

## California Regulatory Notice Register

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#### PROPOSED ACTION ON REGULATIONS

(Continued on next page)

Time-Dated Material

SUMMARY OF Regulations filed with	Secretary of State	 	 675

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

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### PROPOSED ACTION ON REGULATIONS

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### TITLE 3. DEPARTMENT OF PESTICIDE REGULATION

### NOTICE OF INTENTION TO AMEND CONFLICT-OF-INTEREST CODE

NOTICE IS HEREBY GIVEN that the Department of Pesticide Regulation, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict—of—interest code. A comment period has been established commencing on June 10, 2022 and closing on July 25, 2022. All inquiries should be directed to the contact listed below.

The Department of Pesticide Regulation proposes to amend its conflict—of—interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict-of-interest code include the expansion of disclosure categories for Assistant Directors within the Executive Office and the Office of Technology, as these positions hold broad responsibilities over discretionary decisions, requiring disclosure of all potential conflicts of interest. Furthermore, several branch names were amended due to departmental reorganizations. Specifically, the Enforcement Branch was split into two branches, the Enforcement Regional Offices Branch and the Enforcement Headquarters Branch. Additionally, the Pest Management and Licensing Branch was renamed the Integrated Pest Management Branch. A section of staff from the former Pest Management and Licensing Branch moved to the newly created Enforcement Headquarters Branch. The Pesticide Registration Branch was split into two groups creating the Pesticide Evaluation Branch. Lastly, various other technical changes were made.

The proposed amendment and explanation of the reasons can be obtained from the agency's contact.

Any interested person may submit written comments relating to the proposed amendment by submit-

ting them no later than *July 25, 2022*, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than *July 10, 2022*.

The Department of Pesticide Regulation has determined that the proposed amendments:

- 1. Impose no mandate on local agencies or school districts.
- 2. Impose no costs or savings on any state agency.
- 3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
- 4. Will not result in any nondiscretionary costs or savings to local agencies.
- 5. Will not result in any costs or savings in federal funding to the state.
- 6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Marsha Guzzi, Form 700 Coordinator, at Form 700 @cdpr.ca.gov.

### TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

#### Public Comments Due by July 25, 2022.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227–4547, by email to *Michelle Weiler* at <a href="michelle.weiler@post.ca.gov">michelle.weiler@post.ca.gov</a>, or by letter to:

Commission on POST Attention: Rulemaking 860 Stillwater Road, Suite 100 West Sacramento, CA 95605–1630

#### **AUTHORITY AND REFERENCE**

This proposal is made pursuant to the authority vested by Penal Code (PC) Section 13503 (authority of POST), PC Section 13506 (POST authority to

adopt regulations), and PC Section 13510 (Senate Bill 2). This proposal is intended to interpret, implement, and make specific PC Section 13510, which authorizes POST to establish a certification program for peace officers in the state of California.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

On September 30, 2021, Governor Newsom signed Senate Bill (SB) 2. SB 2 made significant changes to existing Government and Penal Codes, respectively. These changes provide for additional peace officer hiring eligibility requirements. SB 2 also grants POST the authority to certify all peace officers in California, and subsequently take action against those certifications, should POST determine serious misconduct occurred. While the peace officer eligibility hiring requirements went into effect on January 1, 2022, the remaining changes to Government and Penal Codes will go into effect on January 1, 2023.

This rulemaking action clarifies and makes specific the factors to consider for suspension of a peace officer's certification.

Currently, Commission Regulation 1213 does not exist; therefore, POST is proposing to adopt this regulation to address the criteria that the Peace Officer Standards Accountability Advisory Board (board) and Commission shall consider in determining the suspension of a peace officer's certification.

The proposed text of Commission Regulation 1213 in this rulemaking action will create regulatory language strictly regarding the factors to consider for the suspension to ensure that any sanctions other than revocation are fair, reasonable, and not disproportionate to the alleged misconduct. This new regulation will be adopted under a new article, *Article 4. Peace Officer Certification*.

Anticipated Benefits of the Proposed Amendments:

The benefits anticipated by the proposed regulatory adoptions will be to provide factors to ensure that any sanctions other than revocation are fair, reasonable, and not disproportionate to the alleged misconduct, which will increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the state's environment.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

POST has determined that these proposed amendments are not inconsistent nor incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area,

POST has concluded that these are the only regulations that concern processes and procedures for peace officer eligibility in the state.

#### FORMS INCORPORATED BY REFERENCE

There are no forms incorporated by reference in this proposed action.

### DISCLOSURES REGARDING THE PROPOSED ACTION

*POST has made the following initial determinations:* 

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

Cost impacts on a representative private person or business: POST 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 California businesses: POST has determined that the proposed regulations 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.

Significant effect on housing costs: None.

Small Business Determination: POST has determined that the proposed regulations will not affect small business because the regulations only affect state agencies that are adopting, amending or repealing regulations. Additionally, the Commission's main function to select and maintain training standards for law enforcement has no effect financially on small businesses.

### RESULTS OF ECONOMIC IMPACT ANALYSIS/ASSESSMENT

POST concludes that it is (1) unlikely the proposal will create or eliminate jobs in the state of California, (2) unlikely that the proposal will create or eliminate any businesses, and (3) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: As stated above under the Informative Digest/Policy Statement

Overview, the benefits of the regulation will be to increase the efficiency of the state of California in delivering services to stakeholders by providing clarity for peace officer certification. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the State's environment.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), POST must determine that no reasonable alternative it considered, or that has 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 as 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 than the proposed action.

#### CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to *Michelle Weiler*, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630 at (916) 227–4870. General questions regarding the regulatory process may be directed to *Katie Strickland* at (916) 227–2802.

#### TEXT OF PROPOSAL

Individuals may request 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 the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630. These documents are also located on the *POST Website* at <a href="https://post.ca.gov/Regulatory-Actions">https://post.ca.gov/Regulatory-Actions</a>.

#### ADOPTION OF PROPOSED REGULATIONS/ AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to

all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

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

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the initial statement of reasons.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.

### TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

### SENATE BILL 2 IMPLEMENTATION ADOPT COMMISSION REGULATION 1205

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

#### Public Comments Due by July 25, 2022.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227–4547, by email to *Michelle Weiler* at michelle.weiler@post.ca.gov, or by letter to:

Commission on POST Attention: Rulemaking 860 Stillwater Road, Suite 100 West Sacramento, CA 95605–1630

#### **AUTHORITY AND REFERENCE**

This proposal is made pursuant to the authority vested by Penal Code (PC) Section 13503 (authority of POST), PC Section 13506 (POST authority to adopt regulations), and PC Section 13510 (Senate Bill 2). This proposal is intended to interpret, implement, and make specific PC Section 13510, which authorizes POST to establish a certification program for peace officers in the state of California.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

On September 30, 2021, Governor Newsom signed Senate Bill (SB) 2. SB 2 made significant changes to existing Government and Penal Codes, respectively. These changes provide for additional peace officer hiring eligibility requirements. SB 2 also grants POST the authority to certify all peace officers in California, and subsequently take action against those certifications, should POST determine serious misconduct occurred. While the peace officer eligibility hiring requirements went into effect on January 1, 2022, the remaining changes to Government and Penal Codes will go into effect on January 1, 2023.

This rulemaking action clarifies and makes specific the definition of serious misconduct in relation to Penal Code Section 13510.8.

Currently, Commission Regulation 1205 does not exist; therefore, POST is proposing to adopt this regulation to comply with Penal Code Section 13510.8 and to address the criteria the Peace Officer Standards Accountability Advisory Board (board) and Commission shall consider in determining whether an act of serious misconduct occurred.

The proposed Commission Regulation 1205 text in this rulemaking action will create regulatory language strictly for the definition of serious misconduct as criteria to be considered regarding ineligibility for, or revocation of, certification. This new regulation will be adopted under a new article, *Article 4. Peace Officer Certification*.

Anticipated Benefits of the Proposed Amendments:

The benefits anticipated by the proposed regulatory adoptions will be to establish the factors the board and Commission shall consider in determining whether an act of serious misconduct occurred which will increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the state's environment.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

POST has determined that these proposed amendments are not inconsistent nor incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, POST has concluded that these are the only regulations that concern processes and procedures for peace officer eligibility in the state.

#### FORMS INCORPORATED BY REFERENCE

There are no forms incorporated by reference in this proposed action.

### DISCLOSURES REGARDING THE PROPOSED ACTION

POST has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

Cost impacts on a representative private person or business: POST 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 California businesses: POST has determined that the proposed regulations 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.

Significant effect on housing costs: None.

Small Business Determination: POST has determined that the proposed regulations will not affect small business because the proposed regulations concern the conduct of peace officers and not small business. Additionally, the Commission's main function to select and maintain training standards for law enforcement has no effect financially on small businesses.

#### RESULTS OF ECONOMIC IMPACT ANALYSIS/ASSESSMENT

POST concludes that it is (1) unlikely the proposal will create or eliminate jobs in the state of California, (2) unlikely that the proposal will create or eliminate

any businesses, and (3) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: As stated above under the Informative Digest/Policy Statement Overview, the benefits of the regulation will be to increase the efficiency of the state of California in delivering services to stakeholders by providing clarity for peace officer certification. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the State's environment.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), POST must determine that no reasonable alternative it considered, or that has 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 as 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 than the proposed action.

#### **CONTACT PERSONS**

Questions regarding this proposed regulatory action may be directed to *Michelle Weiler*, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630 at (916) 227–4870. General questions regarding the regulatory process may be directed to *Katie Strickland* at (916) 227–2802.

#### TEXT OF PROPOSAL

Individuals may request 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 the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630. These documents are also located on the *POST Website* at <a href="https://post.ca.gov/Regulatory-Actions">https://post.ca.gov/Regulatory-Actions</a>.

#### ADOPTION OF PROPOSED REGULATIONS/ AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain

sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

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

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the initial statement of reasons.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.

### TITLE 13. DEPARTMENT OF MOTOR VEHICLES

The Department of Motor Vehicles (department) proposes to amend Sections 15.07 and 15.08 in Article 2, Chapter 1, Division 1, Title 13 of the California Code of Regulations, regarding the California identification cards, to implement provisions relating to Section 14902 of the Vehicle Code.

#### **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 his or her 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 midnight, July 26, 2022, 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 14902, in order to implement, interpret, or make specific Vehicle Code Section 14902.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The department licenses motor vehicle drivers and provides identification documents to California residents, registers vehicles and vessels, and regulates portions of the motor vehicle industry, including sellers, dealers, dismantlers, motor carriers, driving instructors, traffic schools, and others. The department issues identification (ID) cards to California residents under authority of Vehicle Code Section 13000 et seq. A fee is charged for an ID card when an applicant visits a department field office to apply for an ID card and demonstrates his or her identity. The fee increases periodically and is tied to the Consumer Price Index. Recognizing that some residents of California face significant financial limitations, or are homeless, the legislature enacted Vehicle Code Section 14902 in 2004 and amended it in 2014 to provide ID cards at reduced or no fees to these residents.

Section 14902 creates a two-step process for those seeking a reduced fee or no fee ID card. First, an independent entity must verify the low income or homelessness housing status of the applicant. This signed verification is then brought to the department and submitted with the application for an ID card allowing the department to issue the ID card for a reduced fee or no fee. The department is given the authority in Section 14902 to regulate the qualifications of the verifier, as well as the steps to be taken by the verifier in substantiating the income or homelessness of an applicant. The section describes the qualifying income level for a reduced fee ID card as that which qualifies residents for six types of public assistance for low income households. The section also refers to federal law as providing the definition of homeless person or youth/ child entitled to a no fee ID card.

The proposed regulation will remove the requirements that a verification form (DL 937 or DL 933) be presented as an original in person and allow an applicant to upload their completed eligibility form electronically to the department.

The department is committed to making it easier for the public to do business with the department.

Reducing the amount of time applicants have to spend at a departmental field office is a priority, and being able to upload a completed verification form will help expedite the process.

### ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

These regulations will allow the department to continue moving forward with offering two more options for applicants to submit completed verification forms.

### CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

The department conducted a review of other state regulations and has concluded there are no other regulations that establish requirements related to the issuance of reduced fee or no fee identification cards. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

### COMPARABLE FEDERAL STATUTES OR REGULATIONS

The department is the only agency tasked with issuing California identification cards; therefore, there are no comparable federal statutes or regulations.

#### 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.
- Costs to any local agency or school district requiring reimbursement pursuant to Government Code Section 17500 et seq.: None.
- Effects on Housing Costs: None.
- Impacts Directly Affecting Businesses: None.
- Significant, Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States: None.
- Cost Impact on Representative Private Persons or Businesses: Individuals meeting the eligibility requirements identified in this regulation will be issued an identification card at a reduced fee or no fee. The department is not aware of any cost impacts to a representative verifier of income or housing status.
- *Small Business Impact:* This proposed regulatory action is not expected to affect small businesses.

The proposed regulatory action is specific to individuals by allowing individuals to upload their eligibility form to the department rather than requiring in—person submission.

 Local Agency/School Districts 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.

### RESULTS OF THE ECONOMIC IMPACT STATEMENT

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

- Creation or elimination of jobs or creation of new businesses or elimination of existing businesses within the State of California: As these proposed regulations remove the requirements that a verification form (DL 937 or DL 933) be presented as an original and in person, the department has determined that this proposed action will neither create nor eliminate jobs within the State of California, nor will the proposal create new businesses or eliminate existing businesses within California.
- The Expansion of Businesses Currently Doing Business Within the State of California: These regulations are unlikely to expand businesses within the State of California.
- Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment: These proposed regulations remove the requirements that a verification form (DL 937 or DL 933) be presented as an original and in person. As a result, this action is unlikely to produce benefits to worker safety or the State's environment. However, the welfare of California residents may benefit when some applicants for a reduced fee or no fee identification card have easier access to the requirements related to income and housing status verification.

**Public Discussion 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.

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

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

Tracy Brazil, 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) 657–6469 Facsimile: (916) 657–6243

E-Mail: LADRegulations@dmv.ca.gov

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

Randi Calkins, Regulations Analyst Department of Motor Vehicles Telephone: (916) 657–6469

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 strikeout to indicate deletions from the California Code of Regulations.

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, the application forms, and Express Terms) may be accessed at <a href="https://www.dmv.ca.gov/about/lad/regactions.htm">www.dmv.ca.gov/about/lad/regactions.htm</a>.

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. Requests 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.

# TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

**NOTICE IS HEREBY GIVEN** that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or department), proposes to amend Sections 3499, 3499.1, and 3499.2 in Title 15, Division 3, Chapter 1, regarding Elderly Parole Eligible Date.

#### PUBLIC COMMENT PERIOD

The public comment period begins June 10, 2022 and closes on July 29, 2022. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to <a href="mailto:rpmb@cdcr.ca.gov">rpmb@cdcr.ca.gov</a>, before the close of the comment period. For questions regarding the subject matter of the regulations, call the program contact person listed below.

#### **CONTACT PERSONS**

Primary Contact

D. Kostyuk

Telephone: (916) 445–2276

Regulation and Policy Management Branch

P.O. Box 942883

Sacramento, CA 94283-0001

Back-Up

Y. Sun

Telephone: (916) 445–2269

Regulation and Policy Management Branch

P.O. Box 942883

Sacramento, CA 94283-0001

Program Contact

M. Ouye Telephone: (916) 445–3716 Division of Adult Institutions Case Records Unit PUBLIC HEARING

Date and

Time: **August 1, 2022** 

10:00 a.m. to 11:00 a.m.

Place: Department of Corrections and

Rehabilitation Suite 128N

1515 S Street — North Building

Sacramento, CA 95811

#### **AUTHORITY AND REFERENCE**

Government Code Section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of abolished predecessor entities, such as Department of Corrections, Department of the Youth Authority, and Board of Corrections.

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

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

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Assembly Bill (AB) 1448 added Penal Code (PC) section 3055, codifying the elderly parole process order by the Three Judge Panel Court Order. AB 3234 amended the elderly criteria from 60 years of age or older to 50 years or older and the amount of time

served from at least 25 years to at least 20 years. The proposed regulations will incorporate elderly inmate criteria and determinations as currently defined in PC section 3055 into California Code of Regulations (CCR), Division 3, sections 3499, 3499.1, and 3499.2

#### This action will:

- Define elderly inmate and the criteria which determine an elderly inmate for elderly parole.
- Define incarceration and continuous incarceration.
- Specify the responsible agency that determines whether an inmate qualifies as an elderly inmate and calculates elderly parole eligible date.
- Specify how an inmate can appeal an elderly parole eligible date that they disagree with.

#### DOCUMENTS INCORPORATED BY REFERENCE

None.

### SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

Clarifying the process for calculating an EPED benefits inmates, victims, and other hearing participants because each stakeholder will have a better understanding of when to prepare for an elderly inmate's initial or subsequent parole consideration hearing.

#### EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING LAWS AND REGULATIONS

Pursuant to Government Code 11346.5(a)(3)(D), the department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the department has concluded that these are regulations consistent with Elderly Parole Eligibility Date.

#### LOCAL MANDATES

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

#### FISCAL IMPACT STATEMENT

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

• Cost or savings in federal funding to the state:

#### EFFECT ON HOUSING COSTS

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

### COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The department has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because the proposed regulations place no obligations or requirements on any business.

#### EFFECT ON SMALL BUSINESSES

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

### RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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

#### CONSIDERATION OF ALTERNATIVES

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention

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

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

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

### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

### AVAILABILITY OF CHANGES TO PROPOSED TEXT

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

### TITLE 22. DEPARTMENT OF CHILD SUPPORT SERVICES

### NOTICE OF INTENTION TO AMEND CONFLICT-OF-INTEREST CODE

NOTICE IS HEREBY GIVEN that the Department of Child Support Services (DCSS), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendments to its conflict—of—interest code. A comment period has been established commencing on **June 10**, 2022, and closing on **July 25**, 2022. All inquiries should be directed to the DCSS contact listed below.

DCSS proposes to amend its conflict—of—interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict—of—interest code include: EXECUTIVE DIVISION

- ADD Staff Services Manager I, Director's Office
   — position is a high-level decision maker participating in making governmental decisions, and the workload has a broad impact across the entire department. Requiring disclosure in categories 1, 2, and 6.
- RENAMED CEA A, Office of Enterprise Project Management to CEA A, Office of Strategic Planning. Requiring the same disclosure categories 1, 2, and 6.

#### ADMINISTRATIVE SERVICES DIVISION

- MODIFY Information Technology Supervisor II add Information Technology Supervisor I position is a high-level decision maker participating in making governmental decisions, and the workload has a broad impact across the entire department. Requiring disclosure category 8.
- MODIFY All Staff Services Managers I and II, Employee Relations Section (except Organization Development and Recruitment Unit) — delete "Organization Development and Recruitment", and add "(except Performance Management)". Requiring the same disclosure categories 2 and 7.
- RECLASSED Staff Services Manager I, Performance Management Unit. Requiring disclosure category 7.

The proposed amendment and explanation of the reasons can be obtained from the DCSS contact.

Any interested person may submit written comments relating to the proposed amendment by submit-

ting them no later than July 25, 2022, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than July 10, 2022.

DCSS has determined that the proposed amendments:

- 1. Impose no mandate on local agencies or school districts.
- 2. Impose no costs or savings on any state agency.
- 3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
- 4. Will not result in any nondiscretionary costs or savings to local agencies.
- 5. Will not result in any costs or savings in federal funding to the state.
- 6. Will not have any potential cost impact on private persons, businesses, or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed:

Name: Susan Sirk

Title: Regulations Coordinator Analyst

Telephone: 916-464-6652

Email Address: <a href="mailto:susan.sirk@dcss.ca.gov">susan.sirk@dcss.ca.gov</a>

#### Postal Address:

Dept. of Child Support Services

Policy, Program, & Statewide Training Branch

MS-210

Attn: Susan Sirk P.O. Box 419064

Rancho Cordova, CA 95741-9064

#### GENERAL PUBLIC INTEREST

### DEPARTMENT OF TOXIC SUBSTANCES CONTROL

NOTICE OF PROPOSED HSAA AND CERCLA ADMINISTRATIVE *DE MINIMIS* SETTLEMENT FOR THE BKK CLASS I LANDFILL

30-DAY PUBLIC COMMENT PERIOD: JUNE 10, 2022 THROUGH JULY 11, 2022

WHAT IS BEING PROPOSED: The California Department of Toxic Substances Control ("DTSC") invites public comment on a Proposed Administrative Consent Order and Settlement Agreement *De Minimis* Contributors ("Proposed Order and Agreement"), Docket Number HSA–FY21/22–150. In accordance with applicable law, DTSC hereby provides notice of a proposed *de minimis* settlement concerning the BKK Class I Landfill in West Covina, California (the "Site").

DTSC proposes to enter into this order and de minimis settlement pursuant to the Carpenter-Presley-Tanner Hazardous Substance Account Act, Health and Safety Code sections 25358.3, 25360, and 25360.6, and Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") sections 107 and 113 (42 U.S.C. §§ 9607, 9613). This settlement is intended to resolve liabilities of the 8 settling parties identified below (individually, "De Minimis Settling Party," and collectively, "De Minimis Settling Parties") for past and future response costs incurred at the Site. The Proposed Order and Agreement serves as an administrative order and settlement with DTSC, and a private party settlement with the BKK Working Group ("BWG"), a group comprised of potentially responsible parties that have incurred response costs related to the Site. The De Minimis Settling Parties will receive a Site-wide covenant not to sue from DTSC and the BWG, as well as contribution protection for the specific matters addressed in the settlement, pursuant to section 25360.6(b) of the California Health

and Safety Code, and section 113(f)(2) of CERCLA (42 U.S.C. § 9613(f)(2)).

The De Minimis Settling Parties collectively sent a combined total of 10,525.14 tons of waste to the Site, which represents 0.20 percent of the approximately 5.18 million tons of manifested waste disposed of at the Site. This settlement requires the De Minimis Settling Parties to collectively pay a combined total of \$4,919,555.69. Ten percent of the settlement amount will be paid to DTSC as reimbursement for past response costs relating to the Site. After certain costs related to the Proposed Order and Agreement are reimbursed to DTSC and the BWG, as specified in the Second Disbursement Amendment to the Third Partial Consent Decree (see Cal. Dep't of Toxic Substances Control v. Am. Honda Motor Co. Inc., No. 2:15-CV-00729-DDP-AJW (C.D. Cal., Oct. 26, 2020)), the remaining settlement amount will be distributed to the Third-Party PRP Settlement Escrow Account, which will fund future response actions at the Site.

The identities of the *De Minimis* Settling Parties that have elected to settle their liability with DTSC and the BWG under Proposed Order and Agreement, Docket Number HSA–FY21/22–150 are as follows:

- 1. Allergan Inc.;
- 2. Ametek Inc.;
- 3. Continuous Coating Corp.;
- 4. Hooker Industries Inc.;
- 5. National Metal & Steel Corp.;
- 6. NL Industries Inc.;
- 7. Talley Corp./TFX Aviation Inc./Teleflex Inc.; and
- 8. Western Tube & Conduit Corp./Zekelman Industries Inc./Zekelman Holding, Inc.

**HOW YOU CAN PARTICIPATE:** You can review the Proposed Order and Agreement and submit your comments, if any, to DTSC.

WHERE TO FIND THE PROPOSED ORDER AND AGREEMENT: The Proposed Order and Agreement can be found for review at the following locations:

- (1) On the following DTSC website: <a href="https://dtsc.ca.gov/third-party-initiative-cost-recovery">https://dtsc.ca.gov/third-party-initiative-cost-recovery</a>.
- (2) At the Walnut Library: 21155 La Puente Road, Walnut, CA 91789. The telephone number for the Walnut Library is (909) 595–0757.
- (3) In EnviroStor, which can be accessed at <a href="https://www.envirostor.dtsc.ca.gov/public/profile">https://www.envirostor.dtsc.ca.gov/public/profile</a>

<u>report.asp?global\_id=19490005</u> (additional Site documents also can be found in EnviroStor).

WHERE TO SUBMIT COMMENTS: Comments should be in writing and should be submitted to BKK Third Party Initiative, 8800 Cal Center Drive, Sacramento, CA 95826 or <a href="mailto:BKKPRPsupport@dtsc.ca.gov">BKKPRPsupport@dtsc.ca.gov</a>. All comments should include "BKK Proposed Order and Agreement Docket Number HSA–FY21/22–150" in the subject line of the email or letter.

DTSC will accept written comments relating to the Proposed Order and Agreement between **June 10, 2022** and **July 11, 2022**. DTSC will consider all comments postmarked or received during this period and may modify or withdraw the Proposed Order and Agreement with respect to any *De Minimis* Settling Party if any comment discloses facts or considerations indicating that the Proposed Order and Agreement is inappropriate, improper, or inadequate as to that *De Minimis* Settling Party.

FOR ADDITIONAL QUESTIONS ABOUT THE SITE: Please contact the following DTSC staff:

BKK Third Party Initiative 8800 Cal Center Drive Sacramento, CA 95826 (833) 343–0053 BKKPRPsupport@dtsc.ca.gov

Elsa Lopez Public Participation Specialist 9211 Oakdale Ave. Chatsworth, CA 91311 (818) 717–6566 Elsa.Lopez@dtsc.ca.gov

Russ Edmondson
Public Information Officer
P.O. Box 806
Sacramento, CA 95812
(916) 323–3372
Russ.Edmondson@dtsc.ca.gov

In order to receive public notices for future proposed *de minimis* settlements via email, please visit <a href="https://dtsc.ca.gov/dtsc-e-lists">https://dtsc.ca.gov/dtsc-e-lists</a> and subscribe to the E-List titled, "BKK Class I Landfill PRP Public Notices."

### DEPARTMENT OF FISH AND WILDLIFE

May 25, 2022

Heather Dyer San Bernardino Valley Municipal Water District 380 East Vanderbilt Way San Bernardino, CA 92408

Habitat Restoration and Enhancement Act — Request for Consistency Determination, Request No. 1653–2022–093–001–R6, Santa Ana River Stream Habitat Improvement Pilot Project

Dear Ms. Dyer:

On April 29, 2022, the California Department of Fish and Wildlife (CDFW) received your notification that on April 4, 2022, the Santa Ana Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) (WDID No. 332022–02) for the proposed Santa Ana River Stream Habitat Improvement Pilot Project (Project) referenced above. The NOA describes the Project and you provided supplemental information describing a series of measures to avoid and minimize impacts to fish and wildlife species.

Your notification includes a request pursuant to Fish and Game Code section 1653 that CDFW determine that the NOA, including its related Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects, and the supplemental avoidance and minimization measures are consistent with the Habitat Restoration and Enhancement Act (HREA) as to the Project.

CDFW has determined that the Project as described in the NOA, and its related NOI, are consistent with HREA. A copy of the CDFW determination is enclosed for your records. (See also Fish & Game Code, § 1653, subdivision (f).)

If you have questions regarding CDFW's consistency determination, please contact Kim Romich, Senior Environmental Scientist, at (760) 937–1380 or by email at <a href="mailto:kimberly.romich@wildlife.ca.gov">kimberly.romich@wildlife.ca.gov</a>.

Sincerely,

/s/

Heidi Calvert Regional Manager Enclosure

ec: Wendy Bogdan General Counsel

Office of the General Counsel wendy.bogdan@wildlife.ca.gov

Chad Dibble
Deputy Director
Wildlife and Fisheries Division
chad.dibble@wildlife.ca.gov

Kim Freeburn Supervisor Region 6: Inland Deserts kim.freeburn@wildlife.ca.gov

Lucy Haworth Environmental Scientist Habitat Conservation Planning Branch lucy.haworth@wildlife.ca.gov

Kyle Fructuoso Environmental Scientist Regional Water Quality Control Board Kyle.Fructuoso@waterboards.ca.gov

Kai Palenscar San Bernardino Valley Municipal Water District Kaip@sbvmwd.com

Joanna Gibson
San Bernardino Valley Municipal Water
District

Joannag@sbvmwd.com

### 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.

State Water Resources Control Board
File # 2022–0518–01
Emergency Curtailment Regulation to Protect Water
Supplies in the Russian River Watershed

In this action the State Water Resources Control Board ("SWRCB") re-adopts emergency regulations regarding water use in the Russian River Watershed, originally promulgated in June of 2021. The SWRCB is statutorily granted a full year for emergency readoptions.

#### CALIFORNIA REGULATORY NOTICE REGISTER 2022, VOLUME NUMBER 23-Z

Title 23 Adopt: 879.3

Amend: 875.5, 875.6, 876.1, 877.1, 877.2, 877.3, 877.4, 877.5, 878, 878.1, 879, 879.1, 879.2

Repeal: 877.6 Filed 05/31/2022 Effective 05/31/2022 Agency Contact:

Andrew Deeringer (916) 539–2132

California State University
File # 2022–0425–02
Discontinuation of Standardized Examinations for CSU Admissions

This action by the Board of Trustees of the California State University — submitted to OAL for courtesy filing with the Secretary of State and for printing in the California Code of Regulations — discontinues standardized examinations as an admissions requirement. This action is exempt from the Administrative Procedure Act and takes effect upon filing with the Secretary of State pursuant to Education Code sections 89030 and 89030.1, respectively.

Title 05

Adopt: 40752.1, 40802.1 (renumbered to 40752,

40802, respectively)

Amend: 40601, 40751, 40801 Repeal: 40752, 40802 Filed 05/26/2022 Effective 05/26/2022

Agency Contact: Jason Taylor (562) 951–4500

California State University
File # 2022–0425–03
Intersegmental General Education Transfer
Curriculum

This action by the Board of Trustees of the California State University, submitted to OAL for courtesy filing with the Secretary of State and for printing in the California Code of Regulations, amends intersegmental general education transfer curriculum requirements. This action is exempt from the Administrative Procedure Act and takes effect upon filing with the Secretary of State pursuant to Education Code sections 89030 and 89030.1, respectively.

Title 05

Amend: 40405.2 Filed 05/26/2022 Effective 05/26/2022

Agency Contact: Jason Taylor (562) 951–4500

Department of Conservation File # 2022–0509–02 Conflict–of–Interest

This is a Conflict-of-Interest code that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing. OAL filed this regulation with the Secretary of State and will publish the regulation in the California Code of Regulations.

Title 14 Amend: 1670 Filed 05/25/2022 Effective 06/24/2022 Agency Contact:

Graham St. Michel (916) 445–0591

Commission on Teacher Credentialing File # 2022–0427–04 New Education Specialist Credentials

In this regular rulemaking action, the Commission on Teacher Credentialing adopts and amends requirements for Education Specialist Credentials including new credential types and new Teaching Performance Expectations.

Title 05

Adopt: 80048.10, 80612, 80613

Amend: 80033, 80047, 80047.1, 80047.2, 80047.3, 80047.4, 80048.3.1, 80048.3.2, 80048.6, 80048.7,

80048.8 Filed 05/31/2022 Effective 07/01/2022

Agency Contact: Katie Elliott (916) 324–8007

# 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 <a href="https://www.oal.ca.gov">www.oal.ca.gov</a>.