the Department's administrative hearing transcript and record.

Previously, the Board requested a calculation of the cost for a copy of the court reporter's transcript from the Department. Depending on the Department's workload, this can take several days or weeks. Then the Board communicates this fee to the appellant and requests payment. After payment is received, the Department will request a copy of the transcript from the court reporter. Depending on the Department's workload and the workload of the court reporter, this can also take several weeks.

The risk to the appeals process is that the Department's workload and the workload of the court reporter controls the time it takes to process the appeals fee and prepare the case for an appeal hearing.

*Anticipated Benefits of the Proposed Regulation:*

The proposed addition and amendment of Rules 176–199 will benefit alcohol license applicants, licensees, and the Department by clearly defining the process

parties must follow when filing, or responding to, an appeal of a licensing decision by the Department.

The rules and regulations will clarify what the Board's deadlines and criteria are for hearing and deciding cases — thus fostering greater transparency in the appeals process. The adoption of a uniform appeals process will help prevent discrimination and promote fairness for parties appealing an adverse licensing decision. It also provides for openness in how the Board conducts its business.

The rules and regulations will benefit the Board by defining a clear structure under which it will accept, hear, and decide appeals. This will enable the Board to handle incoming cases in a fair and consistent manner.

*Evaluation of Inconsistency/Incompatibility with Existing State Regulations:*

The Board has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Board has concluded that these are the only regulations that concern the appellate process and procedure for administrative decisions issued by the Department.

**DISCLOSURES REGARDING THE PROPOSED ACTION**

*The Board has made the following initial determinations:*

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

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

Significant effect on housing costs: None.

*Results of the Economic Impact Analysis/Assessment*

The Board concludes that it is unlikely that the proposal will: 1) eliminate any jobs; 2) create any jobs; 3) create new businesses; 4) eliminate any existing businesses, or; 5) result in the expansion of businesses currently doing businesses in the state.

Benefits of the Proposed Action: The proposed regulations will benefit the health and welfare of California residents, including individuals and businesses that possess a license to sell alcoholic beverages in California, by creating a clearer and more streamlined appeals process and timely resolution of administrative appeals before the Board. The proposed regulations are not anticipated to benefit worker safety or the state's environment.

Small Business Determination: The Board has determined that the proposed regulation does not affect small business because proposed regulations will allow a clearer and more streamlined appeals process and timely resolution of administrative appeals before the Board. Further, the proposed regulations do not have any fiscal impact, and do not materially alter any party's responsibilities who appear before it.

#### CONSIDERATION OF ALTERNATIVES

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

#### CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Ms. Taryn Kinney, Executive Officer  
Alcoholic Beverage Control Appeals Board  
1325 J Street, Suite 1560  
Sacramento, CA 95814  
916-445-4005  
[abcboard@abcappeals.ca.gov](mailto:abcboard@abcappeals.ca.gov)

The backup contact person for these inquiries is:

Mr. Sean O'Dowd, Attorney III  
Alcoholic Beverage Control Appeals Board  
1325 J Street, Suite 1560  
Sacramento, CA 95814  
916-445-4005  
[abcboard@abcappeals.ca.gov](mailto:abcboard@abcappeals.ca.gov)

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to:

Ms. Maria "Teena" Sevilla  
Alcoholic Beverage Control Appeals Board  
1325 J Street, Suite 1560  
Sacramento, CA 95814  
916-445-4005  
[abcboard@abcappeals.ca.gov](mailto:abcboard@abcappeals.ca.gov)

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

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

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

#### WEBSITE

Materials regarding this proposal can be found at <https://abcab.ca.gov/statutes/>.

**TITLE 10. DEPARTMENT OF  
INSURANCE**

**REG-2021-00009**

**NOTICE OF PROPOSED ACTION AND  
NOTICE OF PUBLIC HEARING REVISIONS  
TO CALIFORNIA LOW-COST AUTOMOBILE  
PLAN OF OPERATIONS**

**SUBJECT OF HEARING**

California Insurance Commissioner Ricardo Lara will hold a public hearing to address the proposed amendments to the California Low Cost Automobile (“CLCA”) Plan of Operations.

**AUTHORITY TO ADOPT RULES AND  
PROCEDURES AND REFERENCE**

The Commissioner will consider the proposed changes pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner’s decision on the proposed changes will implement, interpret, or make specific the requirements of Insurance Code Section 11624(e). Insurance Code Section 11620(c) applies to this proceeding.

**HEARING DATE AND LOCATION**

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed changes at the following date, time, and place:

Date: August 25, 2021

Time: 1:00 p.m.

**TELEPHONIC PARTICIPATION ONLY**

Toll-Free Conference Call Telephone Number:

877-336-4440

Participant Access Code: 9091751

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

**Access to Telephonic Conference Call**

This hearing will be open to the public. To make it possible for the Department to advise attendees of future rulemaking activity, as well as to aid the Department of Insurance in managing attendance, we request that you voluntarily RSVP as soon as possible, preferably by Wednesday August 18, 2021, by providing your name(s), the name of the organization you represent,

and your contact information, including email address of each attendee to [riordanm@insurance.ca.gov](mailto:riordanm@insurance.ca.gov). An RSVP is not required to attend the telephonic conference and all attendees are invited to participate regardless of whether there was an RSVP.

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

**WRITTEN AND/OR ORAL COMMENTS:  
AGENCY CONTACT PERSON**

All persons are invited to submit written comments to the Insurance Commissioner on the application prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

**Contact Person:**

Michael Riordan, Attorney  
California Department of Insurance  
Auto Enforcement Bureau  
1901 Harrison Street 4<sup>th</sup> Floor  
Oakland, CA 94612  
[riordanm@insurance.ca.gov](mailto:riordanm@insurance.ca.gov)  
Telephone: (415) 538-4226  
Facsimile: (510) 238-1830

**The backup agency contact person for this proceeding will be:**

Emily Gallagher, Attorney  
California Department of Insurance  
Rate Enforcement Bureau  
1901 Harrison Street 4<sup>th</sup> Floor  
Oakland, CA 94612  
[gallaghere@insurance.ca.gov](mailto:gallaghere@insurance.ca.gov)  
Telephone: (415) 538-4108

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

**DEADLINE FOR WRITTEN COMMENTS**

All written materials, unless submitted at the hearing, must be received by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on August 25, 2021**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

**ADVOCACY OR WITNESS FEES**

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1–2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance  
 Office of the Public Advisor  
 300 Spring Street 12<sup>th</sup> Floor  
 Los Angeles, CA 90013  
 Telephone: (213) 346–6635

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

**INFORMATIVE DIGEST/POLICY  
 STATEMENT OVERVIEW**

**LC 21–01**

California law requires that all licensed insurers to participate in CLCA. Currently, low cost applications that come to the California Automobile Assigned Risk Plan (CAARP) are directly assigned to insurers on a percentage basis. The insurer issues low cost auto policies, provide policyholder services, and are responsible for claims related to the application. The Limited Assignment Distribution Procedure (LAD), is a program that allows insurers to contract out of its obligation to service CLCA assignments. By contracting the obligation, the LAD carrier performs the same services for their buy–out companies who do not want to receive direct assignments.

A Private Passenger Pool (“PPP”) will supplement the current low cost passenger assignment mechanism and provides a means by which AIPSO, as a service provider, can act as a back–up should changes in Plan volume occur or the availability of LAD servicing companies change in the future.

The PPP would operate independently from the direct assignment mechanism and LAD procedure. The CAARP Advisory Committee would allocate a percentage of the Plan low cost applications to the PPP. AIPSO will adjust assignment volumes directed to the PPP to match the specified percentage of Plan volume over time as Plan volumes fluctuate.

Assignment quotas will continue to be calculated based on the percentage of volume the insurers write.

Insurers will continue to take direct assignments. LAD will continue to provide a remedy to insurers who do not want to write and service Plan low cost applications. Because the quota system will continue to function as if the PPA doesn’t exist, insurer under/over assignment positions will continue to be calculated by the quota system. Participation ratios for insurer shares of PPP operating results will be determined using the same voluntary low cost nonfleet automobile liability net direct written car years used for quota determination.

All insurers writing low cost automobile insurance must participate in PPP. A service provider will issue and service Plan low cost auto insurance policies on behalf of the member companies. The policies are issued in the Plans name with the Plan as the insurer. Premiums, expenses, and losses will be pooled and the operating results shared among insurers writing low cost auto policies in the voluntary market. The operating results will be apportioned to member companies through assessments and companies will be able to book their shares as Board and Bureau Expenses.

In addition, specific references to the Electronic Application Submission Interface (EASi) have been replaced with broader generic references that will not require revisions should a transition from EASi to another system occur in the future.

**COMPARABLE FEDERAL LAW**

There are no comparable existing federal regulations or statutes.

**LOCAL MANDATE DETERMINATION**

The Insurance Commissioner has initially determined that the proposal will not result in any new program mandates on local agencies or school districts.

**MANDATES ON LOCAL AGENCIES OR  
 SCHOOL DISTRICTS OR COSTS WHICH  
 MUST BE REIMBURSED PURSUANT TO  
 GOVERNMENT CODE SECTIONS 17500  
 THROUGH 17630**

The Insurance Commissioner has initially determined that the proposal will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

**COST OR SAVINGS TO ANY STATE AGENCY;  
FEDERAL FUNDING**

The Commissioner has determined that the proposed regulation will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

**SIGNIFICANT STATEWIDE  
ADVERSE ECONOMIC IMPACT ON  
BUSINESSES AND THE ABILITY OF  
CALIFORNIA BUSINESSES TO COMPETE**

The Commissioner has initially determined that the proposal 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. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

**COST IMPACT ON PRIVATE  
PERSONS OR ENTITIES**

The Insurance Commissioner has initially determined that the proposal will not affect private person or entities.

**IMPACT ON HOUSING COSTS**

The Insurance Commissioner has initially determined that the proposal will not affect housing costs.

**IMPACT ON SMALL BUSINESS**

The Insurance Commissioner has initially determined that the proposal will not affect small business.

**SPECIFIC TECHNOLOGIES OR EQUIPMENT**

The Insurance Commissioner has initially determined that specific technologies or equipment will be needed.

**ALTERNATIVES**

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

burdensome to affected private persons than the proposed action.

**PLAIN ENGLISH**

The proposed changes describing CAARP's proposals are in plain English.

**TEXT AND INITIAL  
STATEMENT OF REASONS**

The Department has prepared an Initial Statement of Reasons addressing the proposed amendments in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, Notice of Proposed Action and Text of Regulations are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

**FINAL STATEMENT OF REASONS**

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or e-mail request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's web site.

**ACCESS TO RULEMAKING FILE**

Any interested person may inspect a copy of or direct questions about CAARP's proposed amendments, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 1901 Harrison Street, 4<sup>th</sup> Floor, Oakland, California 94612, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

**AUTOMATIC MAILING**

A copy of this Notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner's mailing list.

**AVAILABILITY OF  
DOCUMENTS ON THE INTERNET**

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at [www.insurance.ca.gov](http://www.insurance.ca.gov).

AVAILABILITY OF MODIFIED  
TEXT OF REGULATIONS

If the Department amends the proposed regulations with changes that are sufficiently related to the original text, the Department will make the full text of the amended regulations, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended regulations.

**TITLE 13. DEPARTMENT OF MOTOR  
VEHICLES**

The Department of Motor Vehicles (department) proposes to amend Section 345.50 in Article 4.7, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to traffic violator schools.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or their duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than **August 9, 2021**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt these regulations under the authority granted by Vehicle Code sections 1651 and 11202, in order to implement, interpret, or make specific Vehicle Code sections 11200, 11202, 11202.5, 11204, 11206, 11208, 11210, and 11211.

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

Assembly Bill (AB) 708 [Chapter 307; Statutes of 2019] amended Vehicle Code section 11202 to require, in addition to all previous requirements, that traffic violator school owners ensure their school is open to the public during regular business hours and those hours

are made available to the public by posting the hours at the place of business and on any internet website used or maintained by the school, have an operator or employee in each office or place of business during regular business hours, and have a school name that does not include a cost, price, or amount of the course, unless the name accurately reflects the cost of the course. AB 708 also prohibits a traffic violator school from being located within 50 feet of another traffic violator school. This proposed rulemaking action will amend the department's existing regulations concerning traffic violator schools, implementing the described changes made to Vehicle Code section 11202 by AB 708, which includes setting specific business hours and location and structural requirements of these schools.

The changes made through this proposed rulemaking benefit Californians by providing assurance that students and potential students have the ability to make contact with a school employee, are equipped to easily find information related to course availability and eliminate circumstances where a student is enticed into enrolling in a school advertising a misleading cost for enrollment. The changes made through the amendment of Vehicle Code section 11202 will impact traffic violator schools and may cause some schools to have to move locations or close their school altogether. The vast majority of businesses that will be affected are the larger entities who are currently running multiple schools from one location. These are the schools that created the need for AB 708 in the first place, so this change aligns with the intent of the bill. This change will also allow more growth for smaller schools.

CONSISTENCY AND COMPATIBILITY WITH  
STATE REGULATIONS

The department has conducted a review of other state regulations and has concluded that these are the only regulations related to the process by which traffic violator schools are required to operate, including the licensure of owners, operators, and instructors. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

COMPARABLE FEDERAL STATUTES OR  
STATE REGULATIONS

There are no existing federal statutes or regulations that govern traffic violator schools or their personnel.

DOCUMENTS INCORPORATED  
BY REFERENCE

There are no documents incorporated by reference.

ECONOMIC AND FISCAL  
IMPACT DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- *Cost or Savings to Any State Agency:* None.
- *Other Non-Discretionary Cost or Savings to Local Agencies:* None.
- *Costs or Savings in Federal Funding to the State:* None.
- *Effects on Housing Costs:* None.
- *Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.:* None.
- *Cost Impact on Representative Private Persons or Businesses:* The department is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action. Businesses may be impacted, some adversely, due to the changes to Vehicle Code section 11202, requiring 50 feet between schools.
- *Small Business Impact:* This proposed action may impact small businesses.
- *Local Agency/School District Mandate:* The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- *Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states:* Although AB 708 imposes new requirements on these schools that may have an adverse economic impact directly affecting businesses and possibly the ability of California businesses to compete with businesses in other states, DMV has made an initial determination that the discretionary regulatory changes being adopted in this rulemaking do not.

RESULTS OF THE ECONOMIC  
IMPACT STATEMENT

The department has made the following determinations when assessing the economic impact associated with this proposed regulation:

The department has determined that this action may impact the creation and elimination of jobs as traffic violator schools are now required to have an employee in the business office during regular business hours and schools are prohibited from being within 50 feet of another school. The department also anticipates

this action will impact the creation, elimination and expansion of businesses. The department is not currently able to assess how many schools will be affected. This action will benefit California residents who are attending a traffic violator school by providing assurance that students and potential students have the ability to make contact with a school employee, are equipped to easily find information related to course availability and eliminate circumstances where a student is enticed into enrolling in a school based on advertising that is misleading in regards to the cost for enrollment. The department does not anticipate any benefit to worker safety and the state's environment

PUBLIC DISCUSSIONS OF  
PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

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

CONTACT PERSON

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

Randi Calkins, Regulations Analyst  
Department of Motor Vehicles  
Legal Affairs Division  
P.O. Box 932382, MS C-244  
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657-8898  
Facsimile: (916) 657-6243  
E-Mail: [LADRegulations@dmv.ca.gov](mailto:LADRegulations@dmv.ca.gov)

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Shelly Johnson Marker, Chief of Staff  
Department of Motor Vehicles  
Telephone: (916) 657-6469

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

#### PROPOSED REGULATORY ACTION

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikethrough to indicate deletions from the California Code of Regulations.

The Department proposes to amend the regulations in the California Code of Regulations, Title 14, Division 3, Chapter 15, Article 1 (CCR), Section 4970.06.3, repeal the 2008 Soil Conservation Standard and Guidelines (2008 Guidelines), and adopt the 2020 Soil Conservation Standard and Guidelines (2020 Guidelines) pertaining to the Off-Highway Motor Vehicle Recreation Division (OHMVR Division) Grants and Cooperative Agreements Program (Program).

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <http://www.dmv.ca.gov/portal/dmv/detail/about/lad/regactions>.

#### PUBLIC HEARING

No public hearing on the proposed regulations is scheduled; however, if any interested person requests, no later than 15 days prior to the close of the written comment period, that a hearing be held on these regulations, the Department will schedule a hearing. A hearing may be requested by making such a request in writing addressed to the individuals listed under "Contact Person" in this Notice.

#### AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relative to the proposed rulemaking to the Department. The written comment period ends on August 9, 2021. The Department will consider only written comments received at the Department's office by that time. Written comments may be mailed to the following address:

### TITLE 14. DEPARTMENT OF PARKS AND RECREATION

#### GRANTS AND COOPERATIVE AGREEMENTS PROGRAM REGULATIONS

**NOTICE IS HEREBY GIVEN** the California Department of Parks and Recreation (Department) proposes to amend the regulations and documents incorporated by reference described below

California Department of Parks and Recreation  
Off-Highway Motor Vehicle Recreation Division  
Attention: Jon O'Brien, Environmental Program  
Manager  
1725 23<sup>rd</sup> Street, Suite 200  
Sacramento, California 95816-7100

Written comments delivered by email or facsimile will also be accepted by the Department. Written comments may be submitted by email to [OHV.Grants@parks.ca.gov](mailto:OHV.Grants@parks.ca.gov) or via facsimile at (916) 324-1610. Electronic mail or facsimile transmission must be completed by the deadline given above.

#### AUTHORITY AND REFERENCE

*Authority Citation:* The proposed amendments are authorized by Public Resources Code (PRC) Sections 5001.5 and 5003.

*Reference Citation:* The particular code sections implemented, interpreted, or made specific by these proposed amendments are PRC Sections 5090.02, 5090.32, 5090.35, 5090.50(d)(4) and 5090.53.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

*Summary of Existing Laws and Regulations*

PRC Section 5090.01 et seq., also known as the Off-Highway Motor Vehicle Recreation Act of 2003, governs the OHMVR Division's Grants and Cooperative Agreements and ensures appropriate resource management and maintenance in areas of off-highway vehicle use.

The Program is administered by the OHMVR Division within the Department. The Program allows the State to assist eligible agencies and organizations to develop, maintain, expand, and manage high-quality OHV Recreation areas, roads, trails, and other Facilities, while responsibly maintaining the wildlife, soils, and habitat in a manner that will sustain long-term OHV Recreation. The 2008 Guidelines are intended to guide and reinforce responsible resource management in support of these principles.

Further, Senate Bill 249 (Allen, 2017) amended sections of the PRC relating to the 2008 Guidelines. Among those amendments, PRC Section 5090.35(b)(1) was amended to require the Division to review and, if needed, update the 2008 Guidelines.

*Effect of the Proposed Rulemaking*

**Amend CCR Section 4970.06.3**

The proposed action updates the 2008 Guidelines version date and makes other clarifying and consistency changes.

**Repeal the 2008 Soil Conservation Standard and Guidelines**

The proposed action repeals the 2008 Guidelines, incorporated by reference, due to the proposed adoption of the 2020 Guidelines.

**Adopt the 2020 Soil Conservation Standard and Guidelines**

The proposed action updates the 2008 Guidelines language by repealing the 2008 Guidelines and adopting the 2020 Guidelines, incorporated by reference. Updates were made throughout the document to clarify document language, improve organizational continuity, and provide expanded guidance and additional resources.

*Comparable Federal Regulations*

The proposed amendments do not duplicate or conflict with federal regulations or statutes.

*Policy Statement Overview and Anticipated Benefits of the Proposed Rulemaking*

The overall objective of the proposed action is to update and improve the Program's regulatory language, documents incorporated by reference, and ensure responsible resource management.

Per guidance provided in Senate Bill 249 (Allen, 2017) Section 5090.35(b)(1), the Division, in consultation with Federal and State regulatory and land management agencies shall, "...review, and if deemed necessary, update the 2008 Soil Conservation Standard and Guidelines to establish a generic and measurable soil conservation standard. The division shall subsequently review and update the standard when deemed necessary by the department."

Upon staff and agency review, it was found that the 2008 Guidelines could benefit from a structural reorganization, updates to the document language, and a more thoroughly developed guidelines section. These changes are intended to make the document more useful to land managers without creating additional requirements. The 2020 Guidelines provide updated tools, considerations, and a clearer framework to ensure appropriate resource management and maintenance in areas of off-highway vehicle use.

*Determination of Inconsistency/Incompatibility with Existing Regulations*

After conducting an evaluation for any regulations related to this area, the Department has found that there are no other regulations concerning appropriate resource management in areas of off-highway vehicle use. Therefore, the Department has determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

**FORMS INCORPORATED BY REFERENCE**

The following form is incorporated by reference in the proposed regulations:

- 2020 Soil Conservation Standard and Guidelines

**MANDATED BY FEDERAL  
LAW OR REGULATIONS**

None.

**OTHER STATUTORY REQUIREMENTS**

None.

**DISCLOSURES REGARDING THE  
PROPOSED ACTION**

The Department has made the following initial determinations:

*Mandate on Local Agencies and School Districts:* None.

*Cost to any Local Agency or School District:* None.

*Cost or Savings to any State Agency:* None.

*Other Non–Discretionary Cost or Savings Imposed of Local Agencies:* None.

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

*Significant Effects on Housing Costs:* None.

*Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:* None.

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Department finds that the proposed regulations will not eliminate jobs but will mostly likely see an increase in the creation of jobs. Additionally, the Department finds that no new business will be created, and no business will be eliminated. The proposed regulation will not affect the expansion of existing businesses.

This regulatory action benefits the health and welfare of California residents by supporting funding that assists Land Managers and partners to provide recreational opportunities within the State. The action also benefits the State’s environment by improving the ability of Land Managers and partners to receive funding that supports resource protection activities related to OHV Recreation.

The proposed regulations will not affect worker safety.

#### COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

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

#### BUSINESS REPORTING

None.

#### SMALL BUSINESS DETERMINATION

The Department has determined there are no cost impacts on small businesses. The 2008 Guidelines is a tool used by Land Managers and partners to assist in their application for Grant funds and is not intended to impact small businesses directly.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed 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 Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the public comment period.

#### CONTACT PERSONS

*Inquiries concerning the proposed action may be directed to:*

Jon O’Brien, Environmental Program Manager  
California Department of Parks and Recreation  
Off–Highway Motor Vehicle Recreation Division  
1725 23<sup>rd</sup> Street, Suite 200  
Sacramento, CA 95816  
(916) 324–1572  
[Jon.OBrien@parks.ca.gov](mailto:Jon.OBrien@parks.ca.gov).

*The back–up contact person regarding the proposed action is:*

Ethan Mathes, Compliance Officer  
California Department of Parks and Recreation  
Off–Highway Motor Vehicle Recreation Division  
1725 23<sup>rd</sup> Street, Suite 200  
Sacramento, CA 95816  
(916) 323–0157  
[ethan.mathes@parks.ca.gov](mailto:ethan.mathes@parks.ca.gov).

#### AVAILABILITY OF STATEMENT OF REASONS, TEXT OF REASONS, TEXT OF PROPOSED REGULATION, AND RULEMAKING FILE

The Department will make the entire rulemaking available for inspection and copying throughout the rulemaking process at its office located at California Department of Parks and Recreation, Off–Highway Motor Vehicle Recreation Division, 1725 23<sup>rd</sup> Street, Suite 200, Sacramento, CA 95816.

As of the date this Notice of Proposed Rulemaking is published in the Notice Register, the rulemaking file consists of this Notice of Proposed Rulemaking, the express terms of the regulation, the Initial

Statement of Reasons, any information upon which the proposed rulemaking is based, and an economic impact assessment contained in the Initial Statement of Reasons. Copies may be obtained by contacting the above contact person at the above address.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

After any public hearings and consideration of all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice of Proposed Rulemaking. If the Department makes substantive modifications, which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised.

**AVAILABILITY OF THE FINAL  
STATEMENT OF REASONS**

Upon completion, copies of the Final Statement of Reasons may be obtained by contacting Jon O'Brien, Environmental Program Manager at the above address.

**AVAILABILITY OF  
DOCUMENTS ON THE INTERNET**

This Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulation in underline and strikethrough are available through the Division Website at [www.ohv.parks.ca.gov](http://www.ohv.parks.ca.gov), under the Grants link.

**TITLE 16. BUREAU OF AUTOMOTIVE  
REPAIR**

**NOTICE OF PROPOSED REGULATORY  
ACTION AND PUBLIC  
HEARING CONCERNING  
STAR PROGRAM UPDATES**

**NOTICE IS HEREBY GIVEN** that the Department of Consumer Affairs, Bureau of Automotive Repair (hereinafter "Bureau" or "BAR") is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

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

a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under "Contact Person" in this Notice.

**WRITTEN COMMENT PERIOD**

Written comments relevant to the proposed regulatory action, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, to be considered by the Bureau, must be received by the Bureau at its office no later than **5:00 p.m. on Tuesday, August 10, 2021**, or must be received by the Bureau at any hearing, if one is held.

**AUTHORITY AND REFERENCE**

Pursuant to the authority vested by Section 9882 of the Business and Professions Code, and Sections 44001.5, 44002, 44010.5, 44014.2, 44014.5, 44072.10, and 44095 of the Health and Safety Code, to implement, interpret or make specific sections 44001.3, 44005, 44010, 44010.5, 44011, 44012, 44013, 44014, 44014.2, 44014.4, 44014.5, 44014.6, 44014.7, 44015, 44016, 44017, 44017.1, 44030, 44033, 44036, 44037.1, 44050, 44051.5, 44056, 44062.1, 44070, 44072.10, 44092, 44093, 44094, and 44103 of the Health and Safety Code, the Bureau is proposing to adopt the following changes to California Code of Regulations Title 16, Division 33, Chapter 1, Article 5.5 and Article 10.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

This rulemaking action clarifies and makes specific some elements of the Smog Check Program, in what was formerly the Gold Shield Program and is now the STAR Program. The STAR Program provides a voluntary certification process and incentivizes improved Smog Check inspection accuracy by allowing stations meeting tighter station performance criteria the exclusive ability to inspect the vehicles most likely to fail their next Smog Check inspection. The effect of this proposed rulemaking will be greater compliance with the Smog Check Program because it clarifies service and equipment requirements, eligibility and performance standards, and invalidation or reinstatement procedures for STAR-certified stations. It also will remove outdated remnants of the Gold Shield Program while updating the terminology of the STAR Program.

Pursuant to and within the Smog Check Program, BAR established the Gold Shield Program to certify licensed test-and-repair stations thereby allowing them to provide additional services to consumers. That program eventually became the STAR Program, which is the subject of this rulemaking.

**ANTICIPATED BENEFITS OF THE  
PROPOSED REGULATIONS**

**BENEFITS OF THE REGULATIONS TO THE HEALTH AND WELFARE OF CALIFORNIA RESIDENTS:**

BAR has made an initial determination that the proposed regulatory action will have a positive impact on the health and welfare of California citizens to the extent it promotes compliance with air quality laws and regulations.

The Bureau's 2019 Smog Check Performance Report<sup>1</sup> indicates that poor performance by inspectors during Smog Check inspections costs the state an additional 60 to 70 tons per day of reactive organic gases and oxides of nitrogen that would have been removed had all Smog Check stations and inspectors performed accurate inspections. By enacting these regulatory changes, BAR can help to close the gap, ensuring better compliance with the Smog Check Program, which directly translates to cleaner air for California residents.

**BENEFITS OF THE REGULATIONS TO THE STATE'S ENVIRONMENT:**

BAR has made an initial determination the proposed regulatory action will likely benefit the environment, specifically air quality. The proposal updates existing requirements to improve STAR performance standards that will promote accurate, high quality testing. This would result in identifying an increased number of gross polluting vehicles and either requiring repairs to pass a biennial inspection, or removal from the road altogether. When repaired, vehicles contribute less pollution and greenhouse gas to the environment.

**BENEFITS OF THE REGULATIONS TO WORKER SAFETY:**

BAR has determined the proposed regulatory action will have a positive effect on worker safety because the workforce will be breathing cleaner air.

**CONSISTENCY AND COMPATIBILITY WITH  
EXISTING STATE REGULATIONS**

During the process of developing these regulations and amendments, BAR 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.

<sup>1</sup> [https://smogcheck.ca.gov/pdf/2019\\_Smog\\_Check\\_Performance\\_Report.pdf](https://smogcheck.ca.gov/pdf/2019_Smog_Check_Performance_Report.pdf)

**DOCUMENTS INCORPORATED  
BY REFERENCE**

None.

**DISCLOSURES REGARDING THE  
PROPOSED ACTION**

**MANDATED BY FEDERAL LAW OR REGULATIONS:**

No.

**LOCAL MANDATE:**

None.

**FISCAL IMPACT ESTIMATES**

**COSTS TO ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH GOVERNMENT CODE SECTIONS 17500-17630 REQUIRE REIMBURSEMENT:**

None.

**FISCAL IMPACT ON PUBLIC AGENCIES INCLUDING COSTS OR SAVINGS TO STATE AGENCIES AND COSTS/SAVINGS IN FEDERAL FUNDING TO THE STATE:**

The Bureau will be required to ensure compliance with the proposed regulations through its inspection programs. Any enforcement-related workload and costs are anticipated to be minor and absorbable within existing resources.

This proposal will result in no costs or savings in federal funding to the state.

**NONDISCRETIONARY COSTS/SAVINGS TO LOCAL AGENCIES:**

None.

**EFFECT ON HOUSING COSTS:**

None.

**SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE:**

Although the proposed action will directly affect businesses statewide, including small businesses, and including that it potentially increases the profitability for STAR-certified stations, the Bureau concludes that the adverse economic impact, including the ability of California businesses to compete with businesses in other states, will not be significant because the program is voluntary and is limited to California.

**RESULTS OF ECONOMIC IMPACT  
ASSESSMENT/ANALYSIS**

The Bureau has determined that this regulatory proposal will have a minimal impact, if any, on the creation of jobs or new businesses or the elimination of jobs or existing businesses in the State of California. Participation in the STAR Program is voluntary, meaning licensed Smog Check stations must meet

certain eligibility requirements to obtain certification, and agree to maintain compliance with Bureau-prescribed performance standards while operating as a certified STAR station.

In addition, the proposed action is not expected to expand or reduce existing business, because it has no impact on the state's population of directed- and gross-polluting vehicles that are required to undergo Smog testing at a STAR station.

For more on benefits of the regulatory proposal, see above in this notice.

**COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS:**

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

**BUSINESS REPORTING REQUIREMENTS**

None.

**EFFECT ON SMALL BUSINESS**

Most businesses likely to be affected by this regulation are small businesses.

**CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5(a)(13), BAR must determine that no reasonable alternative to this proposed regulatory action 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 proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements orally or in writing relevant to the above determinations at the above-mentioned hearing.

**CONTACT PERSON**

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

Holly O'Connor  
Bureau of Automotive Repair  
10949 North Mather Boulevard  
Rancho Cordova, CA 95670  
Telephone: (916) 403-8627  
E-mail: [Holly.OConnor@dca.ca.gov](mailto:Holly.OConnor@dca.ca.gov)

**The backup contact person is:**

Lusine Sarkisyan  
Bureau of Automotive Repair  
10949 North Mather Boulevard  
Rancho Cordova, CA 95670  
Telephone: (916) 403-8560  
E-mail: [Lusine.Sarkisyan@dca.ca.gov](mailto:Lusine.Sarkisyan@dca.ca.gov)

**INITIAL STATEMENT OF REASONS AND INFORMATION**

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

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations, any document incorporated by reference, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Bureau of Automotive Repair at 10949 North Mather Boulevard, Rancho Cordova, California 95670.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

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

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

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

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the contact person named above, or by accessing the website listed below.

**WEBSITE ACCESS**

Materials regarding this proposal can also be found on BAR’s website at [www.bar.ca.gov](http://www.bar.ca.gov).

**TITLE 22. DEPARTMENT OF SOCIAL SERVICES**

ORD #1116–12

**REASONABLE AND PRUDENT PARENT  
STANDARD AND HEALTHY  
SEXUAL DEVELOPMENT**

The California Department of Social Services (CDSS) hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments relating to the proposed regulations in writing, by e–mail, or by facsimile to the address, e–mail address, or numbers listed below. All comments must be received by August 11, 2021.

Following the close of the public comment period, CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. Except for nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who submit written comments during the public comment period and all persons who request notification on this proposal. Please address requests for regulations as modified to the agency contact identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on CDSS’ public hearing page (<http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information>). Additionally, all the information which CDSS considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading at the address listed below. Following the public notice period, copies of the Final Statement of Reasons will also be available at the following address:

**CONTACT**

California Department of Social Services  
Office of Regulations Development  
744 P Street, MS 8–4–192  
Sacramento, CA 95814  
Tel: (916) 657–2586, Fax: (916) 654–3286  
Email: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

Contact Person: Kenneth Jennings (916) 657–2586  
Backup: Oliver Chu (916) 657–2586

CDSS has not scheduled a public hearing on this proposed action. However, CDSS will hold a public hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days before the close of the written comment period. Any request should be made to the contact persons provided above.

**CHAPTERS**

Title 22, Division 6, Chapters 1, 4, 5, and 9.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

This is a regulations package that will implement portions of Senate Bill (SB) 794 (Chapter 425, Statutes of 2015) which added Section 1522.44 to the Health and Safety Code (HSC) and amended Section 362.05 of the Welfare and Institutions Code (WIC). This package will also implement training requirements from SB 89 (Chapter 24, Statutes of 2017) specified in WIC section 16521.5.

By way of background, the Preventing Sex Trafficking and Strengthening Families Act (Public Law 113–183) made numerous changes to the title IV–E foster care program and enacted new requirements such as new staffing requirements for group homes and training for group home staff and foster family homes on the reasonable and prudent parent standard (RPPS). SB 794 (Chapter 425, Statutes of 2015) is the California legislation that implemented, at a state level, the federal Preventing Sex Trafficking and Strengthening Families Act. SB 794 brought the state definition of RPPS into compliance with the federal definition of RPPS.

With respect to the RPPS, the amendments require, among other things, the definition for “age and developmentally appropriate” to be consistent with the revised standard in federal law, and expands the RPPS to require caregivers to consider the emotional and developmental growth of the child when using RPPS to determine suitability of the child’s participation in specified activities, and also requires that caregivers

provide opportunities and encouragement for children to participate in such activities. Additionally, the amendments require licensed and certified foster parents and facility staff members, who have been designated as responsible for applying the RPPS in their facility, to receive training related to the RPPS, as specified in HSC section 1522.44(c). The proposed regulations will require small family homes, group homes, and foster family homes to apply the RPPS to decisions involving children's participation in age or developmentally appropriate activities.

SB 89 (Chapter 24, Statutes of 2017) required CDSS to develop a curriculum for case management workers and foster care providers that addresses certain topics related to sexual and reproductive health.

The CDSS, through workgroups and with stakeholder feedback, also developed a Pregnancy Prevention Plan that promotes healthy sexual development for youth in care. The Pregnancy Prevention Plan aims to remove barriers, such as transportation or central storage of a youth's contraception, that may have otherwise inhibited youth from exercising their right to obtain sexual and reproductive services and treatment. The Pregnancy Prevention Plan provisions are now being incorporated into regulations. Additionally, the regulations are being updated to require training for caregivers and licensees to become more knowledgeable about a youth's rights pertaining to sexual and reproductive health.

In order to comply with the provisions of these statutes and bring the regulations into conformity with the law, CDSS is amending regulations for small family homes, group homes, and foster family homes.

***Benefits***

The benefit of amending regulations pertaining to RPPS is that they promote well-being and normalcy for children in out-of-home care. These regulations clarify that caregivers are to encourage youth in care to participate in age and developmentally appropriate activities, as well as to provide youth in care with the same opportunities to participate in extracurricular, personal enrichment, cultural, racial, ethnic, and social activities as peers who are not in care.

The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment are as follows: The regulations pertaining to a youth's sexual and reproductive health rights as amended will now emphasize more child-empowered policies surrounding a child's sexual and reproductive health, increase the child's ability to access medically-accurate health care information, as well as reduce the rates of pregnancy and/or transmission of STIs among children in out-of-home care, and improve their ability to make healthy choices about their own bodies.

An additional benefit would be equipping licensees with resource guides and available training curriculums that will ensure they have the necessary knowledge, skills, and abilities to support the safety, permanency, and well-being of children in care. The state's environment is not affected by this regulatory action.

***Consistency/Non-Duplication***

The CDSS has attempted to ensure that these regulatory amendments comply with the non-duplication standard (Title 1, California Code of Regulations); however some of the amended regulations include duplication of California statute in places where it is necessary for full context of regulatory requirements. This is especially true of regulations amended due to changes made by SB 89, Chapter 24, Statutes of 2017, which codified requirements for training topics for licensees mandated in statute.

***Incorporation by Reference***

There are no forms or other documents incorporated by reference.

**COST ESTIMATE**

1. Costs or Savings to State Agencies: No Fiscal Impact.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance with Government Code Sections 17500-17630: No Fiscal Impact.
3. Nondiscretionary Costs or Savings to Local Agencies: No Fiscal Impact.
4. Federal Funding to State Agencies: No Fiscal Impact.

**LOCAL MANDATE STATEMENT**

These regulations do not impose a mandate on local agencies, or on local school districts. There are no reimbursable state-mandated costs under Section 17500 et seq. of the Government Code, because these regulations only make technical and clarifying changes.

**STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS**

The CDSS has made an initial determination that the proposed action 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. This determination was made on the basis that businesses that currently offer training to group home administrators or Caregivers need only add

another training topic. This addition need not be significant as the statute does not require a specific amount of time spent on this training topic. The cost of adding instruction on the RPPS to the existing training curriculum should be absorbable, and at no cost to the licensee. Additionally, a free online video-based curriculum for sexual and reproductive wellness in out-of-home care is available to licensees to fulfill the training requirements from SB 89.

STATEMENT OF POTENTIAL COST IMPACT  
ON PRIVATE PERSONS OR BUSINESSES

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

SMALL BUSINESS IMPACT STATEMENT

The CDSS has made an initial determination that these regulations pose no impact on small businesses. These regulations only impact the wellbeing of children and youth in out-of-home care in California and have no economic impact. This determination was made on the basis that businesses which currently offer training to group home administrators or licensees need only add another training topic to their curriculum. This addition need not be significant as the statute does not require a specific amount of time spent on this training topic. The cost of adding instruction on the RPPS to existing training curriculum should be absorbable, and at no cost to the licensee. Additionally, a free online video-based curriculum for sexual and reproductive wellness in out-of-home care is available to licensees to fulfill the training requirements included in these proposed regulations.

STATEMENT OF RESULTS OF  
ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The facilities impacted by the added training requirements in this regulations package will have negligible costs or savings, or increase or decrease in workload. The training topics will have an absorbable impact. The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment are as follows:

- Potential decreases in pregnancies among youth
- Potential decreases in STIs among youth
- Increased access to healthcare services for youth

- Clearer reporting requirements for the employee about abuse and unusual events
- The state's environment is not affected by this regulatory action

STATEMENT OF EFFECT ON  
HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF  
ALTERNATIVES CONSIDERED

In developing the regulatory action, no alternatives have been presented for the CDSS to consider or have otherwise been identified and brought to the attention of CDSS as being more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

AUTHORITY AND REFERENCE CITATIONS

Authority: Sections 1501, 1507, 1522.41, 1530, 1531, and 1538.5, Health and Safety Code; Sections 16001.9, 16521.5, and 17730, Welfare and Institutions Code. References: Section 1522.44, Health and Safety Code; Section 11166, Penal Code; Sections 362.04, 362.05, 369, 727, 1522.44, 16001.9, 16501.1, 16521.5, and 19001.9, Welfare and Institutions Code; Section 51931, Education Code; 42 U.S. Code Section 671(a)(24); and Gender Recognition Act SB 179 (Ch. 853, Statutes of 2017).

**GENERAL PUBLIC INTEREST**

**ENVIRONMENTAL  
PROTECTION AGENCY**

UNIFIED PROGRAM STATE  
SURCHARGE INCREASE

**Notice is hereby given** that the Secretary for the California Environmental Protection Agency (CalEPA) is adjusting the Unified Program state surcharge according to the California Health and Safety Code, Division 20, Chapter 6.11, section 25404.5(b), and the California Code of Regulations, Title 27, Division 1, Subdivision 4, Chapter 1, Section 15240.

The Unified Program state surcharge is an assessment on each entity regulated under the Unified Program and funds the necessary and reasonable costs of all state agencies responsible for program implementation, ongoing maintenance and oversight of the Unified Program. An increase to the Oversight portion of the Unified Program state surcharge is needed to fund an impending \$1,000,000 structural deficit in the State Certified Unified Program Agency Account (SCUPA) and the cost of the CERS NextGen Project, projected to be \$14,118,000.

The Oversight portion of the State Surcharge is increased by \$27 for the CERS NextGen project and by \$8 to address the SCUPA Account structural deficit, raising the surcharge from the current \$49 to \$84 per regulated business annually.

The surcharge for the CERS NextGen project will be assessed over four years, beginning Fiscal Year 2021/2022. In Fiscal Year 2024/2025, CalEPA will adjust the Oversight Surcharge to cover costs for the ongoing maintenance and operations of CERS NextGen.

On May 14, 2021, CalEPA publicly noticed the State Surcharge increase in the California Regulatory Notice Register (Z-Register) for a 30-day comment period. CalEPA considered all applicable comments and is proceeding with the proposed state surcharges.

The revised state surcharge is considered effective immediately upon final publication in the California Regulatory Notice Register.

**RULEMAKING PETITION  
DECISION**

**DEPARTMENT OF CORRECTIONS AND  
REHABILITATION**

**PETITIONER:**

Griselda C. Moore  
1201 Fulton Ave #22  
Sacramento, CA 95825

**AUTHORITY**

The authority granted by Government Code (GC) Section 12838.5 vests to the California Department of Corrections and Rehabilitation (CDCR) all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the abolished Youth and

Adult Correctional Agency, California Department of Corrections, Department of the Youth Authority, Commission on Correctional Peace Officer Standards and Training, Board of Corrections, and the State Commission on Juvenile Justice, Crime and Delinquency Prevention. Penal Code (PC) Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections refers to the Secretary of the CDCR. PC Section 5054 vests with the Secretary of the CDCR the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein. PC Section 5055 provides that commencing July 1, 2005, all powers/duties previously granted to and imposed upon the CDC shall be exercised by the Secretary of the CDCR. PC Section 5058 provides that the Director may prescribe and amend regulations for the administration of prisons.

**CONTACT PERSON**

Please direct any inquiries regarding this action to Ying Sun, Associate Director, Regulation and Policy Management Branch, California Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001.

**AVAILABILITY OF PETITION**

The petition to amend regulations is available upon request directed to the Department's contact person.

**SUMMARY OF PETITION**

The Petitioner is petitioning to amend Board of Parole Hearings (BPH) access to tablet and service data. The Petitioner is concerned on whether and to what extent BPH has access to the data. The Petitioner indicated, California Department of Corrections and Rehabilitations (CDCR) recently signed a six (6) year contract with Global Tel Link (GTL) to provide tablets and tablet-based services to all inmates. The tablets and services are constantly recording everything an inmate does on his tablet. In addition to permanently storing all email, photos, video games, and video visits. GTL also records which books are read and for how long, what songs are listened to and how often, which games are played, and which movies are watched and more.

The Petitioner is concerned that making this data available to parole board is a double edge sword. On one hand, there is a very great danger that the board

members would be tempted to read too much into information such as books, music, movies, or games an inmate prefers or her choice of words in an email. The Petitioner is also concerned that education and rehabilitation coursework and inmate completes and any email or phone call that contains evidence of criminal or rule-breaking activity are relevant to the question of whether or not he is currently dangerous.

The Petitioner suggest a regulation pertaining to BPH’s access to this data should be balance these concerns. The Petitioner requests that BPH members be given explicit access to coursework data and should be explicitly prohibited from having access to any other data either directly or indirectly. This may require forbidding the recording of storage of certain data, restricting its sale or transfer to third parties, and/ or explicitly restricting its use with the department. Text messages and phone calls containing evidence of criminal or rule breaking behavior will be part of the inmate’s disciplinary record and can be accessed like all other information in the disciplinary record.

The Petitioner is requesting a section to be added to the Title 15, that gives BPH access to coursework data while meaningfully forbidding BPH access to all other generated by GTL’s tablets and services.

DEPARTMENT DECISION

The Department denies the petition to amend BPH’s access to data on GTL’s tablets. The petition is in regards to BPH having access to data stored on the tablets, such as music, books, emails, and phone calls. The Petitioner has concerns that BPH would read too much into the books, movies, music and other available services on the tablets and it may be used against inmates seeking parole.

It is not known yet what access, if any, BPH will have when it comes to access of data on the tablets. Inmate messages, photos, and videos are all subject to review and approval. Custody and Investigative Services Unit staff will have varied permissions to GTL’s “Command Center,” wherein they are able to activate/deactivate the tablet or select features on the tablet, review content, or select certain inmates to monitor for investigatory processes. It’s important to acknowledge that the tablets are loaned to the inmate, and are the property of GTL. Any misuse is subject to disciplinary action or loss of tablet privileges. While policies are still being established for use and content on the tablet, BPH will determine what information they will need to access to ensure the best decision is made in regards to paroling an inmate and the general public.

**SUMMARY OF REGULATORY ACTIONS**

**REGULATIONS FILED WITH THE SECRETARY OF STATE**

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

Board of Equalization  
File # 2021-0506-01  
Allocation of Certificated Aircraft

This certification of compliance rulemaking action by the Board of Equalization makes permanent changes to emergency regulations initially adopted in OAL Matter No. 2019-1216-04 and readopted in OAL Matter No. 2020-0819-05EE. The amendments make changes to Tax Rule 202 pertaining to the allocation of aircraft of certified air carriers and scheduled air taxi operations to implement changes enacted in Statutes 2019, chapter 333 (SB 791).

Title 18  
Amend: 202  
Filed 06/16/2021  
Effective 06/16/2021  
Agency Contact: Lawrence Lin (916) 322-1982

State Allocation Board  
File # 2021-0505-02  
Leroy F. Greene School Facilities Act of 1998;  
Facility Hardship/SMP

This certificate of compliance (1) reorganizes and amends the application process and other requirements of the Facility Hardship and Seismic Mitigation Program regulations; and (2) provides a funding mechanism for the replacement of portable school buildings posing health and safety threats.

Title 02  
Adopt: 1859.82, 1859.82.1, 1859.82.2, 1859.82.3  
Amend: 1859.2, 1859.51, 1859.61, 1859.76, 1859.77.3, 1859.80, 1859.81, 1859.83, 1859.90.3, 1859.93, 1859.106  
Repeal: 1859.82  
Filed 06/16/2021  
Effective 06/16/2021  
Agency Contact: Lisa Jones (916) 376-1753

Education Audit Appeals Panel  
File # 2021-0602-02  
Audits of K-12 LEAs — FY 2021-22

This emergency rulemaking action adopts the “Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting” for the 2021-2022 fiscal year.

Title 05  
Amend: 19810  
Repeal: 19810.5  
Filed 06/14/2021  
Effective 07/01/2021  
Agency Contact:  
Timothy E. Morgan (916) 445-7745

California Film Commission  
File # 2021-0602-01  
California Film and Television Tax Credit Program

This emergency rulemaking action by the California Film Commission readopts, with amendments, changes to the California Film and Television Tax Credit Program 3.0 emergency regulations originally made in emergency action 2020-0806-02E pertaining to the application for tax credits and tax credit allocation to be implemented for the 2020-2021 fiscal year and allow certain provision to carry over to the 2021-2022 fiscal year.

Title 10  
Amend: 5524, 5521  
Filed 06/14/2021  
Effective 06/18/2021  
Agency Contact:  
Nancy Rae Stone (323) 860-2960

California Gambling Control Commission  
File # 2021-0604-02  
Emergency Sanitation Plan

This is the second re-adoption of emergency rulemaking action no. 2020-0811-03E (first readopted in action no. 2020-1224-02EE), which requires gambling enterprises and third-party providers of proposition player services to develop an emergency sanitation plan to be implemented during a state of emergency or other order associated with a virus, including physical distancing and hygiene practices for employees and patrons, routine sanitization practices for common contact areas, shared equipment, and cards and gaming chips, employee training, and other specified minimum standards and requirements.

Title 04  
Adopt: 12292, 12371  
Amend: 12004, 12112, 12114, 12364  
Filed 06/14/2021  
Effective 06/14/2021  
Agency Contact:  
Adrianna Alcala-Beshara (916) 261-4259

California Health Benefit Exchange  
File # 2021-0604-01  
Eligibility, Enrollment and Appeal Process for the Individual Exchange

In this emergency re-adoption (2019-0927-04E), the California Health Benefit Exchange amended its regulations pursuant to Government Code section 100504(a)(6). In compliance with state and federal laws, these regulations provide definitions, abbreviations, standards for notice, standards for eligibility determination and redetermination for qualified health plans, requirements for coverage eligibility, procedures for termination of coverage, and an appeals process.

Title 10  
Adopt: 6804, 6410, 6452, 6454, 6470, 6474, 6496, 6498, 6502, 6504, 6506, 6602  
Amend: 6482, 6484, 6486, 6500  
Filed 06/14/2021  
Effective 06/14/2021  
Agency Contact:  
Courtney Leadman (916) 281-2562

Department of State Hospitals  
File # 2021-0609-01  
Contraband Search and Confiscation

This emergency re-adoption (2020-0413-02E) rulemaking action by the Department of State Hospitals establishes procedures for safety and security searches of patients and living areas, common areas, staff areas, and grounds.

Title 09  
Adopt: 4351, 4352, 4353,  
Filed 06/15/2021  
Effective 06/15/2021  
Agency Contact: Sylvester Okeke (916) 654-2478

Department of Food and Agriculture  
File # 2021-0429-02  
Standardization Program — Assessment Rates

This rulemaking submitted to OAL for filing and printing only pursuant to Food and Agricultural Code section 42806, subsections (a) and (b), amends assessment rates for fresh fruit and vegetable commodities.

Title 03  
 Adopt: 1366  
 Filed 06/10/2021  
 Effective 07/01/2021  
 Agency Contact: Marcee Yount (916) 849-1501

Department of Motor Vehicles  
 File # 2021-0430-04  
 Consumer Price Index (CPI) Fee Adjustment for 2022

This action by the Department of Motor Vehicles makes changes without regulatory effect to adjust various Vehicle Code and Revenue and Taxation Code authorized fees relating to motor vehicles pursuant to Vehicle Code section 1678(b) and Revenue and Taxation Code section 11502(b).

Title 13  
 Amend: 423.00  
 Filed 06/14/2021  
 Agency Contact: Randi Calkins (916) 657-8898

Department of Motor Vehicles  
 File # 2021-0430-05  
 Termination of Suspension or Revocation

This action without regulatory effect by the Department of Motor Vehicles amends form DL 4006, Application for Termination of Action, to permit electronic submission. The form DL 4006 is incorporated by reference in California Code of Regulations, title 13, section 124.92.

Title 13  
 Amend: 124.92  
 Filed 06/11/2021  
 Agency Contact: Randi Calkins (916) 657-8898

Board of Barbering and Cosmetology  
 File # 2020-1229-02  
 Substantial Relationship; Rehabilitation Criteria

The Board of Barbering and Cosmetology amended two regulations by adopting and amending criteria to be used in determining whether a crime, act, or professional misconduct is substantially related to the qualifications, functions, or duties of a licensee, or when a licensee has made a showing of rehabilitation related to a crime, act, or professional misconduct when the board considers denial, suspension, revocation, or reinstatement of a license. The amendments implement amendments to the Business and Professions Code made by A.B. 2138 (Stats.2018, ch. 995).

Title 16  
 Amend: 970, 971  
 Filed 06/09/2021  
 Effective 06/09/2021  
 Agency Contact: Allison Lee (916) 928-6810

Commission on Peace Officer Standards and Training  
 File # 2021-0504-01  
 Perishable Skills Program — Use of Force

This action by the Commission on Peace Officer Standards and Training adds minimum topic content and instructional methodology requirements for Use of Force to the Perishable Skills Program.

Title 11  
 Amend: 1005  
 Filed 06/15/2021  
 Effective 06/15/2021  
 Agency Contact: Michelle Weiler (916) 227-4870

Medical Board of California  
 File # 2020-1230-02  
 Postgraduate Training

In this regular rulemaking, the Medical Board of California amended regulations regarding postgraduate training for a medical school graduate attempting to qualify for a physician's and surgeon's license. The amendments pertain to the postgraduate training exemption period, guest rotations, and approved postgraduate training.

Title 16  
 Amend: 1320, 1321  
 Filed 06/11/2021  
 Effective 06/11/2021  
 Agency Contact: Kerrie Webb (916) 263-2389

**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](http://www.oal.ca.gov).